

ORDINANCE NO. 2011 - 3

**ZONING ORDINANCE OF HAVEN TOWNSHIP FOR
THE AREA DEFINED IN THE OCTOBER 18, 2010
ORDERLY ANNEXATION AGREEMENT BETWEEN
HAVEN TOWNSHIP AND THE CITY OF ST. CLOUD**

AN ORDINANCE REQUIRING PERMITS FOR BUILDINGS, STRUCTURES AND THE USES THEREOF; FOR LAND USES; AND ESTABLISHING MINIMUM LOT SIZES, SETBACKS AND SIDE YARDS; PROVIDING FOR PARKING AND OTHER REQUIREMENTS; AND IMPOSING PENALTIES.

SECTION 1 - PURPOSE AND INTENT

This Ordinance is enacted for the following purposes: to promote the health, safety, morals and general welfare in the Orderly Annexation area of Haven Township by lessening congestion in the public rights-of-way, securing safety from fire, panic and other dangers, providing adequate lights and air; facilitating the adequate provision of water, sewerage and other public requirements; conserving the value of properties and encouraging the most appropriate use of land; and, pursuant to "an act authorizing Town planning and zoning activities, establishing a Board of Adjustment and authorizing the enactment of official controls" passed by the Legislature of the State of Minnesota.

This Ordinance shall also carry out the purposes and intent of the October 18, 2010 Orderly Annexation Agreement between Haven Township and the City of St. Cloud.

SECTION 2 - TITLE

This Ordinance shall be known and may be cited and referred to as the “Haven Township Zoning Ordinance for the area defined in the October 18, 2010 Orderly Annexation Agreement between Haven Township and the City of St. Cloud”; when referred to herein, it shall be known as “this Ordinance”.

FINAL

SECTION 3 - VALIDITY

Should any section or provision of this Haven Township Zoning Ordinance be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of this Ordinance as a whole or any part thereof other than the part so declared to be invalid.

INVALID

SECTION 4 - JURISDICTION, SCOPE AND INTERPRETATION

Subdivision 1: Jurisdiction

The jurisdiction of this Ordinance shall apply to the part of Haven Township as defined in the October 18, 2010 Orderly Annexation Agreement with the City of St. Cloud, Minnesota.

Subdivision 2: Scope

From and after the effective date of this Ordinance, the use of all land and every building or portion of a building erected, altered in respect to height and/or area, added to or relocated, and every use within a building or use accessory thereto in the Orderly Annexation Agreement area shall be in conformity with the provisions of this Ordinance. Any existing building or structure and any existing use of properties not in conformity with the regulations herein prescribed shall be regarded as non-conforming, and shall be subject to Section 14, Subd. 10.

Subdivision 3: Permitted Uses

Permitted Uses, as hereinafter listed, shall be allowed in the District indicated under the conditions specified. No building or land shall be devoted to any use other than a use permitted hereinafter in the Zoning District in which such building, structure or land is located, except for the following exceptions:

1. Uses lawfully established prior to July 5, 1994, subject to Section 14, Sub. 10, Nonconformities.
2. Interim uses allowed in accordance with Section 12 of this Ordinance.
3. Essential public services are permitted uses in all zoning districts and are not subject to height, yard, lot, setback or flood plain requirements or permits, except as provided in or as otherwise specifically regulated hereafter.
4. Gas regulator stations, electric substations and similar essential public service structures not customarily considered industrial in use are permitted uses in all Zoning

Districts except that no such structure shall be located within 20 feet of any lot line of an abutting lot in any Residence District.

Subdivision 4: Interpretation

In interpreting and applying the provisions of this Ordinance, they shall be held to be the minimum requirements for the promotion of the public health, safety, comfort, convenience and general welfare. Where the provisions of this Ordinance impose greater restrictions than those of any statute, other ordinance or regulation, the provisions of this Ordinance shall be controlling. Where the provisions of any statute, other ordinance or regulation impose greater restrictions than this Ordinance, the provisions of such statute, other ordinance or regulation shall be controlling. If any provisions of this Ordinance are inconsistent or overlap, the more restrictive shall apply.

Subdivision 5. Lots of Record

All lots which are a part of a subdivision assigned a P.I.D. number by the County Auditor, and legally recorded with the County Recorder/Registrar of Title and lot or lots assigned a P.I.D. number by the County Auditor and described by metes and bounds, the deed to which has been recorded in the Office of the County Recorder/Registrar of Title prior to July 5, 1994, shall be considered to be Lots of Record. Such lots may be considered a building site if they were created compliant with official controls in effect at the time and the sewage treatment and setback requirements of this ordinance are met.

Subdivision 6. Airport Zoning

All land use covered by this Ordinance is subject to the St. Cloud Municipal Airport Zoning and FAA Rules and Regulations.

SECTION 5 - DEFINITIONS AND RULES OF LANGUAGE CONSTRUCTION

Subdivision 1: Rules of Language Construction

Unless specifically defined below, words or phrases used in this ordinance shall be interpreted so as to give them the same meaning as they have in common usage and so as to give this ordinance its most reasonable application. Words used in the present tense shall include the future; words in the singular shall include the plural; and the words "shall" and "must" are mandatory and not discretionary. Unless otherwise specified, all distances shall be measured horizontally and in feet. Nothing in these definitions gives anyone a substantive right not explicitly provided for elsewhere in this Ordinance.

Subdivision 2: Definitions

Accessory Use or Structure: A use or structure on the same lot with, and, of a nature customarily incidental and subordinate to, the principal use or structure.

Agriculture: See Minnesota Statutes Section 17.81, Subdivisions 3 and 4. May also include animal husbandry, tree nurseries, and orchards. The cultivation of soil for crops with the intention of making cash profit.

Agricultural Building: A structure used for agricultural purposes as defined in the Minnesota State Building Code.

Asphalt Mixing Plants, Portable: A temporary facility crushing, refining, or processing of sand, gravel, and rock on the site of a permitted IUP for Grading, Excavating or Filling, or in conjunction with a municipal road project.

Auction Business: A building, area or areas within a building used for the regularly scheduled public sale of goods, wares, merchandise, or equipment to the highest bidder. This definition excludes farm auctions, estate sales, garage sales, or similar on-site events conducted no more than six (6) days (i.e. two weekends) per calendar year.

Automobile Repair Shop: Any building or premises or portion thereof, used or intended to be used for motor vehicle repair that may have minor retail sales.

Automobile Service Station: Any building or premises, or portion thereof, used or intended to be used for the retail dispensing or sale of automobile fuels, which activity may be accompanied by accessory uses such as sale of lubricants, tires, accessories or supplies, or minor repairing of automobiles.

Automobile or Trailer Sales Lot: An open area other than a street, used for the display, sale or rental of new or used motor vehicles or trailers in operable condition and where no repair work is done.

Bed-and-Breakfast Establishment: A structure designed and used as a residence in which one or more bedrooms are rented to transient guests on a day-to-day basis and in which meals are served to these overnight guests.

Billboard: See Minnesota Statutes Section 173.02, Subdivision 16 “Advertising Device”.

Bluff Impact Zone: A bluff and land located within 20 feet from the top of a bluff.

Bluff: (In Mississippi Scenic River District): Considered a slope on any slope greater than 13% (13 feet vertical rise in 100’ horizontal distance).

Buffer: The use of land, topography (differences in elevation), space, fences, or landscape plantings to screen or partially screen a tract of property from another tract or property and thus reduce undesirable influences such as sight, noise, dust and other external effects which a land use may have upon other adjacent or nearby land uses.

Building Line: An imaginary line on a development site corresponding with the series of points where an exterior building wall meets the grade of the earth.

Building: Any structure designed or intended for the support, enclosure, shelter or protection of persons, animals or property.

Building Official: Sherburne County Building Official.

Business: Any occupation, employment, or enterprise wherein merchandise is exhibited or sold or rented, or which occupies time, attention, labor, or materials, or where services are offered for compensation.

Business Sign: A sign which only pertains to the use of the premise on which it is located.

Campground, Recreational: Any area, whether privately or publicly owned, used on a daily, nightly, weekly, or longer basis for the accommodation of tents, live in fish houses, recreational camping vehicles, or park trailers free of charge or for compensation. Ancillary uses of a campground may include storm shelters, bathrooms, clubhouse, swimming pool, maintenance

facilities, and other uses as determined by the Zoning Administrator. Recreational Campgrounds exclude:

- A. United States Forest Service camps.
- B. State forest service camps.
- C. State wildlife management areas or state-owned public access areas which are restricted in use to picnicking and boat landings.

Care in Home: A single-family home, duplex, or apartment unit providing day care for no more than ten children, including the day care operator's children under five years of age.

Cellar: A portion of a building located partly or wholly underground and having half or more than half its clear floor to ceiling height below grade.

Clinic: An establishment where patients, who are not lodged overnight, are admitted for examination and treatment by one or more of a group of physicians or dentists, or both, practicing together.

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

Comprehensive Plan: Unless otherwise stated, it is the general plan for land use, transportation, and community facilities prepared and maintained by the Town.

Contractors' Yard: A site used for the storage of vehicles, equipment, and materials by a person whose business is contracting work in any of the building trades, landscaping, road building, sewer installation, transport/hauling or a similar trade.

Convenience Food Restaurant: A business whose principal function is the sale of foods, frozen desserts, or beverages to the customer in a ready-to-eat state for consumption either within the premises or for carry-out with consumption either on or off the premises, and whose design or principal method of operation includes both of the following characteristics: (1) foods, frozen desserts, or beverages are usually served in edible containers or in paper, Styrofoam, or other disposable containers, (2) the customer is not served food at his or her table by an employee but receives it at a counter, window, or similar facility for carrying to another location on or off the premises for consumption.

Convenience Store: A store selling on a retail basis food for consumption off the premises along with other items, sometimes including gasoline; differentiated from a grocery store by its size of not more than 5,000 square feet.

County: Sherburne County.

Day Care Center: A business in which ten or more children receive adult supervision and meals in the temporary daily absence of their parents. A similar business with fewer than ten children is considered a home occupation.

Deck: A horizontal, unenclosed platform with or without attached railings, seats, trellises, or other features, attached or functionally related to a principal use or site and at any point.

Directional Sign: A sign erected on private property for the purpose of directing pedestrian or vehicular traffic onto or about the property upon which such sign is located, including signs marking entrances and exits, circulation direction, parking areas, and pickup and delivery areas, which does not display advertising copy.

District: A section or sections of Haven Township for which the provisions of the Zoning Ordinance are uniform.

Dwelling Single-Family: A detached building designed for and occupied by not more than one family. Recreational vehicles and travel trailers are not considered Dwellings.

Dwelling Unit: A building or portion of a building including kitchen facilities permanently installed which are arranged, designed, used or intended for use as living quarters for one household.

Dwelling, Detached: A dwelling, including its attached garage, if any, which is entirely surrounded by open space on the same lot.

Dwelling, Multiple-Family: A building designed for or occupied by more than two families.

Employee: An individual who performs services for another for hire, regardless of whether wages, salary, benefits, or their equivalents are paid, whether under the direct control or indirect control (i.e. as an independent contractor) of another person or entity, forty (40) hours or more per calendar year on a given property.

Equal Degree of Encroachment: A method of determining the location of floodway boundaries so that flood plain lands on both sides of a stream are capable of conveying a proportionate share of flood flows.

Erosion Control: Sherburne County Stormwater Management and Erosion Control Ordinance and Regulations.

Essential Services: Overhead or underground electrical, gas, steam or water transmission or distribution systems and structures, used by public utilities, rural electric cooperatives or governmental departments or commissions or as are required for protection of the public health, safety, or general welfare, including towers, poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, policy call boxes, and accessories in connection therewith, but not including buildings for the purpose of this ordinance and work. "Building" does not include "structure" for essential services.

Excavation: The extraction of sand, gravel, rock, soil or other material from the land. Excavation shall not include the removal of materials associated with the construction of a building, the removal of excess materials in accordance with approved plats or utility highway construction or minor agricultural and sod removal.

Exterior Storage: The storage of goods, materials, equipment, manufactured products and similar items not fully enclosed within a building.

Extractive Use: The use of land for surface or subsurface removal of sand, gravel, rock, industrial minerals, other nonmetallic minerals, and peat not regulated under Minnesota Statutes, sections 93.44 to 93.51.

Fee Schedule: Fee Schedule as approved from time to time by the Town Board.

Flood: A temporary increase in the flow or stage of a stream or in the stage of a wetland or lake that results in the inundation of normally dry areas.

Flood Frequency: The frequency for which it is expected that a specific flood stage or discharge may be equaled or exceeded.

Flood Fringe: That portion of the flood plain outside of the floodway. Flood fringe is synonymous with the term "floodway fringe" used in the Flood Insurance Study for Sherburne County.

Flood Plain: The beds proper and the areas adjoining a wetland, lake or watercourse which have been or hereafter may be covered by the regional flood.

Flood Plain District: Sherburne County Flood Plain District.

Flood-Proofing : A combination of structural provisions, changes, or adjustments to properties and structures subject to flooding, primarily for the reduction or elimination of flood damages.

Floodway: The bed of a wetland or lake and the channel of a watercourse and those portions of the adjoining flood plain which are reasonably required to carry or store the regional flood discharge as determined by FEMA and designated on the flood maps.

Forest Land Conversion: The clear cutting of forested lands to prepare for a new land use other than reestablishment of a subsequent forest stand.

Forestry: The use and management, including logging of a forest, woodland or plantation and related research and educational activities, including the construction, alteration or maintenance of woodroads, skidways, landings, and fences.

Foster Family Home: A family home where persons out of their own homes are cared for 24 hours a day for a period of 30 days or more.

Frontage: All the property fronting on one side of a street, measured along such street, between an intersecting street and another intersecting street, a right-of-way, waterway, end of a dead-end street, or municipal boundary. The Zoning Administrator shall determine the frontage on a corner lot, or other lot bordered by two or more streets.

Group Home: A specialized residential facility that provides care on a 24 hour basis for a selected group and providing specialized care and a planned treatment program under the direction and control of an agency, institution or independent operator.

Hardship: See definition in Minnesota Statutes Chapter 462.

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

Home Occupation: Any occupation which is clearly incidental to the principal use of the home as a single family dwelling unit, is conducted within the dwelling, is conducted by a resident occupant, and does not change the character of the principal use.

Hotel: A building in which lodging is provided and offered to the public for compensation and which is open to transient guests, in contradistinction to a boarding house as herein defined. A hotel has more than six guest rooms.

Household: Any number of individuals living together on the premises as a single housekeeping unit, as distinguished from a group occupying a boarding house, lodging house, or hotel as defined herein.

Impervious Surface: A constructed hard surface that either prevents or retards the entry of water into the soil and causes water to run off the surface in greater quantities and at an increased rate of flow than prior to development. Examples include rooftops, sidewalks, patios, storage areas, and concrete, asphalt or gravel driveways.

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

Intensive Vegetation Clearing: The complete removal of trees or shrubs in a contiguous patch, strip, row, or block.

Interim Use: A temporary use of property until a particular date, until the occurrence of a particular event, until zoning regulations no longer permit it, or until the land occupation of the interim use changes ownership.

Kennel, Commercial: Any place where three or more dogs over six months of age are owned, kept, boarded, bred and / or offered for sale.

Light Industry: The processing or fabrication of certain materials or products where no process involved will produce noise, vibration, air pollution, fire hazard, or noxious emission which will disturb or endanger neighboring properties.

Local Street: A street of limited continuity used primarily for access to the abutting properties and the local needs of a neighborhood.

Lot: A parcel of land designated by plat, metes and bounds, registered land survey, auditor's plot, or other accepted means, and separated from other parcels or portions by that description for the purpose of sale, lease or separation. A lot must be situated and have its principal frontage on a public street.

Lot of Record: All lots which are a part of a subdivision legally assigned a P.I.D. number by the County Auditor, and recorded with the County Recorder/Registrar of Title and lots described by metes and bounds, the deed to which has been recorded in the Office of the County Recorder/Registrar of Title prior to the passage of this ordinance, shall be considered to be Lots of Record. Such lots may be considered a building site if they were created compliant with official controls in effect at the time, meet the County sewage treatment rules and meet all setback requirements of this Ordinance.

Lot, Corner: A lot situated at the intersection of two or more streets, or bounded on two or more adjacent sides by street lines.

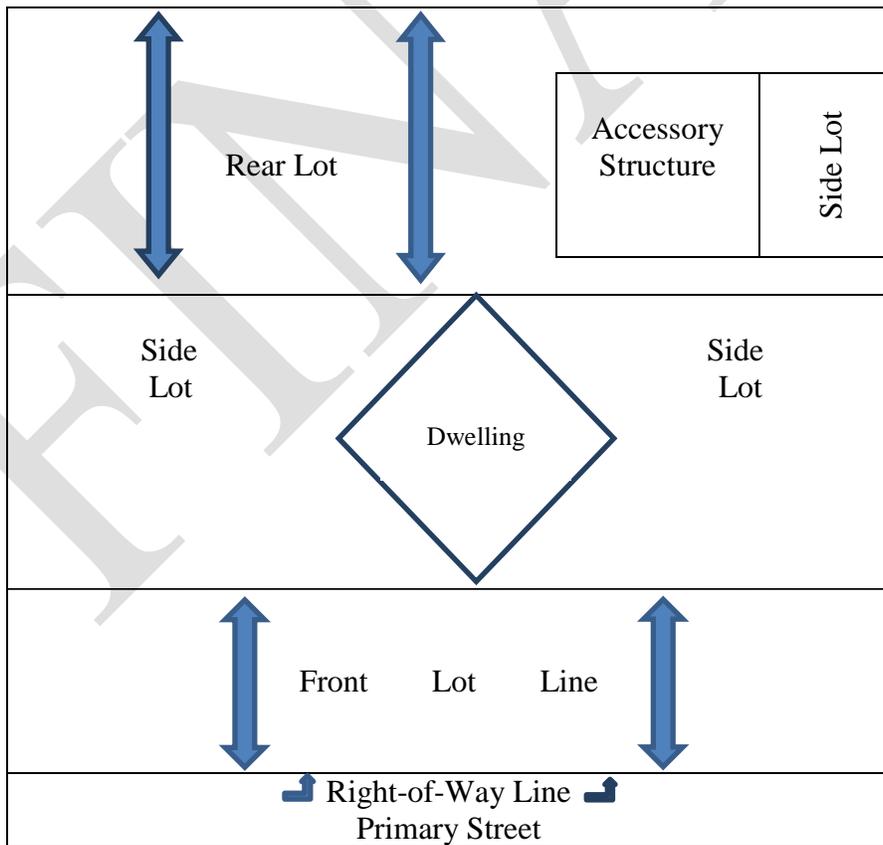
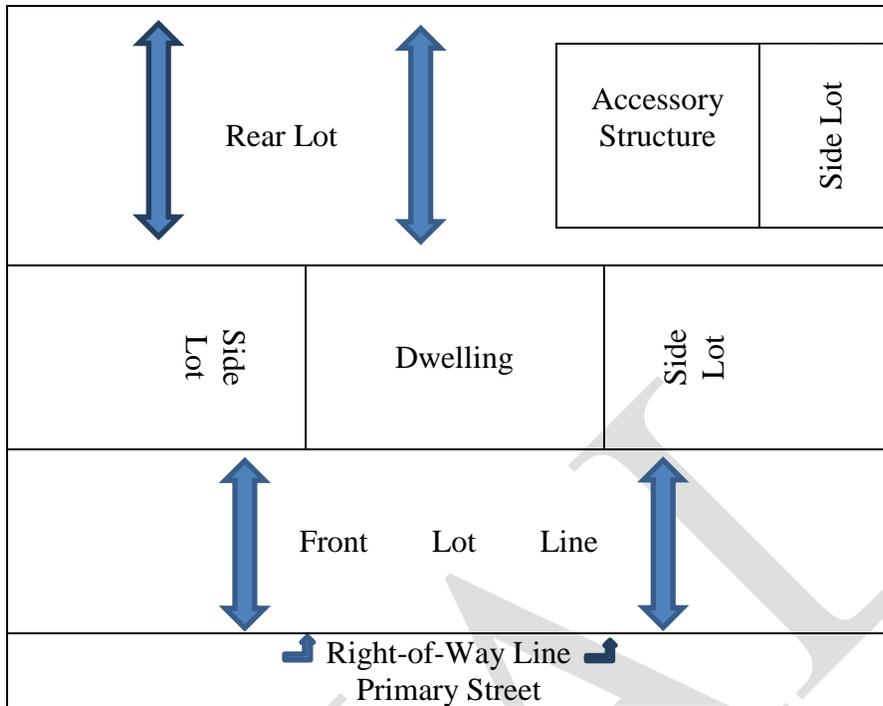
Lot, Interior: A lot other than a corner lot.

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

Lot, Front: The boundary of a lot abutting a street. On a corner lot, the shortest street lot line is the front lot line.

Lot, Side: Boundaries of lot perpendicular to street.

Lot, Rear: Boundary of lot at opposite end of lot away from street.



Manufactured (Mobile) Home: A structure, transportable in one or more sections, which in the travelling mode, is 8 feet or more in width or 40 feet or more in length, or, when erected on site, is 320 or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning and electrical systems contained therein. The term includes any structure that meets all the requirements and with respect to which the manufacturer voluntarily files a certification required by the Secretary of Housing and Urban Development and complies with the standards established under State law.

Manufactured (Mobile) Home Park: A lot, parcel or tract of land designed, maintained or intended for the purpose of supplying a location or accommodations for any mobile home.

Mini-Storage: Facility used for the purposes of renting or leasing individual indoor storage space to occupants who are to have year-around access to such for the purposes of storing and removing personal property.

Mining: Refer to "Excavation."

Motel: A series of sleeping or living units, for the lodging of transient guests, offered to the public for compensation, and with convenient access to off-street parking spaces for the exclusive use of the guests or occupants.

Non-Conforming Use: Any building or land lawfully occupied by a use at the time of the approval of this Ordinance, or any amendment to it rendering such use non-conforming, which does not comply with all of the regulations of this Ordinance, or any amendment hereto, governing use for the zoning districts in which such use is located.

Non-Conforming Building or Structure: Any building or structure lawfully existing on July 5, 1994, that under this Ordinance, or any amendment to it rendering such building or structure non-conforming, which: (a) does not comply with all of the regulations of this Ordinance, or any amendment hereto, governing bulk, height and yard requirements for the zoning district in which such building or structure is located; or (b) is designed or intended for a non-conforming use.

Nonconformity: Any legal use, structure or parcel of land already in existence, recorded, or authorized on or before July 5, 1994 that would not have been permitted to become established under the terms of the official controls as now written.

Nursing Home: An establishment which provides full-time convalescent or chronic care, or both, for three or more individuals who are not related by blood or marriage to the operator and who, by reason of advanced age, chronic illness or infirmity, are unable to care for themselves. No care for the acutely ill, or surgical or obstetrical services, shall be provided in such an establishment; a hospital shall be construed to be included in this definition.

OAA: October 18, 2010 Orderly Annexation Agreement between Haven Township and the City of St. Cloud.

Obstruction: Any dam, wall, wharf, embankment, levee, dike, pile, abutment, projection, excavation, channel modification, culvert, building, wire, fence, stockpile, refuse, fill, structure, or matter in, along, across, or projecting into any channel, watercourse, or regulatory flood plain which may impede, retard, or change the direction of the flow of water, either in itself or by catching or collecting debris carried by such water.

Office-Showroom Building: A building in which at least 20 percent of the floor space is devoted to office activities, the remainder being used for either warehousing, display, light manufacturing, or research and testing. Floor-to-ceiling joist heights in the warehouse portion would be not more than 14 feet.

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

Outlot: A lot in a plat that is not intended to be a buildable site.

Permanent Residence: Any building being used as living quarters between November 1 of the year and May 1 of the following year. These residences shall meet the minimum requirements for a Single Family Residence.

Pool: any structure, chamber, or tank 5,000 gallons or greater in size, containing an artificial body of water designed primarily for swimming, diving, relaxation, or recreational use including special purpose pools and wading pools.

Pool, Spa: a hot water pool intended for seated recreational use with a water agitation system in addition to the recirculation system. Spa pool is synonymous with the term “whirlpool.”

Pool, Wading: any pool with a maximum depth of 24” used or designed to be used exclusively for wading.

Primitive Campsite: An area that consists of individual remote campsites accessible only by foot or water.

Principal Use: The purpose for which land or a building or structure thereon is designed, arranged, intended or maintained or for which it is or may be used or occupied.

Principal Building: A building in which is conducted the principal use of the lot on which it is situated.

Private Club or Lodge: A building and related facilities owned or operated by a corporation, association or group of persons for social, educational or recreational purposes of members regularly paying dues, but not primarily for profit or to render a service which is customarily carried on as a business.

Public Waters: Any waters as defined in Minnesota Statutes, Section 103G.005, Subd. 15 and 19.

Reach: A hydraulic engineering term to describe a longitudinal segment of a stream or river influenced by a natural or man-made obstruction. In an urban area, the segment of a stream or river between two consecutive bridge crossings would most typically constitute a reach.

Recreational Vehicle: Travel trailers including those that telescope or fold down, chassis-mounted campers, motor homes, tent trailers, converted buses, and fish houses, or similar vehicles that provide temporary human living quarters. A Recreational vehicle is a vehicle that:

- A. Is not used as the residence of the owner or occupant.
- B. Is used while engaged in recreational or vacation activities.
- C. Is either self-propelled or towed on public roadways incidental to the recreational or vacation activities.
- D. Shall not be connected to a permanent water or sewer source.
- E. Shall not be used as a Dwelling Unit.

Resort: A building, structure, enclosure, or any part thereof located on, or on property neighboring any lake, stream, skiing or hunting area, or any recreational area for purposes of providing convenient access thereto, kept, used, maintained, or advertised as, or held out to the public to be a place where sleeping accommodations are furnished to the public, and primarily to those seeking recreation for periods of one day, one week, or longer, and having for rent one or more cottages, rooms, or enclosures.

Restaurant: An establishment where food is available to the general public for consumption on the premises.

Salvage and Wrecking Yard: An outdoor facility used by a business engaged in the reclamation of parts or materials from machinery or buildings.

Satellite Antenna: A device for the reception of signals from communication satellites.

Screened: When a structure is built to be placed on a lot or vegetation is planted such that when the structure is built it is visually inconspicuous as viewed from the river during the summer months. Visually inconspicuous means difficult to see or not readily noticeable in summer months.

Seasonal or Temporary Businesses: Where the business is an accessory use of the property, and may be utilized for not more than ninety (90) days per calendar year.

Seasonal Storage: Where 25% or more of an agricultural building(s) is converted for the purposes of renting or leasing indoor storage space for storing and removing personal property, and where the facility is open to the public in the spring and fall on a limited seasonal basis, a Interim Use Permit for Seasonal Storage shall be required.

Semi-public Use: The use of land by a private, nonprofit organization to provide a public service that is ordinarily open to some persons outside the regular constituency of the organization.

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

Setback: The minimum horizontal distance between a structure, sewage treatment system, or other facility and an ordinary high water level, sewage treatment system, top of a bluff, road, highway, property line, or other facility. (All dimensions are measured in feet)

Sewage Treatment System: A septic tank and soil absorption system or other individual type sewage treatment system as described and regulated in Section 14, Subd. 1, of this ordinance, and/or as described in Sherburne County Ordinances.

Sewered Areas: An area that is serviced by a wastewater treatment facility (s), or publicly owned, operated, or supervised centralized septic systems servicing the entire development.

Sewer System: Pipelines or conduits, pumping stations, and force main, and all other construction, devices, appliances, or appurtenances used for conducting sewage or industrial waste or other wastes to a point of ultimate disposal. Also subject to Sherburne County Ordinances.

Shooting Range: Defined in Minnesota Statutes Chapter 87A.

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

Shoreland: Land located within the following distances from public waters: 1,000 feet from the ordinary high water level of a lake, pond, or flowage; and 300 feet from a river or stream, or the landward extent of a floodplain designated by ordinance on a river or stream, whichever is greater. The limits of shorelands may be reduced whenever the waters involved are bounded by

topographic divides which extend landward from the waters for lesser distances and when approved by the Commissioner of the Minnesota DNR.

Sign Area: Projecting or freestanding signs: The area of a freestanding or projecting sign shall be the area of the largest face including its border area. If a sign has an irregular shape or has open spaces within its border, the sign area shall be the area of the smallest single rectangular figure that encloses it. If a freestanding sign or sign structure is constructed so that the faces are not back to back, the angles shall not exceed ten degrees, the total area of both sides added together shall not exceed the maximum allowable sign area for that district.

Single Family Residence: A dwelling which is a minimum of twenty four (24) feet wide and a minimum of seven hundred and twenty (720) square feet in main floor area.

Steep Slope: Land where agricultural activity or development is either not recommended or described as poorly suited due to slope steepness and the site's soil characteristics, as mapped and described in available county soil surveys or other technical reports, unless appropriate design and construction techniques and farming practices are used in accordance with the provisions of this Ordinance. Where specific information is not available, steep slopes are lands having average slopes over 12 percent, as measured over horizontal distances of 50 feet or more, that are not bluffs.

Stormwater Management: The Sherburne County Stormwater Management and Erosions Control Ordinances and Regulations.

Structure: Anything constructed or erected on the ground or attached to the ground or on-site utilities, including, but not limited to, buildings, factories, sheds, decks, detached garages, cabins, manufactured homes, travel trailers/vehicles.

Subdivision: Land that is divided for the purpose of sale, rent, or lease, including planned unit developments.

Toe of the Bluff: The lower point of a 50-foot segment with an average slope exceeding 18 percent.

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

Town or Town Board: Haven Town Board.

Town Hall: Haven Town Hall.

Townhouses: A group of attached single-family dwelling units on a common lot.

Travel Trailer: A trailer mounted on wheels that (1) is designed to provide temporary living quarters during recreation, camping or travel (2) does not require a special highway movement

permit based on its size or weight when towed by a motor vehicle and (3) complies with applicable Minnesota Statutes. A Travel Trailer may not be connected to a permanent water or sewer source. A Travel Trailer may not be used as a Dwelling Unit.

Truck Terminal: A warehouse and distribution business specializing in the shipment or storage of goods or materials.

Variance: Means a modification of a specific permitted development standard required in an official control including this ordinance to allow an alternative development standard not stated as acceptable in the official control, but only as applied to a particular property for the purpose of alleviating a hardship, practical difficulty or unique circumstance as defined and elaborated upon in a community's respective planning and zoning enabling legislation. Variance is further defined and limited in Minnesota Statutes Chapter 462.

Warehousing: The storage of materials, goods, or equipment within an enclosed building as a principal use.

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

Wetland: Lands transitional between terrestrial and aquatic systems where the water table is usually at or near the surface or the land is covered by shallow water. For purposes of this Ordinance, wetlands must (1) have a predominance of hydric soils; (2) be inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support a prevalence of hydrophytic vegetation typically adapted for life in saturated soil conditions; and (3) under normal circumstances, support a prevalence of hydrophytic vegetation.

"A wetland" or "the wetland" means a distinct hydrologic feature with characteristics of the preceding paragraph, surrounded by nonwetland and including all contiguous wetland types except those connected solely by riverine wetlands. "Wetland are" means a portion of "a wetland" or "the wetland."

Wetlands do not include public waters wetlands and public waters that are designated on the public waters inventory maps prepared under Minnesota Statutes, Section 103G.201.

Wholesaling: The selling of goods, equipment, or materials to another business that in turn sells to other customers.

Wooded: A tract of land that has mature trees (trees at least 18 feet tall from ground to the top of the canopy and with a trunk diameter of not less than five inches at 4 feet off the ground) with a tree canopy covering over at least 75 percent of the land.

Zoning District: An area or areas within the limits of the Haven Township for which the regulations and requirements governing land use are uniform, as defined in the October 18, 2010 Orderly Annexation Agreement between Haven Township and the City of St. Cloud

FINAL

SECTION 6 - CLASSIFICATION OF DISTRICTS

Subdivision 1: Districts

For the purpose of this Ordinance, Haven Township is hereby divided into classes of districts which will be designated as follows:

1. Agricultural District
2. Commercial District
3. Industrial District
4. Scenic River District

Subdivision 2: Zoning Map

The location and boundaries of the Districts established by this Ordinance are hereby set forth on the zoning maps. Said maps, known as the "Township Zoning Maps," and consisting of sheets and all notations, references and data shown thereon, are hereby incorporated by reference into this Ordinance and shall be as much a part of it as if all were fully described herein. It shall be the responsibility of the Zoning Administrator to maintain said maps, and amendments thereto shall be recorded on said Zoning Maps within thirty days after official publication of amendments. The official Zoning Maps shall be kept on file at the Town Hall.

Subdivision 3: District Boundaries

The boundaries between districts are, unless otherwise indicated, the center lines of highways, roads, streets or railroad rights-of-way or such lines extended or lines parallel or perpendicular thereto, or section, half-section, quarter-section, quarter-quarter-section or other fractional section lines of the United States public land surveys, as established by law.

SECTION 7 - AGRICULTURAL DISTRICT

Subdivision 1: Purpose

The purpose of the Agricultural District is to preserve for farming those locations that have soils which, when properly managed, are capable of high crop yields, to prevent scattered non-farm growth, and to protect from deleterious influences those farms locations that have high investments in buildings, equipment or irrigation, and to stabilize increases in public expenditures for such public services as roads and road maintenance, police and fire protection, and schools. All uses must be listed as either Permitted Uses or Interim Use Permits, or they shall not be allowed within the Agricultural Zoning District.

Subdivision 2: Permitted Uses

1. Agricultural Uses.
2. Daycare, In-Home.
3. Parks, Open Spaces, Wild Life Refuges (Public).
4. Single-Family Homes.

Subdivision 3: Interim Uses

Land in the Agricultural District may be used for any of the following purposes only with the issuance of an Interim Use Permit. Refer to Section 12 for a description of the requirements for each of these Interim Uses.

1. Auction Business
2. Bed and Breakfast
3. Campgrounds, Recreational

4. Commercial Kennel
5. Church
6. Contractors' Yard
7. Farm Related Business
8. Grading, Excavating or Filling of 1,000 to 10,000 Cubic Yards
9. Grading, Excavating or Filling of 10,000 Cubic Yards or More
10. Home Occupations
11. Nursery, Retail
12. Occasional Special Event
13. Recreational Activity
14. Riding Academies, Stables, and Similar Uses
15. Seasonal Storage
16. Temporary Tire and/or Waste Collection and/or Recycling Operations
17. Yard Waste Composting
18. Temporary Use by Government Entities
19. Windpower Management (Hobbyist)

Subdivision 4: Accessory Uses

1. Private Garages.
2. Living quarters in the principal farm dwelling of persons employed on the farm.
3. Other uses customarily incidental and subordinate to a Permitted Use, in the opinion of the Town Board.

Subdivision 5: Dimensional Regulations (All dimensions are measured in feet)

1. Minimum Lot Sizes: 1 per 1/4 1/4 Section, or 40 contiguous acres +/-.

In the Agricultural District when a portion of a property is rezoned and platted to either Commercial or Industrial, the remainder of the property not platted may continue to be metes and bounds provided that it stays in the Ag District and is at least twenty (20) acres.

- | | |
|-----------------|--|
| Housing Density | 1 single family residence per lot |
| Lot Density: | 5 acre lot density that can only be subdivided as a simple plat, in wooded areas only. |
2. Minimum Lot Dimensions:

Width:	300 (measured at the building setback line)
Depth:	300
 3. Minimum Setbacks, Principal or Accessory Structures:

Unplatted parcels:

Front, Unplatted (from centerline):	
Township Road:	100
County Road:	100
County State-Aid Highway:	130
Highways 10:	200 of centerline of closest traveled lane or 80 from centerline of service road, whichever is greater
Side or rear, unplatted parcels abutting agricultural land:	
Side:	50
	10*, if lot in question and adjoining lot are 5 acres or less
Rear:	25, if lot is 5 acres or less and does not abut agricultural land
County Ditch (from top of ditch bank):	50

Platted Lots: (The Town has no obligation to accept the dedication of any new road.)

Front, Platted Lots (from right-of-way):	
Township Road:	67
County Road:	50
County State-Aid Hwy.:	70
Highway 10:	100
Interior Side:	20*
Side or rear:	25, if not abutting agricultural land
Side or rear, non-farm housing abutting agricultural land (if platted after June 6, 1995):	250
Side or rear, accessory structures	

abutting agricultural land:	50
County ditch (from top of ditch bank):	50
Pipeline Easements/Right of Way:	50
Air Navigation and other government, non-road right-of-way easements:	50

When a lot is located at the intersection of two or more roads or highway, there shall be a front yard setback on each road or highway side of the lot.

* In all cases the Town Zoning Administrator or Building Official may require a survey.

4. **Maximum Building Heights:**
 - Dwellings: 2-1/2 stories or 35 feet, whichever is less
 - Agricultural Structures and Accessory Structures, non-platted and with fewer than four homes in a quarter/quarter section: No restriction
 - Accessory Structures in platted and parcels with four or more homes within a quarter/quarter section: 2-1/2 stories or 35 feet, whichever is less
5. **Maximum Building Depth Below Grade:** Set lowest floor at Lowest Floor Elevation (LFE) or minimum three (3) feet above mottling, whichever is higher. If no LFE is established, set lowest floor minimum three (3) feet above mottling.

Subdivision 6: Road Intersections

Road intersections and highway accesses shall conform to the Sherburne County Transportation Plan.

Subdivision 7: General Regulations

Additional regulations for signs, septic systems, accessory buildings, fences, manufactured homes, and site plan reviews are presented in Section 14, General Regulations.

SECTION 8 - COMMERCIAL DISTRICT

Subdivision 1: Purpose

The purpose of the Commercial District is to provide locations for retail and service businesses. This District is intended to be located along a State or Federal Highway, County Road or County State-Aid Highway.

All uses must be listed as either Permitted Uses or Interim Use Permits, or they shall not be allowed within the Commercial Zoning District.

Subdivision 2: Permitted Uses

1. Agricultural Uses
2. Automobile Service Stations
3. Auto Repair Shops
4. Daycare, Commercial
5. Mini Storage Facility
6. Motel
7. Office Buildings
8. Pawn Brokers
9. Restaurant
10. Retail Sales
12. Seasonal Storage

13. Wind Power Management (Hobbyist)

Subdivision 3: Interim Uses

Land in the Commercial District may be used for any of the following purposes only with the issuance of an Interim Use Permit. Refer to Section 12 for a description of the requirements for each of these Interim Uses:

1. Auction Business
2. Businesses Selling Vehicles, Boats, or Farm Implements
3. Light Industry
4. Occasional Special Event
5. Permanent Government Structure
6. School Bus Service
7. Seasonal or Temporary Business
8. Temporary Use by Government Entities
9. Commercial Kennels

Subdivision 4: Accessory Uses

1. Essential public or private utilities
2. Other uses customarily incidental and subordinate to a Permitted Use, in the opinion of the Planning Commission.

Subdivision 5: Dimensional Regulations (All dimensions are measured in feet)

1. Minimum Lot Size: 40 acres or 22,500 square feet if platted
2. Minimum Lot Dimensions (All Land Uses):
 - Width: 150 (measured at the setback line)
 - Depth: 150

3. Minimum Setbacks, Principal or Accessory Structures:

Unplatted parcels:

Front, unplatted (from centerline):	100
Township Road:	100
County State-Aid Highway:	130
Highway 10: lane or	200 of centerline of closest traveled 80 from centerline of service road
Side or rear of unplatted parcels:	20
County ditch (from top of ditch bank):	50

Platted Lots: (The Town has no obligation to accept the dedication of any new road.)

Front, platted lots (from right-of-way):	open
Township Road:	67
County Road:	50
County State-Aid Highway:	70
Highway 10:	100
Interior Side:	20
Rear:	20
Side or rear, abutting a site currently used for:	
Housing:	50
County ditch (from top of ditch bank):	50

When a lot is located at the intersection of two or more roads or highway, there shall be a front yard setback on each road or highway side of the lot.

4. Minimum Setbacks, Commercial Driveways or Parking Areas:

Front:	10
Side or Rear:	10

These setbacks are measured from the right-of-way or easement of the public road

5. Maximum Building Heights:

Commercial buildings:	2-1/2 stories or 35 feet
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6. Maximum Building Depth Below Grade:

Set lowest floor at Lowest Floor Elevation (LFE) or minimum three (3) feet above mottling, whichever is higher. If no LFE is established, set lowest floor minimum three (3) feet above mottling.

Subdivision 6: Screening Requirements

Any commercial development that abuts any existing residential development or abuts any parcel planned or zoned for housing development shall be screened from view from the housing site using a combination of fencing, plantings and/or a berm to the satisfaction of the Township Planning Commission.

If a commercial development occurs prior to an adjacent residential development, it shall be the responsibility of the residential development to provide screening using a combination of fencing, plantings and/or a berm to the satisfaction of the Township Planning Commission.

Subdivision 7: Access Requirements

1. The location of any driveway from a public road shall require approval by the Township Board or other applicable road authority.

Subdivision 8: General Regulations

Additional regulations for signs, septic systems, accessory buildings, fences and site plan reviews are presented in Section 14, General Development Regulations.

SECTION 9 - INDUSTRIAL DISTRICT

Subdivision 1: Purpose

The purpose of the Industrial District is to provide locations for industrial development adjacent to existing industrial development and along a federal, state, county or Town road or in locations consistent with a City land use plan.

All uses must be listed as either Permitted Uses or Interim Use Permits, or they shall not be allowed within the Industrial Zoning District.

Subdivision 2: Permitted Uses

1. Agriculture
2. Athletic clubs
3. Manufacturing, compounding, processing, packaging, treatment or assembly of products and materials
4. Mini Storage Facilities
5. Offices
6. Research and development operations
7. Restaurants
8. Sales or service businesses dealing principally with business, not retail, customers
9. Seasonal Storage
10. Warehousing

11. Wholesale sales businesses
12. Windpower Management (Hobbyist)

Subdivision 3: Interim Uses

1. Auction Business
2. Automobile repair shops
3. Contractor's Yard
4. Grading, Excavating or Filling of 1,000 to 10,000 Cubic Yards
5. Grading, Excavating or Filling of 10,000 Cubic Yards or more
6. Occasional Special Event
7. Permanent government structures
8. Recycling operations for non-hazardous waste
9. Seasonal or temporary businesses
10. Temporary Use by Government Entities
11. Commercial Kennels

Subdivision 4: Accessory Uses

1. Essential public or private utilities
2. Railroad spurs
3. Other uses customarily incidental and subordinate to a Permitted Use, in the opinion of the Town Board.

Subdivision 5: Dimensional Regulations (All dimensions are measure in feet)

- | | | |
|----|---|--|
| 1. | Minimum Lot Size | 40 acres or 30,000 square feet if
platted |
| 2. | Minimum Lot Dimensions (All Land Uses): | |
| | Width: | 150 (measured at the setback line) |
| | Depth: | 200 |

3. Minimum Setbacks, Principal or Accessory Structures:

Unplatted Parcels:

Front, Unplatted (from centerline):

Township Road:	100
County Road:	100
County State-Aid Highway:	130
Highway 10:	200 of centerline of closest traveled lane or 80 from centerline of service road
Side or rear for unplatted parcels:	50
County Ditch (from top of ditch bank)	50

Platted Lots: (The Town has no obligation to accept the dedication of any new road.)

Front, platted lots (from right-of-way):

Township Road:	67
County Road:	50
County State-Aid Highway:	70
Highway 10:	100
Interior Side:	20
Rear:	20
Side or rear, abutting a site currently used For housing	50
County ditch (from top of ditch bank):	50

When a lot is located at the intersection of two or more roads or highway, there shall be a front yard setback on each road or highway side of the lot.

4. Minimum Setbacks, Industrial Driveways or Parking Areas:

Front:	20
Side or Rear:	10

5. Maximum Building Heights: 35 feet except for exceptions listed in Section 16 of this Ordinance.

6. Maximum Building Depth Below Grade:

Set lowest floor at Lowest Floor Elevation (LFE) or minimum three (3) feet above mottling, whichever is higher. If no LFE is established, set lowest floor minimum three (3) feet above mottling.

Subdivision 6: Screening Requirements

1. Any industrial development that abuts any existing residential development or abuts any parcel planned or zoned for housing development shall be screened from view from the housing site using a combination of fencing, plantings and/or berms to the satisfaction of the Town Board.

If an industrial development occurs prior to an adjacent residential development, it shall be the responsibility of the residential development to provide screening using a combination of fencing, plantings and/or berms to the satisfaction of the Town Board.

2. Any outdoor storage or display of goods, materials, or damaged vehicles awaiting body repair shall be screened from view from any non-industrial zones (except farm fields) to the satisfaction of the Town Board using a combination of fencing, coniferous and deciduous plantings and/or berms.

Subdivision 7: Access Requirements

1. The location of any driveway from a public road shall require approval by the Town Board or other appropriate road authority.

Subdivision 8: General Regulations

Additional regulations for signs, septic systems, accessory buildings, fences and site plan reviews are presented in Section 14, General Development Regulations.

F E N N A H L

SECTION 10 - RESERVED

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SECTION 11 - MISSISSIPPI SCENIC RIVER ORDINANCE

Subdivision 1:	Policy and Authorization
Subdivision 2:	Title
Subdivision 3:	Purpose
Subdivision 4:	General Provisions
Subdivision 5:	Land Use District Provisions
Subdivision 6:	Uses within the Land Use Districts
Subdivision 7:	Sewage Treatment Systems
Subdivision 8:	Landscape Alterations
Subdivision 9:	Land Subdivision
Subdivision 10:	Administration
Subdivision 11:	Agricultural District Overlay

Subdivision 1: Policy and Authorization

An ordinance for the controlling of bluff land and river land development, in order to protect and preserve the outstanding scenic, recreational natural, historical and scientific values of the Mississippi in Haven Township, Minnesota, as required by Minnesota Statutes, Section 104.31 - 104.40, Minnesota Regulations NR 78-81, the Management Plans for the Mississippi (NR 2400).

Subdivision 2: Title

1. **Short Title.** This ordinance shall be known, cited and referred to as the Haven Township Mississippi Scenic River Ordinance; except as referred to herein, where it shall be known as, "This Ordinance".

Subdivision 3: Purpose

This ordinance is adopted to achieve the policy of Subdivision 1 and to:

1. Designate land use districts along the bluff land and shoreline of the Mississippi.

2. Regulate the area of a lot, and the length of the bluff land and water frontage suitable for building sites.
3. Regulate the setback of structures and sanitary waste treatment facilities from bluff lines and shorelines to protect the existing and/or natural scenic values, vegetation, soils, water quality, floodplain areas, and bedrock from disruption by man-made structures or facilities.
4. Regulate alterations of the natural vegetation and topography.
5. Maintain property values and prevent poorly planned development.
6. Conserve and protect the natural scenic values and resources of the Mississippi and Rum Rivers and maintain a high standard of environmental quality.

Subdivision 4: General Provisions

1. **Jurisdiction.** The Jurisdiction of this ordinance shall include all unincorporated land designated within the Mississippi River land use districts within the OAA of Haven Township as shown on the official Haven Township Zoning Map.
2. **Compliance.** The use of any land within the Mississippi Rivers land use districts(s); the size and shape of lots; the use and location of structures on lots; the installation and maintenance of waste disposal facilities; the filling, grading, lagooning, or dredging of any river area; the cutting of vegetation or alteration of the natural topography within the district; and the subdivision of land shall be in full compliance with the terms of this ordinance and other applicable regulations. Permits from the Zoning Administrator are required by this ordinance and the Haven Township Zoning Ordinance for the construction of buildings, public or private sewage treatment systems, the grading and filling of the natural topography and erection of signs within the Mississippi River Scenic land use district(s).
3. **Rules:**
 - A. It is not intended by this ordinance to repair, abrogate or impair any existing easement, covenants, deed restrictions, or land use controls. Where this ordinance imposes greater restrictions, the provision of this ordinance shall prevail.
 - B. In their interpretation and application, the provisions of this ordinance shall be held to be minimum requirements, and shall not be deemed a limitation or repeal of any powers or rights granted by Minnesota Statutes.
 - C. The provisions of this ordinance shall be severable, and the invalidity of any paragraph, subparagraph, or subdivision thereof shall not make void any other paragraph, subparagraph, subdivision or any other part. If any court of competent jurisdiction shall adjudge invalid any provision of this ordinance or the application of this ordinance to a particular property, building or other structure,

such judgment shall not affect any other provision of this ordinance or any other property, building or structure not specifically included in said judgment.

Subdivision 5: Land Use District Provisions

1. Designation of Districts:

A. In order to preserve and protect the Mississippi Rivers and its adjacent lands which possess outstanding scenic, recreational, natural, historical, scientific and similar values; the Mississippi River in Haven Township has been given the Scenic River classification and the use and classification of the rivers and its adjacent lands are hereby designated by land use zoning districts, which are shown on the Haven Township Zoning Map and shall be as follows:

1. Scenic River Management Zone: That part of Haven Township, within the OAA, lying within the following area:

All lands within Mississippi River which are between the State Highway #24 bridge at Clearwater and the St. Cloud City limits as identified in Minnesota Regulations NR 2420.

2. Minimum area, setbacks and other requirements:

A. The following chart sets forth the minimum area, setbacks, and other requirements on each district:

Scenic

1.	Minimum lot size above high water mark	40 acres or 5 acres if platted
2.	Lot width at building line	250'
3.	Lot width at ordinary high water mark	250'
4.	Building setback from ordinary high water mark	150'
5.	Building setback from bluff line	30'
6.	On-site sewage treatment system setback from Ordinary high water mark	100'
7.	Maximum structure height*	35'
8.	Controlled vegetative cutting area	150'
9.	Setback from ordinary high water mark	30'
10.	Interior Side Setback	25'
11.	Road Setback	70' from federal, state or county trunk highway right-of-way 67' from town road

*Does not apply to structures used for agricultural purposes.

- B. No structure shall be placed on any slope greater than 13 % (13 feet vertical rise in 100' horizontal distance) unless such structures can be screened and sewage disposal system facilities can be installed so as to comply with the Sewage Treatment System provisions of Subdivision 7.
- C. No structure shall be placed in any floodway. Structures proposed within a floodplain shall be consistent with the statewide Standards and Criteria for Management of Floodplain Areas of Minnesota (Minnesota Regulations NR 85-93) and Section 10 of the Haven Township Zoning Ordinance.

3. **Substandard Lots:**

- A. Lots of record, as of July 5th, 1994 and recorded in the office of the Sherburne County Recorder which do not meet the dimensional requirements of this ordinance shall be allowed as building sites, provided: such use is permitted in the land use district; the lot was in separate ownership on the date of enactment of this ordinance; and all sanitary and dimensional requirements are complied with, as practicable.
- B. If in a group of contiguous lots under a single ownership, any individual lot does not meet the lot width minimum requirements of this Ordinance, such individual lot cannot be considered as a separate parcel of land for purposes of sale or development, but must be combined with adjacent lots under the same ownership so that the combination of lots will equal one or more parcels of land each meeting the lot width requirements of this ordinance, except that such lots which are 50 percent or more of the lot width standards of these regulations may be considered as a separate parcel of land for the purpose of sale or development, if on-site sewage treatment systems can be installed so as to comply with this ordinance.

Subdivision 6: Uses within the Land Use Districts

- 1. **Purpose:** The purpose of establishing standards and criteria for uses in the Mississippi River land use district shall be to protect and preserve existing natural, scenic, historical, scientific, and recreational values, to maintain proper relationships between various land use types, and to prohibit new residential, commercial, or industrial uses that are inconsistent with the standards and criteria for Scenic Rivers.
- 2. **Permitted and Interim Uses:**
 - A. In the following table of uses "P" means Permitted Use, "I" means Interim Use and "N" means Non-permitted Use. Certain of the following uses are subject to the zoning dimension provisions and sewage treatment system provisions of Subdivisions 5 and 7 of this District. All of the following uses are subject to the vegetative cutting provisions of Subdivision 8 of this District.

LAND USE DISTRICTS

1.	Governmental campground, subject to management plan specifications	P
2.	Private campgrounds, subject to management plan specifications	I
3.	Public accesses, road access type with boat launching facilities subject to management plan specifications	P
4.	Public accesses, trail access type, subject to management plan specifications	P
5.	Temporary docks	I
6.	Other governmental open space recreational uses, subject to management plan specifications	P
7.	Other private open space recreational uses, subject to management plan specifications	I
8.	Agricultural uses	P
9.	Single family residential uses	P
10.	Forestry uses	P
11.	Essential services	I
12.	Sewage disposal systems	P
13.	Private roads and minor public streets	P
14.	Signs approved by federal state or local government which are necessary for public health and safety and signs indicating areas that are available or not available for public use	P
15.	Signs not visible from the river that are not specified in (14). In accordance with Section 14 of Haven Township Zoning Ordinance.	P
16.	Governmental resource management for improving fish and wildlife habitat; wildlife management areas; nature areas; accessory roads	P
17.	Underground mining that does not involve surface excavation in the land use district	N
18.	Utility transmission power lines and pipelines subject to the conditions and criteria of Minnesota Regulations NR 79 (i)	I
19.	Public roads, subject to the conditions and criteria of Minnesota Regulations NR 79 (i)	I
20.	Churches and graveyards	I
21.	Private or commercial kennels	N

All uses not listed as permitted or interim uses shall not be allowed within the applicable land use districts.

Subdivision 7: Sewage Treatment Systems

1. Any premises intended for human occupancy must provide for an adequate method of sewage treatment. Public or municipal collection and treatment facilities must be used where available and feasible. Where public or municipal facilities are not available, all on-site individual sewer treatment systems shall conform to the minimum standards and

administrative procedures set forth in the Haven Township Zoning Ordinance and the minimum standards of the Minnesota Pollution Control Agency, Sherburne County and the Minnesota Department of Health.

2. No person, firm, or corporation shall install, alter, repair or extend any individual sewer disposal system without first obtaining a permit for such from the Sherburne County for the specific installation, alteration, repair, or extension.

Subdivision 8: Landscape Alterations

1. Vegetative Cutting:

A. General Provisions, within designated setback areas:

1. Clear cutting except for any authorized public services such as roads and utilities, shall not be permitted.
2. Selective cutting of trees in excess of four inches in diameter at breast height shall be permitted providing cutting is spaced in several cutting operations and a continuous tree cover is maintained.
3. The cutting provisions of Subdivision 8, Subsection 2, shall not be deemed to prevent:
 - (a) The removal of diseased or insect infested trees, or of rotten or damaged trees that present safety hazards.
 - (b) Pruning understory vegetation, shrubs, plants, brush, grass, or from harvesting crops or cutting suppressed trees or trees less than four inches in diameter at breast height.

B. Clear Cutting: Clear cutting anywhere in the designated land use district on the Mississippi River is subject to the following standards and criteria:

1. Clear cutting shall not be used as a cutting method where soil, slope, or other watershed conditions are determined by the zoning authority to be fragile and subject to severe erosion and/or sedimentation.
2. Clear cutting shall be conducted only where clear-cut blocks, patches or strips are, in all cases, shaped and blended with the natural terrain.
3. The size of clear cut blocks, patches or strips shall be kept at a minimum necessary.
4. Where feasible all clear cuts shall be conducted between September 15 and May 15. If natural regeneration will not result in adequate vegetative cover, areas in which clear cutting is conducted shall be replanted to prevent erosion

and to maintain the aesthetic quality of the area. Where feasible, replanting shall be performed in the same spring, or the following spring.

2. Grading, Filling, Alterations of the Beds of Public Waters:

- A. Any grading and filling work done within the designated land use districts(s) of this ordinance shall require an Interim Use Permit, at a minimum, comply with the following:
 - 1. Grading and filling of the natural topography which is not accessory to a permitted or conditional use shall not be permitted in the land use district(s).
 - 2. Grading and filling of the natural topography which is accessory to a permitted or interim use shall not be conducted without a grading and filling permit from the zoning authority. A grading and filling permit may be issued only if the conditions of Subdivision 8, Subsection 2, and other appropriate rules and ordinances, are met.
 - 3. Grading and filling of the natural topography shall be performed in a manner which minimizes earthmoving, erosion, tree clearing, and the destruction of natural amenities.
 - 4. Grading and filling of the natural topography shall also meet the following standards:
 - (a) The smallest amount of bare ground is exposed for as short a time as feasible.
 - (b) Temporary ground cover such as mulch is used and permanent ground cover, such as sod is planted.
 - (c) Methods to prevent erosion and to trap sediment are employed.
 - (d) Fill is stabilized to accept engineering standards.
- B. Excavation of material from or filling in a Scenic River, or construction of any permanent structures or navigational obstructions therein is prohibited unless authorized by a permit from the Commissioner of DNR pursuant to Minnesota Statutes Section 105.42.
- C. Drainage or filling in of wetlands is not allowed within the land use district(s) designated by this ordinance.

Subdivision 9: Land Subdivision

1. Land Suitability:

- A. No land shall be subdivided which is determined by the Haven Township Board of Supervisors, to be unsuitable by reason of flooding, inadequate drainage, soil and rock formations with severe limitations for development, severe erosion potential,

unfavorable topography, inadequate water supply or sewage treatment capabilities or any other feature likely to be harmful to the health, safety, or welfare of the future residents of the proposed subdivision or the community.

- B. The provisions otherwise set forth in this ordinance and in the Haven Township Subdivision Ordinance shall apply to all plats.
- C. No new public or private roads may be established as part of any subdivision.

Subdivision 10: Administration

1. Organization Provisions:

- A. The provisions of this ordinance shall be administered by the Haven Township Zoning Administrator.
- B. The Board of Adjustment of Haven Township shall act upon all questions as they arise in the administration of this ordinance; to hear and decide appeals; and to review any order, requirements, decisions or determination made by the Zoning Administrator, who is charged with enforcing this ordinance as provided by Minnesota Statutes.
- C. Permit fees and inspection fees as may be established by resolution of the Haven Township Board shall be collected by the Zoning Administrator for deposit with Haven Township and credited to the appropriate general fund.

2. Nonconforming Uses, Substandard Uses:

- A. Nonconforming Uses. Uses which are prohibited by this ordinance but which were in existence prior to July 5, 1994 shall be non-conforming uses. Such uses shall not be intensified, enlarged, or expanded beyond the permitted or delineated boundaries of the use or activity as stipulated in most current permits issued prior to the adoption of this ordinance.
- B. Nonconforming Sanitary Systems. All sanitary facilities inconsistent with the performance standards of Section 14 of the Haven Township Zoning Ordinance and the minimum standards of the Minnesota Pollution Control Agency, Sherburne County and the Minnesota Department of Health shall be brought into conformity or discontinued with five (5) years of the date of enactment of this or other applicable ordinances.
- C. Substandard Uses. All uses in existence prior to July 5, 1994, which were permitted uses within this land use district, but do not meet the minimum lot area, setbacks or other dimensional requirements of this ordinance are substandard uses. All substandard uses, except for substandard signs, shall be allowed to continue subject to the following conditions and exception:

1. Any structural alteration or addition to a substandard use which will increase the substandard dimensions shall not be allowed.
2. Substandard signs shall be gradually eliminated over a period of this not to exceed five (5) years from the date of the enactment of this ordinance.
3. Where a setback pattern from the ordinary high watermark has already been established on both sides of a proposed building site, the setback of the proposed structure may be allowed to conform to that pattern. This provision shall apply to lots which do not meet the minimum lot width requirements (Subdivision 5 of this ordinance).

3. **Plats:**

- A. Copies of all plats within the boundaries of the Mississippi River Land Use District(s) shall be forwarded to the Commissioner of the DNR within ten (10) days of approval by Haven Township.
- B. Inconsistent Plats: Approval of a plat which is inconsistent with this ordinance is permissible only if the detrimental impact of the inconsistency is more than overcome by other protective characteristics of the proposal.
- C. All inconsistent plats approved by Haven Township must be reviewed in accordance with this ordinance.

4. **Interim Use Permit Review:**

- A. A copy of all notices of any public hearing, or where a public hearing is not required, a copy of the application to consider issuance of a conditional use permit shall be sent so as to be received by the Commissioner of the DNR at least ten (10) days prior to such hearings or meeting to consider issuance of a conditional use permit. A copy of the decision shall be forwarded to the Commissioner of the DNR within ten (10) days of such action.

5. **Approval by Commissioner:**

- A. Certain land use decisions which directly affect the use of land within the designated land use districts and involve any of the following actions must be approved by the Commissioner of the DNR (Subdivision 1007.02).
 1. Adopting or amending an ordinance regulating the use of land including rezoning of particular tracts of land.
 2. Granting a variance from a provision of this ordinance which relates to the zoning dimension provisions of Subdivision 5 of this ordinance.
 3. Approving a plat which is inconsistent with the local land use ordinance.

B. Review Procedure:

1. A copy of all notices of any public hearings, or where a public hearing is not required, a copy of the application to consider zoning amendments, variances, or inconsistent plats under local ordinance shall be sent so as to be received by the Commissioner of the DNR at least ten (10) days prior to such hearings or meetings to consider such actions. The notice of application shall include a copy of the proposed ordinances or amendment.
2. The action of Haven Township shall become effective when and only when either:
 - (a) The action has previously received approval from the Commissioner.
 - (b) Haven Township receives approval after its final decision; or
 - (c) Thirty (30) days have elapsed from the day the Commissioner received notice of the final decision, and no response has been sent by the Commissioner of the DNR; or
 - (d) The Commissioner of the DNR certifies his approval within 30 days after conducting a public hearing.

6. **Permits:** The following table summarizes the permit and certification process within the land use districts designated by this ordinance.

Scenic Land Use District Permits	Action Necessary
Building Permits	SC
Sign Construction Permits	LP
Septic Permits	SC
Water Supply Permits	SC
Grading, Filling Permits	LP
Interim Use Permits	PH - FD
Amendments to Ordinance	PH - AC
Amendments of District Boundary*	PH - AC
Inconsistent Plat	PH - AC
Variances	PH - AC
Plats	PH (Notification not required) – FD

LP: Permit issued by Haven Township in accordance with this ordinance and all other Township ordinances.

SC: Sherburne County

AC: Approval by the Commissioner of Natural Resources prior to final local approval.

PH: Public hearing necessary by the local authority giving 10 days notice of the hearing to the Commissioner of Natural Resources.

FD: Haven Township forwards any decisions to the Commissioner of Natural Resources within 10 days after taking final action.

WA: The Commissioner of Natural Resources shall submit, after notice of public hearing and before the local authority gives preliminary approval, written review and approval of the project.

* Amendments to District Boundary also requires a hearing by the Department of Natural Resources under the authority of Minnesota Statutes Chapter 15.

7. **Enforcement:** In the event of a violation or a threatened violation of this ordinance, Haven Township or the Commissioner of Natural Resources, in addition to other remedies, may institute appropriate actions or proceedings to prevent, restrain, or abate such violations or threatened violations.

Subdivision 11: Agricultural District Overlay

The Agricultural District is an overlay district over the Scenic District. The more restrictive provisions of either Ordinance shall apply.

SECTION 12 – INTERIM USE PERMITS

This section presents the conditions that must be met for each possible Interim Use listed in the various Zoning Districts.

The procedure for review and approval of an Interim Use Permit is presented in Section 16 of this Ordinance, Administration and Enforcement.

Subdivision 1: Authority:

No person or entity shall allow the existence of the following uses on lands that are partially or entirely owned, leased, or occupied by them without an Interim Use Permit (IUP), as listed in Subdivision 4 issued by the Haven Township Board of Supervisors. Interim Uses must be consistent with the terms of the Interim Use Permit and any applicable local, state or federal law, rule or other statutory provision.

Under Minnesota Statutes, Haven Township may approve an Interim Use Permit for a property if:

1. The use conforms to the zoning regulations.
2. The date or event that will terminate the use can be identified with certainty.
3. Permission of the use will not impose additional costs on the public if it is necessary for the public to take the property in the future.
4. The user agrees to any conditions that Haven Township deems appropriate for permission of the use. Any interim use may be terminated by a change in zoning regulations.

Subdivision 2: Permit Expiration and Transferability:

All IUP issued under this Ordinance is granted solely to the applicant and/or the business entity named in the application, and for the premises named in the IUP application. No IUP of any sort granted pursuant to this Ordinance is transferable to any other person, entity or premises. If a change of ownership, control, or location of any person or entity to whom the IUP has been granted, or if the real property, either voluntary or involuntary is transferred, licensed premises

occurs, whether pursuant to move, sale, transfer, assignment, foreclosure, or otherwise, the owner or proposed new owner must complete a new application subject to approval pursuant to this Ordinance. A change of ownership or control includes, but is not limited to:

1. The sale of all or substantially all of the company assets.
2. Sale or acquisition of forty (40) percent or more of the controlling interest (voting) stock if the company stock is publicly traded.
3. Sale of fifty-one (51) percent of the voting stock if a non-publicly traded stock or closely held corporation.
4. Execution of a management agreement.
5. The change of any officer or majority stockholder if the company is a closely-held corporation.
6. The Town Board may waive the requirements of this Subdivision in writing if after the change of ownership or control of the same, or in the Zoning Administrator's opinion, substantially the same persons control or own the entity or property.

The IUP shall expire with a change of ownership, or unless otherwise required by the IUP's conditions as determined by the Township Board. The IUP shall expire if the approved use is inactive for one (1) year or longer as determined by the Zoning Administrator and/or tax records indicating that the use was inactive.

Subdivision 3: Process of Approval:

1. **Application.** A complete IUP application shall comply with Section 16, subdivision 5 of the Zoning Ordinance.
2. **Reserved.**
3. **Public Hearing.** Complete applications shall be scheduled for a Public Hearing by the Planning Commission, and publicized according to Minnesota Statutes.
4. **Township Board Approval/Denial.** After a public hearing has been held, the Town Board shall approve, deny, or continue an IUP request.
5. **Compliance.** Any use permitted under the terms of any Interim Use Permit shall be established and conducted in conformity with the terms of such permit and of any conditions designated in connection therewith. If the applicant does not abide by the conditions set forth in the permit, the Township has the right to either revoke the permit or hold another hearing to investigate and set additional conditions.

6. **Fees.** The applicant shall pay all IUP and recording fees as determined by the Town Fee Schedule. The Applicant shall also deposit with the Town a sum determined by the Zoning Administrator for all Town costs and fees (legal, engineer, expert and other assistance). All fees are considered the minimum amounts necessary to reimburse the Township for costs incurred in processing the application and investigating the application and the proposed premises and are, therefore, nonrefundable. As a condition of approval of the IUP, the Township Board may require an additional annual Inspection Fee as stated in the Fee Schedule. The Annual Inspection Fee shall cover the cost of Staff or their agent to inspect the property as required within the IUP's conditions of approval.

Subdivision 4: List of Interim Uses:

1. Asphalt Plants, Portable Only
2. Auction Business
3. Automobile mechanical and/or body repair shop
4. Bed & Breakfast
5. Businesses Selling Vehicles, Boats or Farm Implements
6. Campgrounds, Recreational
7. Church
8. Contractors' Yards
9. Reserved
10. Farm-Related Business
11. Grading, Excavating or Filling of 1,000 to 10,000 Cubic Yards
12. Grading, Excavating or Filling of 10,000 Cubic Yards or More
13. Home Occupation
14. Commercial Kennel
15. Light Industry
16. Occasional Special Event
17. Permanent Municipal, Township or County Structure

18. Private Game Refuge and Wildlife Management Area
19. Recreational activity
20. Recycling Operations Facility for Non-Hazardous Waste
21. Riding Academies Stable
22. School Bus Service
23. Seasonal or Temporary Businesses
24. Seasonal Storage
25. Temporary Tire and/or Waste Collection and/or Recycling Operations
26. Temporary Use by Government Entities
27. Windpower Management
28. Yard Waste Composting

Subdivision 5: Conditions:

1. **Asphalt Mixing Plants, Portable**, provided:
 - A. The plant and equipment must be located and screened in such a manner so as to have the least environmental and aesthetic impact on adjacent properties.
 - B. Traffic to and from the mining site shall be routed to avoid streets that primarily serve abutting residential properties.
 - C. All Federal, State and local air, water and noise standards must be met. All necessary Federal, State and local permits shall be obtained by the operator.
 - D. Aggregate mined on site must be adequate for use in asphalt or concrete and must be the primary sources of aggregate used in the plant.
2. **Auction Business**, provided:
 - A. The entire operation takes place on ten (10) acres or more.
 - B. The applicant shall demonstrate adequate on-site parking and restroom facilities.

- C. Goods to be auctioned may be displayed outside in a secured area two (2) weeks prior to the auction, and must be removed from outside within two (2) weeks after the auction unless otherwise required by the IUP.
 - D. All signage shall comply with Section 14, subdivision 2 of the Zoning Ordinance.
3. **Automobile Mechanical and/or Body Repair Shops**, provided that all storage of vehicles with damaged body parts is screened from view as required in Section 14, General Development Regulations, of this Ordinance.
4. **Bed & Breakfast**, provided:
- A. The facility may have no more than eight (8) guest rooms, used by temporary guests.
 - B. The owner or caretaker shall live in the facility during normal operations.
 - C. Banquets, weddings, commercial meetings, luncheons, and similar activities serving more than ten (10) guests may require an IUP for “An Occasional Special Event” unless otherwise permitted by the IUP conditions.
 - D. Rooms used for sleeping shall be part of the primary residential structure. The facility shall have a minimum of one (1) parking stall per guest room, and two (2) parking stalls for staff. All parking shall be off-street.
 - E. There may be one non-illuminated sign totaling not more than 12 sq ft in size, located on the property, but outside of the public right-of-way.
5. **Businesses Selling Vehicles, Boats, or Farm Implements** provided:
- A. No item shall be parked on any required parking or driveway setback.
 - B. Other requirements normally applying to commercial development are followed.
6. **Campgrounds, Recreational**, provided:
- A. The campground shall be seasonal, and shall not be in use from November 1st through May 1st. Areas within a floodplain shall not be in use from October 1st through May 1st. Campgrounds shall comply with all local, state, and federal rules and regulations.
 - B. The campground owner/operator shall provide an operational plan, to be approved by the Township Board. In addition to addressing the provisions listed in this section, the operational plan shall include the calendar months of the year which the campground will operate, the maximum number of camping sites including the type of site (i.e. primitive tent camping, RV full hook-ups, etc).

- C. The campground owner/operator shall obtain a primary or annual license from the Minnesota Department of Health in compliance with Minnesota Statutes, prior to recording of the IUP and shall submit a copy of the license to the Township.
- D. All overnight guests of the campground shall register their names, permanent address(s), make and model of vehicle(s), and license plate number(s). The campground owner/operator shall retain this registration log for at least one-year, and shall be made available to law enforcement officials upon request.
- E. Campgrounds shall provide a caretaker or attendant who shall maintain all facilities in a clean, orderly and sanitary condition. The caretaker or attendant shall be readily available at all times in case of an emergency.
- F. The storage, collection, and disposal of refuse and garbage in a recreational campground shall be so conducted as to not create a health hazards, rodent harborage, insect breeding areas, accident or fire hazards, or air pollution. In recreational camping areas, garbage and refuse containers shall be provided on the ratio of at least one for every four sites. Refuse and garbage collection shall be made at least twice each week and more often when necessary to prevent nuisance conditions.
- G. Campgrounds shall have a Grading and Drainage Plan approved by the Township Engineer.
- H. Wells and septic systems shall comply with MN Department of Health, Sherburne County and MPCA regulations.
- I. Campgrounds shall have an adequately sized severe weather shelter(s) on-site, as approved by the Building Official. Temporary campgrounds established as emergency housing in a disaster area as declared by the Governor or President of the United States may be exempt unless its use exceeds a period of 18 months.
- J. Campgrounds shall provide an evacuation plan in case of severe weather, flood, fire, or other disaster, as approved by the Sherburne County Emergency Management Director, and shall be provided to campers at the time of registration.
- K. All livable structures (i.e. RV's, park trailers, etc) must be road ready, licensed (if applicable) and able to operate on their own power, or towed on public roads in a legal manner.
- L. The Campground owner shall maintain streets and roadways in the campground so as to permit passage of emergency vehicles and reverse maneuvering of recreational vehicles.

- M. Each RV site shall be a minimum of 16' in width and 70' in depth (minimum area of 2,000 sq ft per RV site) to accommodate an RV and secondary vehicle.
 - N. Each tent site shall be a minimum of 10' wide and 30' in depth and accommodate the structure and one parking space.
 - O. On site toilets, bathing, and laundry facilities shall comply with state rules and statutes.
 - P. All dead storage fish houses must be accessible to emergency vehicles.
 - Q. All campsites shall comply with applicable DNR setbacks for permanent and temporary structures, and recreational vehicles.
 - R. No permanent structures shall be permitted within a Floodway.
 - S. No domestic animals or pets of occupants of the campground may run at large, or be a public nuisance.
7. **Churches**, including related structures and activities located on the same site which are an integral part of the church proper, and convents or homes for persons related to the religious functions.
8. **Contractors' Yard**, provided:
- A. The site is at least 5-acres in size if located in the Agricultural District, or meets the minimum lot size requirement in the Industrial District.
 - B. If the Contractor's Yard is located in the Agricultural District, the contractor's yard and all related uses may not be located within a platted subdivision, and must be setback a minimum of 250' from the property line.
 - C. If the site is located within the Agricultural District, there may be a maximum of ten commercially licensed motorized or non-motorized vehicles associated with the Contractor's Yard (includes trucks, trailers, skid loaders, backhoes, etc).
 - D. The site may not be located within the Mississippi Scenic District or the Floodplain District.
 - E. The site must be located on a hard-surface public road unless access via a gravel road is approved by the Township.
 - F. All outside storage shall be screened from residential areas.
 - G. If located in the Agricultural District, there may be a maximum of two (2) employees working on-site other than a family member residing on the property.

This does not include employees who are on-site only to pick up and drop off equipment and materials.

H. Applicants shall include the following information with their IUP application:

1. A written description describing the proposed contractor's business and activities conducted on-site, including the following:
 - (a) The number of employees (full-time and part-time) reporting to the site
 - (b) The type and amount of equipment stored on-site
 - (c) The type and amount of materials and supplies stored on-site
 - (d) If, how, and where equipment will be maintained on-site
2. A survey or aerial photo showing the following:
 - (a) Parcel acreage.
 - (b) Location and dimensions of all existing and proposed buildings on the property.
 - (c) Location and dimensions of existing and proposed outdoor storage areas.
 - (d) Location and details of existing and proposed screening.
 - (e) Location and distance of neighboring residences.
 - (f) Location of well, septic or other sanitary facilities on-site.

9. **Reserved.**

10. **Farm-Related Businesses.** Business directly related to the conduct of commercial agriculture, provided:

- A. The business is primarily farm-related under one or more of the following criteria:
 1. The business provides a repair or maintenance service for equipment unique and necessary to agricultural operations.
 2. The business produces a product or involves a process that utilizes locally grown or produced commodities.
 3. The business involves sales and/or purchasing of products of the local agricultural economy or of goods unique and necessary to agricultural operations.
- B. Sewage is treated by an on-site sewage system and in accordance with Section 14 of this Ordinance.

- C. The business is of a scale that the demand for support services such as sewer, water, police, fire protection, roads or streets, can be accommodated within the context of the service levels available in the Agricultural District.
 - D. The business is operated in conformance with the conditions of an approved plan of operation.
 - E. The applicant submits a copy of Workers' Compensation Insurance or signs an affidavit stating that he will not have any employees.
11. **Grading, Excavating or Filling of 1,000 to 10,000 Cubic Yards** for one project including, but not limited to, landscaping, excavation for wildlife habitat, excavation and preparation for building and similar activity, land improvement. This does not include construction completed with a Building Permit.
- A. An application must be submitted which includes the following:
 - 1. A site plan showing the location of grading, excavation or filling sites, and location of any areas for obtaining fill or for disposing of excavated materials.
 - 2. A cross-section sketch of the proposed work.
 - 3. A construction erosion control plan.
 - 4. A final grading plan and drainage plan acceptable to the Zoning Administrator. Evidence that current gravel tax has been paid.
 - B. Approval by the Soil and Water Conservation District (SWCD) may be required.
 - C. The permit shall be issued only upon findings that:
 - 1. There is no substantial environmental impact or that such impact will be alleviated through a restoration program and other conditions of the permit.
 - 2. The activity will have no substantial adverse impact on surrounding property or that such impact will be alleviated through the conditions of the permit.
 - D. Each permit shall contain the following minimum standards:
 - 1. Erosion control measures shall be required. Erosion and siltation of the surrounding area shall be prohibited.

2. Excavation shall not take place within 40 feet of a property line and/or no closer than to accomplish a 2.5:1 slope.
 3. Grading or filling in any Type 2, 3, 4, 5, 6, 7, or 8 wetland must be evaluated in accordance with Section 14 (General Regulations) of this Ordinance.
 4. The permit shall specify what operations are to occur in the permitted area and what general types of equipment may be used in the operation.
 5. An elevation benchmark shall be established in an area not to be disturbed.
 6. Excavation or grading that disturbs an area greater than one (1) acre in size shall submit a National Pollutant Discharge Elimination System Plan (NPDES), and a Storm Water Pollution Prevention Plan (SWPPP) from the MPCA. The applicant shall submit a copy of the NPDES and SWPPP permits to the County prior to any excavation.
- E. Restoration. All permits shall contain a restoration plan providing for the use of the land after project completion. The permit holder is responsible for restoration. Following are the minimum standards for restoration:
1. All disturbed areas shall be restored at the completion of the project.
 2. All restoration shall include the application of a minimum of 4 inches of topsoil or similar material that will support plant growth.
 3. Grading standards:
 - (a) Final grades shall be in conformity with the topography of the surrounding land.
 - (b) If the land is to be restored to crop production, no slope shall exceed 20 percent (5:1 slope).
 - (c) If the restoration is not for crop production, no grade shall exceed 35 percent (3:1 slope).
 4. All restored areas shall be seeded with a mixture recommended by the Soil and Water Conservation District or returned to crop production. The permit may require a reforestation plan. Reforestation requirements shall be based on the recommendation of the Soil and Water Conservation District and/or the County Forester.
 5. Standards II and III above may be raised or modified to accommodate a specific restoration plan.

- F. Performance Securities and Insurance for projects of more than 1,500 cubic yards, but less than 10,000 cubic yards:
 - 1. The permittee shall acquire and keep in force for the duration of the permit, liability insurance specifically covering the project. The permittee shall provide certification of insurance.
 - 2. A performance cash deposit shall be provided. The permit shall specify the amount and type of cash deposit required. The cash deposit shall be used to reimburse the Town for any monies, labor, or material expended to bring the operation into compliance with the conditions of the permit. The cash deposit may be used after non-renewal of the permit and failure to execute the restoration plan. The cash deposit may also be used if there is a failure to execute a phase of a restoration plan specifically scheduled in the permit. This option may be executed 180 days after written notice of non-compliance to the applicant.

The Town Board in its sole discretion may, but is not obligated to, accept a surety bond or other suitable security in lieu of a cash deposit.
- G. Portable or temporary concrete mixing plants are not allowed.
- H. Portable asphalt mixing plants may be allowed as a separate IUP under this Section.
- I. Grading, excavating or filling is not allowed in the Mississippi Scenic District.
- 12. **Grading, Excavating or Filling of 10,000 Cubic Yards or More.** The permit shall be issued only upon findings that there is no substantial environmental impact or that such impact will be alleviated through a restoration program and other condition of the permit and that the activity will have no substantial adverse impact on surrounding property or that such impact will be alleviated through the conditions of the permit. Each permit shall contain the following minimum standards unless modified by the Town Board, and all activities shall conform to these and any additional standards:
 - A. General Operating Requirements must address operating hours, dust control, housekeeping, and safety.
 - B. Minimum Requirements for the mining operation:
 - 1. No non-granular material shall be removed unless the permit is specifically for such an operation.
 - 2. Vertical faces shall be kept to a minimum except during active mining.

3. Mining shall not take place within 40 feet of a property line and/or no closer than to accomplish a 2.5:1 slope.
4. The permit shall specify what operations are to occur in the permitted area and what general types of equipment may be used in the operation.
5. Processing machinery must be located consistent with setback standards for structures from ordinary high water levels of public waters and from bluffs.
6. Excavation or grading that disturbs an area greater than one (1) acre in size shall submit a National Pollutant Discharge Elimination System Plan (NPDES), and a Storm Water Pollution Prevention Plan (SWPPP) from the MPCA. The applicant shall submit a copy of the NPDES and SWPPP permits to the County prior to any excavation.

C. The following information shall be provided by the person or agency requesting the permit:

1. Name and address of person or agency requesting the mining permit.
2. The legal property description and acreage of area to be mined.
3. The following maps of the entire site and including all areas within three hundred fifty (350) feet of the site. All maps shall be drawn at a scale of one (1) inch to one hundred (100) feet unless otherwise stated below. A digital drawing in a format compatible with the CAD software used by the County of the plat on County coordinates with all the information contained in Maps A, B & C. listed below.

Map A - Existing conditions to include:

- (a) Contour map, with two (2) foot intervals
- (b) Existing vegetation
- (c) Wetlands and existing surface water drainage patterns
- (d) Existing structures
- (e) Existing wells

Map B - Proposed Operations to include:

- (a) Structures to be erected
- (b) Location of a permit, accessible and visible bench mark elevation in the vicinity of the mining boundary
- (c) Location of sites to be mined showing depth of proposed excavation

- (e) Location of any open water
- (f) Setback line for property lines and ordinary high water levels of public waters
- (g) Location of storage of mined materials, showing maximum height of storage deposits
- (h) Location of vehicle parking, access roads and local routes to truck routes
- (i) Staging of mining activity
- (j) Resource management plan

Map C - End Use Plan to include: The following information shall be provided by the person or agency requesting the permit:

- (a) Final grade of proposed site showing elevations and contour lines at two (2) foot intervals
- (b) Location and species of vegetation to be replanted
- (c) Reclamation staging plan
- (d) Proposed land use and development plan.

D. Haul Route Plan. A plan shall be submitted for approval showing the public roads on which trucks will carry material from the site along with a schedule and means of cleaning the public roads of lost material. A haul route is not allowed over a Town Road unless permitted by the Town Board in this permit.

E. Restoration. All permits shall contain a restoration plan providing for the reuse of the land after resource exhaustion. The permit holder is responsible for restoration. The following are the minimum standards for restoration:

1. All areas where the resource is exhausted and not needed for other operations shall be restored at the completion of mining. The entire area shall ultimately be restored.
2. All restoration shall include the application of a minimum of 4 inches of topsoil or similar material that will support plant growth.
3. Grading standards:
 - (a) Final grades shall be in conformity with the topography of the surrounding land.
 - (b) If the land is to be restored to crop production, no slope shall exceed 20 percent (5:1 slope).
 - (c) If the restoration is not for crop production, no grade shall exceed 33 percent (3:1 slope).

4. All restored areas shall be seeded with a mixture recommended by the Soil and Water Conservation District or returned to crop production. The permit may require a reforestation plan. Reforestation requirements shall be based on the recommendation of the Soil and Water Conservation District and/or the County Forester.
5. Standards 3 and 4 above may be raised or modified to accommodate a specific reforestation plan.

F. Performance Securities and Insurance.

1. The permittee shall acquire and keep in force for the duration of the permit, liability insurance specifically covering the mining and/or restoration and related operations. The permittee shall provide certification of insurance.
2. A performance cash deposit shall be provided. The permit shall specify the amount and type of cash deposit required. The cash deposit shall be used to reimburse the Town for any monies, labor, or material expended to bring the operation into compliance with the conditions of the permit. The cash deposit may be used after non-renewal of the permit and failure to execute the restoration plan. The cash deposit may also be used if there is a failure to execute a phase of a restoration plan specifically scheduled in the permit. This option may be executed 180 days after written notice of non-compliance to the applicant.

The Town Board in its sole discretion may, but is not obligated to, accept a surety bond or other suitable security in lieu of a cash deposit.

G. Portable or temporary concrete mixing plants are not allowed.

H. Portable asphalt mixing plants may be allowed as a separate IUP under this Section.

I. Grading, excavating or filling is not allowed in the Mississippi Scenic District.

13. **Home Occupations**, provided:

- A. Such occupation is carried on entirely within the principal structure.
- B. No more than two people are employed other than a member of the household residing on the premises.
- C. Not more than 25 percent of the gross floor area of the residence is used for this purpose.

- D. One non-illuminated sign is allowed totaling not more than 3 square feet and located on the premises.
- E. No articles for sale are displayed so as to be visible from any street.
- F. No mechanical or electrical equipment is used if the operation of such equipment interferes with the desired quiet environment of the area.
- G. Such occupation does not generate more than three additional vehicles at any one time.

14. **Commercial Kennel:**

- A. Performance Standards. A commercial or private kennel may be allowed as an interim use in the Industrial District. Information to be submitted with Interim Use Permit Applications is as follows:
 - 1. No more than a maximum of six dogs over six (6) months of age may be kept at the kennel.
 - 2. A dead animal disposal plan in conformance with Minnesota Law.
 - 3. A site plan identifying the location and size of the lot and of all existing and proposed physical or structural improvements, such as buildings, dog runs and/or outside exercise areas, parking areas, food storage areas, water facilities, wells, septic systems and other improvements.
 - 4. A waste disposal plan, including how the owner will handle on-site kennel wash water. All applicants shall provide proper drainage for indoor and outdoor facilities. All applicants shall show existing and proposed surface drainage in relation to adjacent land owners and features.
 - 5. The name, address and phone number of the kennel operator and the name, address and phone number of the property owner, if different than the kennel operator.
 - 6. The number of employees and the approximate time periods per week employees will be overseeing kennel operations.
- B. The following standards shall apply to all kennels:
 - 1. The use shall comply with all applicable Federal, State, County and Township rules and regulations. If other Town rules are more restrictive, those will apply to all kennels.

2. All animals shall be treated humanely at all times.
3. All dogs over six (6) months of age shall be exercised daily.
4. No animals on the kennel site shall be debarked.
5. The owner/operator of the kennel shall operate the kennel as to not unreasonably disturb the peace and quiet of neighboring residents.
6. Structures used for animal confinement require a minimum one hundred (100) foot setback from any property line and five hundred (500) feet from any residential dwelling, other than the applicants, that exists at the time of application.
7. On-site waste facilities shall be designed to accommodate all waste generated from kennels including hosing and cleanup.
8. Kennel facilities shall be designed to accommodate seasonal extremes including adequate heating, ventilation and lighting.
9. Confinement areas must be maintained at a temperature suitable for the specific breed of animal, but in no case shall the temperature for indoor housing facilities be allowed to fall below fifty (50) degrees Fahrenheit for animals not acclimated to lower temperatures.
10. Different species of animals shall not be housed together unless they are compatible.
11. Animals with vicious dispositions shall be housed apart from other animals.
12. An indoor confinement area must be ventilated. Drafts, odors and moisture condensation must be minimized.
13. Indoor confinement areas must have at least eight (8) hours of illumination (natural or artificial) sufficient to permit routine inspection and cleaning.
14. Enclosures must be sufficient size to allow each animal to turn about fully and to stand, sit and lie in a comfortable, normal position. The enclosure shall be constructed so as to prevent injury to the animal being confined. Except for traditional sled dog species, chaining or tethering shall not be used for confining animals.

15. Adequate storage and refrigeration must be provided to protect food supplies from contamination and deterioration.
16. All animals must be fed at least once a day with clean, wholesome food, such as food certified by the Association of American Feed Control Officials, sufficient to meet the normal daily nutritive requirements for the animal's size age and condition.
17. Clean, potable water must be made available to all animals at least twice daily for periods of not less than one hour. All feeding and watering receptacles must be kept clean and sanitary.
18. Females in estrus must not be confined in the same enclosure with males except for breeding purposes. Animals used for breeding must be of compatible size and only one (1) male and one (1) female may be confined in a primary enclosure for breeding.
19. Animals affected with any clinical evidence of infections, contagious or communicable disease must be separated from other animals.
20. The owner of the kennel shall establish and maintain an effective program for the control of insects, ectoparasites, rodents and other pests.
21. All kennels shall be subject to periodic inspection by Town staff.
22. All outdoor kennel facilities shall provide adequate shelter from the elements including sunlight, wind, rain, snow and cold weather.
23. Kennel facilities shall be adequately drained and maintained in a healthful manner to prevent odors, diseases and vermin infestations. Kennel facilities must be cleaned and disinfected as often as necessary to maintain a clean and sanitary condition.
24. Signs shall meet the requirements of this Ordinance.
25. Commercial kennels must be licensed by the State and County.

15. **Light Industry**, provided:

- A. The applicant or business involves the processing or fabrication of certain materials or products where no process involved will produce noise, vibration, air pollution, fire hazard, or noxious emission which will disturb or endanger neighboring properties.
- B. The proposed business is located within an area of similar land uses and maintains or enhances the character of the immediate neighborhood.

16. **Occasional Special Events** under the following conditions:
 - A. An application is submitted which includes the following:
 1. A plot plan showing:
 - (a) Location of any grading, excavation or filling sites, and location of any areas for obtaining fill or for disposing of excavated materials.
 - (b) Location of any temporary buildings, stockpiled materials, and or industrial equipment.
 - (c) Location of storage area for equipment.
 2. A letter giving an in depth description of the proposed operation. Said letter should contain at a minimum:
 - (a) The number of employees reporting to the site.
 - (b) Plans for traffic control.
 - (c) A discussion of parts of the special event that may have an adverse impact on the environment or may impact neighboring property owners and methods for mitigation of any adverse factors.
 - (d) Plans for provision of sanitary facilities such as portable toilets for workers and attendees.
 3. The Township Board of Supervisors approves the application.
17. **Permanent Municipal, Township or County Structures** or uses of land except roads and their appurtenances and drainage systems established pursuant to Minnesota Statutes Chapter 103E.
18. **Private Game Refuge and Wildlife Management Areas** provided:
 - A. A permit is issued by the Minnesota Department of Natural Resources.
 - B. Hunting is allowed only by Interim Use Permit.
19. **Recreational Activities** conducted on a permanent, seasonal or scheduled basis subject to the following criteria:
 - A. A certificate of insurance and/or a performance surety may be required.
 - B. Sanitary facilities shall be installed as judged necessary by Township Board.

- C. An operational plan approved by the Township Board is established and all activities are conducted in accordance with the operational plan.
 - D. A stipulation is made in the permit as to the number of persons to be using the facility at any one time.
 - E. Any type of special event that will attract or involve more than the number of people stipulated in D above shall require approval of the Township Board.
 - F. The permit shall be subject to annual administrative renewal.
 - G. If the use involves a Shooting Range, then the Shooting Performance Standards in Minnesota Statutes Section 87A.02 must be met.
20. **Recycling Operations Facility for Non-hazardous Waste**, means provided a plan is approved by the Township Board controlling noise, litter, odors, traffic, air pollution and water pollution. In all cases the facility must meet all County, State and Federal statutes, rules, regulations, ordinances and/or agreements.
21. **Riding Academies, Stables** and similar uses, provided:
- A. The use must be located on a minimum of ten acres. The number of animal units permitted will be regulated by the permit.
 - B. If the facility has more than ten horses, an MPCA feedlot Certificate of Compliance must be issued.
 - C. If the facility has ten or fewer horses there must be an acceptable manure handling plan.
 - D. The facility is operated in conformance with an approved plan of operation.
22. **School Bus Service**. The operation, maintenance and storage of more than two school buses provided the following criteria are met:
- A. The school bus service must be located on a parcel of 10 acres or more.
 - B. The parcel must be on a hard surface road unless access via a gravel road is approved by the Township Board.
 - C. All buses must be screened from view from the public road by a combination or plantings, berming and/or fencing.

23. **Seasonal or Temporary Businesses**, provided:
- A. A plan for operations and schedule is submitted and approved by the Township Board.
24. **Seasonal Storage**, provided:
- A. The business may not be located within a residentially platted parcel.
 - B. The existing facility must consist of agricultural buildings converted for seasonal storage.
 - C. If the buildings used for seasonal storage are damaged or destroyed beyond 50% of their value as determined by the Building Official, they may be rebuilt for the purposes of seasonal storage in accordance with the Minnesota State Building Code.
 - D. An operational plan must be approved by the Township Board as stipulated within the conditions of approval.
 - E. Days and hours of operation shall be included within the “operational plan” with the understanding this is a seasonal storage facility.
 - F. The public shall not have individual access to the storage facilities. All access shall be gained by employees of the storage facility or their agent only.
 - G. There shall be no exterior storage of any kind.
 - H. Pre-existing seasonal storage businesses which may qualify for this Interim Use Permit shall obtain a Interim Use Permit within six months of the effective date of this ordinance or shall be in violation of the Haven Township Zoning Ordinance.
25. **Temporary Tire and/or Waste Collection and/or Recycling Operations**, provided:
- A. Adequate parking and restroom facilities shall be provided.
 - B. A mitigation plan is submitted, controlling water pollution, air pollution, traffic, litter, odors and noise.
 - C. Events held by governmental entities are exempt from obtaining an IUP.
 - D. An operational plan must be approved by the Township Board as stipulated within the conditions of approval.

26. **Temporary Use by Government Entities** under the following conditions:

- A. An application is submitted which includes the following:
1. A plot plan showing the location of the temporary use and any temporary structures, parking areas, etc.
 2. A cross-section sketch of the proposed work if applicable.
 3. A construction erosion control plan.
 4. A drainage and restoration plan for a use permitted in the District.
 5. A letter giving an in depth description of the proposed operation. Said letter should contain a minimum:
 - (a) The number of employees reporting to the site.
 - (b) Plans for traffic control at the temporary site and in the location of the project if at a location other than the site.
 - (c) A discussion of parts of the operation that may have an adverse impact on the environment or may impact neighboring property owners and methods for mitigation of any adverse factors.
 - (d) Plans for provision of sanitary facilities for workers.

27. **Windpower Management.**

- A. Purpose: The purpose of this ordinance is to regulate all proposed wind energy facilities with a rated capacity of less than 5 megawatts (5,000 kw) as either a permitted use or an Interim Use.
- B. Windpower systems shall be divided into two categories; Hobbyist and Commercial.
- C. Compliance with Codes and Standards: All wind turbines shall be in compliance with all applicable state and federal regulatory standards including:
1. All applicable codes and rules as adopted by the State of Minnesota, including all construction codes.
 2. The National Electrical Code as adopted by the State of Minnesota.
 3. The National Electric Safety Code.

4. FAA requirements.
5. MPCA / EPA regulation (hazardous waste, construction, storm water, etc.).

D. Certifications:

1. Equipment shall conform to applicable industry standards for wind turbine design and related standards adopted by the American National Standards Institute (ANSI). The equipment shall have a manufacturer's certification that is in compliance with industry standards and all electrical is UAW listed.
2. Additional information may be required for all turbines that are experimental, used or prototype devices. Maintenance record, inspection by qualified wind energy professionals or some other documentation of unit integrity may be requested.
3. A professional engineer registered in the State of Minnesota shall certify that the design, construction and operation and that the tower and foundation are compatible with and appropriate for the turbine to be installed.

E. Plan Requirements for Commercial: A description of the project including number and capacity of turbines, height and diameter of turbine rotors, turbine color, and rotor direction shall be submitted upon application of a Interim Use Permit. The description must include the following:

1. A site plan, detailing the location of the project area boundaries, turbines, roads, transformers, power lines, communication lines, interconnection point with transmission lines, and other ancillary facilities or structures. (including support).
2. Topographic map of the project site and surrounding area.
3. Current land use on the site and of the surrounding area.
4. Distance to impacted properties.
5. Decommissioning plan.
6. Engineering certification of tower and foundation design suitability for turbine and soils.
7. Certification by an engineer as to compliance with all codes.

8. On experimental turbines, used or prototype devices, additional information may be requested.
9. All Wind Energy Conversion Systems must have a manual and automatic braking system device capable of halting operation in high winds as per the manufacturer's design.

F. Setback Requirements:

Object: Setback:

Residence (except property owner)	550 feet
Project Boundary / Property Line	500 feet
Public Roads (from right-of-way)	300 feet
Minimum Acreage	10

- G. Hobbyist. This type of system is designed for small load personal use or to supplement commercial grid supplied electricity. The system may be connected to the commercial electrical grid and electricity sold.
1. Requires a land use permit including a site plan. Site Plan must include the following:
 - (a) Number, type, name plate generating capacity, tower height, rotor diameter, and total height of all wind turbines and means of interconnecting with the electrical grid, and all related accessory structures. The site layout shall include distances and be drawn to scale.
 - (b) Manufacturers Certification.
 2. Towers are free standing and guyed, and do not exceed 100 feet in height (exclusive of the rotor blades).
 3. Maximum electrical output may not exceed 20 kilowatts.
 4. Systems that directly connect to the commercial electrical grid shall conform to National Electrical Code (NEC).
 5. Applications for wind energy systems that directly connect to the commercial electrical grid shall be accompanied by a Net Excess Generation (NEG) contract with the respective electrical power company.
 6. Towers shall be setback from all property lines and public road right-of-ways an amount equal to the height of the tower plus 25 feet.
 7. Minimum acreage is 2 acres.

8. Allowed only in Commercial District, Industrial District, and Agricultural District. Not permit in Mississippi Scenic River District.
 9. All Wind Energy Conversion Systems must have a manual and automatic braking system device capable of halting operation in high winds as per the manufacturer's design.
- H. Noise Standards: Noise is regulated by the Minnesota Pollution Control Agency under Chapter 7030. These rules establish the maximum night and daytime noise levels that effectively limit wind turbine noise to 50 db at neighboring residences.
- I. Decommissioning (required for all Commercial Wind Turbines).
1. The property owner shall ensure that facilities are properly decommissioned upon end of project life or facility abandonment. Decommissioning shall include: removal of all structures and debris to a depth of four feet; restoration of the soil; and restoration of vegetation (consistent and compatible with surrounding vegetation) shall also be required. A notice of the existing footing and location of the wind facility must be recorded on the property's legal description at the same time the IUP is recorded.
 2. The decommissioning plan shall include the following:
 - (a) When and how a facility is to be decommissioned.
 - (b) Estimated cost of decommissioning.
 - (c) Financial guarantee to be used to accomplish decommissioning.
- J. Aesthetics: The following standards are recommended to mitigate visual impacts:
1. Coatings and Coloring: Non-reflective unobtrusive color. Black blades are acceptable for mitigation of icing.
 2. Signage: Including anything on the tower shall be consistent with other county ordinances pertaining to signage and may only be superseded by State or Federal Ordinance.
 3. Lighting: Projects shall utilize minimal lighting. No tower lighting other than normal ground security lighting shall be permitted except as may be required by the FAA.
 4. Intra-project Power and Communication Lines: Shall follow codes for all power lines.
 5. Security shall be addressed for the tower and any ancillary facilities.

6. All wind turbines which are part of a Commercial Wind Energy Conversion System, shall be installed with a tubular, monopole type tower.

K. Public Services:

1. Roads: Contractor and Township will conduct evaluation of current conditions. If damage occurs to road, contractor will be required to pay appropriate amount or repair road to pre-construction condition. Contractor will be required to obtain all required permits.

- L. Interference: The applicant shall minimize or mitigate interference with electromagnetic communications, such as radio, telephone, microwaves, or television signals caused by any Wind Energy Conversion System. The applicant shall notify all communication tower operators within two miles of the proposed Wind Energy Conversion System location upon application to the Township for permits. No Wind Energy Conversion System shall be constructed so as to interfere with County or MN Department of Transportation microwave transmissions

- M. Hours of operation shall be 6:00 am to 6:00 pm Monday through Saturday unless otherwise required in the IUP based on noise, traffic and air control mitigation measures.

28. **Yard Waste Composting**

- A. Composting of grass clippings and leaves would be allowed as an Interim Use Permit provided the following requirements can be met:

1. Drop-offs are allowed from commercial business and / or licensed haulers.
2. If government entities or citizen drop-offs are allowed, additional conditions will be required for security, and removal of separate waste streams.
3. Only leaves, brush and grass clippings can be accepted at the site.
4. Must obtain a County Solid Waste Facility License Agreement for the operation of a Yard Waste Compost Facility.
5. Cannot be located in a platted development or within 1000 feet of a platted development.
6. Must be located at least 1,000 feet from the nearest residence.

7. The site may not be located within the Scenic District or the Floodplain District.
8. The site must be located on a hard-surface public road unless access via a gravel road is approved by the Township.
9. All outside storage shall be screened from residential areas.
10. The number of employees (full-time and part-time) reporting to the site.
11. All material must be removed prior to transfer or sale of property.
12. Material must be removed prior to the end of the permit.
13. The compost site shall not be greater than 10,000 cubic yards in size.
14. A sunset date shall be set with each permit issued.
15. The site and operation must comply with all County, State and Federal laws, rules, regulations, ordinances and agreements.

B. Must submit the following with the application:

1. Aerial photo showing property lines, roads, area for compost, proposed location of final compost product, structures.
2. Provide an operational plan that would include security plan, hours and days of operation, written description of how residual MSW (petroleum based yard waste bags) brought to the site will be removed, how many trucks are anticipated to bring grass clipping and leaves to the site and assumed route and means of cleaning the public roads of lost material.
3. Explanation of all equipment to be used on-site.
4. Total amount of materials anticipated to be composted annually.
5. Explanation of end use of product. Will it be available for public to buy on-site or sold to commercial operations?
6. State the separation to groundwater from where the compost piles will be located.
7. Location and dimensions of existing and proposed outdoor storage areas.

8. Location and details of existing and proposed screening.
9. Location and distance of neighboring residences.
10. Location of well, septic or other sanitary facilities on-site.

FINAL

SECTION 13 - RESERVED

FUNERAL

SECTION 14 - GENERAL DEVELOPMENT REGULATIONS

Subdivision 1:	Sewer and Water Systems
Subdivision 2:	Sign Regulations
Subdivision 3:	Parking and Loading Regulations
Subdivision 4:	Performance Standards
Subdivision 5:	Reserved
Subdivision 6:	Yard Landscaping
Subdivision 7:	Controls during Construction
Subdivision 8:	Exterior Storage of Materials
Subdivision 9:	Accessory Buildings
Subdivision 10:	Non-Conforming Buildings, Signs Sewage Systems or Other Uses
Subdivision 11:	Calculating Lot Sizes
Subdivision 12:	Tree and Woodland Preservation
Subdivision 13:	Building in Fire Prone Areas
Subdivision 14:	Wetland Conservation Act Regulations
Subdivision 15:	Swimming Pools and Spas
Subdivision 16:	NPDES/MS4 Permits

Subdivision 1: Sewer and Water Systems

All sewage and water systems hereafter constructed or maintained shall conform with the provisions of Minnesota Rules Chapter 7080 and all Sherburne County Rules.

1. County Enforcement

- A. Sherburne County shall enforce all on-site septic and private sewer systems in Haven Township.

Subdivision 2: Sign Regulations

All signs hereafter erected or maintained, except official, public traffic and street signs shall conform to the provisions of this Subdivision and any other ordinances or regulations of Haven Township.

1. **General Sign Provisions**

- A. Unless otherwise provided by this Section, all signs shall require permits. No permit is required for the maintenance of a sign or for a change copy on printed or changeable copy signs.
- B. Prohibited signs: The following types of signs are prohibited in all districts:
1. Abandoned signs which no longer identify or advertise a bona fide business, service, product, or activity or for which no legal owner can be found.
 2. Signs imitating or resembling official traffic or government signs or signals.
 3. Signs attached to trees, telephone poles, public benches, street lights, or placed on any public property or public right-of-way.
 4. Signs placed on vehicles or trailers which are parked or placed for the primary purpose of displaying said sign except for portable signs or lettering on buses, taxis, or vehicles operating during the normal course of business.
 5. Signs suspended beneath a canopy, overhang, roof, or marquee without a minimum clearance from grade of eight (8) feet in a vehicular way or seven (7) feet in a pedestrian way.
 6. Any roof sign or sign erected above the roof line of a building.
 7. Any sign placed that may obstruct motorist or pedestrian visibility.
 8. Rotating, flashing or animated signs.
 9. Unsafe/dangerous signs.
- C. Signs Not Requiring Permits: The following types of signs are exempt from permit requirements but must otherwise be in conformance with all requirements of this section:
1. On-premise construction signs having a sign area of sixty-four (64) square feet or less.
 2. On-premise directional/informational signs having a sign area of four (4) feet or less.

3. Holiday decorations.
 4. On-premise nameplates having a sign area of four (4) square feet or less.
 5. Political signs, on-premise private sale or on-premise event signs.
 6. On-premise real estate signs having a sign area of six (6) square feet or less.
- D. **Maintenance:** All signs shall be properly maintained including the ground around the sign. Exposed surfaces shall be clean and painted if paint is required. Defective parts shall be replaced on conforming signs. The Zoning Administrator shall have the right to order the repair or removal of any sign which is defective, damaged, or substantially deteriorated.
- E. **Lighting:** Unless otherwise specified by this Section, all signs may be illuminated. However, no sign regulated by this Section may utilize flashing or revolving beacon lights. Lighting shall be directed away from road right-of-ways and adjacent dwellings.
- F. **Changeable Copy:** Unless otherwise specified by this Section, a sign may use manual or automatic changeable copy.
- G. **Sign Setback:** All signs shall be setback from any lot line a minimum of ten (10) feet measured from the outermost edge of the sign. No sign shall protrude into any public right-of-way or adjacent public or private property.

2. **Regulation of Signs by Zone**

- A. **Signs Permitted in all Zones:** The following signs are allowed in all zones:
1. All signs not requiring permits as set forth in paragraph 3 (C) of this Section.
 2. One (1) on-premise temporary combination area identification, construction and real estate sign not to exceed ninety-six (96) square feet in sign area or fifteen (15) feet in height.
 3. One (1) on-premise attached nameplate per occupancy, not to exceed four (4) square feet in sign area.
 4. Political signs are permitted in any zone. Such signs shall be consistent with State Statute. Political signs may be placed only on private property and only with the permission of the property owner. Such signs shall not be illuminated.

5. On-premise Directional/Informational signs not to exceed (4) square feet per sign in sign area.

B. Signs permitted in Agricultural and Scenic River Zones:

1. All signs permitted in paragraph 2.A.4 of this section.
2. One (1) permanent area identification sign per neighborhood, subdivision, or development, not to exceed thirty-two (32) square feet in sign area. The area identification sign shall be placed on the same premise as the development which it identifies.
3. For permitted nonresidential uses, such as churches, synagogues, and schools, one (1) on-premise freestanding sign and one (1) wall business sign not to exceed ninety-six (96) square feet in total sign area.
4. Any combination of on-premise freestanding and wall mounted real estate signs for model homes having a combined total sign area not to exceed thirty-two (32) square feet. Freestanding signs for model homes shall have a maximum height of five (5) feet.
5. Agricultural crop demonstration signs having a sign area of six (6) square feet or less.

C. Signs permitted in Commercial and Industrial Zones:

1. All signs permitted in paragraph 2.A.4 of this Section.
2. One (1) permanent area identification sign per subdivision or development, not to exceed sixty four (64) square feet in sign area. The area identification sign shall be placed on the same premise as the development which it identifies.
3. One (1) free standing on-premise sign not to exceed one hundred sixty four (164) square feet. Such signs may not exceed a maximum of forty (40) feet in height."
4. One (1) on-premise business wall sign per premise, not to exceed one (1) square foot of sign area for each linear foot of building frontage up to a maximum of one hundred twenty eight (128) square feet.
5. Off-premise advertising signs shall be permitted subject to the following requirements:

- (a) Off-premises signs are prohibited within three hundred (300) feet of the intersection of the highway right-of-way and any other right-of-way or driveway.
- (b) Advertising signs are prohibited within one thousand two hundred (1,200) feet of another advertising sign on the same side of the right-of-way.
- (c) All advertising signs shall be erected with a single pole or mono-pole structural standard and shall have underground wiring.
- (d) The base of any advertising sign must be landscaped with at least grass and must be properly maintained.
- (e) Advertising signs shall not exceed four hundred (400) square feet in area nor twenty-five (25) feet in height as measured perpendicularly from the height of the highest point of the sign structure to the grade level directly below the sign. The existing grade may not be altered for the purpose of increasing sign height.
- (f) Advertising signs shall be considered a principal use of the property. Existing advertising signs must be removed when the parcel upon which they are situated is devoted to another principal use.
- (g) The Township shall perform a yearly inspection of the advertising devices to ensure compliance of said advertising structure with the provisions of this section and other provisions of this Ordinance. The fee for said inspection shall be set by the Board of Supervisors by resolution from time to time.
- (h) Such advertising signs shall only be allowed in zoned property adjacent to right-of-way for State Highways number 10.

D. Nonconforming Signs:

- 1. Nonconforming Signs: Existing signs which do not conform to the specific provisions of this Section may be eligible for the designation "Legal Non-conforming" provided that:
 - (a) The Zoning Administrator determines that such signs are properly maintained and do not in any way endanger the public.
 - (b) The sign was authorized by a valid permit and constructed in compliance with all applicable laws prior to the date of adoption of this ordinance.
- 2. A legal non-conforming sign may lose this designation if the sign is relocated, replaced, altered or damaged by more than fifty percent (50%).

Subdivision 3: Parking and Loading Regulations

All parking hereafter constructed or maintained shall conform with the provisions of this Subdivision and any other ordinance or regulations of Haven Township.

1. **Minimum Size Regulations:** Each space shall have a width not less than 9 by 18 feet. Each space shall be adequately served by access drives. All loading spaces shall be sufficient to meet the requirements of each use and shall provide adequate space for storage and maneuvering of the vehicles they are designed to serve.
2. **Reduction and Use of Parking and Loading Space:** On-site parking facilities existing at the effective date of this Ordinance shall not subsequently be reduced to an amount less than that required under this Ordinance for a similar new building or use. On-site parking facilities provided to comply with the provisions of this Ordinance shall not subsequently be reduced below the requirements of this Ordinance. Such required parking or loading space shall not be used for storage of goods or for storage of vehicles that are inoperable or for sale or rent.
3. **Computing Requirements:** In computing the number of such parking spaces required, the following rules shall govern:
 - A. Floor space shall mean the gross floor area of the specific use.
 - B. Where fractional spaces result, the parking spaces required shall be constructed to be the nearest whole number.
 - C. The parking space requirement for a use not specifically mentioned herein shall be the same as required for a use of similar nature, as determined by the Board of Supervisors and the Town Board.
4. **Buffer Fences and Planting Screens:** On-site parking and loading areas near or abutting residence of residential district shall be screened by a buffer fence of adequate design or a planting buffer screen; plans of such screen or fence shall be submitted for approval as a part of the required site or plot plan, and such fence or landscaping shall be installed as part of the initial construction.
5. **Access:**
 - A. Parking and loading space shall have proper access from a public right-of-way.
 - B. The number and width of access drives shall be so located as to minimize traffic congestion and abnormal traffic hazard.
 - C. Vehicular access to business or industrial uses across property in any residential district shall be prohibited.
6. **Location of Parking Facilities and Combined Facilities:** Required on-site parking space shall be provided on the same lot as the principal building or use, except that combined or joint parking facilities may be provided for one or more buildings or uses in Commercial or Industrial Districts, provided that the total number of spaces shall equal the sum of the requirements for each building or use.

7. **Construction and Maintenance:**
 - A. In the Commercial and Industrial Districts, parking areas and access drives shall be covered with a dust-free, all-weather surface with proper surface drainage, as required by the Township Engineer.
 - B. The operator of the principal building or use shall maintain parking and loading areas, access drives and yard areas in a neat and adequate manner.
8. **Lighting:** Lighting shall be reflected away from the public right-of-way and nearby or adjacent residences.
9. **Required Site Plan:** Any application for a building permit shall include a site plan or plot plan drawn to scale and dimensioned, showing on-site parking and loading space to be provided in compliance with this Ordinance.
10. **Required Number of On-Site Parking Spaces:** On-site parking areas of sufficient size to provide parking for patrons, customers, suppliers, visitors and employees shall be provided on the premises of each use. The minimum number of required on-site parking spaces for the following uses shall be as follows:
 - A. Assembly or exhibition hall, auditorium, theater or sports arena - One parking space for each three seats.
 - B. Churches - One parking space for each four seats, based on the design capacity of the main seating area.
 - C. Bowling alley - Five parking spaces for each bowling lane.
 - D. Convenience food restaurant - At least 2 parking spaces for each table.
 - E. Elderly Persons' Housing - Area equal to one parking space per dwelling unit must be reserved. Only one-half space per dwelling unit must initially be developed, however. Said number of spaces can continue until such time as the Board determines the additional parking space is needed.
 - F. Grocery store - Seven spaces per 1,000 square feet of floor area.
 - G. Manufacturing plant - One space for each employee on the major shift plus one space for each company vehicle when customarily kept on the premises.
 - H. Medical and dental clinics and animal hospital - Three parking spaces for each doctor.
 - I. Motel - One parking space for each rental room or suite plus one space for every ten units and one additional space for each employee on the major shift, plus additional

spaces as may be required herein for related uses contained within the principal structure.

- J. Multiple dwelling or mobile home park - A minimum of two off-street parking spaces per dwelling unit for residents' use plus a minimum of one-half off-street space per dwelling unit for visitors' use. The driveway in front of a garage may not be counted as a parking space.
 - K. Office buildings - One parking space for each 250 square feet of floor area.
 - L. Restaurant, cafe, nightclub, tavern or bar - One parking space for each 75 square feet of customer floor area.
 - M. Retail stores and service establishments - Five spaces per 1,000 square feet of floor area.
 - N. Single family dwelling - Two parking spaces. No garage shall be converted into living space unless other acceptable on-site parking space is provided.
 - O. Shopping Center - Where several business uses are grouped together according to a general development plan, on-site automobile parking shall be provided in a ratio of not less than five spaces per 1,000 square feet of gross floor area.
 - P. Warehouse - One parking space for each two employees on the major shift or one parking space for each 2,000 square feet of floor area, whichever is greater, plus one space for each company vehicle when customarily kept on the premises.
11. **Required Loading Areas:** Loading and unloading areas for goods, supplies and services shall be sufficient to meet the requirements of each use.

Subdivision 4: Performance Standards

It is the intent of this Subdivision to provide that uses of land and buildings in all Districts shall be established and maintained with proper appearance from streets and adjoining properties and to provide that each permitted use shall be a good neighbor to adjoining properties by the control of the following:

- 1. **Standards:**
 - A. **Noise.** Noise shall be measured on any property line of the tract on which the operation is located. Noise shall be muffled so as not to become objectionable due to intermittence, beat frequency, shrillness or intensity.
 - B. **Odors.** Odors from any use hereafter begun shall not be discernible at the property line to a greater degree than odors from plants for the manufacture or fabrication of books, textile weaves, electronic equipment or other plants in which operations do

not result in greater degree or odors. Detailed plans for the prevention of odors crossing property lines may be required before the issuance of a building permit.

- C. **Glare.** Glare, whether direct or reflected, such as from floodlights or high temperature processes, and as differentiated from general illumination, shall not be visible beyond any property line.
 - D. **Exterior Lighting.** Any lights used for exterior illumination shall direct light away from adjoining properties.
 - E. **Vibration.** Vibration shall not be discernible at any exterior property line to the human sense of feeling for three minutes or more duration in any one hour.
 - F. **MPCA Requirements:** Any use established, enlarged, or remodeled after the effective date of this ordinance shall be so operated as to meet the minimum requirements of the Minnesota Pollution Control Agency for the omission of smoke or other particulate matter.
 - G. **Fumes or Gases.** Fumes or gases shall not be emitted at any point in concentrations of amounts that are noxious, toxic or corrosive. Detailed plans for the elimination of fumes or gases may be required before the issuance of a building permit.
 - H. **Hazard.** Every operation shall be carried on with reasonable precautions against fire and explosion hazards.
 - I. **Sewer & Water.** Any use established, enlarged, or remodeled after the effective date of this ordinance requiring private sewer and water systems must have adequate site conditions for such facilities to ensure public health. Site conditions such as soils, groundwater quality and quantity and other applicable conditions shall be considered.
2. **Compliance:** In order to insure compliance with the performance standards set forth above, the Board of Township Supervisors may require the owner or operator of any permitted or Interim Use to have made such investigations and tests as may be required to show adherence to the performance standards. Such investigation and tests as are required to be made shall be carried out by an independent testing organization as may be selected by the Township.

Subdivision 5: Reserved

Subdivision 6: Yard Landscaping

In all Districts, all required yards shall be either open landscaped and green areas or be left in a natural state. If any yards are to be landscaped, they shall be landscaped attractively with lawn, trees, shrubs, etc. Any areas left in a natural state shall be properly maintained in an attractive and well-kept condition. Yards adjoining any residence or residentially zoned property shall be

landscaped with planting buffer screens. Plans for such screens shall be submitted as a part of the application for building permit and installed as a part of the initial construction.

Subdivision 7: Controls During Construction

The following procedures shall be followed during site alteration or building construction:

1. All NPDES requirements apply in all cases. All Sherburne County Rules and Regulations concerning erosion control shall apply in all cases. Sherburne County Stormwater Management and Erosion Control Ordinances and Rules shall apply in all cases.
2. **Nuisance Control:** Noise that would disturb neighbors shall be minimized by not performing noisy work during early morning or evening hours or on weekends. Good judgment should be exercised by builders and staff in this matter. Also, reasonable appearances shall be maintained by eliminating blowing litter and by considerate storage of building materials and equipment.

Subdivision 8: Exterior Storage of Materials

In any Commercial or Industrial Districts, open storage of materials or goods in any required front, side or rear yard shall be prohibited. Any other outside storage shall be located or screened from view from any public street or residence with landscaping, a berm and/or fencing.

Subdivision 9: Accessory Buildings

1. In case an accessory building is attached to the main building, it shall be made structurally a part of the main building and shall comply in all respects with the requirements of this Ordinance applicable to the main building.
2. On parcels 5 acres or less, a detached accessory building not over 25 feet in height (from the ground floor to the highest point shall occupy not more than thirty percent of the area of any rear yard, providing further that no detached accessory building shall be located within any rear lot line. On a parcel greater than 5 acres, the height restriction is 35 feet.
3. A detached accessory building shall not be designed for living quarters and shall not occupy the only land available for sewer system replacement.
4. Detached accessory buildings are limited to the following sizes:

Less than 2.5 acres, platted areas and areas with four or more homes per quarter/quarter	Maximum 1,200 square feet
2.5 to 4.9 acres	Maximum 1,800 square feet
5 acres or more	No size limit. Must not conflict with other zoning regulations.

Subdivision 10: Non-Conforming Buildings, Signs, Sewage Systems or Other Uses

1. **Existing Uses.** Any use of lands or structures, lawfully existing as of July 5, 1994, may be continued only at the same size and the same manner of operation existing upon such date except as hereinafter specified.
2. **Damaged Uses.** No building or structure that has been damaged by fire, explosion, act of God or the public enemy to the extent or more than fifty percent of its value shall be restored except in conformity with the regulations of this Ordinance.
3. **Discontinued Uses.** In the event that a non-conforming use of any building is discontinued or its normal operation stopped for a period of one year, the use of same shall thereafter conform to the regulations of the District in which it is located.
4. **New Non-Conforming Uses.** When any lawful non-conforming use has been changed to a conforming use, it shall not thereafter be changed to a non-conforming use.
5. **Sewage Treatment Systems.** A sewage treatment system not meeting Sherburne County requirements must be upgraded, at a minimum, at any time a permit or variance of any type is required for any improvement on, or use of, the property. A sewage treatment system not meeting Sherburne County requirements must be upgraded prior to property transfer or registration of a contract for deed.
6. **Non-Conforming Lots of Record.** On non-conforming lots of record, where the normal setbacks from the public road or rear lot line cannot be met, an administrative exemption may be granted by the Zoning Administrator under the following conditions:
 - A. If there are structures on the adjacent lots that are also closer than the required setback and the proposed structure will be no closer to the road or property line than the structures on adjacent lots.
 - B. If the proposed structure is not located any closer than 50' from the centerline of the road.
 - C. If the proposed project meets all other structure, sewer and well setbacks.
 - D. If the project meets building and drainage policies.
 - E. If the public road is not a County Road, County State Aid Highway, or a U.S. Highway.
 - F. And if the proposed project can meet any other conditions deemed reasonable by the Zoning Administrator and Building Official.

Subdivision 11: Calculating Lot Sizes

When calculating a lot size, non-lake wetlands, public road and other public easements, and dedicated public road rights-of-way may not be included. Property beneath the normal high-water elevation of a lake recognized by the Minnesota Department of Natural Resources and property within the meander line of a stream may not be included.

Subdivision 12: Tree and Woodland Preservation

1. Developers, contractors and homeowners shall prevent the introduction and spread of tree disease into wooded building sites, and to reduce the impacts of construction on those and adjoining properties. Developers, contractors and subcontractors shall use construction practices which protect trees to be saved, and shall properly remove and dispose of diseased or damaged trees.
2. Developers proposing new residential subdivision areas with oak woods are required to schedule an on-site inspection with the County Forester for diagnosis of existing oak wilt infection centers on the property. If oak wilt is found, the developer must take appropriate suppression efforts before construction begins on the property.

Subdivision 13: Building in Fire Prone Areas

1. The solid portion of a conifer stand shall be removed for a distance of thirty (30) feet around the perimeter of the building. Single, well spaced trees may be left in this buffer area.
2. An alternate, passable driveway shall be installed. Two driveways will allow an escape route to inhabitants of the building should one become blocked by fire, and allow for entrance and movement of emergency equipment.
3. Building construction materials shall conform to reflect the relative fire danger of the area. Roofs and exteriors of buildings should be of fire resistant nature.

Subdivision 14: Wetland Conservation Act Regulations

All Federal, Minnesota and Sherburne County Wetland Conservation Act Rules and Regulations shall be complied with as determined by Sherburne County.

Subdivision 15: Swimming Pools and Spas

Construction or alteration of swimming pools, wading pools, and spas requiring a building permit, shall comply with the following regulations:

- A. Swimming pools and spas shall be enclosed and/or fenced with a minimum enclosure height of 48" above the adjacent grade elevation.

- B. The enclosure and/or fence shall be capable of being secured (example: locked). An above ground pool with a flood rim or deck at least 48” above the adjacent ground elevation may be considered to be enclosed. Ladders and/or stairs accessing an above ground pool shall be removable, or enclosed and secured.
- C. Fences and/or enclosures shall be constructed in a manner which prohibits a 4” sphere from passing through any opening, other than through a door or gate.

Subdivision 16: NPDES/MS4 Permit

No use or change in use will be allowed which may impact the Town NPDES and/or MS4 Permit. The Town Board reserves the right to allow such a use so long as the landowner/developer pays all costs of compliance and the proposed use is in the best interests of the Town, all as determined by the Town Board.

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SECTION 15 – RESERVED

FUNERAL

SECTION 16 - ADMINISTRATION AND ENFORCEMENT

Subdivision 1:	Building Official
Subdivision 2:	Zoning Administrator
Subdivision 3:	Board of Adjustment
Subdivision 4:	Amendments and Rezoning
Subdivision 5:	Interim Use Permits
Subdivision 6:	Building Permit, Certificate of Occupancy
Subdivision 7:	Violations, Penalties and Enforcement
Subdivision 8:	Planning Commission

Subdivision 1: Building Official

Sherburne County shall enforce all construction and building codes.

Subdivision 2: Zoning Administrator

1. The office of the Zoning Administrator is hereby established for which the Board of Township Supervisors may appoint such employee or employees of the Town as it may deem proper.
2. The duties of the Zoning Administrator shall include the following:
 - A. Receive and forward to the Board of Township Supervisors and the Township Planning Commission all applications for Interim Use Permits.
 - B. Receive and forward all applications and petitions for matters to come before the Board of Adjustment.
 - C. Receive and forward to the Board of Township Supervisors and the Township Planning Commission all applications for amendments to this Ordinance.
 - D. Inspect all development to insure that the standards of this Ordinance are being complied with.

- E. Provide and maintain a public information bureau relative to matters arising out of this Ordinance.
 - F. Maintain the Township Zoning Map.
 - G. All other duties as provided in this Ordinance.
3. It shall be the duty of the Zoning Administrator to enforce this Ordinance through the proper legal channels.
 4. It shall be the duty of the Township Attorney, County Attorney and the Sheriff of Sherburne County when called upon by the Zoning Administrator or Town Board, to perform such duties as may be necessary to enforce the provisions of this Ordinance.

Subdivision 3: Board of Adjustment

1. **Creation and Membership:** Board is hereby established and vested with such authority as is hereinafter provided and provided by Minnesota Statutes, Chapter 462. Such Board shall consist of at least three (3) members. The Board shall be appointed for three (3) year terms, or other term as determined by the Town Board. The Board of Adjustment shall elect a chair and vice chair from among its members. It shall adopt rules at the beginning of each year for the transaction of its business and shall keep a public record of its transactions, findings and determinations. The meetings of the Board of Adjustment shall be held at the call of the chair and at such other times as the Board in its rules of procedure may specify.
2. The Board of Adjustment shall hold a public hearing as required by Minnesota Law and this Ordinance. It shall make a recommendation to the Town Board. The Town Board may approve or deny the request, or may adopt, reject or modify the recommendation of the Board of Adjustment.
3. **Reserved.**
4. **Notification:** Written notice of time, place and purpose of the public hearings shall be published in the official newspaper, designated by the Board of Township Supervisors. Notices will be sent to the landowner, applicant, and owners of record within the distances specified in Minnesota Statutes Chapter 462.
5. **Variations:** An application for a variance shall be made through the Township Zoning Administrator.

Unless there has been a substantial change in circumstances, applications for the same purpose shall not be heard for one year after the date of denial. Variations are valid only if acted upon by the applicant within one (1) year of approval.

No variance application will be accepted from a landowner or for property on which there are existing violation(s) of any Haven Township Ordinance unless it is determined that the variance is necessary to resolve the violation (s).

The Town Board shall have all power under Minnesota Statutes Chapter 462 to grant a variance adjustment in and exception to dimensional regulations of this Ordinance to the extent of the following and no further;

- A. To vary or modify the strict application of any of the regulations or provisions contained in this Ordinance in cases in which there are practical difficulties or unnecessary hardships in the way of such strict applications; no variance or modification of the uses permitted within a district shall be allowed, except as otherwise provided in this Ordinance.

"Hardship" has the meaning in Minnesota Statutes Chapter 462, and also means that the property in question cannot be put to a reasonable use if used under the conditions allowed by this ordinance; the plight of the landowner is due to circumstances unique to the property not created by the landowner, and a variance will not alter the essential character of the locality. Economic considerations alone shall not constitute a hardship if a reasonable use for the property exists under the terms of this ordinance.

Variations shall not be granted if:

1. The terms of the variance are inconsistent with the Haven Township Comprehensive Plan.
2. The request would not be in harmony and character to the surrounding neighborhood.
3. The use is prohibited in the zoning district in which the subject property is located.
4. The use would restrict the passage of stormwater in such a manner as to increase the height of flooding and / or negatively impact adjacent properties.

The Board may have full discretion to require additional information as needed to make a decision on a variance, and may impose conditions in the granting of the variance to insure compliance and to protect adjacent properties and the public interest.

- B. To interpret zoning district boundaries on official zoning maps.
- C. To permit the extension of a zoning district where the boundary line thereof divides a lot in on ownership at the time of the passage of this Ordinance, but such extension of any district shall not exceed one hundred (100) feet.

6. **Appeals:**

- A. An appeal from any order, requirement, decision, or determination of any administrative official charged with enforcing this ordinance shall be perfected within ten days (10) of the administrative official's decision by filing with the Town Clerk notice of appeal specifying the grounds thereof. The Board of Adjustment may then fix a reasonable time for the hearing of the appeal and give notice thereof

to the appellate and the officer from whom the appeal is taken and to the public by publishing a notice of the hearing once in the official newspaper of the Township at least ten (10) days before the date set for the hearing. The Board shall thereupon make a recommendation to the Town Board.

The Town Board may reverse or affirm wholly or partly, or may modify the order, requirement, decision, or determination appealed from and to that end shall have all the powers of the officer from whom the appeal was taken and may direct the issuance of a permit. An appeal stays all proceedings in furtherance of the action appealed from unless the Town Board certifies that by reason of the facts stated in the certificate a stay would cause imminent peril to life or property.

All decisions by the Town Board in granting variances or in hearing appeals from any administrative order, requirement, decision, or determination shall be final except that any aggrieved person or persons, or any department, board or commission of the jurisdiction or of the State shall have the right to appeal, as provided by Minnesota Law, within thirty (30) days, after receipt of notice of the decision, to District Court in the county in which the land is located on questions of law and fact.

7. **Reserved**

Subdivision 4: Amendments and Rezonings

1. **Application:** This Ordinance or the Official Zoning Map may be amended whenever the public necessity and the general welfare require such amendment by following the procedure specified in this Section. Amendments to the boundaries of a zoning district on the Official Zoning Map are known as "rezonings."

Proceedings for amendment of this Ordinance shall be initiated by:

- A. A petition of the owner or owners of the actual Property, or
 - B. Resolution of the Town Planning Commission, or
 - C. By action of the Board of Township Supervisors.
2. **Filing:** An application for an amendment or rezoning shall be filed with the Zoning Administrator. All applications for rezonings that are initiated by the petition of the owner or owners of property, the zoning of which is proposed to be changed, shall be accomplished by a map or plat showing the lands proposed to be changed and all land within one half (1/2) mile of the boundaries of the property proposed to be rezoned, together with the names and addresses of the owners of the lands in such area as the same appears on the records of Sherburne County. Unless there has been a substantial change in circumstances, applications for the same purpose shall not be heard for one year after the date of denial.
 3. **Notification of Proposed Rezoning:** The notification of public hearings shall conform to Minn. Statutes Chapter 462 as amended.

4. **Public Hearing:** Upon receipt in proper form of the application and other requested material, the Haven Planning Commission shall hold at least one (1) public hearing. At least ten (10) days in advance of each hearing, notice of the time and place of such hearing shall be published in the official newspaper of the Town.
5. **Authorization:** The amendment shall be effective only if four-fifths (4/5) of the members of the Board concur in its passage.
6. **Fees:** To defray the administrative cost of processing of requests for an amendment to this Ordinance. A fee and other deposit shall be paid by the Petitioner. The fees and other deposit shall be determined by the Zoning Administrator and Town Fee Schedule.
7. **Submission Requirements:**
 - A. Vicinity Map
 - B. Legal Description

Subdivision 5: Interim Use Permits

1. Transferability:

Any Interim Use Permit (IUP) issued under this Ordinance is granted solely to the applicant and the business entity named in the application, and for the premises named in the IUP application. No IUP of any sort granted pursuant to this Ordinance is transferable to any other person or premises. If a change of ownership, control, or location of any licensed premises occurs, whether pursuant to move, sale, transfer, assignment, foreclosure, or otherwise, the owner or proposed new owner must complete a new application subject to approval pursuant to this Ordinance. A change of ownership or control includes, but is not limited to:

- A. The sale of all or substantially all of the company assets
- B. Sale or acquisition of forty (40) percent or more of the controlling interest (voting) stock if the company stock is publicly traded
- C. Sale of fifty-one (51) percent of the voting stock if a non-publicly traded stock or closely held corporation
- D. Execution of a management agreement, or
- E. The change of any officer or majority stockholder if the company is a closely-held corporation.
- F. The Town Board may waive the requirements of this Subdivision in writing if after the change of ownership or control of the same, or in the Zoning Administrator's opinion, substantially the same persons control or own the entity or property.

2. **Application:**

Unless there has been a substantial change in circumstances, applications for the same purpose shall not be heard for one year after the date of denial.

An application for an Interim Use Permit shall be filed with the Zoning Administrator on a form prescribed by the Board of Township Supervisors. The applicant shall provide the following written information in order for an IUP application to be complete:

- A. A complete IUP application form signed and dated by the applicant and property owner(s) and pay all applicable fees
- B. Written description of the activities
- C. Written description of the type and number of vehicles (motorized and non-motorized, such as trailers), heavy machinery and equipment to be used on the property
- D. Days and hours of operation
- E. Number of employees using the property, including sub-contractors (full-time and part-time)
- F. Site plan, including:
 - 1. A survey or aerial photograph showing all existing and proposed buildings, well, septic system (or other restroom facilities), outside storage area(s), driveway access(s), and any public or private easements
 - 2. Existing and proposed screening (if required). Screening may consist of coniferous trees not less than 6' in height, planted not less than 8' apart and/or a non-transparent fence not less than 6' in height
 - 3. Existing and proposed signage, including a dimensional diagram of proposed signage
- G. A Certificate of Septic Compliance. If the septic system is older than ten (10) years and has not had a passing septic compliance check within the past ten (10) years, A septic compliance check must be completed. If the septic system is not in compliance with County and/or State regulations, the septic system must be upgraded before the IUP application will be considered to be complete.
- H. Written description of any maintenance to take place on-site, including how hazardous materials will be stored and disposed of
- I. A certificate of insurance
- J. Wetland Impact approval (if applicable)
- K. Any additional information required by the Zoning Administrator specific to the IUP request

3. **Notification and Public Hearing:**

The notification for public hearings shall conform to Minn. Statutes Chapter 462 as amended.

4. **Findings:**

No Interim Use Permit shall be approved or recommended for approval by the Township Planning Commission or Town Board unless said Commission and Board shall find:

- A. That the Interim Use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the immediate vicinity.
- B. That the establishment of the Interim Use will not impede the normal and orderly development and improvement of surrounding vacant property for uses predominant in the area.
- C. That adequate utilities, access roads, drainage and other necessary facilities have been or are being provided.
- D. That adequate measures have been or will be taken to provide sufficient off-street parking and loading space to serve the proposed use.
- E. That adequate measures have been or will be taken to prevent or control offensive odor, fumes, dust, noise and vibration, so that none of these will constitute a nuisance, and to control lighted signs and other lights in such a manner that no disturbance to neighboring properties will result.

5. **Report to the Township Board:**

For each application for an Interim Use Permit where applicable, the Township Planning Commission shall report to the Board of Township Supervisors its finding and recommendations, including the stipulation of additional conditions and guarantees that such conditions will be complied with when they are deemed necessary for the protection of the public interest. Upon receipt of the report of the Planning Commission, the Board of Supervisors shall make a decision upon the proposal to grant or deny an Interim Use Permit.

6. **Fees:**

The applicant shall pay all IUP and recording fees as determined by the Township Board in the Fee Ordinance. All fees are considered the minimum amounts necessary to reimburse the Township for costs incurred in processing the application and investigating the application and the proposed premises and are, therefore, non-refundable. As a condition of approval of the IUP, the Township Board may require an additional annual Inspection Fee as stated in the Fee Ordinance. The Annual Inspection Fee shall cover the cost of Staff or their agent to inspect the property as required within the IUP's conditions of approval.

7. **Compliance:**

Any use permitted under the terms of any Interim Use Permit shall be established and conducted in conformity with the terms of such permit and of any conditions designated in connection therewith. If the applicant does not abide by the conditions set forth in the permit, the Township has the right to either revoke the permit or hold another hearing to investigate and set additional conditions.

8. **Incomplete Applications:**

- A. Incomplete applications shall be considered denied one (1) year from the date of the application if the proposal has not obtained the required approvals. The Zoning Administrator may grant one 6-month extension if the Zoning Administrator determines that continuous progress has been made to keep the application moving toward approval.

Subdivision 6: Building Permits, Certificates of Occupancy

All Building Permits, Certificates of Occupancy and other Sherburne County Construction Codes and Rules must be met in all cases.

Subdivision 7: Violations, Penalties and Enforcement

1. **Violations and Penalties:** Any person, firm or entity who shall violate any of the provisions hereof or who shall fail to comply with any of the provisions hereof or who shall make any false statement in any document required to be submitted under the provisions thereof, shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished pursuant to law.
2. **Enforcement:** This Ordinance shall be administered and enforced by the Zoning Administrator, who is hereby designated the enforcing officer.
3. **Actions:** In the event of a violation or a threatened violation of this Ordinance, the Board of Township Supervisors or any member thereof, in addition to other remedies, may institute appropriate actions or proceedings to prevent, restrain, correct or abate such violations or threatened violations, and it shall be the duty of the Township Attorney to institute such action.

Subdivision 8: Planning Commission

1. **Creation and Membership:** A Planning Commission is hereby established and vested with such authority as is hereinafter provided and provided by Minnesota Statutes, Chapter 462. Such Board shall consist of at least three (3) members. The Planning Commission shall be appointed for three (3) year terms, or other term as determined by the Town Board. The Planning Commission shall elect a chair and vice chair from among its members. It shall adopt rules at the beginning of each year for the transaction of its business and shall keep a public record of its transactions, findings and determinations. The meetings of the Planning Commission shall be held at the call of the chair and at such other times as the Planning Commission in its rules of procedure may specify.

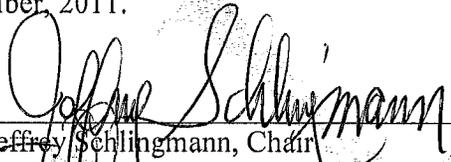
2. The Planning Commission shall hold a public hearing as required by Minnesota Law and this Ordinance. It shall make a recommendation to the Town Board. The Town Board may approve or deny the request, or may adopt, reject or modify the recommendation of the Planning Commission.
3. **Notification:** Written notice of time, place and purpose of the public hearings shall be published in the official newspaper, designated by the Board of Township Supervisors. Notices will be sent to the landowner, applicant, and owners of record within the distances specified in Minnesota Statutes Chapter 462.

FINAL

SECTION 17 - DATE OF EFFECT

This Ordinance shall be in full force and effect from and after its passage, approval and publication, as provided by law.

Passed and approved this 19 day of December, 2011.

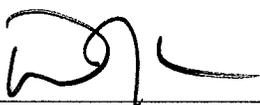

Jeffrey Schlingmann, Chair
Haven Township Board of Supervisors

ATTEST:

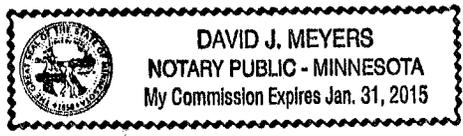
By: 
Michael Zniiewski, Clerk

STATE OF MINNESOTA)
) SS
COUNTY OF SHERBURNE)

On this 19 day of December, 2011, before me, a Notary Public for this County, personally appeared Jeffrey Schlingmann, who I know to be the person described in the foregoing instrument, and who acknowledged that he executed that instrument as his free act and deed.



Notary Public



STATE OF MINNESOTA)
) SS
COUNTY OF SHERBURNE)

On this 19 day of December, 2011, before me, a Notary Public for this County, personally appeared Michael Zniewski, who I know to be the person described in the foregoing instrument, and who acknowledged that he executed that instrument as his free act and deed.



Notary Public

THIS INSTRUMENT DRAFTED BY:
Rinke Noonan (DJM)
1015 West St. Germain Street, Suite 300
P.O. Box 1497
St. Cloud, MN 56302-1497
(320) 251-6700
Our File No. 5097.072

