

## **Zoning Ordinance**

# **Lake Henry Township**

**Stearns County, Minnesota**

**Adopted June 8, 1999**

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**Joel Roelike, Chair  
Celestine Fischbach  
Gary Olmscheid  
Ralph Klassen, Clerk**

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# ZONING ORDINANCE OF LAKE HENRY TOWNSHIP THE TOWNSHIP BOARD OF THE TOWNSHIP OF LAKE HENRY ORDAINS AS FOLLOWS

SECTION 1. Purpose. The basic purpose of this ordinance is to insure public health, safety, and general welfare in accordance with adopted development goals, plans, and policies of the Lake Henry Township Planning Commission and Township Board, and to conserve the character and economic stability of the agricultural, residential, and commercial areas, and to preserve the family type farm operations by securing the most appropriate use of the land; and preventing the overcrowding of the land and undue congestion of population, in accordance with the adopted Comprehensive Plan of Lake Henry Township.

In adopting this zoning ordinance, Lake Henry Township recognizes that it is a primarily agricultural township. Residential construction within an agricultural area, as designated below, must be constructed with full knowledge of, and subject to the rights of agricultural operators to engage in normal farming practices.

SECTION 2. Districts. The unincorporated area of the Township of Lake Henry is hereby divided into the following use districts:

- A-Exclusive Agricultural
- R-Residential
- C-Commercial
- R2-High density residential
- R3-Residential/shore land property
- PL-Public land

The districts above named are hereby established and shown on a map which shall be referred to as the "Official Zoning Map." This map is hereby made a part of this ordinance and copies thereof shall be kept by the Township Clerk and shall be available for public inspection.

Notice of adoption of this ordinance shall be recorded in the Office of the County Recorder of Stearns County, Minnesota.

Changes in the Official Zoning Map shall be made by the clerk at such time as this ordinance is properly amended as provided herein.

SECTION 3. Development of Land abutting lakes and rivers and agricultural districts. In the event the owner of property lying adjacent to a lake or river desires to develop the property for seasonal or year-round residential use and if such property is not already zoned as residential shore land property, that property owner shall first make application for re-zoning said property to residential shore land development property pursuant to the procedures set forth herein below. Upon completion of re-zoning, the development of said property shall be in conformance with Stearns County Ordinances and Minnesota State Department of Natural Resources regulations regarding shoreline development, copies of which shall be kept by the Township Clerk and shall be available for public inspection. In the event this ordinance is in any way inconsistent with these standards, the more restrictive standards shall govern and prevail determining the rules and regulations for the development of land.

SECTION 4. Exclusive Agricultural District. Land in the agriculture district may be used for agriculture purposes which shall include general farming or gardening, stock raising and dairying, and poultry raising and related agricultural activities; subject, however, to the provisions of this ordinance.

Natural resources, such as granite, gravel, sand, marl, etc., may be removed from any tract of land in a farm residence district owned by an individual, firm, or corporation engaged in the business of removing such material at the time of the adoption of this ordinance. Further processing of such material requires a conditional use permit.

SECTION 5. Exclusive Agricultural Districts. In the A-Exclusive Agricultural district, the following uses shall be permitted:

1. Farm dwelling.
2. Usual and customary accessory farm buildings, within an existing farmyard.
3. Truck gardens and nurseries.
4. Public utility buildings, such as substations, transformer stations, and regulator stations without service or storage yards.
5. Animal and poultry feedlots, as now located may continue to operate and facilities of this nature now in existence shall be permitted to continue.
  - a. "Animal and poultry feedlots" shall have the meaning given in Minnesota Rules, Part 7020.0300, Subpart 3; or successor rules. Animal and poultry feedlots shall include any manure storage structure.
  - b. "Animal manure" shall have the meaning given in Minnesota Rules, Part 7020.0300, Subpart 4; or successor rules.
6. With a conditional use permit, each 160-acre parcel shall be entitled to a one-time, split off of one acre or more upon which a single-family dwelling can be constructed. Any such single-family dwelling shall be constructed subject to the restrictions set forth in Section 6 below. After the one-time split off has occurred with regard to a parcel of 160 acres or with regard to any parcels of less than 160 acres, additional residences will be permitted only if the land upon which such residences are to be constructed is platted.
7. Home Extended Business. To allow small business operations as a Conditional Use within specific districts subject to the following standards:
  - a. The business shall be located on the homestead property of the business owner.
  - b. There shall be no more than two non-resident employees working on-site.
  - c. All buildings used in conjunction with the home-extended business shall

meet all setbacks and lot coverage provisions of the district.

- d. Distance from building to the next residence shall be at least 500 feet.
- e. All equipment, supplies, and products shall be stored within an enclosed structure. If the use warrants, outside storage may be allowed if screened from adjacent properties and public roads.
- f. On-site parking shall be provided.
- g. Noise levels constituting a nuisance shall be prohibited as regulated in the Minnesota Pollution Control Agency's Noise Control Rules (NPCR).
- h. Hours of operation will be set by the Planning Commission.
- i. All liquid, gaseous, and solid wastes resulting from the use shall not be discharged into the soil, water, or air until the specific methods and means of discharge have been reviewed and approved by the appropriate county, state, or federal agency.
- j. The operator shall provide evidence of a contract for the removal of all solid wastes by a licensed hauler to an approved site.
- k. The site access shall comply with the access and driveway standards in Section 5.c. of this Ordinance.
  1. One business sign shall be permitted in compliance with the sign regulations set forth in Section 6 of this Ordinance.

## RESTRICTIONS IN AGRICULTURAL DISTRICTS:

A. Animal and poultry feedlots, as now located, may continue to operate and facilities of this nature now in existence shall be permitted to continue. However, all new uses of this kind shall be subject to the following restrictions:

(1) Must conform to all Minnesota Pollution Control Agency, county, and state regulations governing establishment of new animal or poultry feedlots.

(2) Provide turnaround area to obtain ingress and egress.

B. New farmsteads established after the adoption of this ordinance will be restricted to areas of not less than ten (10) acres. Existing farmsteads maybe one acre or more, as determined by the selling farmstead owner.

C. Set-back requirements other than set forth above:

(1) On all lots abutting a state, county, or township road right-of-way, structures shall be not less than fifty (50) feet from the right-of-way line of said road if there is a vehicle access from the road to the building. If there is no vehicle access from the building to the road, then structures shall be not less than ten (10) feet from the right-of-way line of the road. Structure shall be not less than thirty-five feet from the boundary line of an adjoining property owner.

(2) On all lots which do not abut a state, county, or township road right-of-way, in an Agricultural District, structures shall be no closer than thirty-five (35) feet from the boundary line of adjoining property.

(3) Any nonconforming buildings, structures, or uses made of the property that have been a lawful use in the past and become a nonconforming use by reason of the passage of this Ordinance shall be allowed to continue as they have in the past. In the event that such structure, building, or use terminates or is destroyed beyond 50 percent of the value or use, it shall not be rebuilt as a nonconforming use building or structure and must be in conformance with this Ordinance. For purposes of this Ordinance, the termination of a nonconforming use is complete when any structure or building is vacated or not used for a period of 12 months or when a building or structure is more than 50 percent destroyed by fire, storm, or any other activity.

D. No schools, educational institutions, churches, places of worship, or property used or designated for religious purposes shall be permitted in agricultural areas.

SECTION 6. Residential Districts. In the R-Residential districts, the following shall be permitted:

1. One-family dwelling or two-family dwelling.
2. Home occupation, provided that such use shall be conducted entirely within the dwelling, that there shall be no display, advertising, or other indication of such use other than one (1) sign not exceeding two (2) feet by three (3) feet in area, bearing the name and occupation of the practitioner.
3. Manufactured homes may be utilized and occupied as family dwellings provided the manufactured homes comply with the following conditions:
  - a. Such homes shall comply with all zoning regulations for the district in which they are located.
  - b. A building permit and any other required permits shall be obtained for such manufactured homes.
  - c. No such home shall have ground floor space of less than eight hundred (800) square feet.
  - d. Such homes shall be placed on permanent foundations which comply with the Uniform Building Code as adopted in the state of Minnesota and which are solid for the complete circumference of the home.
  - e. Any such manufactured home shall have exterior siding which shall be a conventional exterior dwelling type material. Any metal siding shall have horizontal edges and overlap in sections no wider than 12 inches. Sheet metal siding is not permitted.
  - f. All such manufactured homes shall be built in compliance with Minnesota Statutes, Chapter 327.31-327.35 and amendments thereto.
  - g. Variances. Manufactured homes which vary from these requirements may be permitted in these districts when authorized by the Board of Adjustments. Before any such variance is granted, the board shall find as a fact that the value of the adjacent property will not be diminished by the placement of the manufactured home. The variance shall state any conditions which may be set by the board in granting this variance.

h. Exemptions. This Section shall have no application to manufactured homes built in compliance with the Uniform Building Code as adopted in the state of Minnesota or to manufactured homes placed in a mobile home park.

#### RESTRICTIONS IN R-RESIDENTIAL DISTRICTS:

A. Lot Area. Each one or two family dwelling, together with its accessory buildings hereafter erected shall require a lot area of not less than one (1) acre.

B. R2-Lot Area. This is a termed high density area on the zoning map. Each one or two family dwelling, together with its accessory buildings hereafter erected shall require a lot area of not less than one (1) acre.

C. R3-Lot Area. Any residential/shore land property shall be considered R3. Lake Henry Township adopts the Stearns County Zoning Ordinance as it pertains to lake shore and incorporates that entire lake shore ordinance by reference herein.

D. Front Yard. On all lots abutting a state, county, or township roadway, the front yard shall not be less than fifty (50) feet from the right-of-way line of roadway.

E. Side Yards. All side yards abutting on a street or roadway shall not be less than thirty-five (35) feet from the right-of-way line and when not abutting streets or roadways, the side yards shall be not less than fifteen (15) feet.

F. Septic Tanks. Septic tanks must be placed so as to comply with all county regulations.

G. Residential districts shall be located at least 500 feet from any animal or poultry feedlot.

H. No dumping of snow, rocks, brush, or other materials is permitted on township road right-of-ways in all districts.

SECTION 7. Commercial Districts. In the C-Commercial Districts, the following may be permitted as a conditional use:

1. Commercial establishments, including but not limited to the following:

A. Retail establishments such as grocery, hardware, drug, clothing, and furniture stores; eating and drinking places; auto dealers; and automobile service stations.

B. Personal services such as laundry, barber, shoe repair shop, and photography studio.

C. Professional services such as medical and dental clinic and attorney's offices.

D. Repair services such as automobile, jewelry, and radio and television repair shops.

E. Entertainment and amusement services such as motion picture theatre, bowling alley, and public dance halls.

F. Lodging services such as hotel and motel.

G. Finance, insurance, and real estate services.

2. Public and semi-public buildings such as post office, fire station, and city hall.

3. Private clubs.

4. Automobile parking lots.

5. Accessory uses incidental to the foregoing principle uses such as off-street parking and loading and unloading areas, signs, storage of merchandise, and wholesaling and manufacturing when incidental to a permitted use.

6. Commercial establishments which are oriented to serving the motorist such as eating places, automotive service stations, truck stops, car wash, and motel.

7. Accessory uses incidental to the foregoing principles uses such as off-street parking and signs.

8. Commercial establishments requiring large sites for off-street parking or for outdoor display sales such as farm implement sales, mobile homes sales, auto repair shops, and car dealers.

9. Microwave towers, television towers, or transmission towers, or other towers used for any purposes.

10. Other uses similar in name to the above uses and which, in the opinion of the township board, will not be detrimental to the integrity of this district.

SECTION 8. Uses Requiring Conditional Use Permit in all Districts. The following uses shall not be permitted anywhere in Lake Henry Township unless a Conditional Use Permit shall be obtained. The method of obtaining a Conditional Use Permit is set forth in Section 10 of this ordinance.

1. Salvage yards, automobile graveyards, and places for the collection of scrap metal, paper, rags, glass, or junk for salvage or storage purposes.

2. Aviation fields, slaughter houses, mobile home, or trailer coach parks. Mobile home or trailer coach parks must meet the requirements of Minnesota Statute 1965, as amended, and the provision of this ordinance.

3. Dumping, storing, or disposing of garbage and refuse; sanitary land fill operations.

4. Commercial type animal or poultry feedlots, where not an integral part of family type farm operation. This provision shall apply to the construction of new facilities and expansion of existing facilities.

5. Public gatherings which are expected to attract large groups of nonresidents such as rock festivals, carnivals, plowing matches, political rallies, and other public gatherings which are of such a nature that special preparations may be necessary so as to properly protect the public interest and property of the township.

6. All uses not specifically allowed or permitted elsewhere in this ordinance, except those specifically prohibited.

7. Commercial size gravel pit or mining. Mining and removal of natural resources shall require a site plan permit, which shall provide for proper restoration of the premises after removal and mining operations have been completed. Said application for a site plan permit shall also show the routes proposed for hauling materials from the site and where township road shall be utilized, the township board may require maintenance and repair of any damage to township roads caused by trucks and vehicles hauling materials from the site.

8. Overhead or underground electrical transmission and gas transmission lines. In its review of applications for conditional use permits for this sub-section, the Township Planning Commission, and Township Board shall consider alternate methods of construction and alternate routes so as to avoid diagonally crossing of farmlands, and should encourage or require the following of public roads and proximity to existing residences, if at all possible. Electric distribution lines and feeder lines (feeder line meaning a line connecting substation and transmission line), shall not be classified as a transmission line. Electric distribution lines and feeder lines and services lines shall be permitted uses in all districts.

9. Public parks for recreational uses.

SECTION 9. Site Plan Permit. A site plan is required on and after the effective date of this ordinance. No person shall erect, alter, demolish, or move any building or structure, or part thereof, if the cost of materials or labor exceed two thousand dollars (\$2,000.00), without first securing a site plan permit and complying with all other requirements of this ordinance. The purpose of requiring this permit is to provide compliance with the terms of this ordinance and is not required for the purpose of complying with building codes and is not directly related to the construction addition, or alteration of buildings.

a. The application shall state the nature of the proposed construction, alteration or repair, the estimated cost, and the present and proposed use of the land or any structures on the premises. Application for permit shall be signed by the applicant and filed with the township inspector.

b. The application shall be accompanied by plot plan or sketch showing the location of the improvement in relation to the adjoining property lines, roadways, and existing improvements.

c. The application shall describe the estimated off-street parking space which may reasonably be expected for the proposed use and the plot plan shall describe the areas reserved for off-street parking.

d. A site plan permit when not used within one (1) year following the date of its issuance shall expire, unless a written extension of time is granted by the township board.

e. The Township Board of Supervisors in its own discretion or upon recommendation of the, Planning Commission may by resolution establish reasonable fees for the administration of this ordinance.

SECTION 10. Procedure for Applications/Granting of Conditional Use Permits. Rezoning and Variances. Application for conditional use permits, rezoning and variances shall be accepted by the Township Inspector upon the payment of the fee established by the Township Board of Supervisors by the applicant. All applications shall be referred by the Township Inspector to the Lake Henry Township Planning Commission. Within thirty (30) days thereafter, the Planning Commission shall report to the Township Board recommending adoption, rejection or modification of the application. The Township Board, within thirty (30) days after the receipt of the application from the Planning Commission, shall consider the application at a public hearing after published and posted notice has been given. Notice shall be published in the Paynesville Press at least ten (10) days prior to the public hearing and notice shall be posted at one (1) posting place at least ten (10) days before said public hearing. The Township Board may grant or deny the application by majority vote of this members. A Conditional Use Permit, when not used, shall expire one (1) year following the date of issuance unless a written extension is granted by the Township Board.

SECTION 11. Administration-Township Inspector. It shall be the duty of the Township Inspector to administer and enforce the provisions of the ordinance.

1. The specific duties of the Township Inspector shall include:

A. Providing zoning information upon request.

B. Reviewing application for building permits.

C. Reviewing such applications to determine if they comply with ordinance provisions.

SECTION 12. Existing Residences. Any tracts now occupied as a residence at the time this ordinance is adopted shall be considered as having been zoned as residential regardless of whether or not this property is zoned as such on the original "Official Zoning Map." This shall apply to such property whether the property has been platted or is described by metes and bounds. Corrections on the map may be made at a future date without a public hearing or upon requests by the owner of such property. Permits shall not be issued for any further residential construction in any non-residential districts unless said non-residential district is re-zoned so as to permit residential occupancy.

SECTION 13. Board of Adjustments. The Planning Commission of Lake Henry Township shall be designated as the Board of Adjustments and shall be vested with such administrative authority as herein provided by state law. The duties of the Board of Adjustments shall be as follows:

1. To hear and decide appeals from any decision of the Township Inspector.

2. To interpret the meaning of the ordinance and to determine the location of district boundaries in cases of ambiguity and to make ruling with respect to the

application of the ordinance.

3. To hold public hearings on amending the zoning ordinance, applications for Conditional Use Permits or variances from the provisions of the ordinance and to act upon said applications by recommendation to the Township Board.

SECTION 14. **Amendments.** This ordinance may be amended, changed, or altered by a favorable majority of the Township Board, but only after a public hearing has been duly advertised and held by the Planning Commission. Proceedings for amendment of this ordinance shall be initiated by at least one (1) of the following three (3) methods:

1. By petition of owner or owners of property which is proposed to be rezoned or for which regulations are to be changed.
2. Recommendation of the Planning Commission.
3. Action of the Township Board.

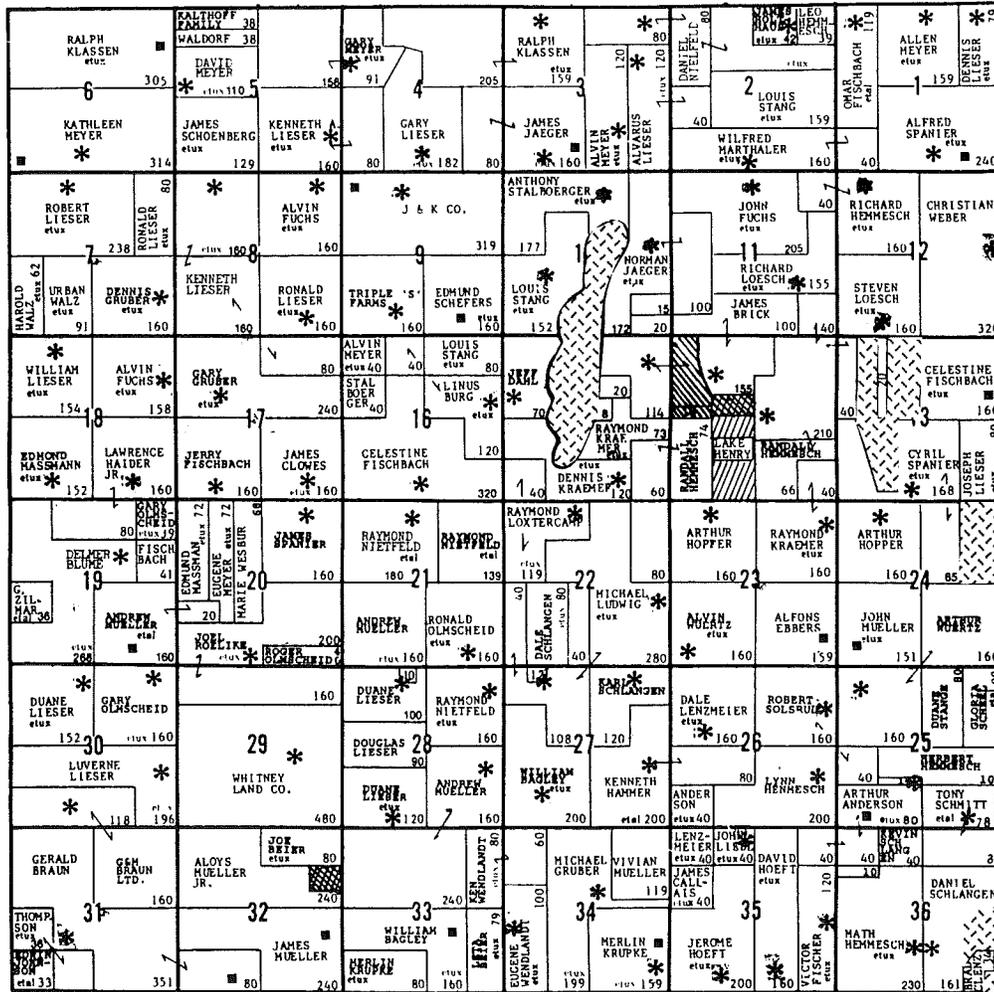
SECTION 15. **Violations and Penalties.** Any person or corporation who shall violate or refuse to comply with any of the provisions of this ordinance, shall be subject, upon the conviction thereof, to a fine of not less than Ten Dollars (\$10.00) or more than Three Hundred Dollars (\$300.00), or imprisonment of not more than ninety (90) days for each offense. Each day that a violation is permitted to exist shall constitute a separate offense.

SECTION 16. **Effective Date.** This ordinance shall take effect and be in force from and after its passage and publication according to law.

Joel Roelike, chair  
Celestine Fischbach  
Gary Olmscheid  
attested: Ralph Klassen, clerk

*For the residents who have already started a project, it would be helpful to have a status report with a permit not required.*

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- Public Land
- Commercial District
- Livestock Feedlot
- Farm Site
- High Density Residential
- Lake Henry

All areas not covered shall be exclusive agricultural