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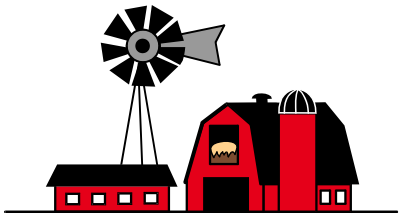

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-- TCPA –

ORDINANCE DISCLAIMER

The following ordinance is effective as of the date on the following cover page and/or the date the document was recorded.

Users of this zoning ordinance document understand and agree that a zoning ordinance is a living document. As such, the Township may periodically make amendments and/or changes to *individual* sections of this zoning ordinance. Those amended sections may not necessarily be included with this ordinance document.

Users may use this ordinance document as a general guide to the ordinance in this Township but should always call TCPA for answers to specific ordinance questions.

NEW HAVEN TOWNSHIP

ZONING ORDINANCE

HEARING

SEPTEMBER 22, 2009

APPROVED AT

ANNUAL MEETING

MARCH 9, 2010

AN ORDINANCE REGULATING THE USE OF LANDS AND/OR STRUCTURES IN THE UNINCORPORATED AREA OF NEW HAVEN TOWNSHIP, COUNTY OF OLMSTED, MINNESOTA, INCLUDING THE REGULATION OF THE LOCATION, SIZE,USE AND HEIGHT OF STRUCTURES, THE ARRANGEMENT OF STRUCTURES ON LOTS AND THE DENSITY OF RESIDENTIAL HOUSING FOR SAID LANDS, FOR THE PURPOSE OF PROMOTING THE PUBLIC HEALTH, SAFETY, ORDER, CONVENIENCE AND GENERAL WELFARE OF NEW HAVEN TOWNSHIP PURSUANT TO MINNESOTA STATUTE #462.357 AND TO REPEAL THE NEW HAVEN TOWNSHIP ZONING ORDINANCE AND MAPS (RECORDED ON MARCH 2000)

The Township Board of New Haven Township does ordain as follows:

ARTICLE 1

GENERAL PROVISIONS

SECTION 1.00 SHORT TITLE:

This ordinance shall be known as the New Haven Township Zoning Ordinance and cited as the Zoning Ordinance.

SECTION 1.02 PURPOSE AND INTENT:

This zoning ordinance is enacted for the following purposes: to implement the Comprehensive Plans and to promote and protect the health, safety, and general welfare throughout New Haven Township by; lessening congestion in the public right of way; securing adequate light and air; facilitating the adequate provision of water, sewerage and other public facilities; conserving the value of properties and encouraging the most appropriate use of the land; and to protect the environment; pursuant to authority granted in Minnesota Statutes Chapter 462.357 as amended authorizing municipal planning and zoning activities, establishing a Board of Adjustment and authorizing the enactment of official controls and providing penalties for the violation thereof, in accordance with authority granted in Minnesota Statutes, Section 103F.105, “Statewide Standards and Criteria for Management of Flood Plain Areas in Minnesota” and “Statewide Standards and Criteria for Management of Shoreland Areas of Minnesota” and other appropriate Minnesota Statutes.

SECTION 1.04 JURISDICTION:

The jurisdiction of this zoning ordinance shall apply to all the area of New Haven Township outside the incorporated limits of municipalities.

SECTION 1.06 SCOPE:

From and after the effective date of this zoning ordinance and subsequent amendments, the use of all land and every building or portion of a building erected, altered in respect to height and area, added to or relocated, and every use within a building or use accessory thereto shall be in conformity with the provisions of this zoning 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, but may be continued, extended or changed, subject to the special regulations herein provided with respect to non-conforming uses. (See Section 1.28).

SECTION 1.08 INTERPRETATION AND APPLICATION:

A. In their interpretation and application, the provisions of this zoning ordinance shall be held to be the minimum requirements for the promotion of the public health, safety and welfare.
B. Where the conditions imposed by any provision of this zoning ordinance are either more restrictive or less restrictive than comparable conditions imposed by any regulation of any kind, the regulations which are more restrictive or which impose higher standards or requirements shall prevail.
C. Except as specifically provided in this zoning ordinance, no structure shall be erected, converted, enlarged, reconstructed or altered, and no structure or land shall be used for any purpose not in any manner which is not in conformity with this ordinance.

SECTION 1.10 VALIDITY:

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

SECTION 1.12 ZONING DISTRICTS:

The following zoning districts are provided in order to promote and encourage the efficient economic use of land, buildings, and all useable structures. The unincorporated area of New Haven Township, Olmsted, Minnesota, is hereby divided into the districts which shall be known by the following respective symbols and names;

A-2 Agricultural Protection District

A-3 Agricultural District

RSD Rural Service District

R-1 Residential District

RC Recreational Commercial District

RA Residential Agricultural

HC Highway Commercial

SECTION 1.14 OVERLAY ZONING DISCTRICTS

The following overlay zoning district is also made a part of the zoning ordinance. On property where both the zoning district (Section 1.12) and the overlay district would apply, the use or development of such a property shall comply with both the zoning district and the overlay district. The following overlay zoning districts shall be known by the following respective symbols and names:

FP Flood Plain

FW Floodway

FFA Flood Fringe

SECTION 1.16 OFFICIAL ZONING MAP

The map or maps which are a part of this zoning ordinance delineate the boundaries of the zoning districts and represent the approximate boundaries of the overly zoning districts.

SECTION1.18 DISTRICT BOUNDARIES:

The boundaries of the zoning district, unless otherwise identified, shall be construed as following property lines, water sources, right-of-way lines, corporate limits of cities, or the centerline of roads.

SECTION1.20 BOUNDARY INTERPRETATION:

Questions concerning district boundary lines as shown on the official zoning map shall be interpreted by the Zoning Administrator, such interpretation may be appealed in accordance with Section 4.06

SECTION 1.22 FLOOD PLAIN DISTRICTS BOUNDARY INTERPRETATION:

The boundaries of the four flood plain districts, FW, FFA, FFB and FP, shall be determined by elevation and by scaling distances from the Flood Boundary and Floodway Maps (FBFM) dated May 19,1981 and when appropriate by the Flood Plain areas South Fork, Zumbro Rover, and tributaries Maps, dated October 1977, and the soils maps contained in the soil Survey of Olmsted County March 1980. Where interpretation is needed as to exact boundaries as shown on the previously referenced maps, as for example where there appears to be a conflict between a mapped boundary and actual field conditions, the Zoning Administrator shall make the necessary interpretation based on elevation of the regional (100 year) flood profile and other technical data.

SECTION 1.24 WARNING AND DISCLAMER OF LIABILITY:

The degree of flood protection intended to be provided by the zoning ordinance is considered reasonable for regulatory purposes and is based on engineering and specific methods of study. Larger floods may occur on rare occasions or the flood height may be increased by man-made or natural causes, such as ice jams and bridge openings restricted by debris. The zoning ordinance does not imply that areas outside of designated flood plain districts or land uses permitted within such districts will always be totally free from flooding or flood damages, nor shall the zoning ordinance create a liability on the part of, or be a cause of action against, New Haven Township or an employee thereof for any flooding or flood damages that may result from reliance on the zoning ordinance.

SECTION 1.26 BUILDABLE LOTS:

A lot that meets the Board of Health regulations and fulfills the criteria specified in one of the following subsections (A) or (B) is considered to be a buildable lot. All other lots, including illegally created lots, shall not be considered buildable lots and no building shall be constructed or placed upon such lots.

A. Buildable Lots for Uses other than Dwellings**:** these other uses would include agricultural uses such as barns and other agricultural buildings, but would not include a dwelling

1. Lots of record or newly created lots that meet the lot area, lot width and access requirements of this ordinance. Any newly created lot which does not need the standards for non-farm dwellings in the zoning district where such lot is located, or the standards for farmstead dwellings, shall be designated as a (N.B.) Non-Buildable Lot for dwelling purposes on the Official Zoning Map.
2. Non-conforming lots of record, providing that such lot has recorded access to a public road and the proposed building complies with the regulations in Section 1.28(B)

B. Buildable Lots for a Dwelling Are:

1. A lot that qualifies as a farm.
2. Lots created after the effective date of this ordinance which meet the lot area, lot width, access requirements and either the standards for non-farm dwellings in the zoning district where such lot is located or the standards for farmstead dwellings.
3. Lots of record, providing that such lot has recorded access to a public road and the proposed building complies with the regulation of Section 1.28 (B).
4. If in a group of two or more contiguous lots under the same ownership, any individual lot does not meet the zoning district lot area, width, or access standards of the zoning district where located, the lots must not be considered as separate parcel of land for purposes of development. The lots must be combined with one or more contiguous lots so they equal one or more parcels of land, each meeting the lot area, width, or access standards to the extent possible.

SECTION 1.28 NON-CONFORMING USES:

The lawful use of land or structures existing at the time of the adoption of this zoning ordinance may be continued although such use does not conform with the district provisions herein, subject to the following provisions:

A. Land: The non-conforming use of land shall not in any way be expanded or extended either on the dame or adjoining property.
B. Lot of Record: A non-conforming lot of record may be used for any principal use permitted in the zoning district in which the lot is located, provided that for any use which is to be served by an individual well and/or septic system, the non-conforming lot shall be of a size and design to meet the minimum requirements of the Board of Health regulations for such wells and septic systems.
C. Structure, Enlargement or alterations: No non-conforming structure may be enlarged or altered in any way which increased its nonconformity. No addition or modification so a use within a flood fringe or floodway district shall increase the flood damage potential of the structure or increase the degree of obstruction to flood flow. No addition or modification to a non-conforming structure with a conforming use, over the floodway district shall exceed fifty (50%) percent of its current market value as determined by the Olmsted County Assessor's records, unless the entire structure is made conforming.
D. Structure, Damage or Destruction: If a non-conforming structure id destroyed by any means to an extent of more than fifty(50%) percent of its current market value as determined by the Olmsted Counts Assessor's records at the time of destruction, it shall not be reconstructed except in conformity with the provisions of the zoning code. If destroyed to less than fifty (50%) percent of its market value, said restoration shall begin within twelve (12) months or the structure shall be made conforming.
E. Structure, Relocation: If a non-conforming structure is moved any distance, for any reason whatever, it shall thereafter conform to the regulations for the district in which it is located after it is moved.
F. Use, Change: Whenever a non-conforming use has been changed to a conforming use or to a use permitted in a district of greater restrictions, it shall not thereafter be changed back to a non-conforming use.
G. Use, Discontinuance: In the event that a non-conforming use of any structure or structure and land is discontinued for a period of one (1) year, the use of the same shall conform thereafter to the uses permitted in the district in which it is located.
H. Use, Zone change: The foregoing provisions relative to non-conforming uses shall apply to buildings, land and classification or reclassification of districts under this ordinance.

SECTION 1.30 FEES:

There shall be fees established for items of this ordinance as established from time to time by resolution of the Town Board of New Haven Township.

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ARTICLE II

RULES AND DEFINITIONS

SECTION 2.0 RULES AND WORD USAGES:

For the purpose of this ordinance, certain terms or words used herein shall be interpreted as follows:

Board: The word "Board" includes the Township Supervisors, the Board of Township Supervisors or any other work or words meaning the New Haven Township Board of Supervisors.

Board of Adjustment: the "Board of Adjustment" shall mean the New Haven Township Board of Adjustment.

Board of Health: The "Board of Health" shall mean the Olmsted County Board of Health.

Comprehensive Plan: The "Comprehensive Plan: shall mean the general Land Use Plan for the Olmsted County Area, or the Land Use Plan for the New Haven Township or the currently held Thoroughfare Plan, or other interrelated policies and plans for private and public land and water use, transportation and community facilities adopted by the New Haven Township Board.

Fractions of Measurement: All stated and measured distances shall be taken to the nearest integral foot. If a fraction is one half (1/2) or less, the integral foot next below shall be taken.

Lot: The word "lot" shall include the word piece, parcel and plot.

Masculine and Feminine Gender: The masculine gender includes the feminine and neuter genders.

Person: The word "person" includes a firm, association, organization, partnership, trust, company, or corporation as well as an individual.

Shall and May: The word "shall" is mandatory and not discretionary; the word "may" is permissive.

Singular and Plural: Words used in the singular shall include the plural, and the plural the singular.

Tenses: Words used in the present tense shall include the future.

Used For: the word "used for" shall include the phrases arranged for, designed for, intended for, maintained for and occupied for.

Section 2.02 DEFINITIONS

Accessory Building: A building detached from a principal building on the same lot and customarily incidental and subordinate to the principal structure or use.

Accessory Structure: A structure detached from a principal building on the same lot and customarily incidental and subordinate to the principal structure or use.

Accessory Use: A use customarily incidental and subordinate to the principal use located on the same lot as the principal use.

Adult Body Painting Studio: An establishment or business which provides the service of applying paint or other substance whether transparent or non-transparent to or on the body of a patron when such body is wholly or partially nude in terms of "specified anatomical areas."

Adult Bookstore: A business engaging in the barter, rental, or sale of products consisting of printed matter, pictures, slides, records, audiotapes, novelties, cd's, or other electronic media, videotapes, or motion picture film, if such business is not open to the public generally but only to one or more classes of the public, excluding any, minor by reason of age, or if a substantial or significant portion of such products are distinguished or characterized by an emphasis on the depiction or description of "specified sexual activities" or "specified anatomical areas". The phrase "substantial or significant portion of such products", as used in the definition of an adult bookstore means with respect to any building or buildings upon on the lot:

A. Twenty-five (25) percent of the inventory, stock and trade or publicly displayed products or the lesser of
B. 1000 square feet or twenty- five (25) percent of the floor area of the business (not including storerooms, stock areas, bathrooms, basement, or any portion of the business not open to customers or clients), devoted to the products described above.
C. In no event shall more than a total of 1000 square foot of floor area in any building or buildings upon a lot be devoted to the public display of the products described above.

Adult Cabaret: An establishment which provides dancing or other live entertainment, if such establishment excludes minors by virtue of age, or such dancing or other live entertainment is distinguished or characterized by an emphasis on the performance, depiction or description of "specified sexual activities" or "specified anatomical areas".

Adult Companionship Establishment: A companionship establishment which excludes minors by reason of age, or which provides the service of engaging in or listening to conversation, talk, or discussion between an employee of the establishment and a customer, if such service is distinguished or characterized by and emphasis on "specified sexual activities" or "specified anatomical areas".

Adult Establishment: A business engaged in any of the following activities or which utilizes any of the following business procedures or practices; either:

A. Any business which is conducted exclusively for the patronage of adults and as to which minors are specifically excluded from patronage there at either by law or by the operators of such business,
B. Any other business which offers its patrons or services or entertainment characterized by and emphasis on matter depicting, exposing, describing, discussing, or relating to "specified sexual activities" or "specified anatomical areas". Specifically included in the term, but without limitation, are adult bookstores, adult motion picture theaters, adult mini-motion picture theaters, adult

massage parlors, adult saunas, adult companionship establishments, adult arcades, adult modeling studios, adult hotel or motel, and adult body painting studios.

Adult Hotel or Motel: Adult hotel or motel means a hotel or motel from which minors are specifically excluded from patronage and wherein material is presented which is distinguished or characterized by an emphasis on matter depicting , describing, or relating to “specified sexual activities” or “specified Anatomical areas”.

Adult Massage Parlor, Health Club: A massage parlor as required to be licensed or a health club which restricts minors by reason of age, and which provides the services of massage, if such service is distinguished or characterized by an emphasis on “specified anatomical areas” or “specified sexual activities”.

Adult Mini-Motion Picture Theater: A business premises within an enclosed building with a capacity for less than fifty (50) persons used for presenting visual media material if such business as a prevailing practice excludes minors by virtue of age, or if said material is distinguished or characterized by an emphasis on the depiction or description of “specified sexual activities” or “specified anatomical areas” for observation by patrons therein.

Adult Modeling Studio: An Establishment whose major business is the provision, to customers, of figure models who are so provided with the intent of providing sexual stimulation or sexual gratification to such customers and who engage in specified sexual activities or display specified anatomical areas while being observed, painted, painted upon, sketched, drawn, sculptured, photographed, or otherwise depicted by such customers.

Adult Motion Picture Arcade: Any place to which the public is permitted or invited wherein coin or slug-operated or electronically or mechanically controlled still or motor picture machines, projectors or other image producing devices are maintained to show images to five or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by and emphasis on depicting or describing ‘specific sexual activities’ or ‘specified anatomical areas’.

Adult Motion Picture Theaters: A business premises within an enclosed building with a capacity of 500 or more persons used for presenting visual media material if said business as a prevailing practice excludes minors by virtue of age, or if said material is distinguished or characterized by an emphasis on the depiction or description of ‘specified sexual activities’ or ‘specified anatomical area’ for observation by patrons therein.

Adult Novelty Business: A business which has as a principal activity the sale of devices which stimulate human genitals or devices which are designed for sexual stimulation.

Adult Sauna: A sauna which excludes minors by reason of age, or which provides a steam bath or heat bathing room used for the purpose of bathing, relaxation, or reducing, utilizing steam or hot air as a cleaning, relaxing or reducing agent, if the service provided by the sauna is distinguished or characterized by an emphasis on “specified sexual activities” or “specified anatomical areas”.

Aggregate Extraction: Mining of aggregate materials as defined by Minnesota Statute 298.75 involving the use of heavy vehicles.

Alterations: See Structure Alteration.

Animal Feedlot: Land and/ or buildings used for, or a building that has in the past five (5) years been used for the confined feeding, breeding, raising or holding of poultry or animals exceeding thirty (30) animal units and where the concentration of animals is such that a vegetative cover cannot be maintained within the enclosure. Pastures are not considered animal feedlots.

Animal Feedlot, New: An animal feedlot constructed and operated at a site where no animal feedlot existed previously or where a pre-existing animal feedlot has been abandoned or unused for a period of five (5) years or more.

Animal Unit: A unit of measure used to compare difference in the production of animal manure that employs as a standard the amount of manure produced on a regular basis by different types of animals. For the purpose of this zoning ordinance, the animal unit or animal unit calculation measure shall be the same unit of measure used in the current Minnesota Pollution Control Agency, Minnesota Rules Chapter 7020, relating to animal feedlots and storage, transportation and utilization of animal manure.

Antenna: Any structure or device used for the purpose of collection or transmitting electromagnetic waves, including but not limited to, directional antennas such as panels, microwave dishes, and satellite dished, and omni-directional antennas, such as whip antennas.

AO Zone: An area of shallow flooding shown on the Olmsted County Flood Insurance Rate Map (FIRM) with base flood depths from one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and undetermined, and where low velocity may be evident.

Area: See Buildable area, Floor area, Lot area.

Asphalt Concrete Plant: Any facility used to manufacture asphalt concrete by heating and drying aggregate and mixing with asphalt cements; including dryers, systems for screening, handling, storing, and weighing hot aggregate; systems for loading, transferring, and storing mineral filler; systems for mixing asphalt concrete; and the loading , transfer and storage system associated with emission control systems.

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

Berm: A mound of earth, or the act of pushing earth into a mound.

Bluff: A topographic feature such as a hill, cliff, or embankment having the following characteristics (an area with average slope of less than 18 percent over a distance for 50 feet or more shall not be considered part of the bluff):

a) Part or all of the feature is located in a shoreland area;

b)The slope rises at least 25 feet above the ordinary high water level of the water-body;

c) The grade or slope from the toe of the bluff to a point 25 feet or more above the ordinary high water level averages 30 percent or greater; and

d) The slope must drain toward the water-body.

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

Buildable Area: The area of a lot that remains, after the minimum yard requirements of this ordinance are met.

Building: Any structure having a roof supported by columns or walls and intended for shelter, housing, or enclosure of any individual, animal, process, equipment, goods or material of any kind.

Building, Accessory: See Accessory Building.

Building Height: The vertical distance measured from the average ground elevation adjoining the front wall of the building to the highest point of the roof surface of a flat roof, to the deck line of a mansard roof, or to the average height between the eaves and ridge of a gable, hip, or gambrel roof.

Building Line: An imaginary line separating the buildable area, from the required minimum yard.

Building, Principal: See Principal Building or Structure.

Building, Temporary: See Temporary Building or Structure.

Campground: A plot of ground upon which two or more camp sites are located, established or maintained for occupancy by camping units of the general public as temporary living quarters for recreation, education, or vacation purposes.

Cemetery: Property used for the interment of the dead.

Church: A building where persons regularly assemble for religious service and which is maintained and controlled by an organized group for public worship.

Commercial Wireless Telecommunications Services: Licensed commercial wireless telecommunication services including cellular, personal communication services (PCS), specialized mobilized radio (SMR), enhanced specialized mobilized radio (ESMR), paging, and similar services that are marketed to the general public.

Conditional Use: A use that would not be appropriate generally but may be allowed with appropriate restrictions upon finding that certain conditions and criteria exist and that the use is compatible with the neighborhood.

Contractor: an individual or company which supplies materials and equipment and/or performs services in construction activities such as the erection, maintenance or repair of structures, the development of improvements such as sewer, water and streets, or specialized activities such as landscaping, painting, plumbing and the like.

Contractor's Equipment: Materials, machinery, supplies and vehicles used by a contractor in conjunction with construction related activity.

Contractor's Yard: An Area on a lot, either open or enclosed, where contractor's equipments is left on a regular basis when not stored on a job site. This definition is not meant to apply to a vehicle, which does not have a commercial, (Y type) license and is rated less than 12,000 pounds gross vehicle weight, parked overnight on a driveway area, when it is neither loaded nor unloaded at that location and when it is used primarily for transportation to and from the job site.

Corner Lot: A lot abutting upon two or more streets at their intersection, or upon two parts of the same street, forming an interior angel of less than 135 degrees.

Coverage: See Lot Coverage

Crop Equivalent Rating: A soils rating system developed by the Soils Conservation Service based on the net value (gross value of crops minus production costs) of their productivity for commonly grown crops of the area. Commonly grown crops are corn, soybean, small grains, hay and permanent pasture.

Depth: See Lot Depth

Development Site: For single-family attached dwellings involving three or more buildings and for multiple family dwellings, those lot areas, along with any associated common open space identified in the open space plan required by Section 10.38, that are to be used to justify the density limitation established for the zoning district where the projects are to be located.

District, Zoning: See zoning District

Dwelling: Any building or portion thereof which contains one or more dwelling units not including buildings containing rooms for transient guests such as a hotel or motel, or a temporary or transient structure such as a tent, trailer, or travel trailer.

Dwelling, Farm: See Farm Dwelling

Dwelling, Mobile Home: See Mobile Home

Dwelling, Multiple- Family: A building containing three or more dwelling units.

Dwelling, Non-Farm: See Non-Farm Dwelling

Dwelling, Single- Family: A building containing only one dwelling unit

Dwelling, Single- Family Attached: A building containing a single family dwelling, attached at the side or sides in a series of two or more principal buildings, each containing not more than a one-family dwelling.

Dwelling, Single- Family Detached: A single family dwelling surrounded by open space or yards, which is not attached to any other building, which is permanently attached to and supported by a permanent frost depth foundation system, and has a minimum dimension of not less than twenty two (22) feet at the first floor level of the dwelling. In addition, the requirements of Section 10.01 must be complied with. Under provisions of Minnesota Statutes, nothing herein shall prevent a manufactured home that meets the above mentioned criteria from being considered a single family detached dwelling.

Dwelling Two- Family: A building on a single lot containing two single family dwellings which are totally separated from each other by an un-pierced wall extending from ground to roof or an un-pierced ceiling and floor extending from exterior wall to exterior wall, except for a common stairwell exterior to both dwelling units.

Dwelling Unit: A room or rooms, connected together, constituting a separate, independent housekeeping establishment for a family (for owner occupancy or rental, lease, or other occupancy on weekly or longer terms), physically separated from any other rooms or dwelling units that may be in the same structure, and containing its own independent kitchen and sleeping facilities, but not including temporary housing, such as recreational vehicles, etc.

Easement: A grant of one or more of the property rights by the property owner to and/or for the use by public, a corporation or another person or entity.

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 the flood flows.

Essential Services: The erection, construction alteration, or maintenance of underground, surface or overhead electrical, gas, steam, water and sewerage transmission and collection systems, and the equipment and appurtenances necessary for such systems to furnish an adequate level of public service, but not to include any buildings.

Family: One or more persons related by blood, marriage or adoption, including foster children, or a group of not more than five persons (excluding servants), some or all of whom are not related by blood, marriage or adoption, living together and maintaining a common household.

Farm: A lot used for agricultural or horticultural uses and comprised of either at lease eighty (80) acres or two(2) contiguous and undivided quarter- quarter sections in the A-1 Agricultural Zoning district, or being at least thirty- five (35) acres in size in the other zoning districts. For the purposes of determining a farm, a quarter- quarter section separated by only a public right-of-way shall be considered as an undivided quarter-quarter section.

Farm Dwelling: One single- detached dwelling or mobile home located on a farm

Farmstead: A rectangular area surrounded by a farmstead boundary which contains a farm dwelling and may contain other buildings which are or have been used for farming uses. In some instances minor amounts of tilled acreage or pasture land would be contained within the boundary to enable a rectangular boundary to be established.

Farmstead Boundary: An imaginary line separating a farmstead from tilled land and pasture land. For the purposes of this ordinance said tilled and non-tilled acreage or a reasonable area encompassing existing farm buildings to ensure compliance with the yard requirements of this ordinance.

Farmstead Dwelling: A dwelling which on April 16, 1983, was located upon a farm, as defined by this ordinance, but subsequently subdivided from that farm onto a non-farm lot which does not conform to the standards for non-farm dwellings within the district where located.

Feedlot: See Animal Feedlot

Fill: Sand, gravel, earth or other material of any composition whatsoever placed or deposited by humans

Flood Fringe: That portion of the flood plain outside the floodway

Flood Plain: The land adjacent to a body of water which has need or may be hereafter covered by flood water, including that land covered by the Regional Flood

Flood Proofing: Any combination of structural and non-structural additions, changes or adjustments to structures which reduce or eliminate flood damage to real estate, water and sanitary facilities, structures and their elements

Flood Protection Elevation: A level one (1) foot above the Regional Flood plus and increase in flood level that would be caused by the future flood plain development outside the floodway

FP1, FP2, FP3, FP4, FP5: Different classification of flood-proofing measures as defined by the State Building Code

Flood, Regional: See Regional Flood

Floodway: The minimum channel of a watercourse and those portions of the flood plain, adjoining the channel, that is required to discharge the Regional Flood

Floor Area: The sum of the gross horizontal areas of the several floors of a building measured from the exterior face of exterior walls, or from the centerline of a wall separating two buildings, but not including interior parking spaces, loading space for motor vehicles, or any space where the floor to ceiling height is less than six (6) feet

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

Front Lot Line: See Lot Line, Front

Front Yard: See Yard, Front

Garage: A building or part thereof used for storage of vehicles

Height: See Building Height

Highway: See Road

Home Business: An occupation with all of the following characteristics:

Conducted as an independent business or franchise

Conducted on property whose principal use includes a residence, whether in a residential or agricultural zoning district

Conducted principally by the occupants of the dwelling, and

In which the home business is clearly incidental and secondary to the principal agricultural or residential use of the property.

The term does not apply to work conducted within a dwelling by an employee of an off-site enterprise customarily referred to as telecommuting.

Hotel: See Motel

Interior: See Lot, Interior

Interior Side Lot Line: See Lot Line, Interior Side

Interior Side Yard: See Yard, Interior Side

Junk Yard: See Salvage Yard

Kennel: Any lot or building on which five (5) or more dogs, cats, or other common household pets, that are six months of age or older, are kept permanently or temporarily boarded

Landspreading: The placement of sewage sludge on or incorporated into the soil surface

Landspreading Facility: Any land that is used for sewage sludge landspreading and is owned, leased, or rented by the political subdivision generating the sewage sludge

Landspreading Site: Any land used for sewage sludge landspreading that is not owned, leased or rented by the political subdivision generating the sewage sludge

Licensed Shooting Preserve: Permitted shooting reserve as licensed by Minnesota Department of Natural Resources

Lot: A designated parcel, tract or area of land established by plat, subdivision, or as otherwise permitted by law, to be used, developed or built upon as a unit

Lot Area: The area of a horizontal plane bounded by the front, side or rear lot lines, but nor including any area occupied by the waters of lakes or rivers or by public right-of-ways, unless otherwise provided

Lot, Corner: See Corner Lot

Lot Coverage: That part or percentage of a lot occupied by structures, including accessory structures

Lot Depth: The mean horizontal distance between the front lot line and the rear lot line of a lot, measured within the lot lines

Lot, Interior: A lot other than a corner lot

Lot Line: A line of record bounding a lot which divides one lot from another lot or from a right-of-way or any other public spaces

Lot Line, Front: The lot line separating the lot from the road right-of-way

Lot Line, Interior Side: Any lot line, other than a front or rear lot line, which separates a lot from another lot

Lot Line, Rear: The lot line opposite and most distant from the front lot line; or in the case of a triangular or otherwise irregularly shaped lots, a line ten (10) feet in length entirely within the lot, parallel to and at a maximum distance from the front lot line

Lot Line, Side Street: Any lot line, other than a front, rear, or interior side lot line, which separates the lot from a road or a street

Lot, Non-Farm: See Non-farm Lot

Lot, Through: See Through Lot

Lot of Record: Any legally recorded lot that, at the time it was recorded, fully complied with all applicable laws and ordinances

Lot of Record, Non-Conforming: See Non-Conforming Lot of record

Lot Width: The horizontal distance between the side lines of a lot, measured at right angles to its depth along a straight line parallel to the front line at the minimum required building setback line for the principal building

Manure Storage Facility: A manufactured manure storage structure, detention pond, sedimentation terrace, or manure catchment basin

Manufactured Building: Has the following features or characteristics; it is:

a. Mass-Produced in a factory
b. Designed and constructed for transportation to a site for installation and use when connected to required utilities;
c. Either and independent, individual building or a module for combination with other elements to form a building on the site

Manufactured Home:A structure, transportable in one or more sections, which in the traveling mode, is eight (8) body feet or more in width or forty (40) body feet or more in length, or when erected on site, is three hundred twenty (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; except that the term includes any structure which meets all the requirements and with respect to which the manufacturer voluntarily files a certification required by the secretary and complies with the standards established under this chapter

Manufactured Housing: A manufactured building or portion of a building designed for long-term residential use

Mobile Home: Manufactured home on a chassis

Mobile Home Community: A mobile home park or mobile home subdivision

Mobile Home Subdivision: A subdivision designed to accommodate mobile homes on individual lots

Motel or Hotel: A business comprising a series of attached or detached rental units, with or without eating facilities, used primarily as temporary residences for motorists, tourists, or travelers

Multiple Family Dwellings: See Dwelling, Multiple Family

Non-Buildable Lot: A lot which is not permitted to have a dwelling of any kind erected or placed upon said lot

Non-Conforming Lot of Record: Any legal lot of record that at the time it was recorded fully complies with all applicable laws and ordinances but which does not fully comply with the lot requirements of this zoning ordinance concerning minimum area or minimum lot width

Non-Conforming Structure: A structure the size, dimensions, or location of which was lawful prior to the adoption of this zoning ordinance , but which fails by reason of such adoption, or subsequent revision or amendment, to conform to the present requirements of the zoning district

Non-Conforming Use: A use or activity which was lawful prior to the adoption of this zoning ordinance but which fails, by reason of such adoption, or subsequent revisions or amendments, to conform to the present requirements of the zoning district

Non-Farm Dwelling: A single-family detached dwelling or mobile home located on a lot which does not qualify as a farm

Non-Farm Lot: A lot which does not qualify as a farm

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 projection into any channel, water course 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

Official Zoning Map: The map or maps which a e a part of this ordinance and delineate the boundaries of the zoning districts

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

Pastures: Areas where grass or other growing plants are used for grazing and where the concentration of animals is such that a vegetation cover is maintained during the growing season except in the immediate vicinity of temporary supplemental feeding or watering devices

Paved Surface: A hard, smooth surface which is made from concrete, asphalt, paving bricks, or similar durable material. Paved surfaces may be pervious or impervious.

Permitted Use: A use allowed in a zoning district and subject to the restrictions applicable to that zoning district

Prime Crop Land: Land which has been determined by the Agricultural Stabilization and Conservation Committee to be cropland, having a crop equivalency rating of sixty (60) or greater

Principal Building or Structure: The primary or predominant building or structure on any lot

Principal Use: The primary or predominant use of any lot

Public Sewer and Water System: A system, other than an individual septic tank, tile field, or individual well, that is operated by a municipality, governmental agency, or a public utility for the collection, treatment, and disposal of wastes and the furnishing of potable water

Public Utility: A closely regulated private enterprise with an exclusive franchise for providing a public service

Public Utility Facilities: Telephone, electric and cable television lines, poles, equipment and structures; water or gas pipes, mains, valves or structures; sewer pipes, valves or structures; pumping stations; telephone

exchanges and repeater stations; and all other facilities, equipment and structures necessary for conducting a service by a government or a public utility. For the purpose of this ordinance, commercial wireless telecommunication service facilities shall not be considered public utility uses and are defined separately

Public Waters: Any waters as defined in Minnesota Statutes, Section 105.37, Subdivision14 and 15

Quarter and Quarter-Quarter Section: A division of land according to the rules of the original United States Government Public Land Surveyor

Reach: A hydraulic engineering term to describe a longitudinal section of a stream or river influenced by a natural or man-made obstruction

Rear Lot Line: See Lot Line, Rear

Rear Yard: See Yard, Rear

Recreational Vehicle: A temporary structure, less than forty (40) feet in length, which can be towed, hauled, or driven and is primarily designed as temporary housing accommodation for recreational, camping or travel use, including but not limited to travel trailers, truck campers, camping trailers, and self propelled motor homes

Regional Flood: A flood which id representative of large floods known to have occurred generally in Minnesota and reasonably characteristic of what can be expected to occur with an average frequency in the magnitude of a one hundred (100) year recurrence interval

Resort: A facility got transient guests where the primary attraction is generally recreational features or activities

Right-of-Way: A strip of land acquired by reservation, dedication, forced dedication, prescription or condemnation and intended to be occupied or occupied by a road, crosswalk, railroad, electric transmission lines, oil or gas pipeline, and other similar uses

Right-of-Way Lines: The lines that form the boundaries of a right-of-way

Road: A public right-of-way, or a private right-of-way or easement serving two or more buildable non-farm lots, affording primary access by pedestrians and vehicles to abutting properties, whether designated as a street, highway, thoroughfare, parkway, throughway, road, avenue, boulevard, lane, place, or otherwise

Salvage or Junk Yard: An area where used, waste, discarded or salvaged materials are brought, sold, exchanged, stored, baled, cleaned, packed, disassembled or handled; including but not limited to scrap iron and other metal, paper, rags, rubber products, bottles and lumber. Storage of such materials in conjunction with a permitted manufacturing process when within an enclosed area or building shall not be included

School: A public school as defined in Minnesota Statutes, Section 120.05 or a nonpublic school as defined in Minnesota statutes, Section123.932

Semipublic Use: The use of land by a private, non-profit 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 and the nearest property line or highway easement line; within shoreland districts it shall also mean the minimum horizontal distance between a structure and the ordinary high water mark

Setback Line: That line that is the required minimum distance from the street right-of-way or any other lot line that established the area within which the principal structure must be erected or placed

Sewage Sludge: As defined in Minnesota Statutes, section115A.03, subdivision 29, means the solids and associated liquids in municipal wastewater which are encountered and concentrated by a municipal wastewater treatment plant. Sewage sludge does not include incinerator residues and grit, scum, or screenings removed from other solids during treatment

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 normal high water mark of a lake, pond, or flowage; and300 feet from a river or stream or the landward extent of a flood plain designated by ordinance on such a river or stream, which ever is greater. The practical limits of shoreland may be less than the statutory limits whenever the waters involved are bounded by distances and when approved by the Commissioner of the Department of Natural Resources

Side Street Yard: See Yard, Side Street

Side Yard: See Yard, Side

Sign: Any object, device, display, structure or part thereof, situated outdoors or indoors, which is displayed to attract the attention of the public while on public streets, highways or walkways to an object, person, institution, organization, business, product, service, event or location by any means, including words, letters, figures, designs, symbols, fixtures, colors, illumination or projected image. Signs do not include flags of any nation, state, city, religion, fraternal or civic organization, merchandise and pictures or models of products or services incorporated in a window display, works of art which in no way identify a product, scoreboards on athletic fields, sound trucks or other moving advertising media while operated on a public right-of-way, official traffic signs or symbols, banners announcing civic celebrations or events of special interest, mounted house numbers under 12 inches in height, mounted name plates or building address numbers under six square feet in area identifying the occupants or address of a building, or address or public information signs displayed for

the convenience of the traveling public, when established by a public pattern which by themselves would not convey a message about a business or product without other sign elements present

Sign, General Advertising: A sign that directs attention to a business, service, event, product or location not related to or on the premises where the sign is located

Sign, Directional Advertising: A sign that directs attention to a business, service, or location not related to or on the premises where the sign is located

Significant Historic Site: Any archeological site, standing structure, or other property that meets the criteria for eligibility to the National register of Historic Places or is listed in the State Register of Historic Sites, or is determined to be an un-platted cemetery that falls under the provisions of Minnesota Statutes, section307.08. A historic site meets these criteria if it is presently listed on either register or if it is determines to meet the qualifications for listing after review by the Minnesota State Archaeologist or the director of the Minnesota Historical Society. All un-platted cemeteries are automatically considered to be significant historic sites

Single Family Attached Dwelling: See Dwelling, Single Family Attached

Single Family Detached Dwelling: See Dwelling, Single Family Detached

Single Family Dwelling: See Dwelling, Single Family

Specified Anatomical Areas: Anatomical areas consisting of:

a. Less than completely and opaquely covered human genitals, pubic region, buttock, anus, or female breast(s) below a point immediately above the top of the areola; and
b. Human male genitals in a discernibly turgid state, even if completely and opaquely covered

Specified Sexual Activities: Activities consist of the following:

a. Actual or simulated sexual intercourse, oral copulation, anal intercourse, oral-anal copulation, bestiality, direct physical stimulation of unclothed genitals, flagellation or torture in the context of a sexual relationship, or the use of any excretory functions in the context of a sexual relationship, and any of the following sexually oriented acts or conduct; anilingus, buggery, coprophagy, coprophilia , cunnilingus, fellatio, necrophilia, pederasty, pedophilia, piquerism, sapphis, zooerasty; or
b. Clearly depicted human genitals in the state of sexual stimulation, arousal or tumescence; or
c. Use of human or animal ejaculation, sodomy, oral copulation, coitus, or masturbation; or
d. Fondling or touching of nude human genitals, pubic regions, buttocks, or female breasts; or
e. Situations involving a person or persons, any of whom are nude, clad in undergarments or in sexually revealing costumes, and who are engaged in activities involving the flagellation, torture, fettering, binding or other physical restraint of any such persons; or

f. Erotic or lewd touching, fondling, or other sexually-oriented contact with an animal by a human being; or
g. Human excretion, urination, menstruation, vaginal or anal irrigation

State Building Code: The Minnesota State Building Code, setting forth standards for the construction, addition, modification, and repair of buildings and other structures for the purpose of protecting the heath, safety and general welfare of the public

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 is accordance with the provisions of this ordinance. Where specific information is not available, steep slopes are lands having average slopes over twelve percent (12%) over horizontal distances of fifty (50) feet or more, that are not bluffs

Street: See Road

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, detached garages, cabins, manufactured homes, travel trailers/vehicles not meeting the exemption criteria specified in Section 9.04 (A3) of this ordinance and similar items

Structure, Accessory: See Accessory Structure

Structure Alteration: Any changes in the supporting members of any building, such as bearing walls, columns, beams or girders, or any substantial change in the roof and exterior walls

Structure, Non-Conforming: See Non-conforming Structure

Structure, Principal: See Principal Structure

Structure, Temporary: See Temporary Structure

Sub-Standard Shoreland Use: Any use in the shoreland district existing prior to the date of enactment of this zoning ordinance which was permitted but foes not meet the minimum lot area and length of water frontage, structure setbacks, or other dimensional standards of the shoreland district

Supervised Living Facility: A facility providing lodging plus supervision, counseling, or rehabilitative services to five or more persons and licensed as such under Minnesota State Health Code

Swimming Pool, Private: A structure, not located within a completely enclosed building , for swimming or bathing purposes, which is capable of containing water at a depth of one and one half (1 ½) feet or greater

Swimming Pool, Above Grade: A swimming pool whose exposed sides have a height of four (4) feet or greater above the natural ground located adjacent to said swimming pool

Swimming Pool, Below Grade: A swimming pool whose exposed sides have a height of less than four (4) feet above the natural ground located adjacent to said swimming pool

Temporary Building or Structure: A building or structure without any foundation or footings and which shall be removed when the designated time period, activity, or use for which the temporary building or structure was erected has ceased

Temporary Use: A use established for a fixed period of time with the intent to discontinue such use upon the expiration of the time period

Through Lot: A lot having frontage on two (2) parallel roads or which fronts upon two streets which do not intersect at the boundaries of the lot

Tower: Any ground or roof mounted pole, spire, structure or combination thereof taller than 15 feet, including supporting lines, cables, wires, braces and masts, intended primarily for the purpose of mounting an antenna, meteorological device, or similar apparatus above grade

Two Family Dwelling: See Dwelling, Two Family

Unit: See either Animal Unit or Dwelling Unit

Use: The purpose or activity for which land or structures are used

Use, Accessory: See Accessory Use

Use, Conditional: See Conditional Use

Use, Non-conforming: See Non-conforming Use

Use, Permitted: See Permitted Use

Use, Principal: See Principal Use

Use, Temporary: See Temporary Use

Variance: A modification or variation of the strict provisions of this zoning ordinance, as applied to a specific piece of property, in order to provide relief for a property owner because of undue hardship or particular difficulty imposed on him by this ordinance. A variance shall normally be limited to height, bulk, density, and yard requirements. A modification in the allowable uses within a district shall not be considered a variance

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 the 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

WECS, large (LWECS): A large wind energy conversion system (LWECS) as defined in Minnesota Statute 116C as amended ("…. Any combination of WECS with a combined nameplate capacity of 5,000 kilowatts or more")

WECS Meteorological Tower: A tower which is erected primarily to measure wind speed, density, and direction along with other data relevant to siting WECS

WECS, small (SWECS): A small wind energy conversion system (SWECS) as defined in Minnesota Statute 116C ("…any combination of WECS with a combined nameplate capacity of less than 5,000 kilowatts")

WECS, Small non-utility: A facility consisting of a single WECS which is incidental and subordinate to a permitted use on the same parcel and that has a rated generating capacity of 100 kW or less which supplies electrical power of on-site use, except that when a parcel on which the system is installed also receives electrical power supplied by a utility company, generated electrical power may be transferred to the utility company

WECS, small utility: A SWECS with more than one WECS; or any SWECS which is intended to produce electricity primarily for sale to a rate-regulated or non-regulated utility, or primarily for use off site; or any SWECS that has a combined generating capacity of more than 100kW and less than an LWECS. The SWECS is considered a primary use of the site

Wetland: A surface water feature classified as a wetland in the United States Fish and Wildlife Service Circular No 39 (1971 edition)

Wind Energy Conversion System (WECS): A wind energy conversion system as defined in Minnesota Statute 116C, as amended ("…any device such as a wind charger, windmill, or wind turbine and associated facilities that converts wine energy to electrical energy")

Wind Turbine: A machine used to produce electricity by converting the kinetic energy of wind to electrical energy. A turbine consists of a rotor, nacelle and tower

Wooded or Woodland: An area with a stand of treed that has a canopy cover, as shown on the most recent aerial photographs, of at least fifty (50%) percent, being at least one (1) acre in size and having a minimum width of at least one hundred (100) feet

Yard: A required open space on a lot which is unobstructed by a building from its lowest ground level to the sky except as expressly permitted in this ordinance. A yard shall extend along a lot line and at right angles to such lot line to a depth or width specified in the yard regulations for the district in which such lot is located

Yard, Front: A yard extending across the full width of the lot, the depth of which is the minimum horizontal distance between the front lot line and a line parallel thereto on the lot

Yard, Interior Side: The side yard abutting another lot

Yard, Rear: A yard extending across the full width of the lot between the rear line and the nearest line of the principal building

Yard, Side: A yard extending from the front yard to the rear yard, the width of which is the minimum horizontal distance between the side lot line and a line parallel thereto on the lot

Yard, Side Street: A side yard abutting a road or street right-of-way

Youth Facility: A public playground, public swimming pool, public library, or licensed day care facility

Zoning Administrator: The administrator of this ordinance as appointed by the New Haven Town Board, or the authorized representative

Zoning Certificate: A document signed by the Zoning Administrator required in the zoning ordinance as a condition precedent to the commencement of a use or the erection, construction, reconstruction, restoration, alteration, conversion, or installation of a structure or building, which acknowledges that such use, structure or building complies with the provisions of this zoning ordinance or authorized variance there from

Zoning District: A specifically delineated area in the township within which regulations and requirements uniformly govern the use, placement, spacing and size of land and structures

Zoning Map: See Official Zoning Map

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ARTICLE III

ADMINISTRATION

SECTION 3.00 ZONING ADMINISTRATOR

The Zoning Administrator of New Haven Township shall have the power and duty to administer and enforce this ordinance. The Zoning Administrator may designate others to act upon his behalf to administer and enforce this ordinance subject to any reasonable conditions required by the Board.

SECTION 3.02 ZONING ADMINISTRATOR, SPECIFIC POWERS AD DUTIES

The Zoning Administrator shall have the following powers and duties in addition to any others he may now have or hereafter be given. The Zoning Administrator shall:

a. Enforce and administer this ordinance
b. Issue zoning certificates and any other permits as required by the terms of this ordinance
c. Conduct inspections of the use of buildings and land to determining compliance with the terms of this ordinance
d. Maintain permanent and current records of this ordinance, including but not limited to all maps, amendments, and conditional uses, variance, appeals and applications therefore;
e. Receive, publish legal notices, research and report upon all applications for appeals, variances, conditional uses, amendments, and other matters to the designated official bodies;
f. Assist the Town Board, Planning and Zoning Advisory Commission, Board of Adjustment upon matters of land use development and regulations;
g. Institute in the name of the Township, any appropriate actions or proceedings against a violator

SECTION 3.04 COMPLIANCE REQUIRED

It shall be the duty of all property owners, architects, contractors, subcontractors, builders and other persons involved in the use of property, erecting, altering, changing or remodeling of any building or structure, including tents and mobile homes, before beginning or undertaking any such use or work, to see that such work does not conflict with and is not in violation of the provisions of this ordinance; and any such property owner, architect, builder, contractor or other person using property, or doing or performing any such work and in violation of the provisions of this ordinance shall be held accountable for such violation.

SECTION 3.06 ZONING CERTIFICATE

It shall be unlawful to use, occupy or permit the use of occupancy of any building or premises or part thereof hereafter created, erected, changed, converted, altered or enlarged in its use or structure until a zoning certificate shall have been issued by the Zoning Administrator stating that the use of the building or land conforms to the requirements of this ordinance. Where a non-conforming use or structure is extended or

substantially altered, the zoning certificate shall specifically state the manner in which the non-conforming structure or use differed from the provisions of this ordinance.

SECTION 3.08 VIOLATIONS

Any property, building or structure being used, erected, constructed ,or reconstructed, altered, repaired, converted or maintained in a manner not permitted by this ordinance, shall be prohibited. The Township Board or the Zoning Administrator mat institute appropriate actions or proceedings to prevent, restrain, correct or abate such violations or threatened violations. In addition, violations of this ordinance occurring in flood plain or shoreland areas will be forwarded to the Commissioner of Department of Natural Resources.

SECTION 3.10 PENALTIES

Any person, firm, corporation or entity violating the provisions of this ordinance shall be guilty of a misdemeanor. Each day that violation is committed or permitted to exist shall constitute a separate offense. The imposition of any fine or sentence shall not exempt the offender from compliance with the requirements of this ordinance; and the Township may pursue, by appropriate actions or proceedings, and or all additional other remedies.

SECTION 3.14 BOARD OF ADJUSTMENT

A. The Board of Adjustment is established in accordance with Minnesota Statutes Section 462.357 and as hereafter amended.
B. The Board of adjustment shall consist of five (5) members, appointed by the Town Board, for terms as follows: one (1) member for an initial term of one (1) year, two (2) members for initial terms of two (2)years, and two (2) members for initial terms of three (3) years. All terms shall be for three (3) years after the initial appointment.
C. Members of the Board of Adjustment shall be subject to removal, for cause, upon majority vote by the Town Board, after notice and opportunity for hearing before the Board.
D. Members whose terms have expired shall continue to serve as members of the Board of Adjustment until their replacements have been appointed.
E. Meeting of the Board of Adjustment shall be held at the call of the chairman and at such other times as the Board, in its rules of procedure, may specify. The Board of Adjustment shall elect a chairman and a vice chairman from its members and shall appoint a secretary who need not be a member of the Board. It shall adopt rules for transaction of its business and shall keep a public record of its transactions, findings, and determinations. Staff services for the Board of adjustment shall be furnished by the Township.
F. The Board of Adjustment shall act upon all questions as they may arise in the administration of this zoning ordinance; and it shall hear and decide appeals from, and review any other requirement, decision, or determination made by an administrative official charged with enforcing this zoning ordinance. Such appeal procedures are indicated in Section 4.06 of this zoning ordinance.

G. The Board of Adjustment shall also have the authority to grant variances to the provisions of this zoning ordinance under certain conditions. The conditions and procedures for issuance of a variance are indicated in Section 4.08 of this zoning ordinance.

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ARTICLE IV

ZONING PROCEDURES

SECTION 4.00 AMENDMENTS

The Town Board may adopt, by a majority vote of all members of the Board, amendments to the zoning ordinance and to the official zoning map, which reflect the goals and policies of the township as reflected in the Comprehensive Plan or changes in conditions in the township.

A. Types of Amendments:
    a. A change in district boundaries (re-zoning)
    b. A change in district regulations
    c. A change in any other provision of this ordinance
B. Initiation of Proceedings: The procedure for amending the zoning ordinance shall be initiated by at lease one of the following methods
    a. By petition of an owner or owners of a property which is proposed to be rezoned or for which district regulation changes are proposed
    b. By action of the Board
C. Amendment Procedures – Property Owners: the procedures for a property owner to initiate an amendment to the ordinance are as follows:
    a. The applicant shall obtain the application and necessary forms from the Zoning Administrator
    b. The applicant shall submit the application, together with an accurate legal description and map drawn to scale of the property, to the Township Board
    c. The Board shall conduct a public hearing in accordance with Minnesota Statutes, Section 462.357. The Board shall adopt findings and shall act upon the application within sixty (60) days of the Board's scheduled public hearing date.
    d. No application of a property owner for an amendment to the text of this zoning ordinance or the Official Zoning Map shall be reconsidered within the one (1) year period following a denial by the Town Board of such request, except the Board may permit a new application if in its opinion new evidence or a change of circumstances warrant it.
D. Amendment Procedures – Town Board of Supervisors: The procedures for the Town Board of Supervisors to initiate a rezoning or an amendment to this ordinance are as follows:
    a. The Board shall pass a motion indicating their intent to amend this ordinance.
    b. The Board shall conduct a public hearing in accordance with Minnesota Statutes, Section 462.357. The Board shall adopt findings and shall act upon the application within sixty (60) days of the Board's scheduled public hearing date.
E. Amendment Procedures – Sections 10.20 and 10.21: In addition to the procedures outlined above, any proposed amendment to the text addressing Sections 10.20 and 10.21 shall be referred to the Olmsted County Soil and Water Conservation District Board for comment prior to action.

SECTION 4.02 CONDITIONAL USE:

The purpose of a conditional use is to permit a use that would not be appropriate generally but may be allowed with appropriate restrictions upon a finding that (1) certain conditions as detailed in the zoning ordinance exist, and (2) the use of development conforms to the Comprehensive Plan, and (3) is compatible with the existing area.

A conditional use is allowed only after a public hearing with the Town Board of Supervisors.

A. Criteria for Granting Conditional Uses: In granting a conditional use, the Town Board shall consider the effect of the proposed use on the Comprehensive Plan and upon the health, safety and general welfare of occupants of surrounding lands. Among other things, the Board shall consider the following:
    a. The proposed use will not be injurious to the use and enjoyment of other property in the neighborhood and will not significantly diminish or impair the values of such property
    b. The proposed use will not impede the normal and orderly development and improvement of the surrounding property
    c. Adequate utilities, parking, drainage and other necessary facilities will be provided
    d. Adequate ingress and egress will be provided to minimize traffic congestion in the public streets
    e. The traffic generated by the proposed use can be safely accommodated on existing public roads providing access to the site will not need to be upgraded or improved by the Township or County in order to handle the additional traffic generated by the use
    f. Adequate measures have been taken or proposed to prevent or control offensive odor, fumes, dust, noise, vibration, or lighting which would otherwise disturb the use of neighboring property
    g. The special criteria or requirements indicated in Article X, General Regulations are complied with
    h. The water and sanitary systems are, or would be, adequate to prevent disease, contamination and unsanitary conditions.

When deciding on conditional uses to the Floodway, Flood Fringe and the Flood Plain Districts, the following additional factors shall also be considered

    a. The danger to life and property due to increased flood heights or velocities caused by encroachments
    b. The danger that material may be swept onto other lands or downstream to the injury of others
    c. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner

d. The relationship of the proposed use to the flood plain management program for the area
e. The safety of access to the property in times of flood for ordinary and emergency vehicles
f. The expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters expected at the site
g. The proposed water supply and sanitation systems and the ability of these systems to prevent disease, contamination, and unsanitary conditions
h. The importance of the services provided by the proposed facility to the community
i. The requirements of the facility for a water front location
j. The availability of alternative locations not subject to flooding for the proposed use
k. The compatibility of the proposed use with existing development and development anticipated in the foreseeable future
l. Based upon technical evaluation of the designated engineer or expert, the Board shall determine the specific fold hazard at the site and evaluate the suitability of the proposed use in relation to the flood hazard

When deciding on a conditional use to the A1, A2, A3, A4 Agricultural Districts, the following additional factors shall be considered:

a. The amount of prime agricultural land with a crop equivalency rating of 60 or above that would be taken out of production as a result of the use

b. The need for new public roads or the need for improvement to existing public roads is minimal

c. A thorough evaluation of the water-body and topographic, vegetation and soils conditions on the site must be made to ensure prevention of soil erosion and/or pollution during and after construction, the visibility of structures from public roads, and adequate sewerage and water supply, and the types, uses and numbers of water craft that the project will generate are compatible in relation to the suitability of public waters to safely accommodate these craft.

B. Additional Conditions: In permitting a new conditional use the alteration of an existing conditional use, the Town Board may impose, in addition to those standards and requirements expressly specified in this ordinance, additional conditions which the Board considers necessary to protect the best interest of the surrounding area or the Township as a whole. These conditions may include, but are not limited to the following

a. Increasing the required lot size or yard dimension

b. Limiting the height, size or location of buildings

c. Controlling the location and number of vehicle access points

d. Increasing the street width

e. Increasing the number of required off-street parking spaces

f. Limiting the number, size, location or lighting of signs

g. Requiring diking, fencing, screening, landscaping or other facilities to protect adjacent or nearby property

h. Designating sites for open space

i. Limiting the hours of operation

j. Limiting the length of time for which the conditional use may exist

k. Increased setbacks from the ordinary high water level

l. Limitations on the natural vegetation to be removed or the requirement that additional vegetation be planted

m. Special provisions for the location, design, and use of structures, sewage treatment systems, watercraft launching and docking areas, and vehicle parking areas

C. Required Exhibits: the following exhibits shall be required unless waived by the Zoning Administrator:

1. A completed application form

2. An accurate boundary description of the property

3. A development plan of the property showing the existing or proposed buildings, streets, access roads, driveways, parking spaces and signs.

4. Landscaping and screening plans

5. Drainage plan

Conditional uses pertaining to the Flood Plain Districts, Section 9.08, shall, in addition to the previous exhibits, require the following:

6. Plans in triplicate drawn to scale showing the nature, location, dimensions and elevations of the lots, existing or proposed, fill, storage of materials, flood-proofing measures, and the relationship of the above to the location of the stream channel.

7. Specifications for building construction and materials, flood-proofing, filling, dredging, grading, channel improvement, storage of materials, water supply and sanitary facilities.

8. Any additional information deemed necessary by the Town Board to determine the suitability of the particular site for the proposed use.

9. Prior to granting a permit or processing an application for a conditional use permit the Zoning Administrator shall determine that the applicant has obtained all necessary State and Federal Permits.

D. Conditional Use Procedures: The procedures for a property owner to obtain a conditional use are as follows:

1. The applicant shall obtain the application and necessary forms from the Zoning Administrator.

2. The applicant shall return the application to the Zoning Administrator along with the required exhibits and pay the fee established by the Board for processing the conditional use procedures.

3. Prior to the processing of the application for a conditional use pertaining to the Flood Plain District, the Zoning Administrator shall determine that the applicant has obtained all necessary state and federal permits pertaining to flood proofing and flood protection measures.

If the conditional use is with respect to either the Floodway, Flood Fringe or the Flood Plain Districts, The Zoning Administrator shall transmit one (1) set of plans to a designated engineer or other expert person or agency acceptable to the county for technical assistance in evaluating the proposed project in relation to flood heights and velocities, the seriousness of flood damage to the use, the adequacy of the plans for protections, and other matters.

In addition the Zoning Administrator shall submit by mail to the Commissioner of Natural Resources a copy of the application for proposed Conditional Use sufficiently in advance so that the Commissioner will receive at least ten (10) days notice of the hearing.

a. Upon receipt of an application for a Conditional Use Permit for a use within the General Flood Plain District, the applicant shall be required to furnish such of the following information as is deemed necessary by the Zoning Administrator for the determination of the Regulatory Flood Protection Elevation and whether the proposed use is within the Floodway or Flood Fringe District.

    a. A typical valley cross section showing the channel of the stream, elevation of land areas adjoining each side of the channel, cross sectional areas to be occupied by the proposed development, and high water information.

    b. Plan (surface view) showing elevations or contours of the ground; pertinent structure, fill or storage elevations; size, location and spatial arrangement of all proposed and existing structures on the site; location and elevations of streets; photographs showing existing land uses and vegetation upstream and downstream; and soil type.

    c. Profile showing the slope of the bottom of the channel or flow line of the stream for at lease 500 feet in either direction from the proposed development.

b. The applicant shall be responsible to submit one copy of the above information to a designated engineer or other expert person or agency for technical assistance in determining whether the

proposed use is in the Floodway or Flood Fringe District and to determine the Regulatory Flood Protection Elevation. Procedures consistent with Minnesota Regulations 1983 Parts 6120.5000—6120.6200 shall be followed in this expert evaluation. The designated engineer or expert is strongly encouraged to discuss the proposed technical evaluation methodology with the respective Department of Natural Resources Area Hydrologist prior to commencing the analysis. The designated engineer or expert shall:

1. Estimate the peak discharge of the regional flood.

2. Calculate the water surface profile of the regional flood based upon a hydraulic analysis of the stream channel and overbank areas.

3. Compute the floodway necessary to convey or store the regional flood without increasing flood stages more than 0.5 foot. A lesser stage increase than .5' shall be required if, as a result of the additional stage increase, increased flood damages would result. An equal degree of encroachment on both sides of the stream within the reach shall be assumed in computing floodway boundaries.

4. The Zoning Administrator shall set a date for the public hearing before the Town Board in accordance with the public hearing requirements in Minnesota Statutes, Section 462.357. Failure of any property owner or occupant to receive such notice shall note invalidate the proceeding, provided a bona-fide attempt to give such notice has been made.

5. The Town Board shall hold the public hearing. The Board shall adopt findings based upon the evidence established during the hearing and shall act upon the application within sixty (60) days from the date of the public hearing. Appeals from the decision can be made to the Board of Adjustment.

6. The Board's decision granting the conditional use with respect to the Flood Plain District shall be forwarded by mail to the Commissioner of natural Resources within ten (10) days of such action.

7. The Zoning Administrator shall transmit a certified copy of an approved conditional use along with the legal description of the property, to the County Recorder for recording except when the decision is being appealed.

8. A conditional use permit shall remain in effect for so long as the conditions of the permit are observed or complied with

9. No application for a conditional use shall be reconsidered by the Town Board within the one (1) year period following a denial of such request, except the Board may permit a new application if, in the opinion of the Board, new evidence or a change of circumstances warrant it

10. Should no construction or use begin within one year from the date of approval, or should the approved conditional use be discontinued for a period of one year, the conditional use shall be void

SECTION 4.06 APPEAL OF THE ZONING ADMINISTRATOR'S DECISION:

A decision of the Zoning Administrator or any administrative official charged with enforcing this zoning ordinance may be appealed to the Board of Adjustment. Such appeal may be taken by any person aggrieved. An appeal stays all proceeding of action in accordance with Minnesota Statutes Section 462.

A. Appeal Procedures:

a. The appeal application shall be submitted to the Zoning Administrator within ten (10) days of the Zoning Administrator or administrative official's decision. The appellant shall pay the fee for processing the appeal as established by the Town Board.

b. Within sixty (60) days after receipt of the appeal, the Board of Adjustment shall hold a public hearing and notify the appellant, the official from whom the appeal is taken, and the public. The Board of Adjustment shall adopt findings and shall act upon the appeal within sixty (60) days of the Board's scheduled public hearing date.

SECTION 4.08 VARIANCES:

A variance from a provision of this zoning ordinance may be granted by the Board of Adjustment in those cases where the zoning ordinance is found to impose unnecessary hardship to a property owner. The Board of Adjustment may not permit as a variance any use that is not permitted for the property in the district where the affected person's land is located.

A. Criteria for granting a variance: A variance may be granted only in the event that the Board of Adjustment finds that this zoning ordinance causes unnecessary hardship to the property owner and finds evidence that all the following facts and conditions exist:

a. That there are exceptional and extraordinary circumstances or conditions applying to the property in question as to the intended use of the property that do not apply generally to other properties in the same zoning district.

b. That such variance is necessary for the preservation and enjoyment of a substantial property right similar to that possessed by other properties in the same district and in the same vicinity. The possibility of increased financial return shall not in itself be deemed sufficient to warrant a variance.

c. That the authorizing of such variance will not be of substantial detriment to adjacent property and will not materially impair the intent and purpose of this zoning ordinance or the public interest.

d. That the condition or situation of the specific piece of property for which the variance is sought is not of so general or recurrent a nature as to make reasonably practicable the formulation of a general regulation for such conditions or situation.

e. That the variance requested is the minimum variance which would alleviate the hardship.

When deciding a variance pertaining to Section 9.08, Flood Plain District, the following additional factors shall be considered;

f. That there are no practical alternatives available without the granting of a variance

g. That the literal interpretation of the zoning ordinance would result in exceptional hardship to the applicant, not mere inconvenience

h. That the granting of such variance will not increase the flood heights, create additional threats to public safety, necessitate extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances

When deciding a variance to the Shoreland District regulations, the following additional factors shall be considered;

i. No variance shall have the effect of allowing in any district uses prohibited in that district, permit a lower degree of flood protection that the Regulatory Flood Protection Elevation for the particular area, or permit standards lower than those required by State law, or

j. In areas where development exists on both sides of a proposed building site, water and road setbacks may be varied to conform to the existing established setbacks, or

k. In areas on unusual topography or substantial elevation above the lake level, the water setback may be varied to allow a riparian owner reasonable use and enjoyment of his property, or

l. Where homes incorporate a method of sewage disposal other than soil absorption, water setbacks may be reduced by one-third (1/3).

m. For existing developments, the application for variance must clearly demonstrate whether a conforming sewage treatment system is present for the intended use of the property. The variance, if issued, must require reconstruction of a nonconforming sewage treatment system.

B. Required Exhibits: The following exhibits shall be required unless waived by the Zoning Administrator:

a. A completed application form

b. An accurate boundary survey and site plan

C. Variance Procedures: The procedures for a property owner to obtain a variance are as follows:

a. The applicant shall obtain the application and necessary forms from the Zoning Administrator

b. The applicant shall return the application and necessary forms to the Zoning Administrator along with the required exhibits and pay the fee established by the Board

c. Whenever the variance is related to provisions of the Flood Plain District, the Zoning Administrator shall submit to the Commissioner of Natural Resources a copy of all applications for variances so that the Commissioner receives at least ten (10) days notice of the hearing

   The Zoning Administrator shall notify the applicant in writing that:

   i. The issuance of a variance to construct a structure below the flood protection elevation will result in increased premium rates for flood insurance up to amounts as high as $25 for $100 of insurance coverage, and

   ii. Such construction below the flood protection elevation increases risks to life and property

d. The Zoning Administrator shall set a date for the public hearing before the Board of Adjustment in accordance with the public hearing requirements in Minnesota Statute 462. Failure of any property owner or occupant to receive such notice shall not invalidate the proceeding, provided a bona-fide attempt to give such notice has been made

e. The Board of Adjustment shall adopt finding based upon the evidence established during the hearing and shall act upon the variance within sixty (60) days from the date of the public hearing

f. A certified copy of the approved variance shall be mailed to the petitioner

g. A certified copy of an approved variance, along with the legal description of the property, shall be transmitted to the County Recorder for recording

h. The Board of Adjustment's decision granting the variance to the Flood Plain District shall be forwarded by mail to the Commissioner of Natural Resources within ten (10) days of such action

i. The Zoning Administrator shall submit a copy of the decisions and the justification for their issuance to the Commissioner of Natural Resources within ten (10) days of such action.

SECTION 4.10 TEMPORARY CONSTRUCTION PERMITS:

The temporary use of property, in any district, for a use customarily incidental to the construction of roads, buildings, utilities, or public projects may be allowed upon approval of a zoning certificate in the form of a

temporary and revocable permit for not more than a 90-day period by the Zoning Administrator. The Zoning Administrator shall attach those conditions which will safeguard the public health, safety and general welfare. The permit may be renewed by the Zoning Administrator, provided that the total approved time shall not exceed one (1) year.

Issuance of a permit shall be subject to, but not limited to, the following conditions:

1. Reclamation of property to an acceptable condition
2. Reclamation of property prior to expiration date of permit
3. Performance bond posted with the Township Board
4. Show evidence of valid state and federal permits as required
5. Provide traffic safety devices in proximity of operation
6. Approval of the Olmsted County Health Department

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ARTICLE V

AGRICULTURAL DISTRICTS

SECTION 5.00 A-1 AGRICULTURAL PROTECTION DISTRICT:

The purpose of this district is to maintain, conserve and enhance agricultural land, and natural habitat for plant and animal life. This district is intended to encourage long term agricultural uses and preserve prime agricultural farmland by restricting the location and density of non-farm dwellings and other non-farm land uses.

A. Permitted Uses:

1. Dwellings:

    a. Farm: One farm dwelling may be located on a farm. The definition of a farm for this district is “a lot used for agricultural or horticultural uses and comprised of either at least eighty (80) acres or two (2) contiguous and undivided quarter-quarter sections including the abutting public road right-of-way, if any”.

    b. Non-Farm: One non-farm dwelling may be located upon a buildable non- farm lot

    c. Farmstead dwelling: one farmstead dwelling may be located upon a non-farm lot in conformance with this section.

2. A second farm dwelling or mobile home may be placed on the same farmstead as another when the ownership of such farm exceeds a size of eighty (80) acres of contiguous land and provided that the residents of both dwellings are owners, operators or employees of said farm.

3. General farming, including the raising of crops, livestock, poultry, dairying, horticulture, apiculture, viticulture, sod farming, forestry, and similar agriculturally related uses, except animal feedlots.

4. Animal feedlots up to 1,000 animal units.

5. Farm drainage systems, flood control and watershed structures and erosion control devices meeting all county, state and soil conservation district minimum regulations.

6. Railroad right-of-ways, but not including freight classification yards and buildings.

7. One seasonal roadside stand where the use is located on a farm, the volume of any road providing driveway access to the use is less than 1,500 vehicles per day, and the posted speed limit on any road providing driveway access to the use is 60 mph or less, provided that there is

adequate off street parking and the road authority approves of the access and location. No more than one thirty-two (32) square foot sign advertising the stand shall be permitted for each street or road frontage.

8. Forest and game management areas. Signs advertising same to be no more than thirty-two (32) square feet on each street or road frontage.

9. Home businesses as regulated in Section 10.02 where Section 10.02 directs consideration as a permitted use.

10. Accessory structures and uses customarily incidental to any of the above permitted uses when located on the same property.

11. Small non-utility wind energy conversion systems. A meteorological tower may be part of the system.

12. Land-spreading sites provided the following standards are in compliance, the applicant and land-spreading site comply with MPCA rules.

B. Conditional Uses

1. One mobile home as a second dwelling on a lot, under one or more of the following circumstances:

    a. When there is a need to provide services to residents of either of the dwellings for reasons of physical or mental condition; or

    b. When all adult residents of either dwelling are sixty (60) years of age or older; or

    c. When at least on of the adult occupants of each dwelling is employed at lease seasonally in general farming activities carried out on the parcel; or

    d. When at least one of the adult occupants of each dwelling has at least a partial ownership interest in the parcel.

2. Public utility buildings such as substations, transformer stations and regular stations without service or storage yards.

3. Public parks and buildings.

4. Churches and community buildings, including chapels, temples, synagogues, cemeteries, and normal accessory buildings for education and living quarters.

5. Communications towers and structures, including radio and television and commercial wireless telecommunications services and towers.

6. One seasonal roadside stand not meeting the criteria described in Section 5.00 provided that there is adequate off street parking and that the road authority approves of the access and location. One thirty-two (32) square foot advertising is permitted.

7. Temporary uses not to exceed one year.

8. Animal feedlots exceeding 1,000 animal units as regulated in Section 10.26.

9. Kennels.

10. Stables for the commercial boarding of animals on parcels under 35 acres in area.

11. Riding academies.

12. Private parks and open spaces, including hiking areas, trails for cross country skiing, picnic facilities, and similar activities, but not to include camping or other overnight lodging, nor motorized recreational vehicles, such as dirt bikes, motorcycles, snowmobiles and so on.

13. Licensed shooting preserves.

14. Land-spreading facilities and land-spreading sited not meeting requirements of Section 5.00.

15. Accessory structures and uses customarily incidental to any of the above conditional uses when located on the same property.

16. Bed and Breakfast, provided that it is located within the principal dwelling of an existing farmstead, as an accessory use on a parcel of which the principal use is general farming, and that it is located at least ¼ mile from a feedlot not located on the farm parcel. If the parcel is smaller than 35 aces, the operator shall demonstrate that the parcel with the proposed use is part of a commercially viable agricultural operation. The minimum lot size for the proposed use shall be 5 acres.

17. Licensed farm winery as a year round accessory use on a parcel of which the principal use is viticulture.

18. Other uses similar to those uses described as permitted or conditional uses above.

19. Small utility wind energy conversion system (SWECS). Meteorological towers may be a part of the system.

20. Home Businesses as regulated in Section 10.02, where Section 10.02 directs consideration as a conditional use.

C. Standards for Non-Farm Dwellings: Non-farm dwellings shall be permitted only when they comply with all of the following standards:

1. No more than one non-farm dwelling per quarter section shall be permitted. Should a quarter section contain a buildable non-farm lot, no additional dwelling shall be permitted.

2. Any non-farm dwelling shall be located on at lease one (1) acre of non-prime agricultural soils with a crop equivalent rating of 55 or less. When a dwelling, which is not a mobile home, existed in its present location prior to April 16, 1983, this standard does not apply.

3. No non-farm dwelling shall be permitted in areas identified as wetlands or floodplain.

4. No non-farm dwelling shall be located within one-fourth (1/4) mile of an animal feedlot or manure storage facility not located on the same non-farm lot.

D. Standards for Farmstead Dwellings: A farmstead dwelling may be created provided the following standards are complied with:

1. A habitable farm dwelling must have legally existed on the farm in a habitable condition as of April 16, 1983.

2. The farmstead dwelling is located within a farmstead boundary.

3. Each parcel containing a farmstead dwelling must contain a minimum area of five (5) acres including the abutting public road right-of-way, if any.

4. Each parcel containing a farmstead dwelling shall not contain more than five (5) acres of prime cropland excluding the non-tilled land within the farmstead boundary.

5. Not more than one (1) farmstead dwelling is permitted per farm.

6. If a farm contains more than one (1) dwelling, only one of the dwellings may become a farmstead dwelling; the remaining dwelling or dwellings must remain on a farm parcel or be removed from the parcel.

7. Parcels containing farmstead dwellings shall conform to the yard, area, lot width, and access requirements of this ordinance.

E. General District Regulations

1. Height Regulations: none

2. Front yard Regulations: minimum front yard depth of not less than forty-five (45) feet shall be provided.

3. Side yard Regulations:

a. A minimum side street yard width of not less than forty-five (45) feet shall be provided

b. A minimum interior yard width of not less than twenty-five (25) feet shall be provided

4. Rear yard Regulations: A minimum rear yard depth of not less than twenty-five (25) feet shall be provided

5. Lot Area Regulations: each lot shall have an area of not less than two (2) acres, not including the abutting road right-of-way, except when additional lot area is required to meet the Board of Health Regulations.

6. Lot Width Regulations:

    a. Each lot shall have a minimum width of one hundred fifty (150) feet at the proposed building site.

    b. Each lot shall be provided with either thirty-three (33) feet of frontage along a public road or a recorded easement of not less than thirty three (33) feet for access to the building site.

7. Dwelling/Road Regulations: No dwelling shall be permitted that would require a new public road.

SECTION 5.02 A-2 AGRICULTURAL PROTECTION DISTRICT:

The purpose of this district is to maintain, conserve and enhance agricultural lands which are historically valuable for crop production, pasture land, and natural habitat for plant and animal life. This district is intended to encourage long-term agricultural uses and preserve prime agricultural farmland by restricting the location and density of non-farm dwellings and other non-farm land uses. The A2 district does provide a slightly higher density of non-farm dwellings than the A1 district and is intended to apply to those areas within the "Comprehensive Plan's Agricultural Protection Area" and "Agricultural Area" where major agricultural investments, large farms and feedlots are more scattered and greater numbers of non-farm uses or small parcels are present. The definition of a farm for this district is "a lot used for agricultural or horticultural uses and 1) comprised of at least thirty five (35) acres including the abutting public road right-of-way to the centerline. However, if the right of way is owned by the road authority in fee simple, then the abutting public right-of-way shall not be included in determining parcel area."

A. Permitted Uses

    a. Dwellings:

        i. Farm : One farm dwelling may be located on a farm.

        ii. Non-farm: One non-farm dwelling may be located upon a buildable non-farm (see Section 1.26(b)(2&3)

        iii. Farmstead Dwelling; One farmstead dwelling may be located upon a non-farm lot in conformance with Section 5.00D

    b. A second farm dwelling or mobile home may be placed on the same farmstead as another when the ownership of such farm exceeds a size of eighty (80) acres of contiguous land and provided that the residents of both dwellings are owners, operators or employees of said farm.

    c. General farming, including the raising of crops, livestock, poultry, dairying, horticulture, apiculture, sod farming, forestry, and similar agriculturally related uses; provided that animal feedlots shall not exceed 1,000 animal units.

    d. Farm drainage systems, flood control and watershed structures and erosion control devices meeting all county, state and soil conservation district minimum regulations.

    e. Railroad right-of –ways, but not including freight classification yards and buildings.

    f. Forest and game management areas.

    g. Home businesses as regulated in Section 10.02.

    h. Accessory structures and uses customarily incidental to any of the above permitted uses when located on the same property.

i. Stables for the commercial boarding of animals on lots 35 acres and greater.

j. Land-spreading sites provided the following standards are complied with:

i. No landspreading may take place within two hundred (200) feet of any residence or well; nor within one hundred (100) feet of any stream, whether intermittent or not, or sinkhole.

ii. The applicant must designate haul routes to the landspreading site that are approved by the applicable road authority.

iii. The sewage sludge must be injected directly into the soil; or immediately incorporated into the soil if approved for surface application.

iv. The applicant must provide a letter of approval for the landspreading site from the Minnesota Pollution Control Agency, along with a soil map indicating the boundaries of the area approved for landspreading.

v. Land whereupon sewage sludge is to be applied must have an approved Conservation Plan in accordance with Section 10.21 of the New Haven Township Zoning Ordinance.

vi. The applicant and landspreading site must remain in compliance with Minnesota Rules, Chapter 7040, as administered by the Minnesota Pollution Control Agency

vii. A permit pursuant to Section 4.02 must be obtained.

B. Conditional Uses (see Section 4.02, Conditional Use)

a. One mobile home as a second dwelling on a lot, under one or more of the following circumstances:

i. When there is a need to provide health care services to residents of either of the dwellings;

ii. When all adult residents of either of the dwellings are sixty (60) years of age or older;

iii. When at least one of the adult occupants of each dwelling is employed full time in general farming activities carried out on the parcel.

b. Public utility buildings such as substations, transformer stations and regular stations without service or storage yards

c. Public parks and buildings

d. Churches and community buildings, including chapels, temples, synagogues, cemeteries and normal accessory buildings for education and living quarters

e. Personal use airports, as defined in Minnesota Rules 8800.1300 Subpart 2, including landing fields and platforms, hangars, masts, and other facilities for the operation of aircraft not engaged in air commerce. (Private airports for restricted or public use are addressed as a conditional use in the Agricultural/ Resource Commercial – Land Intensive Low Impact District)

f. Migratory labor camps as a temporary dwelling of migratory farm workers

g. Commercial and industrial uses primarily intended to serve the agricultural uses.

h. Temporary or seasonal roadside stands provided that adequate off-street parking is available, traffic visibility or traffic flows are not adversely affected and not more than one stand per farm. No more than one twenty five (25) square foot sign advertising the stand shall be permitted for each street or road frontage.

i. Animal feedlots exceeding one thousand (1,000) animal units, as regulated in Section 10.26.

j. Kennels

k. Stables for the commercial boarding of animals

l. Riding academies

m. Private parks and open spaces, including hiking areas, trails for cross country skiing, picnic facilities, and similar activities, but not to include camping or other overnight lodging, nor motorized recreational vehicles, such as dirt bikes, motorcycles, snowmobiles and so on.

n. Guest houses, elderly hotels, and retreats, providing lodging and meals for up to a total of ten (10) household guests and residents, exclusive of the household of the operator, provided that the owner and operator of the facility resides on the premises; and that the location of the proposed use meets the criteria for recreational commercial uses in the General Land Use Plan for the New Haven Township area, with the exception of access on a major highway.

o. Accessory structures and uses customarily incidental to any of he above conditional uses when located on the same property.

p. Licensed Shooting Preserves

q. Landspreading facilities and landspreading sites not meeting the requirements of section 5.00A (k) of the New Haven Township Zoning Ordinance.

r. Licensed farm winery as a seasonal accessory use on a parcel of which the principal use is viticulture

s. Small utility wind energy conversion system (SWECS). Meteorological towers may be a part of the system

C. Standards for non-farm Dwellings; Non-farm dwelling per quarter-quarter section shall be permitted only when they comply with all of the following standards:

   a. No more that one non-farm dwelling per quarter-quarter section. Should a quarter-quarter section contain a buildable non-farm lot, no additional dwelling shall be permitted.

   b. Any non-farm dwelling shall be located upon at least one (1) acre of non-prime agricultural soils with a crop equivalent rating of fifty-five (55) or less. When a dwelling, which is not a mobile home, existed in its present location prior to April 16, 1983 this standard shall not apply.

   c. No non-farm dwelling shall be permitted in areas identified as wetlands or flood plain.

   d. No non-farm dwelling shall be located within one-fourth (1/4) mile of an animal feedlot or manure storage facility not located on the same non-farm lot.

   The purpose of the following section is to permit an existing farm dwelling to be subdivided from a farm subject to the limitations listed as "standards" in the following section.

D. Standards for Farmstead Dwellings: A farmstead dwelling may be created provided the following standards are complied with:

   a. A habitable farm dwelling must have legally existed on the farm in a habitable condition as of April 16, 1983

   b. The farmstead dwelling is located within a farmstead boundary

   c. Each parcel containing a farmstead dwelling shall not contain more than five (5) acres of prime crop land. Each parcel containing a dwelling must contain a minimum area of five (5) acres including abutting public road right-of -way

   d. Not more than one (1) farmstead dwelling is permitted per farm

   e. If a farm contains more than one (1) dwelling, only one of the dwellings may become a farmstead dwelling, the remaining dwelling or dwellings must remain on a farm parcel or be removed from the parcel

   f. Parcels containing farmstead dwellings shall conform to the area, lot width and access requirements of this ordinance.

E. General District Regulations:

   a. Height Regulations: None

   b. Front Yard Regulations:

      i. A minimum front yard depth of not less than forty-five (45) feet shall be provided

c. Side Yard regulations:

    i. A minimum side street yard width of not less than forty-five (45) feet shall be provided

    ii. A minimum interior yard width of not less than twenty-five (25) feet shall be provided

d. Rear Yard Regulations:

    i. A minimum rear yard depth of not less than twenty-five (25) feet shall be provided

e. Lot Area Regulations:

    i. Each lot shall have an area of not less than two (2) acres, except when additional lot area is required by the County Board of Health Department to meet the Board of Health regulations

f. Lot Width Regulations:

    i. Each lot shall have a minimum width of one hundred and fifty (150) feet at the proposed building site

    ii. Each lot shall be provided with either thirty-three (33) feet of frontage along a public road or a recorded private easement of not less than thirty-three (33) feet for access to the building site

g. Dwelling/Road Regulations:

    i. No dwelling shall be permitted that would require a new public road

SECTION 5.04 A-3 AGRICULTURAL DISTRICT: The purpose of the A-3 District is to maintain and conserve agricultural investments and prime agricultural farmland, but to permit some non-farm development at a low density, not to exceed one dwelling unit per 10 acres. This district is intended to be limited to the Comprehensive Plan's "Agricultural Area" and the "Suburban Subdivision Area".

A. Permitted Uses:

1. Uses permitted in Section 5.02 (A) Permitted Uses, A-2 Agricultural District, except Section 5.02 (A)(c). The definition of a farm for this district is "a lot used for agricultural or horticultural uses and comprised of (1) at least thirty-five (35) acres or (2) comprised of at least an undivided quarter-quarter section, less no more than five acres, including the abutting public road right-of-way to the centerline. However, if the right-of-way is owned by the road authority in fee simple, then the abutting public right-of-way shall not be included in determining parcel area."

2. General Farming as defined in Section 5.02 (A)(c) except that new animal feedlots shall not exceed 100 animal units, nor shall existing feedlots increase their size to more than 300 animal units

3. Conditional Uses (also see Section 4.02 Conditional Uses)

   a. Uses permitted in Section 5.02 (B) Conditional Uses within A-2 Agricultural District, except Section 5.02 (A)(i)(p)

   b. New animal feedlots exceeding one hundred (100) animal units or existing animal feedlots that increase their size to exceed three hundred (300) animal units, as regulated in Section 10.26

4. Standards for Non-Farm Dwellings: Non-farm dwellings shall be permitted only when they comply with all of the following standards:

   a. No more than two (2) dwelling units per quarter-quarter section shall be permitted. Where two (2) dwelling units or buildable non-farm lots, or any combination thereof, exist within a quarter-quarter section, no additional non-farm dwelling shall be permitted.

   b. No dwelling unit shall be permitted in areas identified as wetlands or flood plain

   c. Any non-farm dwelling shall be located on at least one-half (1/2) acre of non-prime agricultural soils with a crop equivalent rating of 55 or less, or in a wooded area. When a dwelling, which is not a mobile home, existed prior to April 16, 1983, this standard shall not apply.

   d. No non farm dwelling in an A-3 district shall be located within one fourth (1/4) mile of an animal feedlot or manure storage facility upon property located in an A-2 district.

Commentary: The purpose of the following section is to permit an existing farm dwelling to be subdivided from a farm subject to the limitations listed as "standards" in the following section:

5. Standards for Farmstead Dwellings: A farmstead dwelling may be created provided the following standards are complied with;

    a. A habitable farm dwelling must have legally existed on the farm in a habitable condition as of April 16, 1983

    b. The farmstead dwelling is located within a farmstead boundary

    c. Each parcel containing a farmstead dwelling must contain a minimum of five (5) acres

    d. A parcel containing a farmstead dwelling shall not contain more than five (5) acres of prime cropland

    e. Not more than one (1) farmstead dwelling is permitted per farm

    f. If a farm contains more than one dwelling only one of the dwellings may become a farmstead dwelling; the remaining dwelling or dwellings must remain on a farm or be removed from the parcel.

    g. Parcels containing farmstead dwellings shall conform to the area, lot width and access requirements of this ordinance.

6. General District Regulations:

    a. The same as Section 5.02(D) General District Regulations A-2 district.

SECTION 5.08 A-4 AGRICULTURAL-URBAN EXPANSION DISTRICT:

The intent of the A-4 district is to provide for urban expansion in close proximity to existing incorporated urban centers within Olmsted County, in accordance with the adopted Comprehensive plan, by conserving land for farming and other open space land uses for a period of time until urban services become available. It is the intent that urban development be deferred in such areas until an orderly transition from farm to urban uses shall be achieved by either the annexation of areas adjacent to the incorporated limits of existent urban centers, or the extension of public or other centralized sewage collection and treatment systems.

A. Permitted Uses:

    1. Uses permitted in Section 5.00 A of A-1 district.

    2. General farming, including the raising of crops, livestock, poultry, dairying, horticulture, apiculture, sod farming, and similar agriculturally related uses; provided that no new animal feedlots shall be established and expanding feedlots shall not exceed 100 animal units.

3. Single family detached dwelling.

4. Public park facilities

5. Accessory structures and uses customarily incidental to any of the above permitted uses when located on the same property.

B. Conditional Uses:

1. Uses permitted in section 5.00 B conditional uses in A-1 District except 10 and 15 and public park facilities.

2. Stables for the commercial boarding of animals on non-farm parcels.

3. Riding academies

4. Accessory structures and uses customarily incidental to any of the above conditional uses when located on the same property.

C. Standards for Farmstead Dwellings A farmstead dwelling may be created provided the following standards are complied with:

1. A habitable farm dwelling must have legally existed on the farm in a habitable condition as of April 16, 1983.

2. The farmstead dwelling is located within a farmstead boundary.

3. Each parcel containing a farmstead dwelling must contain a minimum area of five (5) acres including the abutting public road right-of-way to the centerline. However, if the right-of-way is owned by the road authority in fee simple, then the abutting public right-of-way shall not be included in determining parcel area.

4. Each parcel containing a farmstead dwelling shall not contain more than five (5) acres of prime cropland.

5. Not more than one (1) farmstead dwelling is permitted per farm.

6. If a farm contains more than one (1) dwelling, only one of the dwellings may become a farmstead dwelling; the remaining dwelling or dwellings must remain on a farm parcel or be removed from the parcel.

7. Parcels containing farmstead dwellings shall conform to the yard, area, lot width, and access requirements of this ordinance.

D. General District Regulations:

1. Height regulation:

    a. Agricultural Buildings: none

    b. No residential buildings used for dwellings shall hereafter be erected or structurally modified to exceed thirty-five (35) feet in height.

    c. Public or semi-public buildings, churches, cathedrals, temples, or schools may be erected to a maximum height of fifty-five (55) feet. When such buildings exceed thirty-five (35) feet in height, the setback requirements shall increase at a rate of one (1) foot for each foot of height exceeding thirty-five (35) feet.

2. Lot Area Regulations:

    a. There shall be a minimum lot size of thirty-five (35) acres per new residential dwelling unit when not served by a public or centralized sewage collection and treatment system including the abutting public road right-of-way to the centerline. However, if the right-of-way is owned by the road authority in fee simple, then the abutting public right-of-way shall not be included in determining parcel area.

    b. When a new lot is proposed to be served by a public or centralized sewage collection and treatment system and is located within an area identified as Urban Service Area in the general Land Use Plan, the minimum lot area shall be determined by a the New Haven township in accordance with the standards in the general Land Use plan for interim development.

3. Front Yard Regulations:

    a. A minimum front yard depth of not less than forty-five (45) feet shall be provided on all lots adjoining federal, state and county roads.

    b. A minimum front yard depth of not less than thirty (30) feet shall be provided on lots adjoining local roads and streets.

4. Side Yard Regulations:

    a. A minimum side yard width of not less than forty-five feet (45) shall be provided on all lots adjoining federal, state and county roads.

    b. A minimum side yard depth of not less than thirty (30) feet shall be provided on lots adjoining local roads and streets.

    c. A minimum interior side yard width of not less than eight (8) feet shall be required.

5. Rear Yard Regulations: A minimum rear yard depth of not less than twenty-five (25) feet shall be provided.

6. Lot Width Regulations: Each lot shall have a minimum width of one hundred fifty (150) feet of frontage along a public road, except when he lot is served by public or centralized sewage collection and treatment system, then sixty (60) feet shall be the minimum lot width along a public road.

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ARTICLE VI

RESIDENTIAL DISTRICTS

SECTION 6.00 R-A RURAL RESIDENTIAL DISTRICT: The purpose of this district is to provide suitable areas for low density residential development, not to exceed one (1) dwelling per five (5) acres of land, in areas within the county described as the "Suburban Subdivision Area" in the Comprehensive Plan.

A. Permitted Uses:

   a. One single family detached dwelling per lot.

   b. Keeping and raising of livestock and poultry for personal use only, provided they are housed and fenced so as not to become a nuisance and are clearly noncommercial in nature. The animal density shall not be greater than one (1) animal unit per acre of pasture land. In no case shall any structure used for housing poultry or livestock be so located as to be nearer than fifty (50) feet to any property line

   c. Home business occupation as regulated in Section 10.02.

   d. A state licensed group home or foster home serving six or fewer mentally or physically handicapped persons

   e. Accessory structures and uses customarily incidental to any of the above permitted uses when located on the same property.

   f. Small non-utility wind conversion system.

B. Conditional Uses (also see Section 4.02, Conditional Use)

   a. One mobile home as a second dwelling on a lot with a non-farm dwelling, under one or more of the following circumstances:

      i. When there is a need to provide health care services to residents of either of the dwellings; or

      ii. When all adult residents of either of the dwellings are sixty (60) years of age or older

C. Side Yard Regulations:

   a. A minimum side street yard width of not less than forty five (45) feet shall be provided on all lots adjoining federal, state and county roads.

   b. A minimum side street yard width of not less than thirty (30) feet shall be provided on all lots adjoining local roads and streets.

c. A minimum interior side yard width of not less than twenty-five (25) feet shall be provided.

D. Rear Yard Regulations:

a. A minimum rear yard depth of not less than twenty-five (25) feet shall be provided.

E. Lot Area Regulations:

a. Each lot used for residential purposes shall have an area of not less than five (5) acres, except when additional lot area is required by the County Health Department to meet Board of Health regulations.

F. Lot Width Regulations:

a. Each lot shall have a minimum width of one hundred fifty (150) feet at the front building line.

G. Wind Energy Conversion System Standards:

a. The height of the WECS including the blades shall be limited to one hundred twenty (120) feet, except as specified in the RC district.

b. The set back is established in Section 10.50 C (1). The wind turbine is not permitted to be located in a front or side street side yard.

c. No lighting shall be permitted on the wind turbine, unless required by the Federal Aviation Administration.

d. The wind turbine shall meet the standards set forth in Section 10.50

SECTION 6.02 R-1 LOW DENSITY RESIDENTIAL DISTRICT:

The purpose of this district is to provide a limited amount of low density residential development in those areas described as “Suburban Subdivision Area” within the Comprehensive Plan that have suitable soils for long-term private sewage systems and those areas Classified Low Density Residential within the Urban Service Area served by public or other centralized sewage collection and treatment system.

A. Permitted Uses:

a. One single family detached dwelling per lot.

b. Home Business as regulated in Section 10.02.

c. A state licensed group home or foster home serving six or fewer mentally retarded or physically handicapped persons.

d. Accessory structures and uses customarily incidental to any of the above permitted uses when located on the same property.

B. Conditional Uses: (see also Section 4.02, Conditional Uses)

a. Private or public facilities including but not limited to schools, churches, cemeteries, parks and community buildings.

b. Public utility buildings such as substations, transformer stations, and regulator stations without service or storage yards.

c. Supervised living facilities for the mentally retarded or physically handicapped, provided that the facility is family-like as determined by: Housekeeping, Designated Adult(s) in charge at all times, Maximum of sixteen (16) mentally retarded or physically handicapped persons in residence.

d. Accessory structures and uses customarily incidental to any of the above conditional uses when located on the same property.

e. Small non-utility wind energy conversion system.

C. General District Regulations:

a. Height Regulations

i. No residential buildings used for dwellings shall hereafter be erected or structurally altered to exceed thirty-five (35) feet in height.

ii. Public or semi-public buildings, churches, cathedrals temples or schools may be erected to a maximum height of fifty-five (55) feet. When such buildings exceed thirty-five (35) feet in height, the setback requirements shall increase at a rate of one (1) foot for each foot in height exceeding 35 feet.

b. Lot Area Regulations:

i. There shall be a minimum lot size of two (2) acres per new residential dwelling unit, except when additional lot area is required by the County Health Department to meet the Board of Health regulations.

ii. When the lot is served by a public or other centralized sewage collection and treatment system, the minimum lot area is will be determined by the Town Board in accordance with the standards in the General Land Use Plan and with consultation at the county level.

c. Front Yard Regulations:

i. A minimum front yard depth of not less than forty-five (45) feet shall be provided on all lots adjoining federal, state and county roads.

ii. A minimum front yard depth of not less than thirty (30) feet shall be provided on lots adjoining local roads and streets.

d. Side Yard Regulations:

i. A minimum side street yard width of not less than forty five (45) feet shall be provided on all lots adjoining federal, state and county roads.

ii. A minimum side street yard width of not less than thirty (30) feet shall be provided on all lots adjoining local roads and streets.

iii. A minimum interior side yard width of not less than eight (8) feet shall be provided.

e. Rear Yard Regulations:

i. A minimum rear yard depth of not less than twenty-five (25) feet shall be provided.

f. Lot Width Regulations:

i. Each lot shall have a minimum width of one hundred (100) feet at the front building line, except when the lot is served by public and or centralized sewage collection and treatment system, and then sixty (60) feet shall be the minimum lot width at the front building line.

g. Wind Energy Conversion System Standards:

i. The height of the WECS including the blades shall be limited to 120 feet, except as specified in the RC district.

ii. The setback is established in Section 10.50 C1. The wind turbine is not permitted to be located in a front or side yard.

iii. No lighting shall be permitted on the wind turbine, unless required by the Federal Aviation Administration.

iv. The wind turbine shall meet the standards set forth in Section 10.50 E.

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ARTICLE VII

RURAL SERVICE CENTERS

SECTION 7.00 RSD RURAL SERVICE CENTER DISTRICT: the purpose of this district is to provide for limited opportunities for residential, commercial and industrial development that will not be detrimental to the character or to other uses of the rural service centers.

A. Permitted Uses:

   a. One (1) single family detached dwelling per lot

   b. Home Businesses as regulated in Section 10.02

   c. A state licensed group home or foster home serving six (6) or fewer mentally retarded or physically handicapped persons

   d. Public parks

   e. Accessory structures and uses customarily incidental to any of the above listed uses when located on the same property.

B. Conditional Uses: (also see Section 4.02 Conditional Use)

   a. One mobile home per lot

   b. Private or quasi-public facilities including but not limited to schools, churches, cemeteries and community buildings

   c. Public utility buildings such as substations, transformer stations and regulator stations without service or storage yards

   d. Supervised living facilities for the mentally retarded or physically handicapped, provided that the facility is family-like as determined by: Family style appearance of building, Central housekeeping, Designated adult (s) in charge at all times, and Maximum of sixteen (16) mentally retarded or physically handicapped persons in residence

   e. Certain commercial uses including; drug and gift stores, gasoline service stations, grocery and other food stores, hardware, feed and seed stores, building material, lawn and garden supply stores and nurseries, offices, governmental buildings, restaurants and taverns

   f. Certain industrial uses including, creamery, grain elevator, meat locker, welding shop, and auto body shop

   g. Accessory structures and uses customarily incidental to any of the above conditional uses when located on the same property

h. Small non-utility wind energy conversion system

C. General District Regulations

a. Height Regulations:

i. No residential buildings used for dwellings shall hereafter be erected or structurally altered to exceed thirty-five (35) feet in height

b. Lot Area Regulations:

i. Each lot shall have an area of not less than two (2) acres, except when additional lot area is required by the County Health Department to meet Board of Health Regulations

c. Front Yard Regulations:

i. A minimum front yard depth of not less than forty-five (45) feet shall be provided on all lots adjoining federal, state, and county roads

ii. A minimum front yard depth of not less than of thirty (30) feet shall be provided on lots adjoining local roads and streets

d. Side Yard Regulations:

i. A minimum side street yard width of not less that forty-five (45) feet shall be provided on all lots adjoining federal, state, and county roads

ii. A minimum side street yard width of not less than thirty (30) feet shall be provided on all lots adjoining local roads and streets

iii. A minimum interior side yard width of not less than eight (8) feet shall be provided

e. Rear Yard Regulations:

i. A minimum rear yard depth of not less than twenty-five (25) feet shall be provided

f. Lot Width Regulations:

i. Each lot shall have a minimum width of one hundred (100) feet at the front building line, except when the lot is served by public or centralized sewage collection and treatment system, then sixty (60) feet shall be the minimum lot width at the front building line

g. Off Street Parking Regulations: See Section 10.04

D. Wind Energy Conversion System Standards

a. The height of the WECS including the blades shall be limited to one hundred twenty (120) feet, except as specified in the RC district

b. The setback is established in Section 10.50 C1. The wind turbine is not permitted to be located in a front or side street side yard.

c. No lighting shall be permitted on the wind turbine, unless required by the Federal Aviation Administration.

d. The wind turbine shall meet the standards set forth in Section 10.50

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ARTICLE VIII

COMMERCIAL DISTRICTS

SECTION 8.00 RECREATIONAL COMMERCIAL DISTRICT (RC): The purpose of this district is to provide a suitable location for recreational commercial uses within the "Urban Service Areas", "Agricultural Areas" in limited portions of the "Environmental Corridor" and in limited portions of the Agricultural Protection Area designated in the Comprehensive Plan. The location of these districts should avoid conflicts with agricultural and residential uses and minimize their impact upon the natural environment and scenic beauty of the area.

A. General Standards:

i. Unless specified below, the minimum lot size for uses in this district is two (2) acres. Adequate consideration on lot size will be given to requirements for County Health Department to meet Board of Health Regulations

ii. Development of the use shall involve the minimum grading necessary to conduct the use. Runoff shall be controlled so that there is not new increase in the amount or rate of runoff from the site following development. For sites for which the use prior to approval of development is cropland or pasture, runoff shall be controlled to a level equivalent to un-grazed grassland.

iii. Height of buildings shall not exceed thirty-five (35) feet.

iv. Each lot shall have a minimum width of two hundred (200) feet at the front building line.

v. Front yard and side street side yard setbacks shall be a minimum of forty-five (45) feet from the road right of way line, or if it results in a deeper setback, forty-five (45) feet from a line measured from and parallel to the road centerline. For County and State Roads this would be ninety-five (95) feet from center line. For other local roads this would be seventy-eight (78) feet from the centerline.

vi. Side and rear yard setbacks will be determined by bufferyard requirements, but not be less than twenty-five (25) feet.

vii. Not more than thirty (30%) percent of the lot shall be occupied by buildings.

B. Permitted Uses: none

C. Conditional Uses**:**

a. Golf Course and driving range

b. Resort facilities, guest houses

c. Ski areas and lodges

d. Museums and commercialized historical attractions

e. A single family dwelling for personnel connected with the operation of a resort or recreation facility

f. Recreation trailer parks and commercial camping facilities for short duration uses

g. Restaurants

h. Gun clubs, hunting preserves, archery fields

i. Accessory structures and uses customarily incidental to any of the above conditional uses when located on the same property

D. Wind Energy Conversion System Standards**:**

a. The Height of the WECS including the blades shall be limited to 120 feet, except as specified in the RC district.

b. The setback is established in Section 10.50 C1. The wind turbine is not permitted to be located in a front or side street side yard.

c. No lighting shall be permitted on the wind turbine, unless required by the Federal Aviation Administration.

d. The wind turbine shall meet the standards set forth in Section 10.50E

SECTION 8.04 HIGHWAY COMMERCIAL DISTRICT (HC):

This district is intended to provide suitable locations for uses oriented to serving the public and uses requiring large areas of highway frontages oriented closely to urban areas and major transportation routes within the Comprehensive Plan's Urban Service Area. Such development to be developed at standards that will not impair the traffic-carrying capabilities of abutting roads and highways; not result in strip commercial development, and to separate from residential areas and in certain cases from each other, certain commercial uses which have been determined to contribute to a "skid row" or blighting development pattern in adjacent areas.

A. Permitted Uses:

a. Apparel and accessory stores

b. Building materials and hardware stores

c. Furniture, home furnishing, antique and appliance stores

d. Gasoline service stations and car washes

e. Lawn and garden supply stores and nurseries

f. Marine, motor vehicle and mobile home dealers and supply stores

g. Restaurants and other eating establishments not serving alcohol

h. Auction barns or sales facilities

i. Other retail stores and businesses

B. Services:

a. Business services, including advertising agencies, cleaning and maintenance services and similar uses

b. Educational facilities

c. Government buildings

d. Attorney, finance, insurance, real estate, engineering and other office uses

e. Doctor, dentist, veterinarian, and other health care services

f. Motor vehicle, body shops, welding and other repair services

g. Personal services, including barber ships, beauty shops, reducing salons, photographic shop, laundry, dry cleaners, funeral services and other similar uses; except saunas, massage parlors and similar uses

h. Moving and storage uses

i. Motels and hotels

j. Home improvement trades, including electricians, plumbers, building contractor shops and services, and other similar uses

k. One dwelling unit, when occupied as an integral part of the principal building or one mobile home occupied by the owner or his employee

l. Recreational uses including athletic clubs, tennis or racquetball clubs, bowling alleys, dance halls, theaters, roller or ice skating rinks, golf driving ranges, and other similar uses

m. Storage and wholesale trade

n. Accessory structures and uses customarily incidental to any of the above permitted uses when located upon the same property.

C. Conditional Use:

a. Adult Entertainment: Adult bookstores, adult motion picture theaters, adult mini-motion picture theaters, adult massage parlors, adult saunas, adult companionship establishments, adult health clubs, adult cabarets, adult novelty businesses, adult motion picture arcades, adult modeling studios, adult motels or hotels, adult body painting studios, and other adult establishments, located at least one thousand (1000) feet from:

i. Any existing residential zoning district

ii. Any areas designed for future residential development on any Urban Services Land Use Plan

iii. And church, school, or youth facility

iv. Any other adult establishment

For the purposes of this section this distance shall be a horizontal measurement from the nearest existing residential district boundary, church, school, youth facility or other establishment to the nearest point of the proposed adult establishment.

b. Any permitted retail or service use over ten thousand (10,000) square feet of floor area

c. Amusement parks and race track services

d. Taverns and other facilities serving alcoholic beverages

e. Telecommunication towers and transmitters including radio, television, and commercial wireless telecommunications

f. Accessory structures and uses customarily incidental to any of the above conditional uses when located upon the same property

g. Small non-utility wind energy conversion system

D. General District Regulations:

a. Height Regulations: No building or structure shall exceed thirty-five (35) feet in height; provided; however, such height may be increased one (1) foot for each two (2) feet by which the building is set back in excess of the required side and rear yard setback regulations.

b. Front Yard Regulations: A minimum front yard depth of not less than forty-five (45) feet shall be provided

c. Side Yard Regulations: A minimum side street yard width of not less than forty-five (45) feet shall be provided. A minimum interior yard width of not less than twenty-five (25) feet shall be provided.

d. Rear Yard Regulations: A minimum rear yard depth of not less than twenty-five (25) feet shall be provided

e. Lot Area Regulations:

    i. Each lot or parcel shall have an area of not less than two (2) acres, except when additional lot area may be required by the Olmsted County Health Department to meet Board of Health Regulations

f. Lot Width Regulations:

    i. Each lot shall have a minimum of two hundred (200) feet at the front building line.

    ii. A lot serviced by a public or other centralized sewage collection and treatment system shall have a minimum lot width of sixty (60) feet at the front building line.

g. Lot Coverage Regulations: Not more than fifty (50%) percent of the lot shall be occupied by buildings or structures. In the Shoreland District, there shall be not more than thirty (30%) allowable lot coverage.

h. Off Street Parking Regulations (see Section 10.04)

i. Bufferyard Regulations: (see Section 10.08)

E. Wind Energy Conversion System Standards:

a. The height of the WECS including the blades shall be limited to one hundred twenty (120) feet, except as specified in the RC district.

b. The setback is established in Section 10.50. The wind turbine is not permitted to be located in a front or side street yard.

c. No lighting shall be permitted on the wind turbine, unless required by the Federal Aviation Administration.

d. The wind turbine shall meet the standards set forth in Section 10.50.

SECTION 8.09 AGRICULTURAL/RESOURCE COMMERCIAL DISTRICT: The purpose of this district is to provide a suitable location for agricultural and resources uses within the Resource Protection Area of the New Haven

Township Land Use Plan. The application of this district in the county will be considered in areas having proximity to major highways where access or traffic generated by the site will not adversely impact the safety or operation of a federal or state highway or intersections on the County State Aid System; areas that avoid conflicts with agricultural uses' areas that have geologic resources; and areas that have geology that is characterized as having low sensitivity to pollution. Uses located within this district should be supportive of agricultural and resource uses or sues that by their nature require large amounts of open-space, or require a more remote, rural setting. These uses should not require additional public investment in infrastructure as a result of establishment of the use.

A. General Standards**:**

   a. Unless specified below the minimum lot size for uses in this district is five (5) acres.

   b. Development of the use shall involve the minimum grading necessary to conduct that use. Runoff shall be controlled so that there is not new increase in the amount or rate of runoff form the site following development. For sites for which the use prior to approval of development is cropland or pasture, runoff shall be controlled to a level equivalent to un-grazed grassland.

   c. Front yard and side street side yard setbacks shall be a minimum of forty-five (45) feet from the road right of way line, or, if it results in a deeper set back, forty-five (45) feet from a line measured from and parallel to the road centerline. For County and State roads the setback from centerline would be ninety-five (95) feet and from other local roads the setback would be seventy-eight (78) feet.

   d. Side and rear yard setbacks shall be determined by bufferyard requirements, but not less than fifty (50) feet.

   e. Minimum interior yard width of not less than fifty (50) feet shall be provided

   f. No building shall exceed thirty-five (35) feet in height, provided, however, such height may be increased one (1)foot for each two (2) feet by which the building is set back in excess of the required side and rear yard setback regulations.

   g. Each lot shall have a minimum width of two hundred (200) feet at the front building line.

   h. Not more than fifty percent (50%) of the lot shall be occupied by buildings or structures. In Shoreland this will be not more than thirty percent (30%).

   i. There shall be no height regulation placed on a WECS. The WECS in this district shall comply with the setback requirements in Section 10.50.

B. Permitted Uses**:** None

C. Conditional Uses**:**

a. Tree disposal facilities – not closer than ¼ mile of residence

b. Grain elevators, or grain terminals

c. Commercial radio and television towers and transmitters

d. Commercial and industrial uses intended to serve agricultural uses

e. Asphalt concrete plants producing road surfacing material from the mixing of mineral aggregates with asphalt materials, provided that they are located on the same property as a gravel pit or other source of aggregate providing at least 50% on the aggregate used in processing. Not closer than ¼ mile from residence

f. Livestock facilities such as experiment stations, stockyards, transfer stations, and breeding facilities. Not closer than ¼ mile from residence.

g. Extraction of sand and gravel.

h. Farm implements dealerships and sales yards. Automobile and truck sales-lots are not permitted.

i. Commercial greenhouses and landscape nurseries.

j. Facilities for the sale and distribution of agricultural products, such as seed, fertilizer, pesticides. This does not include uses that are conducted as part of a farm operation.

k. Archery, gun clubs –not closer than ¼ mile from residence over post restoration of sand and gravel pits.

l. Race tracks, Golf Clubs

m. Public utility buildings

n. Small Utility Wind Energy Conversion System provided it is no closer than ¼ mile from a residence or residential district.

D. Criteria for consideration in approval of Conditional Uses**:** in addition to the criteria contained within Section 4.02 of this Ordinance, the following shall be found to exist prior to the approval of any conditional use within this district:

a. That waste generated from the use shall be disposed of in a manner approved by the Olmsted County Environmental Commission. Animal feedlot waste shall be permitted as regulated by the MPCA.

b. If travel accessibility to the site from population centers in the County is afforded primarily by the Principal Arterial system (as defined under the rules of the US Department of transportation) the intersection of the Principal Arterial and the lower class highway on which the site fronts should be grade separated.

    i. Access points and the first adjacent at-grade intersections where county or state highways cross the highway on which the site has access should be:1) capable of functioning at a Level of Service B or higher after development of the proposed use, and 2) have adequate stopping and intersection sight distance for the type of traffic anticipated;

    ii. No more than one access shall be provided to a site unless it can be shown additional access would be beneficial to the safety and operation of the highway

    iii. Direct site access should be from the local street system where the site has frontage on a local street.

    iv. The applicant shall be responsible for providing the following

        1. Necessary auxiliary lanes, including left and right turn lanes, acceleration and deceleration lanes, or bypass lanes

        2. Necessary improvements for the control of traffic movement such as curbs or raised medians

c. Uses permitted shall be those which necessitate the use of large amounts of open storage of inventory

d. Buildings associated with a non-agricultural use shall not exceed an area of ten thousand (10,000) square feet.

e. Consideration of extraction of sand and gravel, and quarrying uses shall be guided primarily by availability, need, and location of geologic resources.

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ARTICLE IX

FLOOD PLAIN DISTRICTS

SECTION 9.00 FLOOD PLAIN DISTRICT DESIGNATION: pertaining to all Flood Plain Districts including the Floodway District, Flood Fringe Districts and the Flood Plain are a set of regulations superimposed upon the other zoning districts, superseding existing underlying regulations only to the extent expressed in the flood plain provisions and having effect, in all other respects, the regulations applicable to the underlying use district in which the land is situated.

The flood plain districts are identified upon the zoning map, which is hereby adopted by reference and declared to be part of this zoning ordinance. The Flood Insurance Study for Olmsted County, Minnesota, Unincorporated Areas, prepared by the federal emergency Management Agency dated November 19,1980, and the Flood Boundary and Floodway Maps and Flood Insurance Rate Maps dated May 19, 1981, and the Flood Plain area study for the South Fork Zumbro River and tributaries dated March 21,1978, and accompanying maps dated October, 1977, and the Soil Survey of Olmsted County, Minnesota, prepared by the United States Department of Agriculture, Soil Conservation Service, dated 1980, and any amendment thereto, are adopted (by reference) and declared to be part of this ordinance. Should a conflict exist between these flood plain studies and any other future state of federal flood plain study, the latest study and information pertaining to the floodway boundaries and regional flood heights shall apply.

The designation of the Flood Plain District is based on alluvial soils which are water deposited soils representing the areas most often inundated by flood waters. Any land containing the following soils which are subject to flooding shall be considered to be within the flood plain district.

Map Symbol	Soil Name	Map Symbol	Soil Name
16	**Arenzville**	**19**	**Chaseburg**
25	**Becker**	**252**	**Marshan**
289	**Radford**	**298**	**Richwood**
313	**Spillville**	**463**	**Minnieska**
465	**Kalmarville**	**467**	**Sawmill**
468	**Otter**	**471**	**Root**

477A	**Littleton**	**486**	**Marchan**
495	**Zumbro**	**1846**	**Kato**

SECTION 9.02 FLOODWAY DISTRICT: The purpose of the floodway district is to assure retention of adequate space within the channel and adjoining flood plain to carry and discharge the regional flood and to restrict or prohibit uses which are dangerous to health or safety or result in economic loss in times of flood.

A. **Permitted Uses**: The following uses, which have low flood damage potential and which do not obstruct flood flows, are permitted within the floodway district to the extent that they are not prohibited by the underlying zoning district or any other ordinance and provided they do not require structures, fill or storage of materials or equipment. In addition no use shall adversely affect the capacity of the channel or floodways of any tributary to the main stream, drainage ditch or any other drainage facility.

    a. Agricultural uses such as: general farming, grazing, outdoor growing of nursery stock, horticulture, truck farming, forestry, sod farming, and wild crop harvesting, provided that such uses shall not include an animal feedlot.

    b. Industrial-commercial uses such as: Loading areas, parking areas and airport landing strips.

    c. Private and public recreational uses such as: golf courses, driving ranges, picnic grounds, boat launching ramps, swimming areas, parks, wildlife and nature preserves, fishing areas and recreational trails.

    d. Residential uses such as: lawns, gardens, parking areas and play areas.

    e. Railroads, streets, bridges, utility transmission structures, pipelines, marinas, docks, and water control structures required to obtain Department of Natural Resources permit.

    f. Channel modifications requiring a DNR permit where there is no change in the flood profile.

B. Conditional Uses: The following uses which involve structures (temporary or permanent) fill or storage of materials or equipment. These uses may be permitted in the floodway district only after the issuance of a conditional use permit as provided in Section 4.02

    a. Structures accessory to open space or conditional uses, in accordance with Section 9.02

b. Placement of fill.

c. Extraction of sand, gravel and other minerals.

d. Other railroads, streets, bridges, utility transmission lines and pipelines, not included as a permitted use in the previous section of 9.02.

e. Storage yards for equipment, machinery or materials in accordance with section 9.02

f. Levees, dikes, and floodwalls constructed to any height where the intent is to protect individual structures and levees or dikes where the intent is to protect agricultural crops for a frequency flood equal to or less than the ten (10) year frequency.

C. General Flood way Regulations: No structures (temporary or permanent) fill, including fill for roads and levees; deposit, obstruction, storage of materials or equipment; or other uses shall be allowed as a conditional use which, acting alone or in combination with existing or future uses, affects the capability of the floodway or increases flood heights. Consideration of the effects of a proposed use shall be an equal degree of encroachment extending for a significant reach on both sides of the stream. In addition, all floodway conditional uses shall be subject to the following regulations:

a. Fill – any fill deposited in the floodway shall be no more than the minimum amount necessary to conduct the conditional use listed in section 9.02. Generally fill shall be limited to that needed to grade or landscape for that use and shall not in any way obstruct the flow of flood waters. Such fill or other materials shall be protected against erosion by rip-rap, vegetative cover or bulk heading. Spoil from dredging or sand and gravel operations shall not be deposited in the floodway unless it can be done in accordance with Section 9.02.

b. Structures: Accessory structures (temporary or permanent) permitted as conditional uses may be allowed provided that such structures are not designed for human habitation, are designed to have low flood damage potential, are constructed and placed on the building site so as to offer the minimum resistance to the flood or floodwaters, be structurally dry flood-proofed, without the utilization of dams, dikes or levees, in accordance with the State Building Code. Whenever possible, structures shall be constructed with the longitudinal axis parallel to the direction of flood flow and so far as practicable, structures shall be placed approximately on the same flood flow lines as those of adjoining structures. Accessory structures shall be elevated on fill or structurally dry flood proofed in accordance with the flood proofing classifications in the State Building Code. As an alternative, an accessory

structure can be flood-proofed to the lower classification in the State Building Code provided the accessory structure constitutes a minimal investment, does not exceed six hundred (600) square feet in size and for a detached garage; the garage must be used solely for parking vehicles and limited storage. Service facilities such as electrical and heating equipment shall be elevated or flood-proofed.

c. Utilities, Railroad tracks and Bridges: Public utility facilities, roads, railroad tracks, and bridges within the floodway shall be designed to minimize increases in flood elevations and shall be compatible with local comprehensive flood plain development plans. Protection to the flood protection elevation shall be provided where failure or interruption of these public utilities would result in danger to the public health or safety or where such facilities are essential to the orderly functioning of the area. Where failures or interruption of services would not endanger life or health, a lesser degree of protection may be provided for minor or auxiliary roads, railroads, or utilities.

d. Storage of material and equipment: The storage or processing of materials that are in time of flooding, buoyant, flammable, explosive, toxic, or could be injurious to human, animal or plant life is prohibited. Storage of other material or equipment may be allowed if not subject to major damage by floods and firmly anchored to prevent flotation.

e. Storage of other materials or equipment may be allowed if readily removable from the area within the time available after a flood warning and in accordance with a plan approved by the Governing Body.

f. Garbage and solid Waste Disposal: No conditional use permits for garbage and waste disposal sites shall be issued for floodway areas; provided further, there shall be no further encroachment upon the floodway at existing sites.

g. Structural works for Flood Control; Structural works for flood control such as levee, dikes, flood walls, and reservoirs shall be allowed only upon issuance of a conditional use permit and the following standards; Any proposed structural work in the beds of public waters as defined in MN statutes, Chapter 105, which will change the course, current, or cross section of the water shall be subject to the provisions of MN Statutes, Ch 105, and other applicable standards. Obtain from the Army Corps of Engineers, when applicable, a permit under the Federal Water Pollution Control Act, and any other necessary permits. A levee, dike, or floodwall constructed in the floodway shall not cause an increase to the one hundred (100) year or regional flood and the technical analysis must assume equal conveyance or storage loss on both sides of a stream. Where the flooding potential is to be reduced as the result of a

flood control project, the Federal Emergency Management agency shall be notified and data required for a map revision shall be submitted thereto.

SECTION 9.04 FFA FLOOD FRINGE DISTRICT: the purpose of the flood fringe district is to guide development in the flood fringe consistent with the flood threat, in order to minimize loss of life and property, disruption of commerce and governmental services, extraordinary public expenditure of public protection and relief, and interruption of public transportation and communications, all of which adversely affect the public health, safety and general welfare, and to assure that the Townships lands are put to their most appropriate use.

A. Permitted Uses: The following shall be permitted uses within the FFA flood fringe district to the extent that they are not prohibited by any other portion of the zoning ordinance or by any other ordinance, and that such uses will not adversely affect the capacity of channels of any tributary to the main stream, or any other drainage facility or system.

   a. Residential Uses: New dwellings and additions shall be constructed on fill so that the lowest floor (including Basement) is at or above the flood protection elevation. The finished fill elevation shall be no lower than one (1) foot below the flood protection elevation and shall extend at least fifteen (15) feet beyond the limits of any structure or building thereon. No dwelling shall be permitted that does not have vehicular access and parking areas at or above an elevation two (2) feet below the flood protection elevation.

   b. As an alternative to elevation on fill, accessory structures that constitute a minimal investment and that do not exceed six hundred (600) square feet for the outside dimension at ground level may be internally flood-proofed in accordance with section 9.02.

   c. Non-Residential Uses: New structures and additions shall be elevated so that their first floor (including basement) is at or above the flood protection elevation. The finished fill elevation shall be no lower than one (1) foot below the flood protection elevation. Travel trailers that do not meet the exception criteria listed below are subject to the provisions of this ordinance. Exceptions for travel trailers are: that they have current licenses required for highway use, that they are highway ready, meaning on wheels or the internal jacking system, are attached to the site only by quick disconnection type utilities commonly used in campgrounds and trailer parks and travel trailer/ vehicle has no permanent structure attached to it, that the travel trailer/vehicle and associated use must be permissible in any underlying zoning district.

   d. Areas exempted for placement of travel trailers: individual lots or parcels of record, existing commercial recreational vehicle parks or campgrounds, existing condominium type associations. Travel trailers/vehicles will loose this exemption when development occurs on the parcel exceeding five hundred ($500) dollars for a structural addition to he travel trailer/vehicle or on an accessory structure such as a garage or storage facility. The travel

trailer/vehicle will then be treated as a new structure and become subject to restrictions specified in section 9.04.

e. New commercial travel trailer/vehicle parks or campgrounds wand new residential type subdivisions and condominium associations and the expansion of any existing similar use exceeding five (5) units or dwelling sites shall be subject to the following: Any new or replacement travel trailer/vehicle will be allowed in the Flood Fringe districts provided said trailer and contents are placed on fill above the regulatory Flood Protection Elevation and proper elevated road access to the site exists in accordance with Section 9.04 of this ordinance. All new or replacement travel trailers/vehicles not meeting the criteria above may, as an alternative, be allowed as a conditional use if in accordance with the following provisions and Section 4.02 of this ordinance. The applicant must submit an emergency plan for the safe evacuation of all vehicles and people during the one hundred (100) year flood. Said plan shall be prepared by a registered engineer or other qualified individual and shall demonstrate that adequate time and personnel exist to carry out the evacuation. All attendant sewage and water facilities for new or replacement travel trailers/vehicles must be protected or constructed so as to not be impaired or contaminated during times of flooding in accordance with Section 9.04.

f. Waste treatment, waste disposal, flood control structures shall be in accordance with Sections 9.04 and 9.02. Utilities, railroad tracks, streets and bridges shall be in accordance with section 9.04.

g. Accessory Structures: such structures shall be constructed so that the lowest floor is at or above the flood protection elevation provided that such structures are: not designed for human habitation, designed to have low flood damage potential, constructed and placed on the building site so as to offer the minimum resistance to the flood or flood waters, structurally dry flood-proofed, without the utilization of dams, dikes, or levees in accordance with the State Building Code, Service facilities such as electrical and heating equipment shall be elevated or flood-proofed.

h. Accessory land uses: accessory land uses such as storage yards and parking lots may be at elevations lower than the flood protection elevation, however, measures shall be taken to assure vehicular access to the property in time of floods in accordance with Section 9.04.

B. Conditional Uses: Other uses are permitted only upon application to the Zoning Administrator and the issuance of a conditional use permit as provided in Section 4.02 and subject to the following:

a. Residential Uses: where existing streets, utilities, or small lot sizes preclude the use of fill, other methods of elevating the first flood (including basement) above the flood protection elevation mat be authorized, provided that he dwelling is flood-proofed to the FP1 classification in the State Building Code.

b. Non-Residential Uses: Structures that are not elevated at or above the flood protection elevation as referenced in Section 9.04, shall achieve structurally dry flood-proofing, without the use of dams, dikes and levees to the FP1 or 2 classification in the State Building Code.

C. General Flood Fringe Regulations: all uses within the district are subject to the following regulations

a. Manufacturing and industrial uses: buildings, structures and appurtenant works shall be protected to the flood protection elevation. Measures shall be taken to minimize interference with normal plant operations, especially for streams having prolonged flood durations. Certain accessory land uses, such as yards and parking lots may be at lower elevations.

b. Storage of materials; materials that in time of flooding are buoyant, flammable, explosive, toxic or materials that have significant flood damage potential, or could be injurious to human, animal, or plant life shall be stored at or above the flood protection elevation, flood-proofed or protected by structural measures consistent with the standards set forth herein. Furthermore, storage of materials which are likely to cause pollution of waters are defined in MN Statutes Section115.01, if subject to flooding are prohibited unless adequate safeguards approved by the Minnesota Pollution Control Agency are approved.

c. Accessory Land uses: Accessory land uses for non-residential uses, such as storage yards and parking lots that are at elevations below the flood protection elevation and are subject to flood velocities greater than four (4) feet per second or would be inundated to a depth greater than two (2) feet shall not be permitted without a flood warning system that provides adequate time for evacuation of the area.

d. Utilities, railroad tracks, streets and bridges: Public utility facilities, roads, railroad tracks and bridges within the flood fringe district shall be designed to minimize increases in flood elevations and shall be compatible with local comprehensive flood plain development plans. Protection to the flood protection elevation shall be provided where failure or interruption of these public facilities are essential to the orderly functioning of the area. Where failure of interruption of services would not endanger life or health, a lesser degree of protection may be provided for minor or auxiliary roads, railroads or utilities.

e. Design and Certification: the structure's design and as-built condition must be certified by a registered professional engineer or architect as being in compliance with the general design standards of the State Building Code, and specifically, that all electrical, heating, ventilation, plumbing, and air conditioning facilities must be at or above Regulatory Flood Protection Elevation or be designed to prevent flood water from entering or accumulating within these

components during times of flooding. In addition, a registered land surveyor must certify the lowest floor elevation of the structure.

f. Fill: Any fill shall be compacted and the slopes shall be protected by rip-rap or vegetative covering.

g. Waste Treatment and Waste Disposal: No new construction, addition or modification to existing waste treatment facilities shall be permitted within the flood fringe unless emergency plans and procedures for action to be taken in the event of flooding are prepared, filed with, and approved by the Minnesota Pollution Control Agency. The emergency plans and procedures must provide for measures to prevent introduction of any pollutant or toxic material into the flood waters. There shall be no disposal of garbage or solid waste materials within flood fringe except upon issuance of a permit approved by the Minnesota Pollution Control Agency and subject to the requirements of Section 9.02.

h. Flood Control Works: Flood control works shall be subject to the provisions in Section 9.02 and the following:

    i. The minimum height and design of any dikes, levees, floodwalls, or similar structural works shall be based upon the flood profile of the regional flood confined between the structures. The minimum height elevation of the regional flood as confined by structures shall be at least three (3) feet above the elevation of the standard project flood, whichever is greater.

    ii. Modifications and additional to existing structural works shall assure that the work will provide a means of decreasing the flood damage potential in the area.

    iii. Detailed plans shall be submitted to the zoning administrator for any new developments placed on the flood plain landward from dikes and levees. The plans must provide for ponding areas or other measures to protect against flooding from internal drainage.

    iv. Where the flooding potential is to be reduced as the result of a flood control project, the Federal Emergency Management Agency shall be notified and data required for a map revision shall be submitted thereto.

SECTION 9.06 FFB FLOOD FRINGE DISTRICT: The FFB Flood Fringe District is established to guide development in generally undeveloped areas in the flood plain in such a manner as to reduce the loss of flood storage volume in the flood plain. In order to avoid increases in downstream flood levels and velocities, to minimize loss of life and property, disruption of commerce and governmental services, extraordinary public expenditures for public protection and communications, all of which adversely affect the public health, safety and general welfare; and to assure that the Township's lands are put to their most appropriate use.

A. Permitted Uses**:** The following uses have low flood damage potential and do not obstruct flood flows. These uses are permitted in the flood fringe district to the extent that they are not prohibited by the underlying zoning district or any other ordinance and provided they do not require structures, fill or storage of materials or equipment. In addition, no use shall adversely affect the capacity of the channel or floodways of any tributary to the main stream, drainage ditch or any other drainage facility. The following uses are permitted in this district and also subject to sections 9.04 and 9.06.

   a. Agricultural uses: Agricultural uses such as general farming, pasture, grazing, outdoor growing of nursery stock, horticulture, truck farming, forestry, sod farming, wild crop harvesting but not including a feedlot of thirty (30) animal units or more.

   b. Industrial-Commercial uses: Industrial-commercial uses such as loading areas, parking areas and airport landing strips.

   c. Private and Public recreation Uses: Private and public recreation uses such as golf courses, driving ranges, picnic grounds, boat launching ramps, swimming areas, parks, wildlife and nature preserves, fishing areas and recreational trails.

   d. Residential Uses: Residential uses such as lawns, gardens, parking areas and play areas.

B. Conditional uses**:** Other uses are permitted only upon application to the Zoning Administrator and the issuance of a conditional use permit as provided in Section 4.02 and subject to the following provisions: Uses permitted in Section 9.04 Permitted uses and in section 9.04 Conditional uses, subject to conditions set forth in Section 9.04 except where superseded by the provisions set forth in Section 9.06.

C. General Flood Fringe Regulations**:** The deposition of any fill or soil from dredging or sand and gravel operations, the construction of any structures, or the grading or paving of any areas shall require certification by a registered professional engineer or hydrologist that the following conditions have been met, Fill deposited in the flood fringe area shall be no more than the minimum amount necessary to conduct the use, minimal loss of capacity for surface storage of flood waters shall result from the activity, not to exceed loss of one (1%) percent per lot. The effect of such activities in the FFB flood fringe district shall not result in an increase in erosion potential on the site after such activities are completed.

SECTION 9.08 FLOOD PLAIN DISTRICT: The purpose of the flood plain district is to guide development in the flood plain, consistent with the flood threat, in order to minimize loss of life and property, disruption of commerce and governmental services, extraordinary public expenditure for public protection and relief, and interruption of transportation and communications, all of which adversely affect the public health, safety and general welfare; and to assure that the Township's lands are put to their most appropriate use. Flood Plain

developments shall not adversely affect the hydraulic capacity of the channel and adjoining flood plain of any tributary watercourse or drainage system where a floodway or other encroachment limit has not been specified on the Official Zoning Map.

A. Permitted Uses: the following uses, having low flood damage potential and which do not obstruct flood flows, are permitted within the flood plain district to the extent that they are not prohibited by the underlying zoning district or any other ordinance and provided they do not require structures, fill, or storage of materials or equipment. In addition, no use shall adversely affect the capacity of the channel or floodways of any tributary to the main stream, drainage ditch or any other drainage facility.

a. Agricultural uses such as: general farming, pasture, grazing, outdoor growing of nursery stock, horticulture, truck farming, forestry, sod farming, and wild crop harvesting; but not including a feedlot of thirty (30) animal units or more.

b. Industrial-commercial uses such as: loading areas, parking areas, airport landing strips.

c. Private and public recreational uses such as: golf courses, driving ranges, picnic grounds, boat launching ramps, swimming areas parks, wildlife and nature preserves, fishing areas and recreational trails.

d. Residential uses such as: Lawns, gardens, parking areas, and play areas.

e. Wildlife sanctuary, woodland preserve and arboretum.

f. Railroads, streets, bridges, utility transmission structures, pipeline, marinas, docks and water control structures required to obtain Department of Natural Resources permit.

E. Conditional Uses**:** The following uses, which involve fill or storage of materials or equipment, may be permitted in the flood plain district only after the issuance of a conditional use permit as provided in Section 4.02 of this zoning ordinance, which applies to all flood plain conditional uses.

a. Placement of fill, except when fill is used as part of an approved soil conservation service drainage control structure.

b. Extraction of sand, gravel and other minerals.

c. Other railroads, streets, bridges, utility transmission lines and pipelines not included as a permitted use in the previous Section 9.08.

d. Storage yards for equipment, machinery, or materials.

e. Other uses similar in nature to uses described in Section 9.08, Permitted Uses or 9.08 Conditional Uses.

F. General Flood Plain Regulations**:** No structures (temporary or permanent), fill, including fill for roads and levees, deposit, obstruction, storage of materials or equipment, or other uses hall be allowed as conditional uses which, acting alone or in combination with existing or future uses, unduly affects the capacity of the floodway or unduly increases flood heights. Consideration of the effects of a proposed use shall be based on a reasonable assumption that there will be an equal degree of encroachment extending for a significant reach on both sides of the stream. In addition, all flood plain conditional uses hall be subject to the following regulations:

a. Fill: Any fill deposited in the flood plain shall be no more than the minimum amount necessary to conduct a conditional use listed in Section 9.08. Generally fill shall be limited to that needed to grade or landscape for that use and shall not in any way obstruct the flow of flood waters. Such fill or other materials shall be protected against erosion by rip-rap, vegetative cover or bulk-heading. Spoil from dredging or sand and gravel operations shall not be deposited in the flood plain unless it can be done in accordance with Section 9.08.

b. Utilities, Railroad tracks, Streets and Bridges: Public utility facilities, roads, railroad tracks and bridges within the flood plain district shall be designed to minimize increases in flood elevations and shall be compatible with local comprehensive flood plain development plans. Protection to the flood protection elevation shall be provided where failure or interruption of these public facilities would result in danger to the public health or safety or where such facilities are essential to the orderly functioning of the area. Where failures or interruption of a service would not endanger life or health, a lesser degree of protection may be provide for minor or auxiliary roads, railroads or utilities.

c. Storage of Material and equipment: The storage or processing of materials that are in time of flooding buoyant, flammable, explosive, toxic, or could be injurious to human, animal or plant life is prohibited. Storage of other material or equipment may be allowed if not subject to major damage by floods and firmly anchored to prevent flotation.

d. Garbage and Solid waste Disposal: No conditional use permits for garbage and waste disposal sited shall be issued for floodway areas, provided further, there shall be no further encroachment upon the floodway at existing sites.

e. Structural Works for Flood Control: Structural works for flood control such as levees, dikes, floodwalls, and reservoirs shall be allowed only upon issuance of a conditional use permit and the following standards, Any proposed structural work in the beds of public waters as defined in Minnesota Statutes Chapter 105 which will change the course, current, or cross-section of the waters shall be subject to the provisions of Minnesota Statures Chapter 105 and other applicable statutes. Obtain from the Army Corps of Engineers, when applicable, a permit for under the Federal Water Pollution Control Act (commonly referred to as the Clean Water Act) and any other necessary permits. Where the flooding potential is to be reduced as the result of

a flood control project, the Federal Emergency Management Agency shall be notified and data required for a map revisions shall be submitted thereto.

SECTION 9.10 SHORELAND DISTRICT: The uncontrolled use of shorelands of New Haven Township affects the public health, safety and general welfare not only by contributing to pollution of public waters, but also by impairing the local tax base. Therefore, it is in the best interests of the public health, safety and welfare to provide for the wise subdivision, use and development of shorelands of public waters. The Legislature of Minnesota has delegated responsibility to local governments of the state to regulate the subdivision, use and development of shorelands of public waters, conserve the economic and natural environmental values of shorelands, and provide for the wise use of waters and related land resources. This responsibility is hereby recognized by New Haven Township.

A. CLASSIFICATION SYSTEM: The public waters of New Haven Township have been classified below consistent with criteria found in Minnesota Regulations, Part 6120.3300 and the Protected Waters Inventory Map for Olmsted County Minnesota

1. The shoreland area for waterbodies listed below shall be defined in section 2.02 and as shown on the Official zoning Map

- Lakes – none
- Remote Rivers – none
- Forested Rivers – none
- Transition Rivers – Middle fork Zumbro River, from Section 3 Town 108 Range 15 to Section 12 Town 108 Range 15
- Agricultural Rivers – Middle fork Zumbro River, from section 7 Town 108 Range 15 to Section 4 Town 108 Range 15
- Tributary Streams – Harcom Creek from Section 7 Town 108 Range 15 to Section 7 Town 108 Range 15 and Plum Creek from Section 30 Town 108 Range 15 to Section 22 Town 108 range 15

B. PHYSICAL LIMITATIONS:

a. Lot Area and Width Regulations:

i. Each un-sewered lot shall have a lot area of not less than two (2) acres. Except when additional lot area is required by the New Haven Planning Department to meet Health Board requirements.

ii. River and Stream segments must meet the underlying zoning district lot area requirements. In addition the following lot width standards apply:

Dwelling type	Transition River	Agricultural River	Tributary Stream Un-sewered
Single	250’	150’	100’
Duplex	375’	225’	150’

Should additional dwelling types be needed or sewered options derived, Olmsted County regulations will apply.

b. Additional Special Provisions: Lots intended as controlled access to public waters or as recreation areas for use by owners of non-riparian lots may be platted as out-lots. These lots do not need to meet the minimum lot width standards set forth in this ordinance.

C. Placement, Design, and Height of Structures

a. Placement of structures on lots: When more than one setback applies to a site, structures and facilities must be located to meet all setbacks. Where structures exist on the adjoining lots on both sides of a proposed building site, structure setbacks may be altered without a variance to conform to the adjoining setbacks from the ordinary high water level, provided the proposed building site is not located in a shore impact zone or in a bluff impact zone.

b. Structure and On-Site Sewage System Setbacks from Ordinary High Water Level

Rivers	Structures Un Sewered	Structures Sewered	Sewage treatment System
Transition	150’	150’	100’
Agricultural	100’	50’	75’
Tributary	100’	50’	75’

One water oriented accessory structure designed in accordance with the provisions of Section 9.10 of this ordinance may be set back a minimum distance of ten (10) feet from the ordinary high water level.

c. Additional Structure Setbacks: The following additional structure setbacks apply, regardless of the waterbody.

i. Top Of bluff – 30’

ii. Unplatted cemetery – 50’

d. Design Criteria for Structures

i. High Water Elevations: Structures must be placed in accordance with any floodplain regulations applicable to the site. Where these controls do not exist, the elevation to which the lowest floor, including basement is placed or flood-proofed must be determined as follows:

1. For rivers and streams, by placing the lowest floor at least three (3) feet above the flood of record, if data is available. If data is not available, by placing the lowest floor at least three (3) feet above the ordinary high water level, or by constructing a technical evaluation to determine effects of proposed construction upon flood stages and flood flows and to establish a flood protection elevation. Under all approaches, technical evaluations must be done by a qualified engineer or hydrologist. If more than one approach is used, the highest flood protection elevation determined must be used for placing structures and other facilities; and

2. Water oriented accessory structures may have the lowest floor placed lower than the elevation determined in this item if the structure is constructed of flood resistant materials to the elevation, electrical and mechanical equipment is placed above the elevation, and if long duration flooding is anticipated, the structure is built to withstand ice action and wind driven waves and debris.

ii. Water oriented accessory structures: Each lot may have one water oriented accessory structure not meeting the normal structure setback in section 9.10 of this ordinance if this water oriented accessory structure complies with the following provisions:

1. The structure of facility must not exceed ten (10) feet in height, exclusive of safety rails, and cannot occupy an area greater than 250 square feet. Detached decks must not exceed eight (8) feet above grade at any point.

2. The setback of the structure or facility from ordinary high water level must be at least ten (10) feet.

3. The structure or facility must be treated to reduce visibility as viewed from public waters and adjacent shorelands by vegetation, topography, increased setbacks or color, assuming summer, leaf on conditions.

4. The roof may be used as a deck with safety rails, but must not be enclosed or used as a storage area.

5. The structure or facility must not be designed or used for human habitation and must not contain water supply or sewage treatment facilities.

6. As an alternative for general development and recreational development waterbodies, water oriented accessory structures used solely for watercraft storage, and including storage of related boating and water oriented sorting equipment, may occupy and area up to 400 square feet provided the maximum width of the structure is twenty (20) feet as measured parallel to the configuration of the shoreline.

iii. Stairways, Lifts and Landings: Stairways and lifts are the preferred alternative to major topographic alterations for achieving access up and down bluffs and steep slopes to shore areas. Stairways and lifts must meet the design criteria as listed:

1. Must not exceed four (4) feet in width on residential lots. Commercial or public open space lots may have wider stairs.

2. Landings on said stairs and lifts must not exceed thirty-two (32) square feet for residential lots. Commercial and public open space may have larger landings.

3. Canopies and roofs are not allowed on stairs, lifts or landings.

4. May be constructed aboveground on posts or pilings or placed in the ground, provided they are constructed to minimize and control soil erosion.

5. Must be located in the least visible areas of lots as viewed from the surface of the public water assuming summer leaf on conditions whenever practical.

6. Facilities for physically handicapped access to shore areas are allowed provided they comply with standards above and those set in MN Regulations Ch 1340.

iv. No structure may be placed on a significant historic site.

v. Steep Slopes: the zoning administrator must evaluate possible soil erosion impacts and development visibility from public waters before issuing a construction permit. When necessary conditions must be attached to permits to prevent erosion and preserve vegetation screening of constructed items.

D. Shoreland Alterations:

Vegetation:

1. Vegetation alteration for construction of roads, parking and sewage treatment systems are exempt from the alteration standards that follow.

2. Intensive vegetation clearing within the shore and bluff impact zones and on steep slopes in not permitted

3. In shore and bluff impact zones and on steep slopes, limited clearing of trees and shrubs to enhance the view, to provide location for stairs, lifts, landings from principal dwelling to shore is permitted provided:

    a. The screening of structures, vehicles and facilities as viewed from the water, assuming summer leaf on conditions is not substantially reduced

    b. Along rivers, existing shading of water surfaces is preserved

    c. The above provisions are not applicable to the removal of tree limbs or branches that are dead, diseased, or pose safety hazards

E. Topographic Alterations/ Grading and Filling

a. Grading and filling and excavations necessary for the construction of structures, sewage treatment systems and driveways under validly issued construction permits for these facilities do not require the issuance of a separate grading and filling permit. However, grading and filling standards in this section must be incorporated into the issuance of permits for construction of the above mentioned items.

b. Public roads and parking areas are governed by this ordinance.

c. A grading and filling permit will be required fro:

    i. The movement of more than ten (10) cubic yards of material on steep slopes, shore and bluff impact zones.

    ii. The movement of more than fifty (50) cubic yards of material outside of steep slopes , shore and bluff impact zones.

d. The following considerations and conditions must be adhered to during the issuance of construction permits, grading and filling permits, conditional use permits, variances, and subdivision permits:

    i. Grading or filling within any wetland area must meet the applicable requirements of the Minnesota Wetlands Conservation Act.

    ii. Alterations must be designed and conducted in a manner that ensures only the smallest amount of bare ground is exposed foe the shortest time possible

    iii. Mulches or similar materials must be used. Where necessary, for temporary bare soil coverage, and a permanent vegetation cover must be established as soon as possible

    iv. Methods to minimize erosion and to trap sediments before they reach any surface water feature must be used

v. Altered areas must be stabilized to acceptable erosion control standards consistent with Section 10.20 of this ordinance

vi. Fill or excavated material must not be placed in a manner that creates an unstable slope

vii. Plans to place fill or excavated material on steep slopes must be reviewed by qualified processionals for continued slope stability and must not create finished slopes of 30 percent or greater.

viii. Fill or excavated materials must not be placed in bluff impact zones

ix. Ant alterations below the ordinary high water level of public waters must first be authorized by the Commissioner under MS Section 105.42

x. Alterations of topography must only nbe4 allowed if they are accessory to permitted or conditional uses and do not adversely affect adjacent or nearby properties

xi. Placement of natural rock rip rap, including associated grading of the shoreline and placement of a filter blanket, is permitted if the finished vertical slope does not exceed three (3) feet horizontal to one (1) foot vertical, the landward extent of the riprap is within ten (10) feet of the ordinary high water level, and the height of the riprap above the ordinary high water level does not exceed three (3) feet.

e. Connections to Public Waters: excavations where the intended purpose is connection to a public water, such as boat slips, lagoons, canals, harbors, must be controlled by local shoreland controls. Permission for excavations maybe given only after the Commissioner has approved the proposed connection to public waters.

F. Placement and design of Road, Driveways and Parking areas

a. Public and private roads and parking areas must be designated to take advantage of natural vegetation and topography to achieve maximum screening from view from public waters. They must be designed to minimize and control erosion also.

b. Roads, driveways, and parking areas must meet structure setbacks and must not be placed within bluff and shore impact zones, when other reasonable and feasible placement alternatives exist. If no alternative exists, they may be placed within these areas, and must be designed to minimize adverse impacts.

c. Public and private watercraft access ramps, approach roads and access related parking areas may be placed within shore impact zones provided the vegetative screening and erosion control conditions of this ordinance are met.

G. Stormwater Management

a. General Standards:

i. When possible use existing natural drainage, wetlands, and vegetated soil surfaces to discharge run-off or retain stormwater run-off before discharge.

ii. Development must be planned in a manner to minimize soil erosion. Disturbed areas must be stabilized as soon as possible

iii. When natural drainage, wetlands and vegetated soil surfaces are inadequate for handling stormwater run-off, various types of constructed facilities such as dikes, settling basins etc may be considered. Preference will be given to use of natural options over man-made materials and structures.

b. Specific Standards

i. Impervious surface coverage of lots must not exceed 25 percent of the lot area

ii. When constructed facilities are used to manage stormwaters, documentation must be provided by a qualified individual that they are constructed and installed consistent with the local soil and water conservation district guidelines.

iii. New constructed stormwater outfalls to public waters must provide for filtering or settling of suspended solids and skilling of surface debris before discharge.

H. Special provisions for Commercial, Industrial, Public, Semi Public and Agricultural Uses:

a. There are no Commercial, Industrial, Public or Semi Public land uses in shoreland district in New Haven township. Should one of these areas arise, New Haven township would apply Olmsted County standards and provisions for these uses.

b. Agricultural Use Standards:

i. General farming and related activities are permitted if steep slopes and shore and bluff impact zones are maintained in permanent vegetation or operated under an approved conservation plan from the local soil and water conservation district. The shore impact zone for parcels with permitted agricultural land uses is equal to a line parallel to and fifty (50) feet from the ordinary high water level.

ii. Animal feedlots must meet the following standards:

1. New feedlots must not be located in the shoreland of watercourses or in bluff impact zones and must meet a minimum setback of 300 feet from the ordinary high water level.

2. Modifications or expansions to existing feedlots that are located within 300 feet of the ordinary high water level or within a bluff impact zone are allowed if they do not further encroach into the existing ordinary high water level setback or encroach on bluff impact zones.

I. Water Supply and Sewage Treatment:

a. Water Supply: the water supply shall meet all applicable requirements of the Olmsted County Water Well and Water Supply Ordinance and amendments thereto.

b. Sewage treatment: Any premises used for human occupancy must be provided with an adequate method of treating the sewage which is generated on the premises. Treatment shall be provided as follows:

i. Publicly owned sewage treatment systems shall be used when available.

ii. All new individual sewage treatment systems, including repairs and additions to existing systems, shall meet or exceed the Olmsted County Public Health regulations and amendments thereto

iii. A new individual sewage treatment system, including repairs or additions to existing systems shall be setback from the ordinary high water level in accordance with requirements in this ordinance.

iv. Nonconforming individual sewage treatment systems shall be regulated and upgraded in accordance with this ordinance.

J. Land Suitability:

a. Each lot created through subdivision must be suitable in its natural state for the proposed use with minimum alteration. Suitability analysis by New Haven Township shall consider susceptibility to flooding, existence of wetlands, soil and rock formations with severe limitations for development severe erosion potential, steep topography, inadequate water supply or sewage treatment capabilities. Near shore aquatic conditions unsuitable for water based recreation, important fish and wildlife habitat, presence of significant historic sites, or any other features of the natural land likely to be harmful to the health, safety and welfare of future residents of New Haven Township.

b. Subdivisions must conform to all official controls. A subdivision will not be approved where a later variance from one or more standards in the ordinance would be needed to use the lots for their intended purpose.

c. Sufficient information must be submitted to New Haven Township for a decision on suitability to be made. The information should include at a minimum the following:

i. The surface water features required in MS 505.02, to be shown on plats,

ii. Extent of anticipated vegetation and topographic alterations, near shore aquatic conditions, including depths, types of bottom sediments, and aquatic vegetation, and proposed methods for controlling storm water runoff and erosion, both during and after construction.

iii. Location of 100 year flood plain areas and floodway districts from existing adopted maps or data

iv. A line or contour representing the ordinary high water level, the “toe” and “top” of bluffs and the minimum building setback distances from the top of the bluff and the lake or stream.

d. Copies of all notices of any public hearings to consider variances, amendments, or conditional uses under local shore-land management controls must be sent to the Commissioner or the Commissioner’s designate and postmarked at least ten (10) days before the hearing. Notices of hearings to consider proposed subdivisions/plats must include copies of the subdivision/plat.

e. A copy of approved amendments and subdivisions/plats, and final decisions granting variances or conditional uses under local shore-land management controls must be sent to the Commissioner or Commissioner’s designate and post marked within ten (10) days of final action.

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ARTICLE X

GENERAL REGULATIONS

SECTION 10.00 PURPOSE: The general regulations established in Article X are designed to encourage a high standard of development by providing assurance that neighboring land uses will be compatible. The general regulations are designed to prevent and eliminate those conditions that cause blight or detriment to the environment. Before any zoning certificate is issued, the Zoning Administrator shall determine whether the proposed use will conform to the general regulations. The developer or landowner shall supply the data necessary to demonstrate that the development or the use will be in conformance.

SECTION 10.01 SINGLE FAMILY DWELLING STANDARDS: The following regulations shall govern all single family dwellings located within the R-1, RA or RSD zoning districts:

The dwelling must have a supporting perimeter wall foundation, or the foundation system is screened by a perimeter wall system or either a finished masonry type, or the same exterior material as the exterior finish of the dwelling, and must extend from the base of the structure to the adjacent grade. If not constructed on site, the dwelling must meet the provisions of Minnesota Statutes, Chapter 327.31 Subd,3 (manufactured home building code). All single family detached dwelling must have a minimum dimension of at least twenty two (22) feet at the first floor level over at least 50 (50%) percent of its length.

SECTION 10.02 HOME BUSINESSES:

The intent of the provisions providing for home businesses is to encourage new business uses by reducing the barriers to entry for new business enterprises, while maintaining consistency with the residential or rural character of the districts in which such uses locate.

A. In any zoning district where home businesses are authorized, a home business shall comply with the following regulations

1. Said use shall not occupy an area of more than twenty five (25%) percent of the total floor area of the dwelling.

2. No such home business shall require interior or exterior alterations of the dwelling exceeding 25% of the estimated building value as determined by the most current Olmsted County property records.

3. No home business shall create emissions, surface or groundwater discharges, odor, dust, noise, electrical disturbances, flare, or vibrations exceeding the standards of the Minnesota Pollution Control Agency measured at the source of the emission or discharge, the property line, or within 500 feet of the nearest neighboring dwelling.

4. Notwithstanding any other provision to the contrary, no adult establishment shall be allowed as a home business in any district.

B. A home business allowed in the R-A, R-1, R-2, ARC or RSD Districts shall comply with the following regulations, in addition to the requirements of Section 10.02A

1. No person shall be employed other than a member of the household residing on the premise.

2. The home business shall be conducted entirely within buildings, including the dwelling and no more than one accessory structure, except for swimming pools, tennis courts and similar outdoor recreational uses and except for outdoor facilities associated with day care, and may involve the use of no more than one accessory structure exclusively for storage.

3. Free standing signage shall be limited to one (1) non-illuminated identifying sign measuring not more than two (2) square feet in area.

4. Off-street parking shall be provided on a paved or gravel surface.

5. No more than two vehicles used in connection with the home business shall be visible on the premises, limited to licensed and operable Two-Axel, Six Tire Single Unit Vehicles as defined by the Federal highway Administration (http://www.fhwy.dot.gov/policy/ohpi/vehclass.htm). No vehicle may display a sign exceeding forty (40) square feet per side of vehicle with visible on the premises.

6. The following businesses may be permitted as a home business in the RA, R-1, R-2, ARC, RSD Districts:

a. Permitted Uses:

i. Attorney, doctor, dentist, financial, insurance, real estate, engineering, advertising agencies, artist, or photographic studios and similar professional office uses.

ii. Personal services limited to: beauty shops, barber shops, clothing rental, fitness coaching, photographic studios, cleaning and garment services except dry-cleaning and coin laundries.

iii. Production of apparel, fabric, quilts, furniture, and similar goods on the premises.

iv. Retail trade of goods produced on the premises, as an incidental use associated with another non-retail home business use, or as an office and storage use where sales activity is conducted off-premises (such as home based distributorships)

v. Repair services typically conducted within dwellings, such as jewelry and watch repair.

vi. Offices and storage for plumbing, electrical and similar trades.

b. Conditional Uses; All other home businesses not listed above as permitted uses shall be considered through the conditional use permit process, except that no business shall be permitted as a home business that is allowed as a conditional use in the RC, CS, HC, ARC 8.09, ARC 8.09.2, MI, or I districts.

C. A home business allowed in the A-1, A-2, A-3, A-4 Districts shall comply with the following regulations, in addition to the requirements of Section 10.02A:

1. The following businesses may be permitted as a home business:

a. Permitted Uses

i. Attorney, doctor, dentist, financial, insurance, real estate, engineering, advertising agencies, artist, or photographic studios and similar professional office uses.

ii. Veterinary services offices

iii. Personal services limited to: beauty shops, barber shops, clothing rental, fitness coaching, photographic studios, cleaning and garment services except dry-cleaning and coin laundries.

iv. Production of apparel, fabric, quilts, furniture, and similar goods on the premises.

v. Retail trade of goods produced on the premises, as an incidental use associated with another non-retail home business use, or as an office and storage use where sales activity is conducted off-premises (such as home based distributorships)

vi. Repair services typically conducted within dwellings, such as jewelry and watch repair.

vii. Motor vehicle repair, body shops, welding, and other repair services

viii. Offices and storage for plumbing, electrical and similar trades.

b. Conditional Uses

i. A business allowed as a conditional use in the RC, CS, HC, or I districts or in the district of residence shall be considered for approval as a home business only through the conditional use permit process.

ii. All other home businesses not listed above as permitted uses shall be considered only through the conditional use permit process.

iii. Any business listed above proposing to have more than two vehicles used in connection with the home business stored or stopped on the premises, or any business proposing to use s vehicle other than a Two-Axle, Six-Tire Single Unit Vehicle as defined by the Federal Highway Administration

D. A home business allowed as a permitted use on a parcel smaller than thirty five (35) acres in area in the A-1, A-2, A-3 or A-4 Agricultural Districts shall comply with the following regulations, in addition to the requirements of Section 10.02A and 10.02C:

1. No person shall be employed other than a member of the household residing on the premises.

2. Said use shall not occupy an area of more than twenty five (25%) percent of the total floor area of the dwelling and not more than one accessory structure with a floor area of two thousand four hundred (2,400) square feet or less.

3. Outside storage of materials or equipment or display of merchandise is permitted only on paved surfaces and shall not exceed two thousand (2,000) square feet.

4. The total surface area devoted to the home business shall not exceed five thousand (5,000) square feet including outside storage, parking areas and accessory structure.

5. Free standing signage shall be limited to one (1) non-illuminated identifying sign measuring not more than thirty-two (32) square feet in area.

E. A home business allowed as a permitted use on a parcel of thirty-five (35) acres or more in the A-1, A-2, A-3, or A-4 Agricultural Districts shall comply with the following regulations in addition to the requirements of Section 10.02A and 10.02C:

1. No person shall be employed other than a member of the household residing on the premises.

2. Said use shall not occupy an area of more than twenty five (25%) percent of the total floor area of the dwelling and not more than one accessory structure with a floor area of five thousand (5,000) square feet or less.

3. Outside storage of material or equipment or display of merchandise is permitted only on paved surfaces, shall not exceed five thousand (5,000) square feet and shall be screened from view of adjacent residences.

4. The total surface area devoted to the home business shall not exceed ten thousand (10,000) square feet including the portion of the dwelling used for the home business, outside storage and parking areas, and the accessory structure.

5. Free standing signage shall be limited to one (1) non-illuminated sign measuring not more than thirty two (32) square feet in area.

F. A home business may be permitted as a conditional use in the A-1, A-2, A-3, or A-4 Agricultural Districts on a parcel smaller than thirty five (35) acres in area, provided in complies with the following regulations in addition to the requirements of Section 10.02A and 10.02C:

1. No more than five (5) full time equivalents (FTE) shall be employed who are not members of the household residing on the premise.

2. Said use shall not occupy an area of more than twenty five (25%) percent of the total floor area of the dwelling and not more than one accessory structure with a floor area of five thousand (5,000) square feet or less.

3. The total surface area devoted to the home business including outside storage, parking areas and accessory structure shall be limited to the minimum necessary to conduct the use, but not more than twenty thousand (20,000) square feet or ten percent (10%) of the lot area which ever is less.

4. Free-standing signage shall be limited to one (1) non-illuminated identifying sign measuring not more than thirty two (32) square feet in area.

G. A home business may be permitted as a conditional use in the A-1, A-2, A-3, or A-4 Agricultural Districts on a parcel of thirty five (35) acres or more, provided in complies with the following regulations in addition to the requirements of Section 10.02A and 10.02C:

1. No more than five (5) full time equivalents (FTE) shall be employed who are not members of the household residing on the premise.

2. Said use shall not occupy an area of more than twenty five (25%) percent of the total floor area of the dwelling and not more than one accessory structure with a floor area of five thousand (5,000) square feet or less.

3. Outside storage of material or equipment or display of merchandise may be permitted on an unpaved surface, provided it is managed to control dust and is screened from view from adjacent residences.

4. The total surface area devoted to the home business including outside storage, parking areas, and accessory structure shall be limited to the minimum necessary to conduct the use, but not more than twenty thousand (20,000) square feet or ten percent (10%) of the lot area which ever is less.

5. Free –standing signage shall be limited to one (1) non-illuminated identifying sign measuring not more than thirty two (32) square feet in area.

SECTION 10.04 PARKING REQUIREMENTS:

A. Parking Definitions: the following parking definitions shall be used to determine the number of parking spaces required for each use:

a. Building Capacity: The maximum number of persons who may be accommodated by the use as determined by its design or by fire code regulations whichever is greater.

b. Employee (s): the maximum number of employees employed at the facility, on the largest work shift, regardless of the time period during which this occurs.

c. Floor Area: In the case of offices, merchandising, or service uses, “Floor Area” shall mean the gross floor area used or intended to be used by tenants or for services to the public as customers, patrons, clients, or patients, including areas occupied by offices, fixtures and equipment used for display or sale of merchandise. It shall not include areas used principally for non-public purposes, such as

storage, incidental repair, processing or packaging of merchandise, for show windows, for toilet or restrooms, for utilities or for dressing rooms, fitting or alteration rooms.

d. Parking Space: An area of not less than one hundred sixty two (162) square feet, exclusive of access drives or aisles and useable for the storage or parking of vehicles.

e. Place of Public Assembly: In places of public assembly in which patrons or spectators occupy benches, pews, or other seating facilities, each twenty (20) inches of seating facilities shall be counted as one seat for the purpose of determining requirements for off-street parking facilities under this ordinance.

B. Location of Parking Facilities:

a. One family, single family attached of three (3) dwellings or less, and two-family; off street parking shall be provided on the same lot as the dwelling.

b. Multiple-family and other single-family attached: Off street parking shall be on lands owned by the same person who owns the building and located within two hundred (200) feet of the building they are intended to serve.

c. Commercial and Industrial and other use: Off-street parking shall be on land owned or leased by the same person who owns the building and located within six hundred (600) feet of the building they are intended to serve.

C. Parking Setbacks:

a. Off-street parking in the Agricultural or Residential Districts may occupy all or part of any required side or rear yard, but shall not be located in the front yard, except in an established driveway.

b. Off-street parking in the Commercial or Industrial Districts may occupy any required yards, except such parking shall be set back ten (10) feet from any road right-of-way.

D. Mixed Occupancies: in the case of mixed uses, the total requirements for off-street parking facilities shall be the sum of the requirements for the various uses computed separately. Off-street parking facilities for one use shall not be considered as providing required parking facilities for any other use.

E. Required Number of Parking Spaces**:** The amount of required off-street parking spaced for new uses, buildings and additional shall be as specified in

the following table:

TABLE 1

Required Parking Spaces

Use	Required Parking

One family, single family attached, two family dwelling, and mobile home	Two parking spaces for each unit
Multiple family dwellings	One and one half parking spaces for each dwelling
Motel and Hotel	One parking space for each guest room. Plus two additional parking spaces
Hospitals, Convalescent or Nursing homes	One space per 4 beds
Fraternity, Boarding, and Rooming houses	1 parking space for each 2 lodging units
Libraries, Art Galleries, Museums	1 parking space per 500 square feet floor area
Churches, Auditoriums, Places of Assembly	1 parking space for every 5 seats
Elementary and Nursery schools	1 space for every 2 employees
Junior and Senior High Schools	1 space for every 2 employees plus 1 parking space for every 5 seats in the auditorium or stadium whichever is larger
College, University or Trade School	1 parking space for every 2 employees. Plus 1 parking space for every 10 students
Dance Halls, Places of Assembly or Exhibit Halls without fixed seating	1 parking space for every 5 persons allowed as a maximum building capacity
Automobile or Machinery sales	1 parking space for every 800 square feet of floor area
Bowling Alleys	4 spaces for every alley
Clinic	1 parking space for every 200 square feet of floor area
Funeral Home	1 parking space for every 5 seats
Furniture and Appliance stores	1 parking space for every 600 square feet of floor area
Offices, Banks, Public Administration	1 parking space for every 400 square feet of floor area

Restaurants	1 parking space for every 4 seats, plus 1 parking space for every 2 employees
Retail Stores	1 parking space for every 150 square feet of floor area
Service Garages and Car Washes	5 parking spaces per stall
All other commercial	1 parking space for every 300 square feet of floor area
Industrial and Warehousing	1 parking space per employee

F. Development and Maintenance of Loading and Parking areas**:**

a. Surfacing and Drainage: Off street parking areas shall be improved with a durable surface. Such areas shall be graded and drained as to dispose of all surface water without damage to adjoining property.

b. Lighting: Any lighting used to illuminate any off-street parking area shall be arranged as to reflect the light away from residential uses on adjoining lots.

c. Access: There shall be adequate provisions for ingress and egress to all parking and loading spaces. Said access drive shall not be less than 8 feet in width in the case of a dwelling, and not less than eighteen (18) feet in width in all other cases; provided, however, that one-way aisles for wither ingress or egress for uses other than dwellings may be reduced to not less than ten (10) feet in width.

d. Necessary curbs or other protections against damage to adjoining properties, roads and sidewalks shall be provided and maintained.

e. It shall be the responsibility of the owner of the principal use or of the property to ensure that the parking area is neat and maintained in a safe condition.

G. Parking of Trucks in R-Districts**:** No trucks or commercial vehicles with a commercial (Y type) license and of a rated gross vehicle weight of twelve thousand (12,000) pounds or more shall be parked on any residential premises in any R-district for any consecutive period of four (4) hours or more. This provision shall not prohibit the parking of any necessary construction vehicles during the construction period on the premises where construction is in progress.

SECTION 10.06 LOADING REQUIREMENTS: Required loading spaces on the premises with every building, structure, or part thereof, erected and occupied for manufacturing, storage, warehouse goods display, department store, wholesale store, market, hotel, hospital, mortuary, laundry, dry cleaning, or other uses similarly involving receipt or distribution of vehicles or materials or merchandise, there shall be provided and

maintained on the lot adequate space for standing, loading, and unloading services in order to avoid undue interference with public use of the roads or alleys.

SECTION 10.08 BUFFERYARDS: The purpose of bufferyards is to separate different land uses from each other in order to eliminate or minimize potential nuisances such as dust, litter, noise, glare of lights, signs and buildings or parking areas or to provide spacing to reduce adverse impacts of noise, odors or danger from fire or explosions or surface water run-off.

A. Required Bufferyards**:**

a. All new or major expansions of existing multiple family, commercial or industrial uses shall provide a bufferyard along the outer perimeter of the lot when such uses are adjacent to properties that are zoned R-A or R-1, or A-4 and designated for future residential use in the Comprehensive Plan.

b. A major expansion for bufferyard purposes shall be considered to be an expansion or combination of expansions to buildings within the last five (5) years that exceeds 50% of its current market value according to Olmsted County Assessor records. The bufferyards shall be located on the outer perimeter of the lot, extending to the property line except when there exists a utility easement, in which case the bufferyard shall commence from the inner boundary of such utility easement. No bufferyard shall be located on any portion of an existing or dedicated public or private street right of way.

c. The following table specifies the intensity of the bufferyard that is required. For example, if a property zoned I (industrial) is located adjacent to a property zoned R-1 (residential), the industrial property is required to provide a bufferyard E along the outer perimeter of his lot which adjoins the R-1 district. If the same properties are separated by an intervening arterial street, then bufferyard B is required.

Zoning District	**Adjacent Property –** **R-A, R-1, R-2, A-4**	**Adjacent Property-separated by a street** **R-A, R-1, R-2, A-4**		
		Expressway, Freeway,Arterial	**Collector**	**Local**

R-2 residential	**C**	**A**	**B**	**B**
RC, CS, HC commercial	**C**	**A**	**B**	**C**
I industrial	**E**	**E**	**C**	**C**

The currently held valid official thoroughfare plan for Olmsted County shall be used to determine the classification of the street. Bufferyard plans are available at the Town Hall.

d. All bufferyards (A-E) permit 4 or5 bufferyard widths, ranging from 10 to 30 feet, and specific the number of plantings required for each bufferyard width. In bufferyards D and E, fences are required in additional to the plantings when a narrow bufferyard is to be used. The required fences are represented by the symbols F1, F2, and F3 and correspond to the illustration on fences. The property owner may select the width of bufferyard he will install and maintain. To determine the minimum number of plantings, refer to the appropriate bufferyard illustration, then choose the width of the bufferyard to be established, the multiply the "plant unit multiplier" by the lot dimension in feet and by the "required plant units/100". For example if a property owner were required to provide a bufferyard B along 200 feet of a lot dimension and would choose a 20 foot wide bufferyard, he would be required to provide 1 canopy tree, 2 understory trees, and 4 shrubs.

The following calculations show how this was derived:

0.6 X 200 X 1/100 canopy = 1.2 canopy

Plant unit lot size X2/100 understory = 2.4 understory

Multiplier feet X3/100 shrubs = 3.6 shrubs

e. All bufferyards shall be landscaped with rock, bark, grass, or other suitable materials.

B. Existing trees and shrubs may be counted as contributing to the required bufferyard, providing they meet the minimum size. Existing trees with a two and a half (2.5) inch or greater caliper shall be maintained. The Planning and Zoning administrator may approve removal of existing trees if they are determined to be undesirable or have minimal value to the bufferyard. Removal of diseased or seriously damaged trees shall not be prohibited. In all cases where trees are removed the existing density of the bufferyard shall be maintained.

C. In all bufferyards evergreen shrubs, understory or canopy trees may be substituted for the required deciduous shrubs and trees. A berm of at least four (4) feet in height may be substituted for the required shrubs.

D. Fence Substitution: Other types of fences may be substituted, providing such fence is of equivalent or greater screening and height.

E. Minimum Plant Size: unless otherwise specifically indicated elsewhere in this zoning ordinance, all new plant materials shall meet the following minimum size standards:

Plant Material Type	**Minimum Size**
Canopy tree – single stem **Multi-stem**	**1.5 inch caliper** **6' in height**
Understory tree	**4' in height**
Evergreen tree	**3' in height**
Shrub – deciduous **Evergreen**	**15" in height** **12" in height**

F. Bufferyard Maintenance – all trees and shrubs shall be maintained in a healthy growing condition. If any plants should die, they shall be replaced within sixty (60) daysin order to maintain the required number of plantings as specified.

G. Prior to issuance of a zoning certificate, the owner or contractor shall provide either a letter of credit, a paid-in-full receipt of a reputable landscaping firm, a performance bond or escrow deposit to ensure that bufferyards are installed according to section 10.08. All financial guarantees shall be equal to one hundred percent (100%) of the cost including materials and labor of installation of the bufferyard. The township shall be entitled to reimburse itself out of said funds for any cost and expense incurred by the township for completion of the work in case of default.

H. Bufferyard Uses: A bufferyard may be used for passive recreation, it may contain a picnic area, paths, fences, etc. and may include a sign if located adjacent to a street; provided that no plant material is eliminated and that no building, parking, loading or storage areas are permitted within the bufferyards.

I. Plant Materials: Plant materials chosen for use within required bufferyards shall be required to the existing climatic conditions of southeastern MN, and shall be compatible with the existing soil types found on the site. Since the purpose of the bufferyard is to provide screening of objectionable elements for adjacent land uses, the following plant characteristics shall be encouraged in the selection of plant

materials: Density of foliage, Growth rates that are high during the first 3-5 years after planting, Structure that has more intricate and dense twig patterns is preferred. Salt tolerance is to be considered especially for bufferyards along existing streets and roads. Trees with projected heights of 7-8' at maturity are preferred.

SECTION 10.10 EXTERIOR STORAGE AND AUTOMOBILES

A. Exterior Storage – Residential Districts: In residential districts, all lots shall be maintained and kept in a reasonably clean and neat condition. This requirement shall include the removal of dead trees and brush, the removal of inoperable machines, appliances, fixtures and equipment so damaged, deteriorated or obsolete as to have no substantial value and which constitute junk; the removal of lumber piles and building materials used in actual construction on the premises.

B. Automobiles: In Agricultural or Residential districts, no person shall place, park, permit to remain, store or leave upon any premises, except in a completely enclosed building, any motor vehicle which does not have affixed thereto a valid current motor vehicle license, or any portions thereof or parts there from are in a rusted, wrecked, partially dismantled or junked condition or in an inoperative or abandoned condition; and the owner of said vehicle, portions or parts there from, and the owner and occupant of the premises upon which it is located shall be obligated to remove same to a duly licensed junk yard or other authorized place of deposit or storage.

SECTION 10.12 SALVAGE AND JUNKYARDS: All salvage and junk yards shall obtain conditional use permit and satisfy the criteria for granting a conditional use permit contained in Section 4.02. Salvage and junkyards shall furthermore meet the following criteria:

Salvage and junkyards shall be screened from any residential district and from any public road. Plans for such screening shall be submitted to the New Haven Planning Advisory Commission for approval.

Any storage or dismantling of vehicles and machinery shall be done in a manner so as not to pollute the surface or ground water in the Township.

Any existing salvage or junkyard shall comply with this ordinance within five (5) years of the adoption of the ordinance.

SECTION 10.14 NOISE, HEAT, GLARE, VIBRATION, SMOKE, TOXIC WASTE, AND NOXIOUS FUMES: Emission or creation of noise, heat, glare, vibration, smoke, toxic waste, and noxious fumes shall conform to standards established by the Minnesota Pollution Control Agency.

SECTION 10.15 TELECOMMUNICATION TOWERS: New Haven Township recognizes the legal right to wireless telecommunications providers to do business within the Township. However, the Township wishes to implement its legal authority to impose zoning requirements that are nondiscriminatory, not intended to prohibit telecommunications services, and not based on health effects of radio frequency emissions. In order

to establish predictable and balanced regulations which protect public health, safety and general welfare of the community, these regulations are intended to:

1. Facilitate the provision of telecommunications services and facilities including commercial wireless telecommunication services in New Haven Township.

2. Minimize adverse visual effects of towers through careful design and siting standards

3. Avoid potential damage to adjacent properties from tower or antenna failure and weather related occurrences through structural standards, careful siting and set back requirements

4. Encourage placement of telecommunication towers on agricultural commercial or industrial property

5. Minimize the total number of existing and new towers and buildings needed to serve the communities and maximize the use of existing towers and buildings.

A. Tower Height: All proposed towers and accessory structures or buildings shall meet the maximum height provisions of the underlying zoning district and Section 4.02 Conditional Use, except as may be permitted under section 10.15 (tower setback). In no case shall a tower or combined building tower height exceed one hundred ninety-nine (199) feet where located within one thousand (1,000) feet of an existing residential subdivision or residential dwelling. The height of towers shall be determined by measuring the vertical distance from the tower's point of contact with the ground or rooftop to the highest point of the tower, including all antennas or other attachments. When towers are mounted on top of other structures or buildings, the combined height of the structure or building and tower must meet the height requirements of the applicable zoning district.

B. Tower Setback:

    a. Towers proposed to be located in the A1, A2, A3, A4, HC, A/RC and I districts shall be set back from all property lines an amount equal to the height of the structure. In the A1, A2, A3 zoning districts, proposed setbacks that are less than the tower height may be permitted under criteria granting conditional uses (Section 4.02). All towers shall have setback equal to tower height from any dwelling in a nonresidential zoning district. This setback requirement does not apply to the property in which the tower is placed.

    b. Guy wires for any tower shall not be located closer than twenty-five (25) feet to any property line.

    c. Suitable protective anti-climbing fencing shall be provided around any tower and the bases of the guy wires. Where fences are used to control unauthorized climbing of towers the fences shall conform to the setback requirements for principal structures or buildings. Fences or walls shall be located between the plantings and the tower based on the standards in Section 10.08.

C. Tower Location

a. Towers shall not be permitted to be located within floodplains or shorelands.

b. All applicants shall demonstrate that the proposed tower will comply with FFA standards prior to issuing a building permit if located within three (3) miles of a private airport. The FFA must issue a “no hazard” determination to comply with this provision.

D. Tower Design Requirements

a. Towers and antennas shall blend into the surrounding environment through the use of color and camouflaging architectural treatment except where color is dictated by federal or state authorities. In the A4 zoning district or within one -fourth (¼) mile of a residential zoning district tower color shall be a solid color, not multi-colors, and shall be light blue, light beige, or unpainted and non-reflective.

b. In the A4 zoning district towers shall be mono-pole design. Existing towers may be used for the placement of antennas and will not be required to be of a mono-pole design.

c. No tower shall have constructed thereon, or attached thereto, in any way, any platform, catwalk, crow’s nest, or like structure, except during periods of construction or repair when the tower is located in the A4 zoning district or within one- fourth (¼) mile of a residential district.

d. All guyed towers shall have placed on the supporting cables bird diverter devices with a design recommenced by the Minnesota Department of Natural resources.

E. Antenna Co-location: all commercial wireless telecommunication towers erected, constructed or located within the Township shall comply with the following requirements:

a. A proposal for a new tower shall not be approved unless the Township determines that the telecommunications equipment planned for the proposed tower cannot be accommodated on an existing or approved tower or building within a one mile search radius of the proposed tower or within one mile of the telecommunication company’s search area for the proposed tower, whichever is greater, due to one or more of the following reasons:

i. The planned equipment would exceed the structural capacity of the existing or approved tower or building, as documented by a qualified and licensed professional engineer, and the existing or approved tower cannot be reinforced, modified or replaced to accommodate planned equipment at a reasonable cost;

ii. The planned equipment would cause interference materially impacting the usability of other existing or planned equipment at the tower or building as documented by a qualified and licensed professional engineer or qualified radio frequency engineer and the interference cannot be prevented at a reasonable cost;

iii. Existing or approved towers and buildings within the search radius that are sixty (60) feet or over in height that cannot accommodate the planned equipment at a height necessary to function reasonably or are not located so that the planned equipment will function reasonably, as documented by a qualified radio frequency engineer or licensed professional engineer;

iv. Other unforeseen reasons that make it infeasible to locate the planned telecommunications equipment upon an existing or approved tower or building.

The applicant shall submit with the conditional use application written statements from the existing tower owners found within the search radius, or provide evidence of efforts to contact and obtain statements from existing tower owners. The information submitted shall explain the limitations on the use of the existing towers and the specific reasons the applicant cannot make use of the existing tower. If there are restrictions on placement of additional antennas on an existing tower within the search radius, the submittal shall be prepared by a licensed engineer.

b. Any proposed tower shall be designed, structurally, electrically and in all respects, to accommodate both the applicant's antennas and comparable antennas for at least two (2) additional users if the tower is over one hundred (100) feet in height or for at least one additional user if the tower is over sixty (60) feet in height. Towers must be designed to allow for future rearrangements of antennas upon the rower and to accept antennas mounted at varying heights.

c. Service providers shall provide proof of licensure by the Federal Communications commission. Applicants that propose constructing telecommunications towers must provide proof that a contract exists with a licensed commercial telecommunications service for the use of the applicant tower.

F. Antennas Mounted on Existing Buildings or Towers: The placement of telecommunications antennas including wireless telecommunication antennas on existing buildings, towers, or structures, shall meet the requirements of the underlying zoning district and this section. A site plan and building plan shall be submitted to the Township as part of the zoning certificate. A zoning certificate shall be required for the placement of antennas on existing buildings or towers. Where a tower is nonconforming due to the requirements of this section, additional telecommunications antennas may be permitted to be placed on the tower after being reviewed under Section 4.02.

G. Accessory Utility Buildings: All buildings and structures to a tower shall:

a. Be constructed of material on the exterior of the building similar to the surrounding residential area when located adjacent to a residential zoning district in the township or abutting township;

b. Be buffered and screened from adjoining uses as established in the requirement of the underlying zoning district and Section 10.08.

c. Meet the height and setback limitations as established for each underlying zoning district.

H. Signs and Advertising: The use of any portion of a tower for signs other than waning or equipment information is prohibited.

I. Tower Lighting: Towers shall not be illuminated by artificial means and shall not have affixed or attached to it in any way except during time of repair or installation any lights, reflectors, flashers, or other illuminating device, except as required by the Federal Aviation Commission or state agency. When incorporated into the approved design of the tower, light fixtures used to illuminate ball fields, parking lots, or similar areas may be attached to the tower. White strobe lights may only be permitted for tower lighting where they are used during daylight hours. White strobe lights shall not be permitted for night time lighting of towers. In all cases where white strobe lights are used, the lights shall be shielded such that the lights are visible only from above the tower.

J. Abandoned or Unused Towers: Abandoned or unused towers and associated facilities shall be removed within twelve (12) months of the cessation of operations at the site, unless a time extension is approved by the zoning administrator. In the event that a tower is not removed within twelve (12) months of the cessation of operations at a site, the tower and associated facilities may be removed by the Township and the costs of removal and associated administrative costs assessed against the property.

K. Public Safety Telecommunications Interference: Commercial wireless telecommunications services shall coordinate with public safety telecommunications system operators sixty (60) days before the introduction of new commercial wireless telecommunications services. The commercial wireless telecommunications provider shall be required to provide a copy of the FCC license application and the information on the frequencies and power levels of the proposed services to the Township who will in turn report them to the Olmsted County Sheriff's Office, City of Rochester Police and the City of Rochester Fire Department.

L. Security: All freestanding towers shall be required to control the unauthorized entry and climbing of towers. A fence or wall with a minimum height of six (6) feet shall be constructed around the entire perimeter of the tower base. Gates shall be locked. The bases of guy wires shall be fenced and the fence shall be four (4) feet or more in height.

M. Non-Conforming Towers: In order to avoid requiring new towers and to minimize the number of towers needed to serve the township. The following provisions shall apply to nonconforming towers. In the A1, A2, A3, A4 districts, telecommunications towers in existence at the time of this amendment may be permitted to increase tower height after being issued a conditional use permit. The Planning

Advisory Commission shall consider the criteria listed in Section 4.02 and the following criteria as part of the conditional use process:

a. Tower safety concerns including tower collapse, falling ice, and airplane traffic;

b. Land use character and history of the tower(s)

c. Comparative visual impact to the surrounding lands of the proposed tower height increase;

d. Disturbance or conflict with agricultural uses on the property;

e. Other factors which tend to reduce conflicts or incompatibility with the character and need of the area.

SECTION 10.16 EXTERIOR LIGHTING: Any lights used for exterior illumination shall be diffused or directed away from adjoining properties or public roads.

SECTION 10.18 TRAFFIC VISIBILITY ZONE: On any corner lit in the residential, commercial and industrial districts, there is established a traffic visibility zone at the intersection of two or more roads. The traffic visibility zone includes that part of a corner lot that is within an area bounded by the intersection road right of way line and a diagonal line intersecting said road right of way lines at a distance of twenty-five (25) feet from the point of intersection of the right of way lines. In any traffic visibility zone, no fence, structure, earth bank, hedge, planting or other obstruction shall be erected, planted or maintained that exceeds a height of forty-two (42) inches as measured from the center line elevation of the street.

SECTION 10.20 SOIL EROSION, SEDIMENTATION RUN-OFF, AND SLOPE STABILITY CONTROLS:

A. Definitions: for the purposes of this section, certain terms used herein shall be defined as follows:

Development: Any activity not directly related to general farming resulting in a disturbance of the natural condition or vegetative covering of he earth's surface of over ten thousand (10,000) square feet in area

Drainage way: Any surface area over which water flows in a concentrated form, whether permanently, continually, occasionally, or intermittently and including public waters, intermittent streams, and grassed waterways.

Erosion: The general process by which soils are removed by wind or flowing surface or sub-surface waters.

Erosion, Channel or Gully: Erosion caused by the action of water, flowing in a concentrated stream, acting against the soil, confining its flow.

Erosion, Ephemeral: Erosion caused by the action of flowing surface water against the soil confining its flow, occurring in channels which are intermittently established in fields or on other open land, and for periods of short duration.

Erosion, Sheet and Rill: Erosion caused by the general, as opposed to channeled flow of water over a surface.

Erosion, Sheet Erosion Rate: The annualized amount of soil, material lost from a lot due to sheet and rill erosion, expressed in toms of soil eroded per acre per year, and calculated according to the Universal Soil Loss Equation USLE.

Hydrologic Curve Numbers: A measure of the proportion of the rainfall hitting an area likely to produce runoff, reflecting the percentage of impervious surface area, the quality of vegetative cover, and underlying soil conditions.

Impervious Surface: Any surface having a percolation rate of slower than one hundred twenty (120) minutes per inch.

Land Disturbing Activity: Any activity not related to general farming resulting in a disturbance of the natural condition or vegetative covering of the earth's surface.

Mulch: Any material deposited on the surface, including but not limited to crop residues, leaves, wood chips, straw, or other similar organic or inorganic materials, which protect the soil from erosion without causing an increase in the rate of runoff.

Runoff: The portion of rainfall or other precipitation that leaves a lot in the form of surface water.

Sediment: Soil particles carried or deposited by flowing water.

Slope: The deviation of a surface from the horizontal, expressing the change in elevation as a percentage of the horizontal distance of the surface.

Slope Instability: the tendency of a slope to cave in, slump, collapse, or otherwise fall.

Soil: Unconsolidated mineral or organic material that overlies bedrock and can be readily excavated.

B. Standards**:** Any land disturbing activity initiated after the effective date of this ordinance must meet the following standards:

    a. At no time shall a land disturbing activity cause the estimated sheet erosion rate to exceed five (5) tons per acre per year.

b. At no time shall a land disturbing activity within a shoreland area or within three hundred (300) feet of a wetland cause the estimated sheet erosion rate to exceed two (2) tons per acre per year.

c. At no time following the completion of a land disturbing activity shall the estimated sheet erosion rate exceed one half (0.5) tons per acre per year from the disturbed area.

d. No land disturbing activity shall cause ephemeral erosion to occur on adjoining parcels at any time during or following development, not on the parcel disturbed at any time following development.

e. No land disturbing activity shall cause an increase in channel erosion in any stream, whether permanent or intermittent, at any time during or following development.

f. No land disturbing activity shall cause the creation of unstable slopes persisting after the completion of the activity.

g. No land disturbing activity shall cause the deposition of sediment on adjoining property.

h. Structural works necessary to meet these standards must meet applicable SCS standards and specifications.

i. All drainage ways must be constructed and maintained in such a manner as to prevent soil erosion to the sides and bottoms of the drainage ways, and to handle adequately the run-off generated from the watershed from a fifty (50) year rainfall event.

C. Erosion Control

a. Erosion Control Plan required: No zoning certificate shall be issued foe shall any land disturbing activity commence for any development unless an erosion control plan has been approved by the Zoning Administrator, or a waiver of the erosion control plan requirement has been granted by the zoning administrator.

b. Waiver of Erosion Control Plan: the zoning administrator may waive the requirement of an erosion control plan in any of the following circumstances:

i. Where the development is of an emergency nature necessary for the preservation of lives or property;

ii. Development consisting of the alteration, repair or maintenance of any lawful use of land existing as of April 15, 1983, or the expansion of such a use by less than fifty percent (50%) of the current market value of the buildings on the lot, as determined by the County assessor's records;

iii. Development involving a temporary use when the use makes no surface discharge of water;

iv. Development on lots in a subdivision for which an approved soil erosion control plan is in effect;

v. Development on soil types in Appendix C1;

vi. Development on soil types in Appendix C2when the applicant certifies that he will apply mulch at a uniform rate, covering at lease 505 of the surface of the disturbed areas during construction and that permanent vegetative cover will be established following construction;

vii. Development on soil types in Appendix C3, when the applicant certifies that he will apply mulch at a uniform rate covering at least seventy percent (70%) of the disturbed area during construction and that permanent vegetative cover will be established following construction.

c. Erosion Control Plan Contents: The erosion control plan shall be filed with the Zoning Administrator and shall include documentation setting forth the means by which the applicant intends to meet the standards of this section. In addition, the Zoning Administrator may require the following documentation:

i. A description of the soils on the site, including a map indicating soil types of areas to be disturbed and the susceptibility of those soil types to erosion;

ii. A description of the existing and proposed drainage of the site, showing the soils in drainage ways and the type and location of any erosion control measures related to meeting the standards of this section addressing channel ephemeral erosion.

d. Erosion Plan Certification: The applicant shall submit with any erosion control plan certification by a registered professional engineer, soils conservationist, or soils scientist that the soil erosion control measures specified in the erosion control plan will enable the development to meet the soil erosion standards of this section.

D. Runoff Control Plan**:** No zoning certificate shall be issued nor shall any land disturbing activity commence for any development unless a runoff control plan has been approved by the Zoning Administrator, or a waiver of the runoff control plan has been granted by the Zoning Administrator.

a. Waiver of runoff control plan may be granted in the following circumstances:

i. Circumstances as described in Section 10.2 C b i, ii, iii

ii. Developments on lots in a subdivision for which an approved runoff control plan is in effect;

iii. Developments which result in a proportion of impervious surface to total lot area of ten percent (10%) or less;

iv. Development which result in an increase in the average hydrologic curve number for the site of five percent (5%) or less.

b. Runoff Control Plan Contents: the runoff control plan shall be filed with the Zoning Administrator and shall include documentation setting forth the means by which the applicant intends to meet the standards of this section, and certification from a registered professional engineer or hydrologist stating that the development will meet the standards of this section. In addition, the Zoning Administrator may require the following documentation:

i. A map of the existing topography of the site with a contour interval appropriate to the topography of the land;

ii. proposed finished grading shown at the same contour interval;

iii. A drainage description of the unaltered site, delineating in which direction and at what rate storm water is conveyed from the site and setting forth those areas of the unaltered site where storm water collects and is gradually percolated into the ground;

iv. A proposed drainage plan of the developed site delineating in which direction and at what rate storm water will be conveyed from the site and setting forth the areas of the site where storm water will be allowed to collect and gradually percolate into the ground;

v. A description of and technical documentation related to ant runoff measures for the site.

E. Plan Review**:** Upon receipt of an erosion control or runoff control plan application and accompanying documentation, the Zoning Administrator shall assess the effectiveness of proposed erosion and runoff control measures in meeting the standards of this section, and on that basis shall approve or deny the application for plan approval. The Zoning Administrator may refer a plan to the Olmsted Soil and Water Conservation District Office for its review and comment prior to taking action to approve or deny a plan. Any plan may be revised in the same manner as originally approved. Plan approval shall authorize commencement of a land disturbing activity.

F. Performance Bond**:** whenever the erosion control plan or runoff control plan calls for the implementation of measures to control erosion or runoff, the total cost of which exceeds one thousand dollars ($1000) the Zoning Administrator shall require the applicant to post a performance bond with the New Haven Town Board sufficient to cover the entire cost of said works. This provision shall not apply to those measures associated with street construction associated with plats for which an approved erosion and runoff control plan is in effect. The cost of such measures shall them be included in the performance bond required under the Subdivision Ordinance for road improvements.

G. Responsibility**:** Neither the issuance of a permit not compliance with the conditions thereof, not with the provisions of this section, shall relieve any person from any responsibility otherwise imposed by law for damage to persons or property; nor shall the issuance of any permit hereunder serve to impose any

liability on New Haven Township or its officers or employees for injury or damage to persons or property. A permit issued pursuant to this section shall not relieve the permitee of requirements established by law, ordinance, or regulation.

SECTION 10.21 FARMLAND EROSION: Farmland erosion requirements are held, managed and enforced by Olmsted County. See Olmsted County Zoning Ordinance Section 10.21.

SECTION 10.22 ACCESSORY BUILDINGS:

A. Accessory Building Regulations Applicable to all Zoning Districts:

   a. No accessory building shall be constructed or developed on a lot prior to the construction of the principal building.

   b. An accessory building shall be considered as an integral part of the principal building if it is located less than 6 feet from said principal building.

   c. Except as provided in Section 10.22, accessory buildings shall be located only within the buildable area of a lot.

B. Accessory Building Regulations Applicable to A-1, A-2, A-3 and RA Districts:

   a. Lots with less than 5 acres will follow the regulations listed in 10.22C.

   b. Lots with between 5 and 10 acres may have accessory buildings up to 3,000 square feet.

   c. Lots with greater than 10 acres may have accessory buildings of any size

   d. Only lots of 35 acres or greater may receive Agricultural Building permits.

C. Accessory Building Regulations Applicable to the RSD, R-1, R-2, and R-3 Districts and Non-Farm Parcels in A-4 District:

   a. In the R-1 and RSD Districts, accessory buildings may be located in the buildable area or within the rear yard. In the case of an accessory building located in the rear yard, such building may be located not less than 5 feet from an interior side lot line and not less than 8 feet from a rear lot line. The maximum cumulative gross floor area (measured on the largest floor and including interior parking spaces) for accessory structures shall be according to the following schedule:

      For lots less than 1 acre area– 1000 square feet

      For lots 1 acre but less than 2 acres in area – 1200 square feet

      For lots 2 acres in area or greater – 1500 square feet

b. In the R-2 district, accessory building may be located in the buildable area or within the rear yard. Such building may be located not less than 2 feet from an interior lot line or rear lot line.

c. Accessory buildings, when located in a rear yard, shall not occupy more than 25% of the buildable area and/or rear yard.

d. No accessory building shall be located closer to a right of way than allowed to the front yard or side street yard regulations of the district wherein located.

e. In any Residential district, no accessory building shall exceed a building height of 15 feet.

SECTION 10.23 SWIMMING POOLS, PRIVATE: Swimming pools shall be allowed in any residential Zoning District as an accessory use and subject to the following conditions and requirements:

A. Exclusive Private Use: The pool is intended and is to be used solely for the enjoyment of the occupants of the principal building of the property upon which it is located and their guests.

B. Distance Requirements: Swimming pools may be located in the buildable area or required rear yard but shall not be closer than 10 feet to any property line on which they are located; provided that the pump installations shall be located not closer than 20 feet to any property line.

C. Fencing and Access Control:

a. For a below grade swimming pool, the pool or the property upon which said pool is located, shall be enclosed by a fence of a type which effectively controls the entrance by children to the pool area, said fence to be at least 4 feet high. Wooden fences with boards placed vertically shall not have openings wider than 4 inches per opening and wooden fences with board placed horizontally shall not have any opening wider than 1 inch per opening. Gates installed for access to the property or pool area shall be equipped with an automatic closing and latching device to protect against uncontrolled access to the property.

b. For an above grade swimming pool, the pool shall be equipped with an automatically retractable type, a retractable ladder or a removable ladder or shall be fenced in accordance with the section above, said ladder to be removed or retracted when said pool is not being attended. If access to the pool is via a deck or porch, then no access from the ground is permitted to the deck area unless the property is fenced in accordance with the section above.

c. It shall be the responsibility of the property owner upon where said pool is located to maintain all fences, gates and closure devices in good operating condition.

d. Failure to maintain fences, failure to have gates closed, or failure to either remove or retract the ladder access to the pool shall constitute a violation of the Zoning Ordinance and therefore be subject to the penalties contained therein.

SECTION 10.24 EXTRACTION OF MATERIALS AND MINERALS, OPEN PITS AND IMPOUNDING WATERS:

A. Definition: Excavation, as used in this subdivision, shall mean any artificial excavation of the earth within the Township which is dug, excavated, or made by the removal from the natural surface of the earth of soil, sand, gravel, stone or other matter or made by tunneling or breaking or undermining the surface of the earth. Excavations ancillary to other construction of any installation erected or to be erected, built or placed thereon contemporaneously with or immediately following such excavation and covering or to cover such excavation when completed are excepted if a permit has been issued for such construction or installation or if the excavation is ancillary to the construction or installation of essential services or a farming operation. Excavations not exceeding 500 square feet of surface area or 2 feet in depth and excavations including impounding of water for agricultural or public utility purposes are exempted.

B. Conditional Use Permit Required: No person shall dig, excavate, enlarge, make, maintain or allow to be maintained, upon property owned or used by him, any open pit or excavation or any impounded water, without first making an application for and obtaining from the Zoning Administrator and Town Board a conditional use permit as per Section 4.02.

C. Conditions of the Permit: The Town Board as a prerequisite to the granting of a permit or after a permit has been granted, may require the applicant to whom such permit issues of the owner or user of the property on which the open pit or excavation or impound waters are located to :

    a. Properly fence any pit or excavation

    b. Slope the banks and otherwise properly guard and keep any pit or excavation in such a condition as not to be dangerous from caving or sliding banks

    c. Properly drain, fill or level any pit or excavation, after created, so as to make the same safe and healthful as the Board can determine

    d. Keep any pit, excavation or impounded waters within the limits for which the particular permit is granted

    e. Remove excavated material from any pit or excavation, away from the premises, upon and along such highways, streets or other public ways as the Board shall order and direct

    f. Provide screening and bufferyard for the purpose of eliminating or minimizing potential nuisances, noise, dust, and reduce adverse visual appearance of the property

    g. Maintain roads and loading areas in dust-free condition

    h. Stabilize overburden material and minimize the area that is exposed to erosion

    i. Limit hours of operation

j. Limit blasting, crushing, or the mixing of materials allowed on the property

k. Provide for the purpose of retaining impounded waters, a container of sufficient strength and durability and maintain such container in safe and proper condition

l. Grade site after extraction is completed, seeding where required to avoid erosion, so as to render the site useable and restore same to a condition similar to that of adjoining properties.

D. Bond May Be Required: The Town Board may require either the applicant or the owner or user of the property on which the open pit or excavation of impounded waters is located to post a bond, in such form and sum as the Board shall determine, with sufficient surety running to the Township, conditioned to pay the Township the extraordinary cost and expense of repairing, from time to time, any highways, streets, or other public ways where such repair work is made necessary by the special burden resulting from hauling and travel, in removing materials from any pit, excavation or impounded waters, the amount of such cost and expense to be determined by the Town Board; and conditioned further to comply with al the requirements of this subdivision and the particular permit, and to pay any expense the Township may incur by reason of doing anything required to be done by any applicant to whom a permit is issued.

SECTION 10.26 ANIMAL FEEDLOTS:

A. No new animal feedlots or manure storage facilities shall be located in a floodplain or shoreland district.

B. No new animal feedlots or manure storage facilities shall be located within one-half (½) mile of an incorporated city limit boundary.

C. Any animal feedlot requiring a conditional use permit shall, in addition to the criteria specified in Section 4.02, consider the following:

a. All construction and design plans for manure handling, manure storage facilities and procedures of applying the manure to the land have been approved by the Soil and Water Conservation Board.

b. The public road serving the feedlot is adequate and would not need to be upgraded or improved in order to service the feedlot.

c. The proposed feedlot will not adversely affect the neighboring properties.

d. A proposed new feedlot would be located one-quarter (¼) mile or more from the nearest non-farm resident.

SECTION 10.28 ESSENTIAL SERVICES: Essential services shall be permitted as authorized ad regulated by law and other ordinances, it being the intention hereof to exempt them from the strict application of this ordinance.

SECTION 10.30 YARDS – HOW MEASURED:

A. Yard – Front:

   a. On Federal, State and County roads which have a right-of-way of less than one hundred (100) feet, such yard shall be measured from a point being fifty (50) feet from and parallel to the center line of said highway.

   b. On Federal, State and County roads having a right-of-way of one hundred (100) feet or more and for all other roads and streets, such yard shall be measured from the right-of-way line of the street on which the lot fronts (the front lot line), provided, however, that if the proposed location of the right-of-way line of such street as established on the "Official Map of the County of Olmsted" differs from that of the existing street, then the required front yard least depth shall be measured from the right-of-way line of such street as designated on said thoroughfare plan or official map.

B. Yard – Side Street:

   a. On Federal, State and County roads which have a right-of-way of less than one hundred (100) feet, such yard shall be measured from a point being fifty (50) feet from and parallel to the center line of said highway.

   b. On Federal, State and County roads having a right-of-way of one hundred (100) feet or more and for all other roads and streets, such yard shall be measured from the right-of-way line of the street on which the lot sides (the side lot line), provided, however, that if the proposed location of the right-of-way line of such street as established on the "Official Map of the County of Olmsted" differs from that of the existing street, then the required side yard least depth shall be measured from the right-of-way line of such street as designated on said thoroughfare plan or official map.

C. Through Lots:

   a. Lots having frontage on two non-intersecting streets need not provide a rear yard, but applicable front yards must be provided on both streets.

D. Corner Lots:

   a. On corner lots, the applicant shall designate a front and a side street yard.

b. For corner lots where potential front and side lot lines create a continuous curve, a perpendicular line intersecting the midpoint of the curve shall be deemed the breakpoint between yards.

SECTION 10.32 FENCES, WALLS AND HEDGES: Fences , walls and hedges may be located in any required yard or buildable lot area, subject to the provisions if Section 10.18, but shall not exceed six (6) feet in height above the elevation of the surface of the ground at any point, except that in instances where public safety or security necessitate, the Zoning Administrator may authorize fences and walls to have a maximum height of not to exceed ten (10) feet above the elevation of the surface of the ground at any point.

SECTION 10.34 YARD ENCROACHMENT: Outside stairways, fire escapes, fire towers, porches, platforms, balconies, boiler flues, and other similar projections shall be considered as part of the building and not allowed as part of the required space for yards, courts, or unoccupied space; provided, however, that this provision shall not apply to one (1) fireplace or one (1) chimney, not more than eight (8) feet in length and projecting not more than thirty (30) inches into the allowable side yard space, nor cornices not exceeding sixteen (16) inches in width, not to platforms, terraces, steps below the dirt floor level, not to unenclosed projections not over one (1) story in height which may extend into a front or rear yard not more than ten (10) feet or into a side yard not more than two (2) feet.

SECTION 10.36 STRUCTURES, NOT INCLUDED IN HEIGHT OF BUILDING: Chimneys, cooling towers, elevator bulkhead, fire towers, drive-in movie theater screens, grain elevators, silos, windmills, radio or television antennas, monuments, cupolas, steeples, and mechanical appurtenances pertaining to and necessary to the permitted use of the district in which they are located shall not be included in calculating the height of the principal structure.

SECTION 10.38 PRESERVATION OF OPEN SPACE: Open space areas shall be maintained so that their use and enjoyment as open space are not diminished or destroyed. Open space areas may be owned, preserved, and maintained as required by this section by any of the following mechanisms or combinations thereof:

A. Dedication of open space to New Haven Township or an appropriate public agency, if there is a public agency willing to accept the dedication.

B. Common ownership of the open space by a homeowner's association which assumes full responsibility for its maintenance.

C. Dedication of development rights of open space may be made to an appropriate public agency with ownership remaining with the developer or homeowner's association. Maintenance responsibility shall remain with the property owner or the homeowner's association.

In the event that any private owner of open space fails to maintain same according to the standards of this ordinance, New Haven Township may, in accordance with the Open Space Plan and following reasonable notice and demand that the deficiency of maintenance be corrected,

enter the open space to maintain same. The cost of such maintenance shall be charged to those persons having primary responsibility for maintenance of the open space.

An open space plan shall be submitted as a part of the application for conditional use. This plan shall designate and indicate the boundaries of all open space areas required by this ordinance. The plan shall:

1. Designate areas to be reserved as open space. The specific design of open space areas shall be sensitive to the physical and design characteristics of the site.
2. Designate the type of open space which will be provided.
3. Specify the manner in which the open space shall be perpetuated, maintained, and administered.

SECTION 10.40 PIPELINES:

A. Purpose: Construction and operation of pipelines through rural areas have the potential for causing adverse impacts on the productive use of land by disrupting and compacting soil, interfering with drainage tiles and drainage patterns, and by placement of associated facilities such as pump agricultural operations. Construction and operation of pipelines also possesses the potential for causing adverse impacts upon the maintenance and operation of publicly owned roads, streets and utilities. The Township further finds and it is both necessary and proper to enact these regulations pursuant to MN Statutes Sect 116 I.01 et.seq that provides for the protection and restoration of cultivated agricultural land within the Township and which provides minimum depth requirements for construction and operation of pipelines. These regulations shall apply to all pipelines, not exempted pursuant to MN Statutes Ch 116 I for which physical manipulation of the land within this Township commences after 1983.

B. Definitions:

   a. Construction: Any clearing of land, excavating , or other action that would adversely affect the natural environment of a pipeline route but does not include changes needed for temporary use of a route for purposes other than installation of a pipeline, for securing survey or geological data, or for the repair of replacement of an existing pipeline within the existing right-of-way.

   b. Cultivated Agricultural Land: Land which is used to raise agricultural crops, is capable of use for that purpose or is plowed, fallow, or contains harvested crop residue or is pasture land.

c. Pipeline: Pipes located in the township which are used to transport natural or synthetic gas at a pressure of more than ninety (90) pounds per square inch, or to transport crude petroleum or petroleum fuels or oil or their derivatives, coal, anhydrous ammonia, or any mineral slurry within this township or any other product that can be transported by pipeline.

d. Landowner's Grant of Easement: The legal document entered into between the property owner and the pipeline company, which may contain specific requirements for the installation of the pipe. These requirements cannot be less stringent than the state or county regulations except in the area of minimum depth.

C. Filing Requirements: The owner of the pipeline or its agent shall file with the Town Board and the County Board prior to start of construction the following:

a. Maps indicating the location, alignment of pipelines and all street, road and stream crossings.

b. Type of service proposal including items to be carried in the pipeline.

c. Copies of State and or Federal Environmental Impact Statements.

d. Copies of approval letters of agreement from applicable state and federal agencies.

e. Copies of all negotiated Landowner Grants of Easement.

D. Pipeline Depth Requirements: Any pipeline constructed or operated in this Township shall be buries to meet the following minimum level cover requirements, unless waived according to the procedure of section 10.40 of this zoning ordinance.

a. Four and a half (4.5) feet minimum beneath the authorized depth of the right of way of any drainage facilities under the jurisdiction of the County.

b. Four and a half (4.5) feet minimum beneath the right of way of any street, road, or highway under the jurisdiction of any political subdivision.

c. Four and a half (4.5) feet minimum beneath cultivated agricultural land in this township.

d. Vertical distance between field drainage tile and the pipeline shall be at least one (1) foot.

E. Pipeline Construction Practices: The following construction practices shall be observed by any person constructing a pipeline in this Township:

a. Storage of Equipment and Materials during Construction: All materials and equipment must be stored and parked within the bounds of pipeline right-of-way so as to minimize interference with ongoing agricultural operations or as set forth in the Land Owner's Grant of Easement.

b. Preservation of Top soil: As set forth in Land Owner's Grant of Easement.

c. Prevention of Erosion: As set forth in Land Owner's Grant of Easement.

d. Protection of Tile Lines: As set forth in Land Owner's Grant of Easement.

F. Location of Associated Facilities: Location of all above ground facilities associated with the operation of a pipeline, including but not limited to pump stations shall be consistent with the following criteria:

a. Associated facilities such as pump stations, check valves, and access points shall be required to be located so as to minimize interference with productive use of cultivated agricultural land, irrigation, etc. by placing in corners of fields on fence lines, etc.;

b. To minimize interference with existing roads, highways.

G. Waiver of Depth Requirement: Waiver of depth requirements shall be permitted consistent with MN Statutes Section 116 I.06, Subs. 2 and 3.

H. Inspection fee: Any person proposing to construct a pipeline in this township shall pay a fee in accordance with MN Statutes Section 116 I.06 Sub. 6.

I. Enforcement: Any person violating the provisions of this zoning ordinance is guilty of a misdemeanor for each offense and may be subject to civil liability consistent with MN Statutes Section 116 I.06. Sub.10. Consistent with MN Statutes Section 116 I.06. Sub.8. This zoning ordinance may be enforced by injunction, action to compel performance or other appropriate equitable relief in the district court of the county.

SECTION 10.44 MOBILE HOME SKIRTING AND ANCHORING:

A. All mobile homes shall be securely anchored to the ground in such a manner as to withstand wind pressures specified for mobile homes by the State Building Code.

B. All mobile homes shall be completely skirted.

SECTION 10.50 WIND ENERGY CONVERSION SYSTEMS

A. Purpose: New Haven Township promotes the use of wind energy conversion systems and to balance the need for clean and renewable energy with the need to protect the public health, safety, and general welfare. In furtherance of this purpose submittal requirements and standards are established to ensure that wind turbines and wind energy conversion systems, that are a combined nameplate capacity of less than 5,000 kilowatts, are appropriately sited, designed, installed, operated and maintained. In no case shall the provision of this ordinance guarantee wind rights or establish access to the wind.

B. Site Testing: A person may establish a WECS Meteorological Tower on a single or multiple parcels of land for up to a period of one year by obtaining a zoning certificate. The purpose of the tower shall be

primarily to measure wind speed, direction, and to determine capacity factor and collect related data necessary to determine suitability of the site for the establishment of a WECS.

C. Location and Setback Requirements: All wind turbines shall meet or exceed the setbacks or separation distance established in this section.

   a. Setback from property lines: Unless a project site includes multiple properties all wind turbines shall be setback one-half (1/2) mile from the property line. Where Small Utility WECS are proposed that include multiple properties, wind turbine setbacks shall be the project area boundaries as described in the application. WECS meteorological Towers shall be setback 1.1 times the total height. The guy anchor locations for guyed towers where Small Non-utility WECS are constructed shall be a minimum of eight (8) feet from any property line.

   b. Separation distance:

For Small Utility WECS the distance separation from state wildlife management areas and other MNDNR lands, Public Waters and Types 3-5 wetlands shall be six hundred (600) feet. The distance separation from parks, state forestland or other wildlife management areas shall be one-quarter (1/4) mile.

For Small Utility WECS the separation distance from on-site dwellings shall be one half (1/4) mile from dwellings on adjacent property. For Small Utility WECS separation distance from residential zoning districts shall be one-quarter (1/4) mile.

Structures not a part of the Small Utility WECS project and located on the project site shall be setback from the tower base a distance equal to one rotor diameter.

   c. Setbacks for accessory structures and facilities: Substations, facility buildings and other structures that are part of the Small Utility WECS shall meet the setback requirements of the zoning district in which the project is located.

D. Aesthetic and Environmental Requirements:

   a. Tower type: For Small Utility WECS the wind turbine towers shall be freestanding and of tubular construction.

   b. Color and finish: All wind turbines and towers that are part of a WECS shall be a neutral color including white, grey, light blue, or other non-obtrusive color. Blades may be black in order to facilitate deicing. Finishes shall be non-reflective.

   c. Lighting: The site shall comply with all FAA lighting requirements. White strobe lights are not permitted unless required by the FAA. White strobe lights shall not be used between dusk and dawn. Red strobe lights are required for all towers located on the perimeter of the site for nighttime illumination to reduce impacts of migrating birds. Interior towers shall not be lit

unless required by the FAA standards. Simultaneously pulsing strobe lights are required for the perimeter lights.

d. Signage: The manufacturers or owner's company name and /or logo may be placed upon the nacelle of the wind turbine. Warning signs shall be placed on fencing surrounding on-site substations.

e. Location: Wind energy conversion systems shall not be located within floodplain districts as regulated in Sections 9.00-9.08, the Shoreland district as regulated in Section 9.10 of the zoning ordinance, or wetlands as regulated under MR Chapter 8420.

f. Waste: All previously used parts and equipment shall be removed from the site and properly disposed. All hazardous waste generated by the operation and maintenance of the WECS shall be removed from the site and recycled or disposed of properly as required under Minnesota statutes and rules.

g. Height: Wind turbine height shall be as specified in the zoning district within which the turbine is located.

E. Noise and Safety Standards:

a. Noise: Except during short-term events including utility outages and severe wind events, a WECS shall be designed, installed and operated so that the noise generated does not exceed 60dBA at the property line.

b. Automatic Overspeed Controls: All wind turbines shall be equipped with manual and automatic overspeed controls to limit the blade rotation speed to within unit design limits. A professional engineer must certify that the wind turbine is equipped with rotor and overspeed controls.

c. Blade Clearance: No portion of a wind turbine blade in a Small Utility WECS shall extend closer to the ground than fifty (50) feet. Blade clearance for Small Non-utility WECS shall be no less than twenty (20) feet.

d. Climbing Apparatus: All climbing apparatus located outside of the tower shall be located at least fifteen (15) feet above the ground. All towers shall have controlled access and doors shall be locked.

e. Intra-project Power and Communication Lines: All power lines used to collect power from individual wind turbines and all communication lines shall be buried underground.

F. Decommissioning of Small Utility WECS: The applicant and future owners shall ensure that facilities are decommissioned upon the end of project live or facility abandonment. A decommissioning plan shall be submitted with the project application. Decommissioning shall include: removal of all structures and

electrical transmission components, to adepts of four (4) feet, restoration of he soil and vegetation to avoid temporary or

G. Long term soil erosion consistent with Section 10.20 of this ordinance.

H. Application requirements: All applicants shall complete a zoning certificate or conditional use permit application form and supply all information required on the application. For a single wind turbine that meets the definition of a Small Utility WECS and is located in the A-1, A-2, or A-3 districts the submittal requirements for a conditional use shall include #1-5,7, and 12 listed in this subsection.

For a Small Utility WECS the following additional information is required for a conditional use permit application.

a. A site plan to scale detailing the location of the project area boundaries, property lines, leased land, easements on the site and easements obtained for the project, wind turbine locations, internal roads, transmission lines, transformers and substations, communication lines, structures, access to the public road system, and site topography/elevations.

b. A description of the project, including but not limited to the number of turbines, rated capacity, height of towers, rotor diameter and height of tower and rotor combined, turbine and tower color, manufacturers of the equipment, and schedule/phasing of project including expected date of commercial operation.

c. Current land use and land cover on the project site and on the adjacent parcels.

d. Identification and location of floodplain, flood prone soils, surface water bodies, public waters and shoreland, and wetlands on the project site.

e. Distance of turbines from all property lines and to the nearest dwellings and other structures on the project property and adjacent property.

f. Engineering certification of tower and foundation design suitability for wind turbine, soils, geology, and site topography

g. Grading and erosion control plan

h. Decommissioning plan

i. Evidence of electric power purchase contracts and power transmission contracts, or documentation that the power will be utilized on-site and control of wind easements in the project area

j. Identification, location and description of neighboring small utility WECS and wind easements

k. Certification that the project has or will obtain liability insurance, and

l. Separation distance from structures, land uses and resource features as listed in subsection C of section 10.50.

New Haven Township Board

By:

Chairman

Supervisor

Supervisor

Attest:

Clerk

Reviewed for Legal:_____