**MISSION CREEK**

**TOWNSHIP**

**ZONING**

**ORDINANCE**

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Zoning ordinance for the Township of

Mission Creek, Pine County Minnesota

The Board of Supervisors of the Township of Mission Creek ordains: this zoning ordinance regulating the use of land, the location, size and use of buildings and the arrangement of buildings on lots in the Township of Mission Creek, Pine County Minnesota, pursuant to the authority granted by Minn. Stat. Section 462.351, et. seq.

# TITLE AND APPLICATION

## Title. This ordinance shall be known as the “Zoning Ordinance of the Township of Mission Creek, Pine County Minnesota”, except as referred to herein, where it shall be known as “this ordinance.”

## Intent and purpose. The intent of this ordinance is to protect the public health, safety and general welfare of the Township and its people through the establishment of minimum regulations governing land development and use, while preventing undesirable uses of the land. This ordinance shall divide the Township into use districts and establish regulations in regard to location, erection, construction, reconstruction, alteration and use of structures and land. Such regulations are established to provide convenience of access to property; to prevent congestion in the public right-of-way; to prevent overcrowding of land and undue concentration of structures by regulating land, buildings and density of population; to provide for compatibility of different land uses; to provide for amendments; to prescribe penalties for violation of such regulations; to define powers and duties of the Township staff, the board of adjustment and appeals, the planning commission, and the board in relation to this ordinance.

## Standard requirement. Where the conditions imposed by any provisions of this ordinance are either more or less restrictive than comparable conditions imposed by other ordinance, rule or regulation of the Township, county, state, or federal government, the ordinance rule or regulation which imposes the more restrictive condition standard or requirements shall prevail. In the event of any conflict between this ordinance with any private restrictions, protections and covenants, only the provisions of this ordinance shall be enforced by Mission Creek Township, although it is not the intent of this ordinance to invalidate any greater restrictions that may be included in such covenants.

## Minimum requirements. In their interpretation and application, the provisions of this ordinance shall be held to the minimum requirements for the promotion of the public health, safety and welfare.

## Conformity with provisions. No structure shall be erected, converted, enlarged, reconstructed or altered, and no structure or land shall be used for any purpose or in any manner which is not in conformity with the provisions of this ordinance.

## Site permits. Except as herein provided, no building, structure or dwelling shall be constructed, moved into the Township, used or occupied and no site permit shall be granted that does not conform to the requirements of this ordinance.

## Conditional and interim uses, variances, amendments, appeals. Nothing within this ordinance shall be construed so as to deny any property owner his / her right to apply for a conditional or interim use permit, variance, amendment, or appeal.

## Uses not provided for within zoning districts. Whenever a use is neither specifically permitted nor denied, the use shall be considered prohibited, unless specifically exempted from local regulation by state or federal laws. In the case of uses neither specifically permitted nor prohibited, the board or the planning commission, on their own initiative or upon request, may conduct a study to determine if the use is acceptable, what zoning district would be most appropriate and the determination as to conditions and standards relating to development of the use. The board, planning commission or property owner may initiate an amendment to the zoning ordinance to provide for the particular use.

## Separability. It is hereby declared to be the intention of the Township that the several provisions of this ordinance are separable in accordance with the following:

### If any court of competent jurisdiction shall adjudge any provision of this ordinance to be invalid, such judgment shall not affect any other provision of this ordinance not specifically included in said judgment.

### If any court of competent jurisdiction shall adjudge invalid the application of any provision of the ordinance to a particular property, building, or structure, such judgment shall not affect the application of said provision to any other property, building, or structure not specifically included in said judgment.

## Rules. The language set forth in the text of this ordinance shall be interpreted in accordance with the following rules of construction:

### The singular number includes the plural, and the plural the singular

### The present tense includes the past and the future tenses, and the future the present.

### The word “shall” is mandatory while the word “may” is permissive.

### The masculine gender includes the feminine and neuter.

# DEFINITION OF TERMS.

The following words and terms, wherever they occur in this ordinance, shall be interpreted as herein defined.

## Accessory building, structure or use: A subordinate building, structure or use which is located on the same parcel on which the main building or use is situated and is reasonably necessary and incidental to the conduct of the primary or principal use of such building or main use.

## Access easement: A notation on a property abstract at the Pine County recorder’s office that enables perpetual use of a strip of land for access from a public road to another parcel of land which is not located on a public road.

## Agriculture uses: Those uses commonly associated with the growing of produce on farms. These include: field crop farming; pasture for hay; fruit growing; tree, plant shrub or flower nursery without building; truck gardening; roadside stand for sale in season of products grown on premises; and livestock raising and feeding but not including fur farms, animal feedlots, retail nurseries and garden centers, and kennels.

## Airport: Any place, either land or water, which is regularly used or intended to be used for the landings and take-off, storage or servicing of one or more aircraft.

## Aquaculture: The cultivation of the natural produce of water (as fish or shellfish) for consumption or sale.

## Assistant zoning administrator: Person appointed by the board to assist the zoning administrator in enforcement of this ordinance.

## Board: When used within this ordinance, board will refer to the governing board of supervisors of the Township of Mission Creek, Pine County Minnesota.

## Board of adjustment and appeals: The governing board of supervisors of the Township of Mission Creek, Pine County Minnesota when meeting for the express purpose to perform the duties authorized by section 11 of this ordinance.

## Buildable area: That portion of a lot or parcel considered not wetland or severely limited by topography, or exposed bedrock or displaying other conditions which render the land unusable for structural or sewer system development.

## Building: Any structure used, designed or intended for supporting or sheltering any use or occupancy.

## Building line: A line parallel to a lot line or the ordinary high-water level at the required setback beyond which a structure may not extend in accordance with setback provisions.

## Building setback: The minimum horizontal distance between the building and the specified lot line as prescribed in this ordinance.

## Campground: An area accessible by vehicle and containing campsites or camping spurs for tent and trailer camping.

## Church: A building, together with its accessory buildings and uses, where persons regularly assemble for religious worship and which building, together with its accessory buildings and uses, is maintained and controlled by a religious body organized to sustain public worship.

## Clerk: When used within this ordinance, clerk will refer to the clerk for the governing board of supervisors of the Township of Mission Creek, Pine County Minnesota.

## Commercial recreation: Privately owned facilities that provide an amusing or entertaining activity to the general public such as a bowling alley, cart track, golf course, pool hall, vehicle racing, riding stables, dance hall, skating, theatre, firearms range, hunting and shooting preserves, boat rental, amusement rides, campgrounds, deer park, and similar uses.

## Commercial uses: Any establishment, occupation, employment, or enterprise where merchandise is exhibited or sold, or where services are offered for compensation.

## Commissioner: The Commissioner of the Department of Natural Resources.

## Conditional use: A land use or development as defined by ordinance that would not be appropriate generally, but may be allowed with appropriate restrictions as provided by official controls upon a finding that standards and criteria stated in this Ordinance will be satisfied.

## Conditional use permit: A permit issued by the board in accordance with procedures specified in this ordinance, as well as its compatibility with the intent and purpose of this ordinance, as a flexibility device to enable the board to assign dimensions to a proposed use or conditions limiting it after consideration of adjacent uses and their functions and the special problems which the proposed use poses. Conditional use permits run with the land and cannot be terminated unless there is a violation of the terms of the permit.

## Day Care Facility: Any facility licensed by the State Department of Public Welfare, public or private, which for gain or otherwise regularly provides one (1) or more persons with care, training, supervision, habilitation, rehabilitation or developmental guidance on a regular basis, for periods of less than twenty-four (24) hours per day, in a place other than the person’s home. Day care facilities include but are not limited to: family day care homes, group family day care homes, day care centers, day nurseries, nursery schools, day time activity centers, day treatment programs and other “nonresidential programs”, as defined by Minnesota Statutes, Section 245A.02 subdivision 10 or successor statute.

## District: See Zoning District below.

## Driveway: A driveway means every way or place in private ownership used for vehicular travel by the owner and those having express or implied permission from the owner, but not by other persons.

## Dwelling: A building or portion thereof, designated exclusively for residential occupancy, including single family, two family and multiple family dwellings, seasonal dwellings, manufactured housing, but not including hotels, motels, and boarding houses.

## Dwelling, multiple family (apartment): A building designed with three (3) or more dwelling units exclusively for occupancy by three (3) or more families living independently of each other but sharing hallways and main entrances and exits.

## Dwelling, single family: A detached dwelling unit designed for occupancy of one (1) family.

## Dwelling, two family: A dwelling designed exclusively for occupancy by two (2) families living independently of each other.

## Earth sheltered buildings: Buildings constructed so that more than fifty percent (50%) of the exterior surface area of the buildings, excluding garages and other accessory buildings, is covered with earth. Earth covering is measured from the lowest level of livable space in residential buildings and of usable space in nonresidential buildings. An earth-sheltered building is a complete structure that does not serve just as a foundation or substructure for above grade construction. Partially completed buildings shall not be considered earth sheltered.

## Essential services: The erection, construction, alteration, or maintenance by public or private utilities, or municipal departments of underground or overhead gas, electrical, steam or water distribution systems; collection, communication, supply or disposal systems including poles, wires, mains, drains, sewer, pipes, conduits, cables, fire alarm boxes, traffic signals, hydrants or other similar equipment and accessories in conjunction therewith; but not including buildings or transmission/reception services and their support structures and antennas.

## Extractive Use: The use of land for surface or subsurface removal of sand, gravel, soil, sod, minerals, or rock, other non-metallic minerals and peat not regulated under Minnesota Statutes.

## Family: An individual or two or more persons related by blood or marriage, adoption, domestic partnership, or foster care or a group of not more than five unrelated persons living together on a lot or in a single housekeeping unit.

## Farm: A tract of land ten (10) or more acres which is principally used for commercial agriculture, all of which is owned and operated by a single family, farm corporation, individual or corporation.

## Fence: A barrier forming a boundary to or enclosing some area.

## Flood Plain: The areas adjoining a watercourse or water basin which has been or hereafter may be covered by the regional flood.

## Floor area: The sum of the gross horizontal area of the several floors of the building, measured from the exterior faces of the exterior walls.

## Front lot line: Any lot line of a length that is at least the minimum required lot width and which, if possible, parallels a public road otherwise abuts the private driveway access for a lot that is not on a public road.

## Garage: An accessory building or accessory portion of the principal building which is intended for or used to store the private passenger vehicles of the family or family’s resident upon a lot, and in which no business, service, or industry is conducted.

## Greenhouse: An enclosed building, permanent or portable, which is used for the growing of small plants.

## Home occupation: The following nonagricultural occupations or professions carried on by a member(s) of the family residing on the premises, provided that the use is clearly incidental and secondary to the main use of the premises for dwelling purposes and does not change the character thereof. Home occupations are limited to art studio, dressmaking, clothing alterations, attorney, appraiser, engineer, real estate agent, architects, computer-based businesses, special offices of the clergy, and domestic crafts making.

## Industrial use: Any establishment, occupation, employment, or enterprise where the manufacturing, storage, transport, or warehousing of products and materials and other wholesale items occur.

## Interim use: A temporary use of property until a particular date, until the occurrence of a particular event, or until zoning regulations no longer permit it.

## Interim use permit: A permit issued by the board in accordance with procedures specified in this ordinance, as a flexibility device to enable the board to assign time limits and conditions to a proposed use after consideration of current or future adjacent uses and their functions and the special problems which the proposed use poses.

## Landfill: Any land area used for disposal, tract of land, unit or appurtenance or combination thereof that is used to collect, store, handle, dispose of, bury, cover over, or otherwise accept or retain refuse as herein defined. All landfills shall be licensed in accordance with all applicable laws.

## Lot: A parcel of land designated by plat, metes and bounds, registered land survey, auditors’ plat or other accepted means and separated from other parcels or portions by said description.

## Lot area: The area of a horizontal plane within the boundaries of a lot.

## Lot line: A property boundary line of any lot held in a single or separated ownership, except that where any portion of the lot extends into the abutting road, the lot line shall be deemed to be the road right-of-way.

## Lot of record: Any lot which is legally described according to the applicable regulation at the time of its creation, which is one unit of a plat heretofore duly approved and filed, or one unit of a county auditors outlot or a registered land survey, or a parcel of land not so platted, subdivided or registered but for which a deed, auditors subdivision or registered land survey has been recorded in the Office of the Register of Deeds or Register of Titles for Pine County, Minnesota, prior to the effective date of this ordinance and prior Township zoning ordinances.

## Lot width: The shortest horizontal distance between the side lot lines measured at the right angles to either the building line or front lot line.

## Manufacturing: All uses which includes the compounding, processing, packaging, treatment, or assembly of products and materials.

## Manufactured home: A structure, transportable in one or more sections, which in the traveling mode is eight 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 requirements and with respect to which the manufacturer voluntarily files a certification required by the Secretary of State and complies with the standards established under Minnesota Statutes chapter 327 or successor statute.

## Mining: The removal from the land of stones, sand and gravel, coal, salt, iron, copper, nickel, granite, petroleum products or other material for commercial, industrial, or governmental purposes.

## Mining Operation – Commercial: The removal from the land and sale of one thousand (1000) cubic yards of stone, sand, gravel, peat, or other material for commercial, industrial, or governmental purposes

## Nonconforming building structure or use: Any building, structure or use which on the effective date of this ordinance does not, even though previously lawfully established, conform to the applicable conditions if the structure or use were to be created under the guidance of this ordinance.

## Nursery: A business growing and selling trees, flowering and decorative plants and shrubs.

## Off-road parking and loading area: A space accessible from a public road, in a building or on the lot, for the use of trucks while loading or unloading merchandise or materials. Such space shall be of such size as to accommodate one (1) or more trucks of the type typically used in the particular business.

## Ordinary high-water level: Means the boundary of waterbasins, watercourses, public waters, and public waters wetlands, and:

### the ordinary high-water level is an elevation delineating the highest water level that has been maintained for a sufficient period of time to leave evidence upon the landscape, commonly the 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; and

### for reservoirs and flowages, the ordinary high-water level is the operating elevation of the normal summer pool.

## Overlay Zones: consist of regulations that address specific subjects in particular areas in the Township. Overlay zone regulations are in addition to regulations in the base zone and modify the regulations of the base zone.

## Parcel: An area of land which may be designated by platting, by metes and bounds description, by a registered land survey, by auditors subdivision, or other accepted means, which distinguishes it from other parcels and is recorded at the Pine County Recorder’s office.

## Parking space: A space of not less than nine (9) feet in width and nineteen (19) feet in length, enclosed in the main building, in an accessory building, or unenclosed, sufficient in size to store one (1) or more automobiles which has adequate access to a public road and permitting satisfactory ingress and egress of an automobile.

## Permitted use: A use which may be lawfully established in a particular district or districts, provided it conforms with all requirements, regulations, and performance standards (if any) of such districts.

## Places of worship A place where one shows reverence and adoration for a deity or a sacred entity. It can involve various practices such as prayer, rituals, singing, and acts of devotion. Worship can be performed individually or collectively and may take place in formal settings like churches, temples, or mosques, as well as in private spaces.

## Planning commission: The planning agency of the Township whose members are appointed by the board.

## Principal use: The primary or main use of land or buildings as distinguished from subordinate, incidental or accessory uses.

## Privacy Fence: A privacy fence is a fence constructed of masonry, brick, wood, metal or other commercially available fencing material except for snow fencing, is not less than six feet in height nor more than eight feet in height and which provides a screening effect of not less than 50% visibility.  The grade for determining height shall be the grade elevation of the building or use for which the screening is providing protection, unless otherwise established by the Township Board.

## Public road: Any road under the jurisdiction of a Road Authority pursuant to Minn. Stat. 160.02 (25) or successor statute.

## Public facilities: Land or buildings owned or operated by municipal, school districts, Township, county, state or other government units.

## Public water: Any waters of the state which serve a beneficial public purpose, as defined in Minn. Stat. Section 103G.005, Subdivision 15 or successor statute. A body of water created by a private user where there was no previous shoreland, as defined herein, for a designated private use authorized by the county commissioners shall be exempt from the provisions of these regulations

## Public waters wetlands: Means all types 3, 4, and 5 wetlands, as defined in Wetlands of the United States, U.S. Fish and Wildlife Service Circular 39 (1971 edition), not included within the definition of public waters, that are ten or more acres in size in unincorporated areas or 2-1/2 or more acres in incorporated areas.

## Regional flood: Means a flood which is representative of large floods known to have occurred generally in Mission Creek Township and reasonably characteristic of what can be expected to occur on an average frequency in the magnitude of the 100 year recurrence interval.

## Residential care facility: Any program defined by Minnesota Statutes section 245A.02, subdivision 14, that provides 24-hour-a-day care, supervision, food, lodging, rehabilitation, training, education, habilitation, or treatment outside a person's own home, including a program in an intermediate care facility for four or more persons with mental retardation or a related condition; and chemical dependency or chemical abuse programs that are located in a hospital or nursing home and receive public funds for providing chemical abuse or chemical dependency treatment services under chapter 254B. Residential programs include home and community-based services for persons with mental retardation or a related condition that are provided in or outside of a person's own home.

## Road easement line: The road easement line is measured from the road centerline using one half the actual easement width or 33 feet, whichever is greater.

## Seasonal dwellings: A dwelling unit used as a residence for no more than a total of six (6) months per year.

## Setback: The minimum horizontal distance between a structure, sewage treatment system, well or other facility and a road, highway right-of-way, property lot line, or the ordinary high-water level.

## Shoreland: Land located within the following distances from public water: (i) 1,000 feet from the ordinary high-water level of a lake, pond, or flowage; and (ii) 300 feet from a river or stream; or the landward extent of a flood plain designated by ordinance on such a river or stream, whichever is greater. The practical limits of shorelands may be less than the statutory limits whenever the waters involved are bounded by topographic divides which extend landward from the waters for lesser distances and when approved by the Commissioner.

## Short-term Rentals of Property. (Definition) Any rental less than sixty (60) days in considered short-term and therefore requires a permit.

## Sign: An identification, description, illustration, or device which directs attention to a product, place, activity, person, institution, or business.

## Structure: Anything which is built, constructed or erected on the ground or attached to the ground; an edifice or building of any kind; or any piece of work artificially built up and /or composed of parts joined together in some definite manner whether temporary or permanent in character, including decks and signs.

## Temporary dwelling: Temporary dwellings are travel trailers, campers, tents, recreational vehicles, and other vehicles or structures which are adaptable for living and may be reasonably transported but not a manufactured home.

## Use: The purpose or activity for which the land or building thereon is designated, arranged, or intended or for which it is occupied, utilized or maintained, and shall include the performance of such activity as defined by the performance standards of this ordinance.

## Variance: The waiving action of the literal provisions of this ordinance in instance where their strict enforcement would cause undue hardship because of physical circumstances unique to the individual property under consideration, which were not created by the owner, and are not based upon economic considerations alone. A variance shall not be used for modification of allowable uses within a district and shall not allow uses that are prohibited. A variance runs with the land and cannot be terminated unless there is a violation to the terms of the variance.

## Waterbasin: Means an enclosed natural depression with definable banks, capable of containing water, that may be partly filled with waters of Mission Creek Township and that is discernible on aerial photographs.

## Wetland type: Means a wetland type classified according to Wetlands of the United States, U.S. Fish and Wildlife Service Circular 39 (1971 edition). A summarization of the wetland type definitions is posted at the Township hall and can be obtained from the Zoning Administrator or found in Minn. Stat. Section 103G.005 Subd. 17b or successor statute.

## Wetlands: Means lands transitional between terrestrial and aquatic systems where the water table is usually at or near the surface or the land is covered by shallow water. For purposes of this definition, wetlands must have the following three attributes:

### Have a predominance of hydric soils;

### Are inundated or saturated by surface or ground water at a frequency and duration sufficient to support a prevalence of hydrophytic vegetation typically adapted for life saturated soil conditions; and

### Under normal circumstances support a prevalence of such vegetation

## Zoning administrator: Person appointed by the board to administer and enforce this ordinance.

## Zoning District: An area or areas of the Township (as delineated on the zoning map) set aside for specific uses with specific regulations and provisions for uses, buildings and development as defined by this ordinance.

## Zoning Map: The map or maps incorporated into this ordinance as part thereof, and as may be amended from time to time designating the zoning districts.

# ZONING DISTRICT PROVISIONS

## Establishment of districts. The following zoning districts are hereby established within the Township of Mission Creek:

### Agricultural / Residential District. The Agricultural / Residential District is all property within the Township of Mission Creek less the properties detailed under Subd. 3.1 B &C.

### Shoreland District. The Shoreland district applies to all property that is within 300 feet of rivers and streams or within 1000 feet of lakes. This includes the areas as outlined by the MN Department of Natural Resources.

### Commercial / Industrial District. Please see zoning map for specific locations.

### Townsite. The Townsite area of the Township primarily composed of Beroun.

## Map. The location and boundaries of the districts established by this ordinance are hereby set forth on the zoning map entitled “Zoning Map of the Township of Mission Creek”, herein after referred to as the “Zoning Map”, copies of which are on file with the clerk and posted at the Township hall. Said maps and all of the notations, references and other information shown thereon shall have the same force and effect as if fully set forth herein and thereby made a part of this ordinance by reference.

## Detachment. In the event of changes in the Township boundaries removing territory from the Township, district boundaries shall be construed as moving with Township boundaries.

## Zoning district boundaries.

### Boundaries indicated as approximately following the center lines of public roads, highways, alleys, or railroad lines shall be construed to follow such center lines.

### Boundaries indicated as approximately following plotted lot lines shall be construed as following such lot lines.

### Boundaries indicated as following shorelines shall be construed to follow such shorelines, and in the event of change in shoreline shall be construed as moving with the actual shoreline; boundaries indicated as approximately following the center line of streams, rivers, lakes, or other bodies of water shall be construed to follow such center lines.

### Boundaries indicated as approximately following the Township boundaries shall be construed as following such boundaries.

### Where a district boundary line divides a lot which was on a single ownership at the time of passage of this ordinance, the extension of the regulations for either portion of the lot may be interpreted by the zoning administrator upon request of the owner.

### The exact location of all district boundaries shall be interpreted by the zoning administrator, subject to appeal as provided in Section 15 of this ordinance.

## District regulations. The regulations of this ordinance within each district shall be minimum regulations and shall apply uniformly to each class or kind of structure of land, except as herein after provided.

### No building, structure, or land shall hereafter be used or occupied, and no building structure or part thereof shall hereafter be erected, constructed, reconstructed, moved or structurally altered except in conformity with all of the regulations herein specified for the district in which it is located.

### No building or other structure shall hereafter be erected or altered; to exceed the height or bulk, to accommodate or house a greater number of families, to occupy a greater percentage of lot area, to have a smaller setback than herein required; or in any other manner contrary to the provision of this ordinance.

# GENERAL PROVISIONS

## Purpose. The purpose of this section is to establish general development standards to assure compatible land uses; to prevent blight and deterioration; and to enhance the health, safety and general welfare of the Township.

## Subdivision of Lands. Subdivision of lands shall be in accordance with the Pine County Subdivision and Platting Ordinance. All new lots shall comply with the applicable Township zoning district and the Pine County Subdivision and Platting Ordinance. Site permits shall not be issued by the Township for newly created parcels until a minor subdivision or plat is recorded as required by the Pine County Subdivision and Platting Ordinance.

### Unless a lot size exception has been granted by the Board:

#### No lot existing at the time of passage of this ordinance shall be reduced in dimension or area below the minimum requirements set forth herein.

#### Lots created after the effective date of this ordinance shall meet at least the minimum requirements established by this ordinance.

### Lot size exceptions.

#### The purpose of a lot size exception is to provide more development options while not increasing dwelling density above that allowed by the standard lot size or to allow a reduction of minimum lot area requirement to accommodate sale of a strip of land that will be used for a private access driveway into another lot that is not located on a public road.

#### The goals of lot size exceptions are to encourage developments which maintain a more rural look and feel by retaining larger areas of undeveloped land, to eliminate landlocked parcels, or to enable a change that lessens the extent of an existing non-conforming parcel.

#### A Pine County lot size exception application must provide a copy of proposed text that will be added to abstracts of the subdivision parcels to prevent further subdivision which could exceed the normal lot size dwelling density of 2 per quarter-quarter section.

#### The proposed text will be reviewed by the Township Planning Commission and Township Board at the applicant’s expense.

#### After the Township Planning Commission and Township Board review, a lot size exception can be granted by the board at any of its regularly scheduled meetings conditioned upon adoption of any recommendations the board feels are necessary to meet the purpose and objectives of this exception.

#### Prior to the subdivision of land, all proposed parcels must be PERC tested to certify that there are no less than two usable sites for sewer installation.

#### Regardless of parcel size, a certificate of survey shall be required as a condition of approval.

## Design standards. The architectural appearance and function of any building and site shall not be so dissimilar to the existing buildings or area as to constitute a blighting influence. Earth sheltered buildings are allowed if in compliance with all other zoning provisions promulgated pursuant to Minn. Stat. Section 462.357.

## Off-road parking and loading. All applications for a site permit shall include off-road parking and loading areas adequate to serve the proposed development.

## Lots not located on a public road. Lots of record which are not located on a public road may be utilized for a single family dwelling and related accessory uses if the owner obtains a form from the zoning administrator and files with the Township a verification of private driveway access covering all of the following conditions:

### A driveway connecting the lot to a public road is constructed on a strip of land not less than 66 feet in width to which the lot owner has fee title and abstract provisions preventing the two parcels from being sold separately. Note - use of a strip of land less than 66 feet in width does not provide any future potential for upgrading to a public road.

### The owner will maintain at his/her own expense the driveway to be suitable for accommodating the passage of emergency and public utility vehicles at a safe but expeditious speed.

### The Township has no authority over or obligation to inspect, repair, maintain or improve said driveway.

## Building restrictions.

### All buildings shall be so placed so that they will not obstruct future roads which may be constructed by the Township in conformity with existing roads and according to the system and standards employed by the Township and shall not be permitted in areas classified as wetlands, flood plain, peat and muck areas, slopes greater than 12 percent, exposed bedrock, areas of poor drainage, and areas where the water table is less than four (4) feet below the surface of the land.

### Not more than one (1) dwelling, whether permanent or temporary, shall be located on a lot unless additional dwelling units have been authorized by an interim use permit. Licensed vehicles and camper trailers used to accommodate visitors for a period not to exceed three (3) months are not required to obtain an interim use permit.

### All new structures that will be connected to an individual sewage treatment system must be located in a buildable area that has sites for two (2) such systems (one for future replacement).

### Permanent dwellings and all temporary dwellings that are connected to a water supply system must also be connected to a sewage disposal system conforming to all applicable ordinances. Temporary dwellings not connected to a water supply or sewage disposal system must be on a lot with a privy or at least one restroom connected to a sewage disposal system conforming to all applicable ordinances

### A temporary dwelling unit may be used as a seasonal residence for a period not to exceed six (6) months per year.

### Placement of temporary dwellings shall not infringe upon the rights of adjoining landowners such as noise, distance, litter, etc.

### New structures with restroom facilities and bedroom additions to an existing dwelling must be reviewed by the Pine County Zoning administrator to determine if the change complies with its sewage and wastewater ordinance. A copy of the approved sewer permit or certificate of compliance must be submitted with the building site permit application.

### All permanent dwellings, including manufactured homes, must have a ground floor area of at least four hundred (400) square feet.

### All manufactured homes must have a HUD seal of construction approval and certification of compliance with the manufactured home building code as defined in Minn. Stat. Section 327.31 Subd. 3. All buildings with electrical wiring are subject to state electrical permits and inspections.

### For compliance with the previous paragraph, all manufactured homes being moved into Mission Creek Township must have been constructed after July 1, 1972. Older refurbished manufactured homes can be granted an exception provided they have passed a State electrical inspection within the last year showing that they comply with current requirements. Any manufactured home in Mission Creek Township that was manufactured prior to July 1, 1972 and was in compliance with ordinance requirements at the time it was placed on a parcel is allowed to remain and is considered a nonconforming building subject to the restrictions of Section 9 of this ordinance.

### Computations for setback for earth sheltered buildings shall be based upon measurements from the exposed exterior surface of the building.

### Lot area exception. A lot of record existing upon the effective date of this ordinance or a lot created under the provisions of Subd. 4.2 B which does not meet the area or width requirements of this ordinance may be utilized provided that all setback requirements of this ordinance and sanitary sewer standards of the county are met.

### Building setback requirements.

#### A building setback of at least eighty (80) feet is required from all road easement lines on which the lot has frontage.

#### A building setback of not less than twenty (20) feet is required from all lot lines.

#### A dwelling setback of not less than one hundred (100) feet from the ordinary high water level is required or as amended by the MN Department of Natural Resources.

### Setback Exceptions. To enable development of small lots created before Township zoning was adopted, an exception to the setback for a specific building site is allowed provided that:

#### The site is on a lot of record existing upon the effective date of this ordinance which does not meet the minimum area or width requirements of this ordinance.

#### The lot is in an area of small lots that exceed a density of 2 residences per quarter-quarter section.

### The following shall not be considered as encroachment into setback requirements.

#### Architectural projections extending not more than three (3) feet into a setback area.

#### Recreational equipment, laundry drying equipment and air conditioning or heating equipment, provided they do not extend to a distance less than ten (10) feet from any lot line.

#### Terraces, steps, or similar features, provided they do not extend to a distance less than ten (10) feet from any lot line.

## Refuse. All lots within all zoning districts shall be maintained in a neat and orderly manner. No rubbish, salvage materials, junk, or miscellaneous refuse shall be openly stored or kept in the open when the same is construed by the board to be a menace or nuisance to the public health, safety or general welfare of the Township, or to have a depressing influence upon property values in the area. Automobile wrecking or junk yards and salvage yards shall be considered a commercial or industrial use and must have their vehicles and parts stored out of view of public roads and adjacent properties and be in compliance with all county and state statutes.

## Vision clearance at corners, crossings and access points. Notwithstanding any part of this ordinance or any permit or variance granted, no structure vehicle, vegetation, snow, fence, sign, building, or any obstacle, or a portion thereof shall be placed or retained in such a manner to constitute a traffic hazard or obstruct the vision of roadways, clearance of corners, crossings, or access points.

## Driveway closures. Gates may be used to limit access to private property. Cables are not allowed to be suspended across driveway or fence line openings unless the cable has a permanently attached warning device at its mid-point with reflective material on both sides which is clearly visible from a distance of 100 feet.

## Performance standards. All uses shall comply with all federal, state, and local pollution and nuisance laws and regulations, including but not limited to glare, smoke, dust, odors, noise, recognized health hazards, air pollution or blighting influence. The burden of proof for compliance with appropriate performance standards shall lie with the applicant.

## Administrative standards. Whenever in the course of administration and enforcement of this ordinance it is necessary or desirable to make any administrative decision, unless other standards are provided within this ordinance, the decisions shall be made so that the result will be consistent with the intent and purpose of the ordinance as described in Subd. 1.2. of this ordinance.

## Public water alteration. Any alteration which will change or diminish the course, current or cross section of public water shall be approved by the Minnesota Department of Natural Resources, in accordance with the procedure of Minn. Stat. 1974, Section 105.42 as amended. This alteration includes construction of channels and ditches; lagoons; dredging of lake or stream bottoms for removal of muck, silt or weeds; and filling in the lake or stream bed.

1. Right of way
2. Uses of right-of-way by public and private utilities. Any public or private utility intending to make use of any town road right-of-way shall first submit a drawing, showing each road to be so utilized, and showing the nature, design and the location, within the right-of-way, of the proposed installation. A permit is required for such use and the cost shall be according to the fee schedule set by the Board each year.
3. Private uses of town road rights of way. No person shall make, cause, or permit any private use of a town road right-of-way without first applying for and obtaining a permit from the Board. The application shall be to scale, identify the road to be used, and describe and show in detail the use to be made, including the size and location of any structures or man-made objects used in conjunction therewith. In the event the proposed use increases or adversely impacts the liability of the Town, the permit may be denied. Uses requiring a permit include but are not limited to permanent mailbox structures, permanent fences, items for sale, gardens, farm machinery, and motor vehicles.
4. Maintenance and restoration of town roads by specific users. In any instance where any person will be making continuous use of a town road, or roads, for hauling heavy loads, the Board may require that the user enter into a contract with the Town, to contain such conditions as are deemed necessary and/or appropriate, including a bond, to provide maintenance, dust control, and the restoration of any deterioration thereof, resulting from such use. Uses covered by this section shall include but not be limited to: mining operations, summer hauling, or excavating operations.
5. ***For the purpose of this section, “continuous use” means more than 5 round trips per day, or 20 round trips per week; “heavy loads” means any vehicle having a gross vehicle weight of the lesser of 9 ton per axle or the legal MNDOT specifications.***
6. Housing density;

### Single-family dwellings subject to the following conditions:

#### No more than two (2) parcels for single family dwellings per quarter-quarter Section or parcel of record will be allowed as locations for new land use permits under this Ordinance. Parcels of record shall be allowed single family dwelling land use permits under this Ordinance regardless of the number of single family dwellings located on that quarter - quarter section, provided all other requirements of this Ordinance are met. Before a land use permit is issued, the Township may request verification that the parcel has been subdivided under the Pine County Subdivision and Platting Ordinance or evidence that the parcel was created consistent with any county or Township regulations at the time the parcel was created.

1. Development rights for single family dwellings under Section VII may be transferred among parcels of record or quarter-quarter sections provided:
2. The parcels of record or quarter- quarter sections are under one owner
3. The parcel of record or quarter quarter sections share a common property boundary
4. All other provisions of this ordinance have been met; and,
5. A Conditional Use Permit is issued by Mission Creek Township under this ordinance
6. Each single-family dwelling and seasonal non-permanent dwelling shall be located on a minimum of two and one-half (2 ½) acres with a minimum of one and one-half (1 ½) acres of buildable land. With 300 feet of road frontage.
7. A residential land use permit shall not be issued by the Township until an individual on-site sewage treatment system permit has been issued by Pine County.

# HOME OCCUPATIONS

## Purpose. It is the purpose of this section to provide for the use of the home as a place for the operation of a business or profession either as a conditional use or permitted accessory use, provided the occupation is clearly secondary to the principal use of the home as a residence, does not change the area, and does not place an undue burden on public services and roads.

## Permitted Home Occupations. Home occupations which employ persons residing within the home and do not require additional employees or parking or generate a noticeable increase in traffic, does not have the potential to impact adjacent properties, or does not have the potential of exceeding existing services or facilities, shall be permitted. Permitted home occupations include, and are limited to, art studio, dressmaking, clothing alterations, attorney, appraiser, engineer, real estate agent, architects, computer based businesses, special offices of the clergy, and domestic crafts making.

## Interim Use Permit Required. Home occupations which have the potential for generating a noticeable increase in traffic, requires additional parking, involves employees not residing in the home, has the potential to impact adjacent properties, or has the potential of exceeding existing services or facilities, shall require an Interim Use Permit. Such home occupations as barber shops, clothing shops, bed-and-breakfast inns, museums, animal hospitals and kennels, and schools, shall require an Interim use permit.

## Performance Standards. All home occupations shall conform to the following standards:

### Conduct of the home occupation does not require alterations to the interior or exterior of the residence which substantially alters the appearance of the dwelling as a residence. The entrance to the space devoted to such occupations, however, may be within the dwelling.

### Permissible home occupations do not include the conduct of retail business (other than by mail) on the premises.

### Only persons residing on the premises may be employed without an interim use permit. Up to five (5) additional persons may be employed in the home occupation with an Interim Use Permit.

### The home occupation shall not generate wastes of a nature or type that cannot be treated by a standard on-site sewage system or municipal sewer system, or hazardous wastes without an approval plan for off-site disposal.

## Review By Planning Commission. When deemed appropriate, the Zoning Administrator may bring a proposal or existing home occupation to the attention of the Planning Commission at which time the Planning Commission may permit the use or hold such public hearings, request such information, or require such conditions as deemed necessary to ensure compliance with the performance criteria of this section.

# COMMERCIAL MINING, GRADING, LAND RECLAMATION

## Commercial Mining. The extraction of sand, gravel, or other material from the land in the total amount of one thousand (1,000) cubic yards or more for sale and removal thereof from the parcel shall be defined as commercial mining. The conduct of commercial mining shall be permitted only upon issuance of a Interim Use Permit where authorized by a particular zoning district.

Commercial mining operations in existence prior to the enactment of this ordinance shall apply for a Interim use permit and be subject to the provisions of this ordinance at any time that the existing mining operation is expanded or moved to another land parcel. The following requirements shall apply to commercial mining operations:

### In addition to the requirements for Interim uses permits, the following information shall accompany the Interim use permit application in writing with necessary maps.

#### Site Plan

##### Area of site

##### Proximity of site to lot lines, adjacent structures

##### Existing drainage and permanent or temporary ponding areas

#### Operational Plan

##### Placement of structures and equipment

##### Location and amount of materials to be removed

##### Location and height of materials to be stock piled

##### Altered drainage and ponding areas

##### Erosion and sediment controls to be used

##### Dust, noise, and smoke control

##### Duration of mining operation

##### Hours of operation

##### Materials to be produced

##### Other activities occurring related to mining activity

#### Reclamation Plan

##### Final grade of site

##### Vegetative cover

##### End use of site

#### Other information as may be requested by the Planning Commission or Township Board.

### The Township may require updated operational plans on an annual basis. The approval of the annual operational plan shall be a condition of the use permit.

### Any use beyond the extraction and stockpiling of materials such as crushing, washing, or processing of materials; the production of architectural or structural stone; or the manufacture of asphalt, concrete or concrete building blocks; or any activity other than what is described in the Interim permit shall be considered a separate use and shall require an amendment of issuance of an interim use permit.

### The Township Board may place conditions upon the issuance of the permit in addition to those described in the Interim use permit procedure. These conditions may include, but are not limited to:

#### Maintenance standards of site - including weed control, storage and parking of vehicles and equipment.

#### Drainage and sediment control.

#### Fencing and screening.

#### Location and maintenance of access roads and hauling routes by applicant.

#### Restriction of vehicles used in the mining operation to specific roads.

#### Dust, noise, and air pollution control.

#### Setbacks from property lines.

#### Hours of operation.

#### Rehabilitation of land and vegetation.

#### Posting of performance bond to reimburse the Township for any costs which may be incurred for the following:

##### Costs of bringing the operation into compliance with the Interim use permit requirements.

##### Costs of reclamation should the permittee fail to execute any part of a reclamation plan as required within this ordinance or as a condition of the permit.

##### Extraordinary costs of repairing roads due to the special burden resulting from the hauling of materials and traffic associated with the operation. The amount of such cost shall be determined by the Township Board.

## Grading and Land Reclamation. Under this ordinance grading and land reclamation is the removal or deposition of materials so as to alter the grade. All grading and land reclamation shall be controlled under the provisions of the Zoning ordinance and shall meet the following minimum standards:

### The smallest amount of bare ground is exposed for as short a time as feasible.

### Temporary ground cover is used until permanent ground cover, such as sod, is planted.

### Methods to prevent erosion and trap sediment are employed.

### Fill is stabilized to accepted engineering standards.

### Final slopes for cut slopes should be a maximum of 1:1, or 100%; fill slope 3:1, or 30%, and grade or construction slope 5:1, or 20%.

# AGRICULTURAL / RESIDENTIAL DISTRICT

## Purpose. The Agricultural - open space district is intended to provide areas to be utilized and retained in agricultural and /or open space uses, preserve the local agricultural economy, protect private agricultural investments, promote orderly development by limiting scattered non-farm uses, and secure economy in government expenditures for public facilities and services.

## Permitted Uses. The following uses are permitted:

### The Township Board may place conditions upon the issuance of the permit in addition to those described in the interim use permit procedure. These conditions may include, but are not limited to:

#### Maintenance standards of site - including weed control, storage and parking of vehicles and equipment.

#### Drainage and sediment control.

#### Fencing and screening.

### Agricultural uses;

1. Agricultural buildings;
2. General farming and the raising of livestock;
3. Forest uses, forestry management uses, seasonal, non-permanent dwellings;

### Residential Uses

#### Single family residences.

## Accessory structures The following uses are permitted accessory uses:

### Any structure or use which is incidental to the permitted principal use including garages, barns, sheds, fencing, and landscaping.

### Operation and storage of vehicles, equipment or machinery in good operating condition which is incidental to the permitted principal use.

## Daycare facilities: Defined in section 2 of this ordinance, licensed by the County and serving twelve (12) or fewer persons.

### Daycare facilities are permitted.

### Residential care facilities serving six (6) or fewer persons. A residential facility whose primary purpose is to treat juveniles who have violated criminal statutes relating to sex offenses or have been adjudicated delinquent on the basis of conduct in violation of criminal statutes relating to sex offenses shall not be considered a permitted use.

1. A group family day care facility licensed under Minnesota Rules, parts 9502.0315 to 9502.0445 or successor rules, to serve 14 or fewer children
2. A state licensed residential facility serving from 7 through 16 persons or a licensed day care facility serving from 13 through 16 persons.

## Interim uses. The following uses will be allowed upon issuance of an interim use permit.

### Accessory residence. A manufactured home may be placed upon the same lot as the principal residence and used as an additional residence subject to the following provisions:

#### A site permit fee is required prior to moving manufactured home on to the parcel.

#### The occupant(s) of the accessory residence is a caregiver or relative meeting the requirement of the State of Minnesota homestead ruling such as a grandparent, parent, child, sibling, cousin or uncle, aunt, nephew or niece to the occupant(s) of the principal residence.

#### The accessory residence is properly connected to electricity, well and an adequate sewage system as determined by the Pine County Zoning administrator.

#### The recorded owner(s) of the property agree to remove the accessory residence within one month or as soon as weather permits after the permit expires or any of the provisions of this Subd. 7.3 are no longer met.

#### The accessory residence complies with Subd. 4.6 D and the setback requirements of this ordinance.

### Additional temporary dwellings. More than one temporary dwelling unit may be placed on a lot to accommodate weekend or seasonal residence for friends and/or family assisting with development of the lot and subject to the following provisions:

#### The temporary dwellings are not manufactured homes and are not used as a residence for more than a total of six (6) months per year.

#### The temporary dwellings comply with Subd. 4.6 D and the setback requirements of this ordinance.

#### Black water holding tank contents for any temporary residences not connected to a sewage disposal system will be properly disposed of at an approved recreational vehicle dumping site or into an approved sewage disposal system when necessary.

### Commercial Mining

### Short term rentals See Ordinance Number 006

## Conditional uses. The following uses will be allowed upon issuance of a conditional use permit.

### Home occupations;

### Commercial greenhouses and nurseries

### Farm implement sales and repairs;

### Motels, hotels

### Churches and places of worship;

### Gasoline service stations and convenience stores;

### Restaurants;

### Communications towers and transmitters;

### Public utilities including electrical power transmission lines, communication cables, municipal water and sewer facilities;

### Cemeteries;

### Private air strips;

### Kennels;

### Government buildings;

### Outdoor camping facilities serving as temporary overnight accommodations, not providing active recreational facilities

### Accessory structures to any Conditional Use permitted; Second dwellings located on the same parcel necessary for health care purposes. Such dwellings shall be subject to all other provisions of this Ordinance;

### Transfer of development rights under Section 7

### Essential Services

### Ag Retail businesses

### Automotive repair businesses

### Salvage & junk yards

### Other uses, as determined by the Mission Creek Township Board, as being of the same character and not inconsistent with the conditional uses identified.

* 1. Car wash
  2. Commercial indoor storage
  3. Clubs and lodges
  4. Veterinary clinics
  5. Service businesses
  6. Laundry.
  7. Retail stores.
  8. Any other retail or service use determined by the Planning Commission to be of the same general character as the uses allowed for within the district which conform with the purpose and performance standards applicable to this district.
  9. Health Club
  10. Automobile, implement and recreational vehicle sales, rental, service, accessory sales, or repair.
  11. Building material sales
  12. Feed, fertilizer plant
  13. Building contractors offices and shops
  14. General repair
  15. Commercial recreation
  16. Printing
  17. Industrial

## Lot area requirements.

### Lot area. A lot area for each dwelling shall be the same as the minimum lot size as defined in Pine County Zoning, as amended, of which at least one (1) acre is determined to be a buildable area.

### Lot width. A lot width of not less than three hundred (300) feet is required at the front lot line and three hundred (300) feet at the building line for each dwelling unit.

Subd. 7.8 Right of Way , see general provisions

# BEROUN TOWNSITE ZONE

## Beroun Townsite Zone.

Beroun Townsite Zone is an area where the pre-ordinance existing lots are small and the population density is high, relative to the rest of the Township. Beroun Townsite Zone is the Beroun Townsite platted area, in Section 34, Township 40 North, Range 21 West, Pine County, Minnesota. The zoning maps at the end of this ordinance show the location of Beroun Townsite Zone. Beroun Townsite Zone does not contain any DNR designated Shoreland areas.

## Permitted Uses: The following uses are allowed in Beroun Townsite Zone:

### Single family Recreational and Residential principal and accessory structures in accordance with Minnesota Statute 462.357 Subd 7.

### Governmental and other public uses and buildings

### Greenhouses and nurseries

### Essential Services

## Conditional Uses: The following Conditional Uses are regulated in Beroun Townsite Zone:

### Multi-family principal and accessory structures

### Religious and Educational facilities

### Communication Towers

### Commercial uses, except any activities like sawmills that generate excessive noise

### Beverage, restaurant, and other food service establishments

### More than two single family residences per parcel

### Hotels & motels and lodging.

### Mobile home parks and manufactured home parks.

### Planned Unit Developments.

## Interim Uses: The following Interim Uses are regulated in Beroun Townsite Zone:

1. Home Occupations
2. Vacation Home Rental
3. Short term rentals

## Prohibited Uses: The following Uses are prohibited in Beroun Townsite Zoning:

### Agricultural uses and buildings, including feedlots

### Mining and other extractive uses

### Any system of dwellings, or overnight accommodation facilities other than those listed above as Allowed, Conditional, or Interim, such as campgrounds, resorts,

### Industrial uses and buildings

### Racetracks, motocross, mud bogging, paintball, shooting ranges, sawmills, and any other such recreational and/or commercial activities that generate excessive noise

### Hunting preserves or other such uses

### Junkyards and salvage yards

## Other Provisions:

### All subdivisions in Beroun Townsite Zone shall conform to the definition of a Buildable Area.

### All building setbacks should be in conformance with adjacent buildings when possible. In the absence of any standard, setbacks shall be at least twenty (20) feet from the right-of-way edge of all county and Township roads. Setbacks from side yards shall be ten (10) feet. In the case where any other jurisdiction other than Township requires a greater setback than those set forth in this ordinance, then the setback of that jurisdiction shall apply.

### Alleys in platted areas are exempt from the setback regulations.

### Residential Density on every Assessor’s parcel of Record that has a Type I SSTS, or a holding tank, shall be limited to the performance standards of the SSTS on that parcel. In all cases where Residential density appears to exceed the capacity of the existing SSTS, Pine County records shall be used, when available, as the means to determine the SSTS capacity. In cases where no records exist, a Compliance Inspection shall be required in order to determine the SSTS capacity. In situations where existing SSTS are determined to be inadequate to support the Residential density, then either the Residential density must be reduced to appropriate levels, or else the SSTS must be upgraded to support the increased demands on the system.

### All Conditional and Interim Uses shall conform to all relevant Federal, State, and County codes, licenses, and regulations. When applicable, such Conditional and Interim Uses shall also conform to any customary guidelines and standards that may be endorsed by professional associations in that line of business.

1. Right of way: see general provisions

# SHORELAND DISTRICT

## Purpose. The Shoreland district is hereby established to regulate the development of shorelands of public waters within the Township pursuant to laws of Minnesota 1969, Chapter 777, as amended.

## District application. The Shoreland district shall be applied to and superimposed upon all zoning districts as contained within this ordinance. The regulations and requirements imposed by the Shoreland district shall be in addition to those established for districts which jointly apply. Under the joint application of districts, the more restrictive requirement shall apply.

## Shoreland management. All requirements of the Pine County ordinance, as amended, for the management of shoreland areas shall apply to the Shoreland District of Mission Creek Township. In cases of comparable conditions imposed by the Pine County ordinance and this ordinance, the more restrictive condition shall apply including the requirements of this section of this ordinance.

Subd. 9.4 Right of way: see general provisions

# COMMERCIAL - INDUSTRIAL DISTRICT (C-I)

1. Purpose. The Commercial - Industrial District is to provide for certain retail, service and manufacturing uses.
2. District Application. Properties located in the Commercial – Industrial District may continue their existing use until such time as they wish to use their property for C-I Purposes.

Subd. 10.3 Permitted Uses. The following uses may be permitted.

### Agricultural uses;

1. Agricultural buildings;
2. General farming and the raising of livestock;
3. Forest uses, forestry management uses, seasonal, non-permanent dwellings;

### Residential Uses

#### Single family residences.

* 1. Nurseries, lawn and garden supply sales
  2. Car wash
  3. Commercial indoor storage
  4. Clubs and lodges
  5. Veterinary clinics
  6. Service businesses
  7. Convenience store
  8. Laundry.
  9. Retail stores.
  10. Hotels, motels.
  11. Any other retail or service use determined by the Planning Commission to be of the same general character as the uses allowed for within the district which conform with the purpose and performance standards applicable to this district.
  12. Health Club

1. Conditional Uses. The following uses may be permitted upon the issuance of a conditional use permit as provided for in section 14:
   1. Automobile, implement and recreational vehicle sales, rental, service, accessory sales, or repair.
   2. Building material sales
   3. Feed, fertilizer plant
   4. Building contractors offices and shops
   5. General repair
   6. Commercial recreation
   7. Printing
   8. Industrial
   9. Salvage operations
   10. Kennels
   11. Restaurants and food services.
   12. Gas or fuel stations
   13. Landfills and dumps
   14. Utility corridors and necessary related facilities including but not limited to transmission towers and lines, microwave relay towers, substations and pipelines.

## Subd. 10.5 Accessory structures The following uses are permitted accessory uses:

### Any structure or use which is incidental to the permitted principal use including garages, barns, sheds, fencing, and landscaping.

### Operation and storage of vehicles, equipment or machinery in good operating condition which is incidental to the permitted principal use.

1. Lot Requirements.
   1. Lot Area.
      1. Unsewered lots. A lot area of not less than two and one-half (2.5) acres is required, of which an area of at least one (1) contiguous acre, or the area necessary to support the principal and accessory structures, whichever is the larger, is determined to be buildable. The lot is to be serviced by an individual sewage treatment system in accordance with the Pine County Individual Sewage Treatment System Ordinance.
      2. Sewered lots. A lot area of not less than one and one-half (1.5) acres is required, of which an area of at least one (1) contiguous acre, or the area necessary to support the principal and accessory structures, whichever is the larger, is determined to be buildable. The lot is to be serviced by the central sewage treatment system.
   2. Lot Width. A lot width of not less than three hundred (300) feet at the building line and front lot line is required.
2. Maximum Building Height. Building height shall not exceed three (3) stories.
   1. Height Exceptions. The building height limits established shall not apply to agricultural buildings, grain elevators, or to architectural projections of buildings such as belfries, cupolas, domes, spires, chimneys, flues or to similar structures extending above the roof of any building and not occupying more than twenty-five (25) percent of the area of such roof. Freestanding structures such as water tanks, poles, towers and other structures for essential services, monuments, flag poles shall be exempt from the building height requirements of the district in which it is located.
3. Exterior Use Requirements.
   1. Exterior storage as a principal or accessory use is allowed provided that:
      * 1. The storage area is fenced and screened from view from adjacent properties and public roads in compliance with this ordinance.
        2. All lighting shall be hooded or shielded such that the light source is not directed at, or is diffused as viewed from the public right-of-way or and from neighboring residences.
   2. Exterior service, sale and rental as a principal or accessory use is allowed provided that:
      * 1. Outside sales areas are fenced or screened from view of neighboring residential uses within AR & Townsite districts in compliance with this ordinance.
        2. All lighting shall be hooded or shielded such that the light source is not directed at, or is diffused as viewed from the public right-of-way and from neighboring residences.
4. Performance Standards. It is the intent of this subdivision to provide that business and related activities shall be established and maintained with proper appearance from streets and adjoining properties and to provide that each such permitted use shall be a good neighbor to adjoining properties by the control of the following:

### Odor. No activity or operation shall cause at any time the discharge of toxic, noxious or odorous matter beyond the limits of the immediate site where it is located in such concentrations as to be obnoxious or otherwise detrimental to, or endanger the public health, welfare, comfort or safety, or cause injury to property or business.

* + 1. Exterior Lighting. Any lights used for exterior illuminations shall be directed away from adjacent properties.

### Fumes or Gases. Fumes or gases shall not be emitted at any point in concentrations or amounts that are noxious, toxic, or corrosive.

### Hazard. Every operation shall be carried on in accordance with state and local fire and safety codes.

### Waste. All sewage and industrial wastes shall be treated and disposed in such manner as to comply with Minnesota State Department of Health standards and requirements, Minnesota Pollution Control Agency standards and requirements, and local codes.

### Additions, Outbuildings. All subsequent additions and outbuildings constructed after the erection of an original building or buildings shall be reviewed and approved by a Township zoning official.

## Regulations on Screening. When required, any unenclosed uses shall be screened by a fence or vegetative screening of not less than six (6) feet in height.

### Walls, fences or planting screens of lesser heights may be permitted by the Board of Adjustments and Appeals if there is a finding that the nature or extent of the use being screened is such that a lesser degree of screen will as adequately promote and protect the use and enjoyment of the properties within the District, or there is a finding that a screening of the type required by this ordinance would interfere with provision of adequate amounts of light and air to same said properties.

### All required screening devices shall be designed so that they are architecturally harmonious with the principal structures on the site and they shall be properly maintained so as not to become unsightly, hazardous, or less opaque than when originally constructed.

## Service Road Required. The Township may require the construction of a service road, or the dedication or reservation of land for a future service road, or joint accesses in order to provide for convenient access, public safety or to preserve the functional purpose of the adjacent street or highway.

## Building Standards.

### Any person desiring to improve property shall submit to the Zoning Administrator information on the location, and dimensions of existing and proposed buildings, location of easements crossing the property encroachments, and any other information which may be necessary to insure conformance to Township ordinances.

### No buildings shall be permitted on areas considered as wetlands, flood plain, peat or muck soils, or areas having poor drainage, or areas where the water table depth is less than four (4) feet.

## Sewage Treatment: Any premises must be provided with an adequate method of sewage treatment as follows:

### Central sewer systems must be used when available and feasible.

### All private sewage treatment systems must meet or exceed Pine County's standards for individual sewer treatment systems.

## Parking Requirements.

### Site Plan: All applications for site permit shall be accompanied by a site plan drawn to scale and dimensioned, indicating the location of all off-street parking and loading spaces in compliance with the requirements of this section. The site plan must contain the following information:

* + - * 1. Zoning, setbacks, and statement of use.
        2. Entire ownership of lot or parcel being developed.
        3. Completely dimensioned parking layouts.
        4. All parking spaces clearly marked.
        5. Owner's name and current address.
        6. All screening and landscaping.
  1. Site Plan Criteria. Upon review by the Planning Commission and approval of the Township Board, the plan for off-street parking shall meet the following site design standards:
     + 1. Any lighting used to illuminate off-street parking areas shall be directed away from abutting property and public right-of-way.
       2. No sign shall be so located as to restrict the sight, orderly operation, and traffic movement within any parking area.
       3. Parking lots may be required to be screened and landscaped from abutting residential and institutional uses or districts by a wall, fence, or densely-planted, compact hedge or tree cover.

### Maintenance. It shall be the responsibility of the lessee and/or owner of the principal use or building to maintain in a neat and adequate manner, the parking area, striping, landscaping and screening.

* 1. Driveway Design.
     1. All property shall be entitled to at least one (1) access.
     2. All parking spaces shall be served by access aisle or driveway connections to a public right-of-way.
     3. All culverts must be at least 15 inches diameter in size, with the length determined by the Zoning Administrator.

1. Right of way see general provisions

# NONCONFORMING BUILDING, STRUCTURES AND USES

## Purpose. It is the purpose of this section to regulate how nonconforming buildings, structures, and uses will be operated and maintained. The zoning ordinance establishes separate districts, each of which is an appropriate area for the location of uses which are permitted in that district. It is necessary and consistent with the establishment of these districts that nonconforming buildings, structures, and uses not be permitted to continue without restriction. Furthermore, it is the intent of this section that all nonconforming uses shall be eventually brought into conformity.

## Any structure or use lawfully existing upon the effective date of this ordinance that does not conform to the provisions of this ordinance shall not be enlarged, expanded or intensified but may be continued at the size and in the manner of operation existing upon such date except as hereinafter specified or, subsequently amended.

## Nothing in this ordinance shall prevent the placing of a structure in safe condition when said structure is declared unsafe by the zoning administrator.

## No nonconforming building, structure or use shall be moved to another lot or to any other part of the parcel, or lot upon which the same was constructed or was conducted at the time of this ordinance adoption, unless such movement shall bring the nonconformance into compliance with the requirements of this ordinance.

## When any lawful nonconforming use of any structure or land in any district has been changed to a conforming use, it shall not thereafter be changed to any nonconforming use.

## A lawful nonconforming use of a structure or parcel of land may be changed to lessen the nonconformity of use. Once a nonconforming structure or parcel of land has been changed, it shall not thereafter be so altered to increase the nonconformity.

## If any nonconforming use or structure is destroyed by fire or other peril to the extent of greater than 50 percent of its market value, and no site permit has been applied for within 180 days of when the property is damaged, the Township may impose reasonable conditions upon the site permit in order to mitigate any newly created impact on adjacent property. The market value of a structure shall be determined by the County Assessor.

## Normal maintenance of a building or other lawful nonconforming use is permitted, including necessary non-structural repairs and incidental alterations which do not physically extend or intensify the nonconforming use.

## Alterations may be made to a building or other lawful nonconforming residential units when they will improve the livability thereof, provided they will not increase the number of dwelling units or size or volume of the building.

## Any proposed structure which will, under this ordinance, become nonconforming but for which a site permit has been lawfully granted prior to the effective date of this ordinance, may be completed in accordance with the approved plans; provided construction is started within sixty (60) days of the effective date of this ordinance. Such structure and use shall thereafter be a legally nonconforming structure and use.

## Any nonconformity or occupancy that is discontinued for a period of more than one year shall not be reestablished and any further use shall be in conformity with this ordinance.

# ADMINISTRATION AND ENFORCEMENT

## Administrating officer. This ordinance shall be administered and enforced by the zoning administrator, who shall be appointed by the board.

## Duties of the zoning administrator. The zoning administrator shall enforce the provisions of this ordinance and shall perform the following duties.

### Determine that all site permits comply with the terms of this ordinance.

### Require a copy of an approved sewer permit application or certificate of compliance from the Pine County Zoning administrator before issuing any site permits which could affect sewage and wastewater treatment requirements. These include, but are not limited to, site permits for new dwellings or bedroom additions to existing dwellings and interim use permits for an accessory residence.

### Issue land use permits after determination of above.

### Maintain permanent and current records of this ordinance, including but not limited to, all maps, conditional uses, amendments, and other matters to the designated official bodies.

### Receive, file and forward all applications for appeal, variances, conditional uses, amendments, and other matters to the designed official bodies after collection of any deposit determined to be required for any such application.

### If any information is missing which is needed to process the application, return all submitted forms and fees to the applicant within 15 business days with a written notice of what is needed when the application is resubmitted in order to extend the commencement of the 60 day rule under M.S. 15.99.

### Report to the board known violations to any provisions of this ordinance or permits issued with recommendations for any appropriate actions or proceedings against a violator as provided by law.

## Site permit requirements.

### Scope. From and after the effective date of this ordinance, it shall be unlawful to proceed with the construction or placement of any building, new septic system, structure or manufactured home without first obtaining a site permit. Dwelling size must meet requirements of Subd. 4.6 H. No site permit is required for a structure of less than sixty-four (64) square feet, used for other than dwelling, such as dog house, lumber shed, etc. however such structure must meet all setback requirements of this ordinance.

### Application. Request for a site permit shall be filed with the zoning administrator on an official application form. Each application for a site permit shall be accompanied by a site plan drawn showing the dimensions of the lot to be built upon, the size and location of all principal and accessory buildings or structures and parking spaces, and such additional information deemed necessary for the proper review and enforcement of this ordinance and any other applicable building codes.

### Survey Required. The Zoning Administrator shall require a survey as part of the application when the property is undeveloped or when the location of property lines are in question.

### Issuance of site permit. The zoning administrator shall issue the site permit only when the plans comply with this ordinance and other applicable Township ordinances.

### Lapse of site permit. All work authorized by a site permit shall be completed within 1 year after the date of the granting of said permit. In the event the work is not complete, the applicant or owner may request in writing an extension of said permit for a period of 1 year. The request for an extension shall state the reasons the construction was not completed within the initial 1 year term and state a time schedule for completion of the work authorized by said permit. There shall be no charge for the filing of such an extension. After one (1) extension an additional site permit must be purchased for completion of any additional work.

### Normal maintenance. Normal maintenance to principle or accessory buildings or structures such as repair or replacement of roofing, eave troughs, septic system etc. will not require a site permit. Any repair or replacement that alters building or structure design dimensions shall require a site permit. If the board determines that there has been a violation of this provision, a violation tag will be issued forcing compliance to the provisions of this ordinance. The scope of this provision is to encourage property owners to maintain their buildings and structures in proper order and repair as to enhance both their and the community appearance and property values.

## Fees.

### A fee schedule based on the cost of administering the regulations shall be adopted by the Board of Supervisors at their Annual Township Meeting. A copy of the current fee schedule can be obtained from the clerk and will be posted at the Township Hall.

### A base fee per each application for a site, conditional or interim use permit, amendment, variance, or appeal, shall be paid by all applicants at the time the application is filed with the zoning administrator.

### In order to defray any additional cost of processing applications for a conditional use permit, interim use permit, amendment, variance or appeal, all applicants shall pay the total cost of staff and/or consulting time spent in producing materials for the applicant’s request, and all materials for said request.

#### “Materials” shall include, but not be limited to maps, graphs, charts, drawings etc., and all printing or reproduction of same.

#### “Staff and/or consulting time” shall include any time spent in either researching or actual production of materials.

#### The zoning administrator will provide the applicant a reasonable estimate of project time and/or material costs prior to production of any materials and the hourly rate from the fee schedule for “staff and/or consulting time”.

### An initial deposit amount to cover Township costs for estimated staff or consulting time and special materials will be established by the zoning administrator. The applicant will be sent a notice requesting payment of the initial deposit within ten (10) business days of the time the application is presented for filing.

### The base fee shall be payable at the time the application is filed with the zoning administrator. Base fees are not refundable unless the applicant submits a written request to withdraw an application within 30 days after the notification of the need for payment of an initial deposit. A deposit to cover additional costs is refundable to the extent that it exceeds actual costs incurred up to the point in time the application is either approved, denied or the zoning administrator receives a written request to withdrawn the application.

### When actual costs incurred in processing an application are equal to or greater than the amount deposited, the zoning administrator will contact the applicant and provide a revised estimate of additional costs expected. The applicant can either make an additional deposit to cover these costs or withdraw the application.

## Pine County shall be responsible for the administration on all applicable County ordinance and regulations, including those addressing shorelands and onsite sewage treatment systems.

# BOARD OF ADJUSTMENTS AND APPEALS

## Creation and Membership. A Board of Adjustments and Appeals is hereby established and vested with such authority as is hereinafter provided and as provided by Minnesota Statutes. The Board shall consist of all members of the Township Board of Supervisors. The Chairman of the Township Board of Supervisors will act as the Chairman of the Board of Adjustments and Appeals. The Zoning Administrator may act as Secretary of the Board.

The Board of Adjustments and Appealsshall adopt rules for the transaction of its business and shall keep a public record of its transactions, findings and determinations.

The meetings of the Board of Adjustments and Appealsshall be held at the call of the Chairman and at such other times as the Board in its rules of procedure may specify.

## Powers. The Board of Adjustments and Appeals shall have the power to decide the following:

### To hear and decide appeals, where it is alleged that there is an error in any order, requirement, decision, or determination made by an administrative official in the enforcement of the zoning ordinance.

### To hear and decide requests for variances from the literal provisions of this ordinance in any instance where their strict enforcement would cause undue hardship because of circumstances unique to the individual property under consideration. No variance or modification of the uses provided for within a district shall be allowed, except as otherwise provided in this ordinance. A variance must be initiated by filing the request with the zoning administrator and will be processed following the procedure specified in Appendix E.

### To interpret zoning district boundaries on official zoning maps.

### To permit the extension of a zoning district where the boundary line thereof divides a lot in one ownership at the time of the passage of this ordinance, but such extension of any district shall not exceed one hundred (100) feet.

# INTERIM USE PERMITS

## Procedure. The application form for an interim use permit can be obtained from the zoning administrator.

### Request for interim use permits, as provided within this ordinance, shall be filed with the zoning administrator on an official application form. Such application shall also be accompanied by the fee and copies of any detailed written and graphic materials needed to fully explain the proposed use.

### The zoning administrator shall determine if any information is missing that is needed to process the application or will set a date for a public hearing of the use at a regular board meeting to review said application, along with all related information. Within fifteen (15) business days of the filing, the zoning administrator will send the applicant a notice which includes the date the request was received (i.e. filing date) and one of the following:

#### A list of missing information or fees needed to process the application.

#### The board meeting date.

### The zoning administrator will have the clerk place a review of the use on the agenda for the next regular board meeting unless the report is received within fifteen (15) business days of said meeting, in which case the review will be placed on the agenda of the regular meeting following the next regular meeting.

### Notice will be mailed not less than ten (10) days prior to the date of the board meeting to each owner of affected property, owners of adjacent property and those properties situated wholly or partly within a quarter mile of the property to which the use relates. For the purpose of giving mailed notice, the person responsible for mailing the notice may use any appropriate records to determine the names and addresses of owners.

### A copy of the notice and a list of the owners and addresses to which the notice was sent shall be attested to by the responsible person and shall be made a part of the records of the proceedings. The failure to give mailed notice to individual property owners or defects in the notice shall not invalidate the proceedings, provided a bona fide attempt to comply with notification requirements has been made.

### The applicant or a representative thereof shall appear at the board meeting in order to answer questions concerning the proposed use.

### The board shall receive comments from attendees at the board meeting and written responses to the notification of the meeting and will approve or disapprove the request based upon whether the use is consistent with the intent and purpose of this ordinance after due consideration of any objections or support received during the meeting.

### The board shall have the authority to establish conditions that will be required for the issuance of the interim use permit when it is deemed necessary and appropriate.

### A motion to approve the request shall require passage by a majority of the board as may be required by law. The board may deny the request and state the reasons on the record and defer adopting the written findings until their next meeting as long as the next meeting is within the 60/120 day time limit. The written findings adopted at the next meeting must be consistent with the reasons for the denial as stated on the record at the time of the denial.

### The Zoning Administrator shall notify the applicant in writing of the board’s action, including the reasons stated for a denial if the request was denied.

## Duration. An interim use permit shall expire and be considered null and void one year after the final decision to grant the interim use permit if the use has not been established unless a petition for extension of time to establish the use has been granted by the Township Board.

## Performance bond. The board shall have the authority to require a surety bond, cash escrow, certificate of deposit, securities, irrevocable letter of credit, or cash deposit prior to the issuing of an interim use permit. The form of security shall be determined in the sole discretion of the Board.

### The board may hold the security for the duration of the permit term and until the terms of the permit have been verified by the zoning administrator.

### Failure to comply with the terms of the interim use permit and with the ordinance will result in termination of the permit and forfeiture of the security.

## Criteria for Considering an Interim use Permit. The criteria for considering an interim use permit shall be the same as for conditional use permit as provided for in Subd. 15.1 G of this ordinance.

## Termination. An interim use permit shall terminate upon the occurrence of any of the following events, whichever occurs first:

### The termination date or event stated in the permit; or

### The interim use permit is revoked following the procedures in Subd 13.3 of this ordinance for the revocation of a conditional use permit.

## Subd. 14.6. Reapplication. No application for the same interim use permit for a particular use on a particular parcel of land shall be resubmitted for a period of twelve (12) months from the date of a denial of the previous application.

# CONDITIONAL USE PERMITS

## Procedure. The application form for a Conditional Use Permit can be obtained from the zoning administrator.

### Request for conditional use permits, as provided within this ordinance, shall be filed with the zoning administrator on an official application form. Such application shall also be accompanied by the application fee and copies of any detailed written and graphic materials needed to fully explain the proposed development or use.

### The zoning administrator shall determine if any information is missing that is needed to process the application or will set a date for a public hearing of the planning commission at the Township hall to review said application, along with all related information. Within fifteen (15) business days of the filing, the zoning administrator will send the applicant a notice which includes the date the request was received (i.e. filing date) and one of the following:

#### A list of missing information or fees needed to process the application.

#### The public hearing date.

### Notice of such hearing shall be published as provided by state law at least ten (10) days prior to the date of the hearing. Such notice will be mailed not less than ten (10) days prior to the date of the hearing to each owner of affected property and property situated wholly or partly within 1/4 mile of the property to which the conditional use relates. For the purpose of giving mailed notice, the person responsible for mailing the notice may use any appropriate records to determine the names and addresses of owners.

### A copy of the notice and a list of the owners and addresses to which the notice was sent shall be attested to by the responsible person and shall be made a part of the records of the proceedings. The failure to give mailed notice to individual property owners or defects in the notice shall not invalidate the proceedings, provided a bona fide attempt to comply with notification requirements has been made.

### The planning commission shall consider the request and receive comments from attendees at the public hearing and written responses to the notification of the public hearing. The applicant or a representative thereof shall appear at the hearing in order to answer questions concerning the proposed conditional use.

### The planning commission and Township staff shall have the authority to suspend the hearing in order to request additional information from the applicant concerning operational factors or to retain expert testimony with the consent and at the expense of the applicant, said information to be declared necessary to establish performance conditions in relation to all pertinent sections of the ordinance. If additional information or expert testimony is requested it may be necessary to send the applicant written notice of an extension to the 60 day rule.

### Within fourteen (14) days from the conclusion of the public hearing (or the meeting resulting from the board referring the report back to the planning commission) the planning commission shall consider the request, make findings of fact, and produce a report of its recommendations for actions or conditions relating to the request, said report to be filed with the clerk.

#### The planning commission shall consider possible adverse effects of the proposed conditional use. Its judgment shall be based upon (but not limited to) the following general factors:

##### Relationship to the Township’s Comprehensive Plan.

##### The geographical area involved.

##### Whether such use will tend to or actually depreciate the area in which it is proposed.

##### The character of the surrounding area.

##### The demonstrated need for such use

##### The proposed use is or will be compatible with present and future land uses of the area.

##### The proposed use conforms to all performance standards contained in this ordinance and the requirements of any other applicable Rule or Statute.

##### The effect of the proposed use on groundwater, surface water and air quality.

##### The proposed use can be accommodated with existing public services and will not overburden the Township’s service capacity.

##### The traffic generated by the proposed use is within the capabilities of the roads serving the property.

##### The general health, safety and welfare of the residents.

#### In considering conditional use requests, the planning commission shall evaluate the use, using criteria including but not limited to the following:

##### The land area and setback requirements of the property containing such a use or activity shall be the minimum established for the district.

##### When abutting a residential use, the property shall be appropriately screened and landscaped.

##### Where applicable, all Township, county, state and federal laws, regulations and ordinance shall be complied with and all necessary permits secured.

##### All signs shall not adversely impact adjoining or surrounding residential uses.

##### Adequate off-road parking and loading areas shall be provided. Such parking and loading shall be screened and landscaped from abutting residential uses.

##### The public road serving the use or activity is of sufficient design to accommodate the proposed use or activity, and such use or activity shall not generate such additional extra traffic to create a nuisance or hazard to existing traffic or to surrounding land uses.

##### All access roads, driveways, parking areas, and outside storage, service, or sales areas shall be surfaced or grassed to control dust and drainage.

##### All open and outdoor storage, sales and service areas shall be screened from view from public roads and from abutting residential uses.

##### All lighting shall be designed as to have no direct source of light visible from adjacent residential areas or from public roads or constitute light pollution.

##### The use or activity shall be properly drained to control surface water runoff and prevent erosion.

##### The architectural appearance and functional plan of the building and site shall not be so dissimilar to the existing building or area as to cause impairment in property values or constitute a blighting influence.

##### Where structures combine residential and nonresidential uses, such uses shall be separated and provided with individual outside access, and the uses shall not conflict in any manner.

### All conditions pertaining to a specific site are subject to change when the planning commission or board, upon investigation, finds that the community safety, health, welfare and public betterment can be served as well or better by modifying the conditions.

### Upon receiving the report of recommendations from the planning commission, the Zoning Administrator shall place a review of the report on the agenda for the next regular board meeting that occurs at least two (2) business days after all board members have received a copy of the report. The report shall be entered in and made part of the permanent written record of the board meeting.

### Upon receiving the report and recommendation of the planning commission, the board shall take one of the following actions:

#### Approve or disapprove the request as recommended by the planning commission, based upon whether the application meets the requirements stated in this ordinance.

#### Approve or disapprove the recommendation of the planning commission with modifications, alterations or differing conditions. Such modifications, alterations or differing conditions shall be in writing and made part of the board’s records.

#### Refer the report back to the planning commission for clarification of one or more of their recommendations or to address additional issues identified by the board. This action will most likely require a written notice of an extension to the 60 day rule to be sent to the applicant.

### A motion to approve the request shall require passage by a majority of the board as may be required by law. The board may deny the request and state the reasons on the record and defer adopting the written findings until their next meeting as long as the next meeting is within the 60/120 day time limit. The written findings adopted at the next meeting must be consistent with the reasons for the denial as stated on the record at the time of the denial.

### The Zoning Administrator shall notify the applicant in writing of the board’s action, including the reasons stated for a denial if the request was denied.

### The recommendation of the planning commission shall be advisory to the board. The decision of the board shall be final subject to judicial review

### The Zoning Administrator will send the applicant a copy of the conditional use order within 5 business days of the board’s decision and file a copy with the county recorder for each parcel affected by the order.

## Performance bond. The board shall have the authority to require a performance or surety bond, cash escrow, certificate of deposit, securities, irrevocable letter of credit, or cash deposit when it is deemed necessary and appropriate. The form of security shall be determined in the sole discretion of the Board.

### Except in the case of non-income producing residential property, upon approval of a conditional use permit the board may require the Township to be provided with a surety bond, cash escrow, certificate of deposit, securities, or cash deposit prior to the issuing of site permits or initiation of work on improvements or development required by the terms of the permit.

### The security may be in the amount of the board’s estimated costs of labor, materials and legal fees needed to enforce the terms of the permit.

### The board may hold the security until completion of all improvements and developments required by the terms of the permit have been verified by the zoning administrator.

### Failure to comply with the terms of the conditional use permit and with the ordinance will result in forfeiture of the security.

## Revocation of Conditional Use Permit.

1. A violation of any condition set forth in a conditional use permit shall be a violation of both the permit and this ordinance.
2. Failure to correct a violation within thirty (30) days of written notice from the Township shall be grounds to revoke a conditional use permit through the following procedure:

#### The Planning Commission may recommend, and the Township Board may direct, the revocation of any conditional use permit for cause upon determination that the authorized conditional use is not in conformance with the conditions of the permit or is in continued violation of this ordinance or other applicable regulations.

#### The Zoning Administrator shall notify the responsible person that they have an opportunity to show cause why the permit should not be revoked.

#### The planning commission shall hold a public hearing in the same manner to that required for a new conditional use permit.

#### Within 21 days of closing the public hearing the Planning Commission shall make findings of fact and recommendations to the Township Board.

#### The Township board shall revoke the conditional use permit, make a finding that a violation does not exist, or modify the conditions of the conditional use permit so that a violation no longer exists

#### The Zoning Administrator shall provide written notice of the Township Board’s decision to the permit holder. If the permit is revoked a notice will also be filed with the County Recorder.

## Expiration of Conditional Use Permit. A conditional use permit shall expire and be considered null and void one year after the final decision to grant the conditional use permit if the use has not been established unless a petition for extension of time to establish the use has been granted by the Township Board. Such extension shall be requested in writing and filed with the Zoning Administrator at least thirty (30) days before the expiration of the one-year period. The request for extension shall state facts showing a reasonable cause for the necessity of the request. Upon expiration of a permit, the Zoning administrator will provide written notice to the permit holder and to the County Recorder.

## Reapplication. No application for the same conditional use permit for a particular use on a particular parcel of land shall be resubmitted for a period of twelve (12) months from the date of a denial of the previous application.

# AMENDMENTS

## Amendments – initiation. The board or planning commission may, upon their own motion, initiate a request to amend the text or the district boundaries of this ordinance. Any person owning real estate within the Township may initiate a request to amend the district boundaries or text of this ordinance so as to affect the said real estate.

## Procedure. The application form for an amendment can be obtained from the zoning administrator.

### Request for amendments as provided within this ordinance, shall be filed with the zoning administrator on an official application form. Such application shall also be accompanied by the application fee and copies of any detailed written and graphic materials needed to fully explain the proposed change.

### If the request is to allow a use that is currently prohibited the applicant can supply a suggested list of criteria for evaluation of the use and a suggested list of conditions that should apply to such a use. If no such list is provided or is determined by the Planning Commission, Board or Township attorney to be inadequate, the applicant may be charged for the consultants used by the Township to develop the list.

### The zoning administrator shall determine if any information is missing that is needed to process the application or will set a date for a public hearing of the planning commission at the Township hall to review said application, along with all related information. Within fifteen (15) business days of the filing, the zoning administrator will send the applicant a notice which includes the date the request was received (i.e. filing date) and one of the following:

#### A list of missing information or fees needed to process the application.

#### The date of a public hearing on the application.

### Notice of such hearing shall be published as provided by state law at least ten (10) days prior to the date of the hearing. When an amendment involves changes in district boundaries affecting an area of five acres or less, a similar notice shall be mailed at least ten (10) days before the day of the hearing to each owner of affected property and property situated wholly or partly within 1/4 mile of the property to which the amendment relates. For the purpose of giving mailed notice, the person responsible for mailing the notice may use any appropriate records to determine the names and addresses of owners.

### A copy of the notice and a list of the owners and addresses to which the notice was sent shall be attested to by the responsible person and shall be made a part of the records of the proceedings. The failure to give mailed notice to individual property owners or defects in the notice shall not invalidate the proceedings, provided a bona fide attempt to comply with notification requirements has been made.

### The planning commission shall consider the request and receive comments from attendees at the public hearing and written responses to the notification of the public hearing. The applicant or a representative thereof shall appear at the hearing in order to answer questions concerning the proposed amendment.

### Within fourteen (14) days from the date of the public hearing (or the board meeting referring the report back to the planning commission) the planning commission shall make findings of fact and produce a report of these facts and its recommendations, said report to be filed with the clerk.

### Upon receiving the report of facts and recommendations from the planning commission, the clerk shall send copies of the report to all board members and place a review of the report on the agenda for a special board meeting at the applicant’s expense or the next regular board meeting that occurs at least two (2) business days after all board members have received a copy of the report. If that board meeting to consider the request will be more than 60 days from the filing date of the application the clerk shall send the applicant a notice of extension to the 60 day rule. The report shall be entered in and made part of the permanent written record of the board meeting.

### Upon receiving the report and recommendation of the planning commission, the board shall take one of the following actions:

#### Approve or disapprove the request as recommended by the planning commission, based upon whether the application meets the requirements stated in this ordinance.

#### Approve or disapprove the recommendation of the planning commission with modifications or alterations. Such modifications or alterations shall be in writing and made part of the board’s records.

#### Refer the report back to the planning commission for clarification of one or more of their recommendations or to address additional issues identified by the board. This action will most likely require a written notice of an extension to the 60 day rule to be sent to the applicant.

### A motion to approve the request shall require passage by a majority of the board as may be required by law. The board may deny the request and state the reasons on the record and defer adopting the written findings until their next meeting as long as the next meeting is within the 60/120 day time limit. The written findings adopted at the next meeting must be consistent with the reasons for the denial as stated on the record at the time of the denial. If the Board cannot due to the timing defer the written findings to the next meeting it must make the written findings at the hearing in which the request is denied.

### The Zoning Administrator shall notify the applicant in writing of the board’s action, including the reasons stated for a denial if the request was denied.

### The recommendation of the planning commission shall be advisory to the board. The decision of the board shall be final subject to judicial review.

### The zoning administrator will create an amendment document with the description of approved amendments that references the date of the motion approving the amendment and add this to the Township’s zoning ordinance book along with the affidavit of mailing of any notices, affidavit of publication of the notice of the public hearing and the affidavit of publication of the amendment.

### Copies of the amendment and affidavits will be filed with the county recorder and the county law library.

## Reapplication. No application for the same zoning amendment for a particular parcel of land shall be resubmitted for a period of twelve (12) months from the date of a denial of the previous application, provided, however, that the board on its own motion may initiate the same zoning amendment within said twelve month period.

# APPEALS

## Appeals. An appeal must be initiated by filing the request with the zoning administrator within 30 days after the decision to be appealed or alleged error was made.

## Procedure.

### Requests appeals shall be filed with the zoning administrator on an official application form within 30 days of the action being appealed. Such application shall also be accompanied by the fee and copies of any detail written or graphic materials needed to fully explain the appeal.

### The zoning administrator will set a date for hearing with of the board of adjustment and appeals at the Township hall to review said application, along with all related information. Within fifteen (15) business days of the filing, the zoning administrator will send the applicant a notice which includes the date the request was received (i.e. filing date) and the hearing date or a list of missing information or fees needed to process the application. This hearing must occur within 60 days of the filing of the completed application

### The applicant or a representative thereof shall appear at the hearing in order to answer questions concerning the request.

### The board of adjustment and appeals will approve or disapprove an appeal at the hearing. A motion to approve the request shall require passage by a majority of the board of adjustment and appeals as may be required by law.

### The Zoning Administrator shall notify the applicant in writing of the board’s action, including the reasons stated for a denial if the request was denied

### The decision of the board of adjustment and appeals is final subject to judicial review.

# VARIANCES

## Request for Variances.

### Requests for variances shall be filed with the zoning administrator on an official application form. Such application shall also be accompanied by the non-refundable application fee and copies of detail written or graphic materials fully explaining the proposed request.

### The application shall be accompanied by a site plan of the proposed variance showing such information as may be necessary or desirable, including, but not limited to the following:

#### The names and addresses of the petitioner or petitioners, and their signatures to the petition.

#### A specific description of the area for which the variance is requested and addresses of all owners of property lying within ¼ mile of such area, and owners of adjacent property, and a description of the property owned by each.

#### Proposed use of land for which variance is requested.

#### A statement of the compatibility of the proposed variance with the Township Comprehensive Plan.

#### A legal description of the property for which the variance is requested.

#### A detailed map of the property showing the location of proposed buildings, and dimensional variances requested, and existing land uses and buildings of adjacent properties

### The zoning administrator shall determine if any information is missing that is needed to process the application or will set a date for a public hearing at the Township hall of the planning commission to review said application, along with all related information. Within fifteen (15) business days of the filing submission, the zoning administrator will send the applicant a notice which includes the date the request was received (i.e. filing date) and one of the following:

#### A list of missing information or fees needed to process the application.

#### The public hearing date to occur within 21 days of the filing of the application.

### Notice of such hearing shall be published as provided by state law at least ten (10) days prior to the date of the hearing. Such notice will also be mailed not less than ten (10) days prior to the date of the hearing to each owner of affected property and property situated wholly or partly within 500 feet of the property to which the variance relates. For the purpose of giving mailed notice, the person responsible for mailing the notice may use any appropriate records to determine the names and addresses of owners.

### A copy of the notice and a list of the owners and addresses to which the notice was sent shall be attested to by the responsible person and shall be made a part of the records of the proceedings. The failure to give mailed notice to individual property owners or defects in the notice shall not invalidate the proceedings, provided a bona fide attempt to comply with notification requirements has been made.

### The planning commission shall consider the request and receive comments from attendees at the public hearing and written responses to the notification of the public hearing. The applicant or a representative thereof shall appear at the public hearing in order to answer questions concerning the request.

### Within fourteen (14) days from the conclusion of the public hearing (or the meeting resulting from the board of adjustment and appeals referring the report back to the planning commission) the planning commission shall make findings of fact and produce a report of these facts and its recommendations for actions or conditions relating to the request, said report to be filed with the clerk.

#### In considering requests for variances, the planning commission and board of adjustment and appeals shall make a finding of fact as to whether the request meets all of the following cases.

##### The proposed action will be in keeping with the spirit and intent of the Comprehensive Plan and Zoning ordinance.

##### The plight of the landowner is due to circumstances unique to his property and not created by the landowner.

##### The variance, if granted, will not alter the essential character of the locality or adversely impact the environment.

##### The variance requested is the minimum variance that would alleviate the hardship.

### If the variance request meets all of the conditions of items “a” through “d” above, the variance may be granted. Economic consideration alone shall not constitute an undue hardship.

### The board of adjustment and appeals may not permit as a variance any use which is not permitted within the zoning district that the property is located.

### Upon receiving the report of recommendations from the planning commission, the clerk shall schedule a meeting of the board of adjustment and appeals to review the report. Said meeting will occur within 60 days of the filing date of the completed application unless there is an extension to the 60 day rule and if possible will be on the same day as the next regular board meeting that occurs at least two (2) days after all board members have received a copy of the report. The report shall be entered in and made part of the permanent written record of the board of adjustment and appeals’ meeting.

### Upon receiving the report and recommendation of the planning commission, the board of adjustment and appeals shall take one of the following actions:

#### Approve or disapprove the request as recommended by the planning commission.

#### Approve or disapprove the recommendation of the planning commission with modifications, alterations, or differing conditions. Such modifications, alterations, or differing conditions shall be in writing and made part of the board of adjustment and appeals’ records.

#### Suspend the hearing in order to refer the report back to the planning commission for clarification of one or more of their recommendations or to address additional issues identified by the board of adjustment and appeals. This action will most likely require a written notice of an extension to the 60 day rule to be sent to the applicant.

### A motion to approve the request shall require passage by a majority of the board as may be required by law. The board may deny the request and state the reasons on the record and defer adopting the written findings until their next meeting as long as the next meeting is within the 60/120 day time limit. The written findings adopted at the next meeting must be consistent with the reasons for the denial as stated on the record at the time of the denial. If the Board cannot due to the timing defer the written findings to the next meeting it must make the written findings at the hearing in which the request is denied.

### The Zoning Administrator shall notify the applicant in writing of the board of adjustment and appeals’ action, including the reasons stated for a denial if the request was denied.

### All reports and decisions of the planning commission shall be advisory to the board of adjustment and appeals. The decisions of the board of adjustment and appeals shall be final subject to judicial review

### The Zoning Administrator will send the applicant a copy of the variance order within 5 business days of the board’s decision and file a copy with the county recorder for each parcel affected by the variance order.

### In the case of denial of the application, the applicant cannot reapply for the same variance within one year of the Board action.

# PENALTIES AND VIOLATIONS

## Any person who violates any provision of this ordinance shall upon conviction thereof, be imprisoned for a term and/or fined an amount determined by the court for a misdemeanor violation plus the costs of prosecution. Each day a violation continues to exist is deemed a separate punishable offense under this ordinance. The Township may, in its discretion, seek any civil remedies available to it as well, including injunctive relief or abatement. Each right or remedy accruing to the Township under this ordinance or at law is separate and distinct and may, in the Township’s discretion, be exercised independently or simultaneously with any other right or remedy.

## Civil Remedies

In addition to or as an alternative remedy to the penalties set forth in Subd. 1, the Township may elect to pursue a civil action against landowners, persons in possession of property, and/or occupants who are in violation of this Ordinance upon the following provisions:

1. If the Zoning Administrator finds that any landowner, person in possession of property, and/or occupant subject to the provisions of this Ordinance is in violation of the provisions of this Ordinance the landowner, person in possession including any occupant shall be notified of the violation in writing.
2. If the landowner, person in possession of property, and/or occupant fails to take action to fully and finally bring the property into compliance with the Ordinance within the time allowed by the Township the matter shall be referred to legal counsel who shall initiate a District Court proceeding setting forth the violation, a demand for remediation, correction, abatement or such other and further relief as will end the violation and for legal fees, administrative fees, costs and expenses, and for such actual costs as will be incurred by the Township in undertaking the corrective work, remediation, abatement, or other required work.
   1. Recovery of Costs. The owner of the land shall be personally liable for the costs incurred by the Township for remediation, correction, abatement or other action necessitated by the violation including legal and administrative fees and costs. Upon completion of work performed or directed by the Township, the Township shall prepare an invoice for the fees, costs, and expenses and mail it to the owner of the land. The amount invoiced shall be immediately due and payable at the Township hall.
   2. Assessment. If the Township is not fully reimbursed for all its reasonable costs incurred in the remediation, correction, abatement or other relief required to terminate a violation hereunder, said cost may be assessed in the manner of a special assessment under Minnesota Statutes Chapter 429 against the lot or property to which the costs, charges, and fees are attributed. The Township Board shall certify the assessment to the County Auditor for collection along with the real estate taxes for the following year or in annual installments, not exceeding three (3) years, as the Township Board may determine in each case.

## There will be a penalty charge plus the cost of the site permit fee for any person who does not apply for a site permit, when required according to this ordinance. The amounts of the penalty and fees shall be set at the annual Township Meeting.

## In the event any work or activity for which a permit is required is commenced without obtaining same, no application for a permit for additional or different work, use or activity will be accepted or processed without first obtaining a permit for the original work, use or activity.

# SEWAGE AND WASTEWATER TREATMENT

## Land application of septic tank pumping is prohibited without applicable license.

## Land application of biosolids is prohibited except for products that have been reviewed by the planning commission and approved by the board.

## Other sewage and wastewater treatment is controlled by Pine County ordinance and is administered and enforced by the county.

# EFFECTUATION

This Ordinance shall take effect and be in force from and after its passage according to law. Copies of this Ordinance shall be kept by the Township Clerk and shall be available for public inspection.

Sec.1 On \_\_\_\_\_\_\_\_\_\_\_ a Public Hearing was called by the Mission Creek Township Planning Commission for the date of \_\_\_\_\_\_\_\_\_\_\_\_\_\_.

Sec. 2 Notice of this Public Hearing was published, as required, by the Township Clerk, in the \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, the official newspaper of record for Mission Creek Township, and copies of these proposed ordinances were made available at Mission Creek Township Hall.

Sec. 3 A public hearing was held by the Township of Mission Creek Planning Commission on \_\_\_\_\_\_\_\_, 20\_\_\_\_.

Sec. 4 Following the public hearing, a motion was made by Planning Commissioner \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, and seconded by Planning Commissioner \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, to approve and forward these proposed ordinances to the Mission Creek Township Board of Supervisors.

Sec. 5 At the Mission Creek Township Board of Supervisors meeting on \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, Supervisor \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ moved the adoption of these ordinances, and Supervisor \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ duly seconded the motion and it was adopted with the following vote:

Yeas: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Nays: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Absent: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Abstaining: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Sec. 6 The Clerk of Mission Creek Township is hereby instructed to record this adopted and signed document with the Pine County Recorder.

Sec. 7 These Ordinances were declared adopted and shall take effect and be in full force on the \_\_\_\_\_ day of \_\_\_\_\_\_, 20\_\_\_\_, as declared by the Township Board of Supervisors for the Township of Mission Creek.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Chair of the Board of Supervisors

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Attest: Clerk

STATE OF MINNESOTA )  
 ) ss.

COUNTY OF \_\_\_\_\_\_\_\_\_\_\_\_ )

This instrument was acknowledged before me, a notary public, by \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, the Chair of the Board of Supervisors of Mission Creek Township, and \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, the Clerk of Mission Creek Township this \_\_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Signature of Notary

This document has been drafted by the Mission Creek Township Planning Commission with the assistance of the East Central Regional Development Commission, Mora, MN.

**ORDINANCE NO. 001**

**AN ORDINANCE REGULATING BLIGHT AND PUBLIC NUISANCES WITHIN THE TOWNSHIP OF MISSION CREEK, PINE COUNTY, MINNESOTA**

**THE BOARD OF SUPERVISORS OF THE TOWNSHIP OF MISSION CREEK, MINNESOTA DOES ORDAIN:**

**ARTICLE I.**

**BLIGHT AND NUISANCES**

**Generally**

**Sec. 1.1. Additional remedies.**

The penalties and remedies provided in this article for the elimination of blight and the abatement of nuisances and offensive conditions are in addition to any other penalty or remedy provided by ordinance, statute, or at common law. Any other penalty or remedy provided by ordinance, statute, or at common law shall not be construed as a limitation upon the penalties and remedies as provided in this article, nor shall the remedies and penalties provided in this article be construed as a limitation on any penalties or remedies available by other ordinance, statute, or at common law.

**ARTICLE II**

**PROHIBITED CONDITIONS**

**Residential Areas**

**Sec. 2.2. Purpose.**

It is hereby found and declared that:

1. Areas of the Township are or may become blighted with the resulting impairment of taxable values upon which, in large part, Township revenues depend;
2. Such blighted areas are detrimental or inimical to the health, safety, morals, and general welfare of the citizens and to the economic welfare of the Township;
3. In order to improve and maintain the general character of the Township, it is necessary to rehabilitate such blighted areas;
4. The conditions found in blighted areas cannot be remedied by the ordinary operations of private enterprise with due regard to the general welfare of the public, without public participation;
5. The purposes of this division are to rehabilitate such areas by eliminating blight and blight factors within all areas of the Township for the protection of the health, safety, morals and general welfare of the Township; to preserve existing values of other properties within or adjacent to such areas and all other areas of the Township; and to preserve the taxable value of the property within such areas and all other areas of the Township; and
6. The necessity and the public interest for provisions set forth in this division are hereby declared as a matter of legislative determination to be a public purpose and for the protection of the health, safety and welfare of the residents of the Township.

**Sec. 2.21. Causes of blight, blighting factors, and public nuisance.**

It is hereby determined that the following uses, structures, activities, and conditions are causes of blight, blighting factors, and public nuisance which, if allowed to exist, will tend to result in blighted and undesirable neighborhoods. No person shall maintain or permit to be maintained any causes of blight, blighting factors, or public nuisance upon any property in the Township whether owned, leased, rented, or occupied by such person. Such blight, blighting factors, or public nuisances are as follows:

1. In the A/R District, the storage upon any property of more than 5 (five) junk automobiles, campers, motor homes, boats, pontoons, recreation vehicles and the like, except in a completely enclosed building. For the purpose of this division, the term "junk auto-mobiles" shall include any motor vehicle which is unlicensed for a period in excess of 30 days for use upon the roads and highways in the state and shall also include, whether so licensed or not, any motor vehicle which is inoperative for any reason for any period in excess of 30 days. At no time shall junk automobiles be stored on any street or alley.
2. In the Shoreland, Townsite, C-I Districts, the storage upon any property of more than 1 (one) junk automobiles, campers, motor homes, boats, pontoons, recreation vehicles and the like, except in a completely enclosed building. For the purpose of this division, the term "junk automobiles" shall include any motor vehicle which is unlicensed for a period in excess of 30 days for use upon the roads and highways in the state and shall also include, whether so licensed or not, any motor vehicle which is inoperative for any reason for any period in excess of 30 days. At no time shall junk automobiles be stored on any street or alley.
3. In any area zoned or used for residential purposes, the open storage upon any property, street or alley of building materials unless there is in force a valid site permit issued by the Township for construction upon such property and such materials are for use in connection with such construction. Building materials shall include but shall not be limited to lumber, bricks, concrete or cinder blocks, plumbing materials, electrical wiring or equipment, heating ducts or equipment, shingles, mortar, concrete or cement, nails, screws, or any other materials used for construction.
4. In any area zoned or used for residential purposes, the open storage or accumulation upon any property, street or alley of junk, trash, debris, rubbish or refuse of any kind, except domestic refuse stored in such a manner as not to create a nuisance for a period not to exceed seven days.
5. Domestic refuse shall be enclosed in sealed trash receptacles and located in such a manner that they shall not be visible from any public street or sidewalk whenever possible, except during normal collection schedules.
6. The term "junk" shall include but not be limited to parts of machinery or motor vehicles, tires, vehicle parts, unused stoves or other appliances stored in the open, remnants of wood, metal or any other material or other cast-off material of any kind whether or not the material could be put to any immediate reasonable use.
7. The term "open storage," as used in this division, shall mean such storage or accumulation which is visible from any public street or sidewalk or from any adjoining property.
8. In any area zoned or used for residential purposes, the failure to maintain the exterior of any building in a condition such that there are no broken windows and all windows are fully glazed without inserts or patches, exterior surfaces are kept clean and maintained.

Exterior surfaces shall be clean and free from accumulation of dirt, grime, or graffiti. Porches and stairs must be stable, free of cracked boards or block or not in any disrepair including broken or missing fascia boards, trim, shutters, porch skirting, or similar appurtenances. No storage, display or use of upholstered or other furniture or discarded automobile seats/parts on exterior porches, patios, or in the yard that were not designed and/or manufactured, sold, or normally intended for use as outdoor furniture.

1. In any area, the existence of any structure or part of a structure which, because of fire, wind, natural disaster, or physical deterioration, is no longer habitable as a dwelling nor useful for any other purpose for which it may have been intended.
2. In any area zoned or used for residential purposes, the existence of any storage containers, vacant dwelling, garage or other outbuildings, unless such structure is kept securely locked, there are no broken windows and all windows are fully glazed without inserts or patches, exterior surfaces are kept clean and painted where indicated, porches and stairs are stable and free of cracked boards or block or in any disrepair including broken or missing fascia boards, trim, shutters, porch skirting, or similar appurtenances, and are otherwise protected to prevent entry thereto by the elements or by unauthorized persons.
3. In any area zoned or used for residential purposes, the existence of any partially completed structure unless such structure is in the course of construction in accordance with a valid site permit issued by the Township and unless such construction is completed within a reasonable time defined as 12 months from date of issuance of site permit, along with any written extensions granted by the zoning administrator.
4. Landscaping of all residential areas shall be maintained in a manner so as not to cause visual barriers, safety hazards, erosion, environmental hazards, establishment of blight conditions or other code violations. Landscaping in a residential area shall consist, at a minimum, of the establishment of grass/sod to hold the earth and prevent dust and/or establishment of noxious weeds. The property owner shall ensure that the landscaping is maintained, that all lawns are mowed regularly, shrubs are trimmed so as not to provide a visual barrier/hazard to the front entrance and to provide a clear view of the front entrance, and that noxious weeds are eliminated.

**Commercial Areas**

**Sec 2.3. Applicability.**

In the interpretation of Sections 2.3 - 2-38 the provisions of Section 2.1- 2.21 shall apply.

**Sec 2.31. Definitions.**

The following words, terms and phrases, when used in Sections 2.32 - 2.36, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Commercial building* means any building or structure used for business purposes, including but not limited to office, retail, service and/or industrial building or structures.

*Parking lot* means all areas set aside or designed for the parking of motor vehicles or the loading and unloading of motor vehicles on the premises or in conjunction with a shopping center and includes all driveways, aisle ways or other areas supplementary thereto.

*Proprietor* means every owner, lessee, tenant, or other person having the right to possession of all or a portion of a shopping center or commercial building. Where there is more than one such person, all shall be jointly and severally obligated by the terms of this division.

*Shopping center* means one or more commercial buildings, whether or not under common ownership, which are operated as an entity or in cooperation with one another and which have common parking facilities.

**Sec 2.32. Buildings.**

The exteriors of all commercial buildings, or industrial buildings, or buildings located in any shopping center shall be maintained so as to present a neat and orderly appearance. There shall be no broken windows and all windows shall be fully glazed without inserts or patches, painted surfaces shall be kept properly painted, block, brick or other siding in good repair with no holes, lose or missing pieces. Exterior paint/stain shall be free from chipping or peeling. Exterior surfaces shall be clean and free from accumulation of dirt, grime, or graffiti and all other appropriate measures shall be taken to properly maintain the buildings. Where buildings within a shopping center are owned by separate entities, the obligations of this section shall fall only upon those persons responsible for the maintenance of the particular buildings which are not being maintained in accordance with this section.

**Sec. 2.33. Parking lots.**

Pursuant to this division, all parking lots shall be well maintained. The proprietor shall provide for snow removal services, in order that the parking lot will be reasonably available for use by the public.

**Sec. 2.34. Trash removal.**

Pursuant to this division, the proprietor shall provide for the removal of all waste, trash, rubbish or refuse of all kinds from the shopping center at regular intervals. Such intervals shall not exceed one week, and trash collections shall be made more often if necessary to prevent the accumulation of refuse so as to create a nuisance. Between collections, the refuse shall be stored in covered containers constructed in such a way as to prevent escape of the refuse..

**Sec. 2.35. Loose trash, rubbish or debris.**

Pursuant to this division, the proprietor shall be responsible for seeing to it that the premises of the shopping center or commercial building, including the parking lot and specifically including that part of any highway right-of-way adjoining the premises and not actually used for the travel of motor vehicles, are kept free of junk, trash, rubbish, debris or refuse of any kind. The proprietor shall see to it that the premises are cleaned of such debris or refuse or any such refuse which has blown on adjoining property at least each day and shall take all reasonable steps to provide containers for discards and to order his employees and encourage the public to use them.

**Sec. 2.36. Landscaping.**

Pursuant to this division, the proprietor shall install and maintain landscaping on all areas of the shopping center or commercial building premises not occupied by buildings, sidewalks, parking lots, driveways and similar surfacing. The requirement of landscaping also is specifically applicable to those parts of highway rights-of-way adjoining the shopping center or commercial building premises and not actually used for travel purposes. The proprietor shall maintain the landscaping and shall see that all lawns are mowed regularly, shrubs are appropriately trimmed and noxious weeds are eliminated.

**Noxious Weeds and Unlawful Growths Sec.**

**2.4. Noxious weeds.**

It shall be unlawful for the owner or occupant of any lot or parcel of land within the Township to allow to exist or maintain on any portion of such lot or land any growth of any noxious or poisonous weeds which may create a condition detrimental to the public health.

**Sec. 2.41. Unlawful growths.**

No owner or occupant of any lot or parcel of land within the Township shall allow or maintain on any portion of such lot or land any growth of brush, grass, or weeds or similar vegetation so as to create any unsightly, unhealthy, or unsafe condition. It shall further be the responsibility of any owner or occupant of any lot or parcel of land to maintain that portion of land adjacent to the property between the Township sidewalk and curb lines or edge of the roadway and the right- of-way areas, including lawn extensions. Brush, grass, or weeds or similar vegetation in excess of eight inches in height shall be presumed in violation of this section.

**ARTICLE Ill.**

**VEGETATION**

**Sec. 3.1. Prohibited vegetation.**

1. No owner of any lot or parcel of land or any person in possession or control of any lot or parcel of land within the Township shall allow or maintain upon any portion of such lot or land any growth of prohibited vegetation defined as grasses, weeds, brush, underbrush, or similar type of vegetation to a height of more than eight inches or the accumulation of dead grasses, weeds, brush, underbrush, or other similar type vegetation to a height of more than eight inches, so as to create an unsightly, unhealthy or unsafe condition or fire hazard.
2. Upon complaint of a violation of this section, it shall be the duty of the designated Township official to investigate such complaint and the premises complained of. After such investigation, if the designated Township official determines that the condition of the premises is such to be in violation of this section, he shall issue an order in accordance with the provisions of Section 5.1.

**ARTICLE IV.**

**DUTIES OF TOWNSHIP OFFICIALS.**

**Sec 4.1**

Township officials may apply and enforce any provision of this ordinance relating to blight or nuisance within this jurisdiction. Any peace officer or other designated Township official shall have the power to inspect private premises and take all reasonable precautions to prevent the commission and maintenance of blight or public nuisances. Except in emergency situations of imminent danger to human life and safety, no peace officer or designated Township official will enter private property for the purpose of inspecting or preventing public nuisances without the permission of the owner, resident, or other person in control of the property, unless the officer or person designated has obtained a warrant or order from a court of competent jurisdiction authorizing entry.

**ARTICLE V.**

**ABATEMENT PROCEDURE**

**Sec 5.1 Procedure.**

Whenever the peace officer or other designated Township official determines that blight or a public nuisance is being maintained or exists on the premises in the Township, the official shall notify in writing the owner of record or occupant of the premises of such fact and order that the blight and/or nuisance be terminated or abated. The notice of violation shall specify the steps to be taken to abate the blight and/or nuisance and the time within which the blight and/or nuisance is to be abated. If the notice of violation is not complied with within the time specified, the official shall report that fact forthwith to the Township Board of Supervisors. Thereafter, the Township Board of Supervisors may, after giving notice to the owner or occupant of such hearing and of the owner or occupant's right to be heard and present evidence at such hearing, conduct a hearing for the purpose of determining that the condition identified in the notice of violation is blight and/or a nuisance. If the Township Board of Supervisors determines that the condition on the property constitutes blight and/or a nuisance it shall issue an order directing that such blight/nuisance be abated within the time prescribed by the Township Board of Supervisors. The order shall direct that the Township shall have the right to enter onto the premises and take all steps necessary to abate the blight, blighting factors, or nuisance occurring thereon if the owner or occupant fails to do so within the time proscribed in the order.

**Sec 5.2 Notice.**

Written notice of the violation; notice of the time, date, place, and subject of any hearing before the Township Board of Supervisors; notice of the Township Board of Supervisors order shall be served by a peace officer or designated official on the owner of record or occupant of the premises either in person or by certified or registered mail. If the premise is not occupied, the owner of record is unknown, or if the owner of record or occupant refuses to accept notice, notice of the violation shall be served by posting it on the premises.

**Sec 5.3 Emergency procedure; summary enforcement.**

In cases of emergency, where delay in abatement required to complete the procedure and notice requirements as set forth in Sections 5.1 and 5.2 of this section will permit a continuing nuisance to unreasonably endanger public health, safety, or welfare, the Township Board of Supervisors may order summary enforcement and abate the nuisance. To proceed with summary enforcement, the peace officer or other designated official shall determine that a public nuisance exists or is being maintained on premises in the Township and that delay in abatement will unreasonably endanger public health, safety, or welfare. The officer or designated official shall notify in writing the occupant or owner of the premises of the nature of the nuisance, whether public health, safety, or welfare will be unreasonably endangered by delay in abatement required to complete the procedure set forth Section 4.1 and may order that the nuisance be immediately terminated or abated. If the nuisance is not immediately terminated or abated, the Township Board of Supervisors may order summary enforcement and abate the nuisance.

**Sec 5.4 Immediate abatement.**

Nothing in this section shall prevent the Township, without notice or other process, from immediately abating any condition that poses an imminent and serious hazard to human life or safety.

**Sec 5.5 Judicial remedy.**

Nothing in this Article shall prevent the Township from seeking a judicial remedy when no other adequate administrative remedy exists.

**ARTICLE VI.**

**RECOVERY OF COST.**

**Sec 6.1 Personal liability.**

The owner of the premises on which a nuisance or blighted condition has been abated by the Township, or a person who has caused a public nuisance or blighted condition on property not owned by that person, shall be personally liable for the cost to the Township of the abatement, including administrative costs. As soon as the work has been completed and the cost determined, the Township clerk or other Township official shall prepare a bill for the cost and mail it to the owner. Thereupon the amount shall be immediately due and payable at the office of the Township clerk.

**Sec 6.2 Assessment.**

After notice and hearing as provided in Minn. Stat. § 429.061, as it may be amended from time to time, if the nuisance or blighted condition is a public health or safety hazard on private property, the accumulation of snow and ice on public sidewalks, the growth of weeds on private property or outside the traveled portion of streets, or unsound or insect-infected trees, the Township clerk shall, on or before September 1 next following abatement of the nuisance, list the total unpaid charges along with all other such charges as well as other charges for current services to be assessed under Minn. Stat. § 429.101 against each separate lot or parcel to which the charges are attributable. The Township Board of Supervisors may then spread the charges against the property under that statute and any other pertinent statutes for certification to the county auditor and collection along with current taxes the following year or in annual installments, not exceeding ten (10}, as the Township Board of Supervisors may determine in each case.

**ARTICLE VII.**

**PENALTY.**

Any person convicted of violating any provision of this ordinance is guilty of a misdemeanor and shall be punished by a fine not to exceed one thousand dollars {$1,000.00} or imprisonment for not more than ninety (90} days, or both, plus the costs of prosecution in either case.

**ARTICLE VIII.**

**SEVERABILITY.**

If any provision of this ordinance is found to be invalid for any reason by a court of competent jurisdiction, the validity of the remaining provisions shall not be affected.

**ARTICLE IV.**

**EFFECTIVE DATE.**

This ordinance becomes effective on the date of its publication, or upon the publication of a summary of the ordinance as provided by Minn. Stat.,§ 412.191, subd. 4, as it may be amended from time to time, which meets the requirements of Minn. Stat. § 331A.01, subd. 10, as it may be amended from time to time.

**Ordained by the Board of Supervisors this \_\_\_\_ Day of \_\_\_\_\_\_, 202\_\_\_.**

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Chair, Board of Township Supervisors Attest: Township Clerk

**ORDINANCE NO. 002**

**AN ORDINANCE REGULATING ANTENNAS & WIND TOWERS WITHIN THE TOWNSHIP OF MISSION CREEK, PINE COUNTY, MINNESOTA**

**THE BOARD OF SUPERVISORS OF THE TOWNSHIP OF MISSION CREEK, MINNESOTA DOES ORDAIN:**

**Section 1 PURPOSE:** The purpose of this Section is to establish predictable, balanced regulations for the siting and screening of wireless communications equipment and wind towers in order to accommodate the growth of wireless communicating systems and wind energy within the Township Of Mission Creek while protecting the public against any adverse impacts on the Township's aesthetic resources and the public welfare. The provisions of this Section are intended to maximize the use of existing towers, structures, and buildings to accommodate new wireless telecommunication antennas and wind towers in order to minimize the number of towers needed to serve the community or area.

**Section 2 GENERAL STANDARDS:** The following standards shall apply to all personal wireless service, public utility, microwave, radio and television broadcast transmitting, radio and television receiving, satellite dish, short-wave radio transmitting and receiving antennas and wind towers, all hereafter known as Towers.

Subd. 1 Towers shall not be artificially illuminated unless required by law or by a governmental agency to protect the public’s health and safety. All towers shall use only red incandescent lights. No strobe lights, red or white, will be allowed.

Subd. 2. Tower support structures under two hundred (200) feet in height shall be painted a non-contrasting color consistent with the surrounding area, such as blue, gray, or brown to reduce visual impact.

Subd. 3. Towers shall be certified by a qualified and licensed professional engineer to conform to applicable state and national structural building standards.

Subd. 4. Towers shall be monopoles, self-supporting or guyed towers.

Subd. 5. Tower Painting - Towers shall comply with FAA requirements.

**SECTION 3: LAND USE**

Subd. 1. All towers require the granting of a conditional use permit by Mission Creek Township after completion of the application requirements of this Ordinance. If a conditional use permit is granted, a zoning (land use) permit is required for the tower and supporting facilities.

Subd. 2. All towers must meet the setback distance requirements of the underlying zoning district.

Subd. 3. Towers shall be permitted in all zoning districts.

**SECTION 4: TOWER SETBACKS**

Towers and all accessory structures or buildings shall conform to the following minimum setback requirements:

1. Towers shall be setback from all property lines an amount equal to the height of the structure;
2. Guy wires for towers shall meet the structure setback of the underlying zoning district.
3. In addition, towers shall have the following visual setbacks. Towers shall not be located within a distance of 1.5 times the tower height to any adjacent residential structure if residential structure and tower site are not under the same ownership.

**Section 5: EFFECTIVE DATE**

The Mission Creek Township Board of Supervisors ordains that this Ordinance shall be in full force and effect on the \_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_, 202\_\_\_. by the Board of Supervisors of Mission Creek Township

*By*

Chairperson of the Board

ATTEST:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Mission Creek Township Clerk

**ORDINANCE NO. 003**

**AN ORDINANCE REGULATING PLANNED UNIT DEVELOPMENTS (PUD) WITHIN THE TOWNSHIP OF MISSION CREEK, PINE COUNTY, MINNESOTA**

**THE BOARD OF SUPERVISORS OF THE TOWNSHIP OF MISSION CREEK, MINNESOTA DOES ORDAIN:**

**1. Purpose and location:**

The primary purpose of the Planned Unit Development (PUD) provisions is to allow flexibility and variation from conventional ordinance standards in exchange for higher standards of development design and creativity, architectural control, natural resource protection, landscaping, public parks, public and private open space protection, pedestrian access and multi-use corridor opportunities. The PUD provisions are also intended to promote the efficient use of land and promote cost-effective public and private infrastructure systems.

Public benefit: The public benefits to the surrounding neighborhood and the Township as a whole that are intended to be derived from the approval of a Planned Unit Development include, but are not limited to:

1. Preservation and enhancement of desirable site characteristics and open space.
2. A pattern of development which preserves natural vegetation, topographic and geologic features
3. Preservation and enhancement of historic and natural resources that significantly contribute to the character of the Township
4. Use of design, landscape or architectural features to create a pleasing environment or other special development features
5. Provision of a variety of housing types in accordance with the Township’s housing goals
6. Elimination of blighted structures or incompatible land uses through redevelopment or rehabilitation
7. Business and commercial development to enhance the local economy and strengthen the tax base
8. To assure that the development of a complex unit of associated uses is planned as a single entity and to effectuate the policies and standards of the Comprehensive Plan

**2. Rules and Standards:**

1. A PUD may be excluded from certain requirements when specifically approved as part of PUD. Such exclusions shall only be granted for the purpose of creating a better overall design and an improved living environment and not solely for the economic advantage of the applicant
2. The granting of a PUD does not alter in any matter the underlying zoning district uses. Site permits shall not be issued which are not in conformity with the approved PUD
3. A PUD may be applied for in the Beroun Township site, Shoreland and Agricultural / Residential districts within this Township, although development standards may differ among the zones.

**3. Development Standards:**

The development standards for a PUD shall be guided by the underlying zoning district and established with PUD approval with the exception of the following standards:

1. Minimum Area for a PUD all Districts. The minimum area for other districts is described in B below. The minimum total area required for a PUD shall be two and one-half (2 ½) acres of continuous upland (excluding wetlands). Tracts of land less than two and one-half acres may qualify only if the applicant can show that it is in the public interest and if one or both of the following conditions exist:
   * + 1. Unusual physical features of the property itself or of the surrounding neighborhood are such that development under the standard provisions of the normal district would not be appropriate in order to conserve a physical or terrain feature of importance to the neighborhood or community
       2. The property has been adjacent to or across the street from property that has been developed under the provisions of this section and will contribute to the amenities of the neighborhood
2. Open Space. A primary function for a PUD is to encourage development that preserves and enhances the natural characteristics and valuable natural resources of a site and not force intense developments that use all portions of a given site to arrive at the maximum intensity or density allowed. In evaluating each individual proposal, the recognition of this objective will be a basic consideration in granting approval or denial. All open space shall be labeled as such as to its intent or designed functions.

Clustered single-family detached dwellings shall have a least seventy-five (75) percent of the gross development parcel in common open space.

1. Sketch Plan Review. The applicant for a PUD shall first submit a sketch plan. Staff, the Planning Commission and Board of Supervisors shall review the sketch plan and give feedback to the applicant prior to the submission of a Preliminary Plan. The sketch plan shall include the following at a minimum:
2. Rough property boundary lines and any know significant topographical or physical features of the site;
3. Rough locations of all driveways, entrances, curb cuts, parking stalls, loading spaces, access aisles and all other circulation elements including bike and pedestrian;
4. Rough location, designation and total area of all common private open space and facilities;
5. Rough location, designation and area proposed to be conveyed or dedicated for public open space including parks, playgrounds, school sites and recreational facilities;
6. Rough location, use and size of structures and other land uses on subject and adjacent properties;
7. Where applicable, estimated number of residential dwelling units, expected population and estimated square footage, if any, of commercial and industrial floor space by type of activity;
8. Any other information that may have been required by the Township staff.

The timeframe for the Township action begins at the point of application for the preliminary plan review.

1. Preliminary Plan Review. The applicant for a PUD shall apply for a preliminary plan review. The Planning Commission shall make a recommendation to the Township Board of Supervisors to approve or deny the preliminary plan and the Board of Supervisors shall take final action on the application. Township Board of Supervisors approval of the Preliminary Plan indicates that the applicant can proceed to final plan review. The application for preliminary plan review shall be accompanied by supporting information as listed below or as deemed necessary by the Township to fully explain the property, the applicant and the proposed development. The application may include further information, as the applicant deems appropriate for the preliminary plan review for the proposed PUD. The Township may require additional information depending on the complexity of the proposal. The supporting information and an application form shall be submitted in a format as directed by the Township and, at a minimum, shall contain the following:
2. A written statement describing the proposed PUD and the market which it is intended to serve. The statement shall also demonstrate the proposed PUD relationship with the Township’s comprehensive plan and how the proposed PUD is to be designed, arranged and operated to permit the development and use of property in accordance with the applicable provisions of the Township. The statement shall also include the public decisions necessary for implementing the proposed plan including the present and possible new zoning classifications required for development.
3. A legal description of the entire review area within the PUD for which final plan review is sought.
4. A preliminary plat prepared in accordance with the cities subdivision regulations.
5. A preliminary plan drawing to scale of not less than one inch equals fifty feet (1” = 50’) (or scale as requested by the Township) containing at minimum the following information:
   1. Proposed name of the development;
   2. Property boundary lines and dimensions of the property and any significant topographical or physical features of the site;
   3. The location, size, use and arrangement, including height in stories and feet and total square feet of ground area coverage and floor area of proposed buildings including model homes and existing buildings that will remain, if any. Also, all required setback lines shall be depicted
   4. Location, dimensions of all driveways, entrances, curb cuts, parking stalls, loading spaces and access aisles, and all other circulation elements including bike and pedestrian, and the total site coverage of all circulation elements; Location,
   5. dimensions of all driveways, entrances, curb cuts, parking stalls, loading spaces, access aisles and all other circulation elements including bike and pedestrian, and the total site coverage of all circulation elements;
   6. Location, designation and total area of all common private open space and facilities;
   7. Location, designation and total area of proposed to be conveyed or dedicated for public open space including, but not limited to, parks, playgrounds, school sites and recreational facilities;
   8. The location, use and size of structures and other land uses on adjacent properties;
   9. I Where applicable, tabulation that indicates the number of residential dwelling units and expected population, and tabulation indicating the gross square footage, if any, of commercial and industrial floor space by type of activity.
6. A preliminary landscape plan showing ground cover materials and the areas to be landscaped with location, size and species of all trees, shrubbery and groundcover.
7. A preliminary grading, drainage and site alteration plan for the development illustrating changes to existing topography and natural site vegetation and all appropriate protection measures taken during construction.
8. A preliminary lighting plan illustrating the location, types of devices, and photometric data.
9. A preliminary signage plan illustrating the sizes, location and overall program
10. A traffic flow plan and analysis
11. Solid waste disposal procedures and provisions
12. Wetland delineation approved by the Pine County Soil and water Conservation District office
13. The applicant shall have a property interest in the site which shall consist of a fee simple title, or an option to acquire a fee simple title within a specified time period, or leasehold interest in excess of thirty (30) years, or substantial interest in a joint venture agreement, real estate investment trust, or other real estate syndication that can obtain a fee simple title or marketable title subject to certain restraint which will not substantially restrict its development within a reasonable time.. All mortgages including purchase money mortgages, easements restricting land use, and liens and judgments that may affect the site shall be documented. The applicant shall supply proof of existing ownership consisting of an abstract title, certified currently, a current Certificate of Title, or an attorney’s title opinion based thereon, together with any unrecorded documents whereby the applicant acquired a legal or equitable property interest.
14. Other materials or information that Township Staff, Township Board of Supervisors or Planning Commission deems useful in conjunction with the approval of Preliminary Plan review (This may include, but is not limited to, management plans for open spaces areas, topographical or aerial information, or information presented in a format that can build Township’s geographic information system).
15. Final Plan Review.

The applicant shall have secured final plan review approval by the Township Board of Supervisors within one (1) year following the date of approval of the preliminary plan review. If application for final plan review is not received within one (1) year, the preliminary plan review will be considered abandoned and a new application for preliminary plan review must be submitted. The Township Board of Supervisors shall make a final determination on approval of the final plan review.

The application for final plan review shall be accompanied by development plans of the proposed PUD and supporting information as listed below or as deemed necessary by the Township. All material shall be submitted together in a format as directed by the Township.

* + 1. A final site plan, grading plan, utility plan, landscaping plan, lighting plan, building elevations, sign plan and all applicable data as aforementioned in this section as deemed necessary depending upon the complexity of the proposal. One (1) transparent Mylar copy of the final development plans, should they be approved, shall be filed with the Township within sixty (60) days of such approval.
    2. A final plat in accordance with the requirements of the Township’s subdivision ordinance.
    3. A legal submission component including any deed restrictions, covenants, agreements, by-laws, or proposed homeowner’s association or other documents or contracts controlling the use or maintenance of property. In situations where the above submission components do not apply, the Township Board of Supervisors may require a bond or similar guarantee (such as a cash escrow) to insure that areas held common by persons residing in the development will be developed and maintained.
    4. A final construction staging plan indicated the geographical sequence and timing of the development for the plan or portions thereof, including the date of beginning and completion of each stage.
    5. Any other information necessary to fully represent the intentions of the final plan

1. Fees. The required application fee shall accompany applications for sketch plan, preliminary plan and final plan. The applicant shall pay fees as set forth by the Township Board of Supervisors.
2. Public Hearing Notices. All applications for review of a PUD proposal, except sketch plan review, require a public hearing and shall be noticed and processed according to the standards and procedures of this Township
3. Developers Agreements. A developer’s agreement shall be executed reflecting all terms and conditions of the approved PUD plans and financial requirements.

**4. Criteria for Granting a PUD:**

The Planning Commission may recommend, and the Township Board of Supervisors may act to approve or deny, a preliminary or final plan for a PUD in any district that allows a PUD as a conditional use. The Planning Commission, in making a recommendation, and the Township Board of Supervisors, in acting upon a plan, shall consider the following factors; however, nothing herein shall be meant to guarantee approval of a PUD:

1. The consistency of the proposed PUD with the Township’s comprehensive plan;
2. The proposed use’s compliance with the standards and criteria of the zoning ordinance and subdivision regulations;
3. The extent to which the proposed PUD is designed to form a desirable and unified environment within its own boundaries in terms of relationship of structures, patterns of circulation, visual clutter and sufficiency of drainage utilities;
4. The extent to which the proposed use will be compatible with present and planned uses in the surrounding area;
5. The impact of the proposed uses on the health, safety and general welfare of the occupants of the surrounding area;
6. The burden or impact created by the PUD on parks, schools, streets and other public facilities and utilities;
7. The sufficiency of each phase of the PUD to ensure its construction and operation is feasible without dependence upon any subsequent phase;
8. The impact of the PUD on environmental quality, property values, scenic views and reasonable enjoyment of the surrounding area; and
9. That any exceptions to the Township Ordinance, Policy or Regulations are justified by the design or development of the proposed use.

**5. Final Plan Revisions:**

1. Minor changes in location, placement and heights of buildings or structures may be authorized by the Township if required by engineering or other circumstances not foreseen at the time the final plan review was approved.
2. Approval by the Township Board of Supervisors shall be required for changes such as rearrangement of lots, blocks and building tracks or any other significant changes as determined by the Township. These changes shall be consistent with the purpose and intent of the approved final plan review.

**6. Method of Amending a PUD:**

Any desired change involving density, use, building type, enlargement or intensification of the use not specifically allowed by a particular PUD, or any request for the Variance from the specific terms of the previously passed PUD, shall require that an application be filed for an amendment and all procedures shall then apply as if a new plan was applied for.

**7. PUD Cancellation:**

Any existing approved PUD shall be deemed to be canceled if the owner of the land involved in the permit applies for and receives a rezoning with the respect to said property prior to the time that there is any physical implementation of the matters covered by the previously approved PUD. In addition, an existing PUD shall be deemed to be automatically canceled in the event that a final plat, if the same is required in connection with the application, is not filed with Pine County as required by and in accordance with the terms of the Township subdivision regulations within one hundred twenty (120) days following final approval of the PUD by the Township Board of Supervisors. The PUD shall expire and be considered null and void one (1) year after it has been issued if no construction has begun or if use has not been established. In all other situations, an existing PUD shall be canceled and revoked, short of expiring according to its own terms, only upon the event of the Township acting in accordance with the law and due process, taking some rezoning action that supersedes the PUD.

**8. Effective Date:**

The Mission Creek Township Board of Supervisors ordains that this Ordinance shall be in full force and effect on the \_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, 202\_\_\_\_. by the Board of Supervisors of Mission Creek Township

*By*

Chairperson of the Board

ATTEST:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Mission Creek Township Clerk

**ORDINANCE NO. 004**

**AN ORDINANCE REGULATING MOBILE HOME AND RECREATIONAL VEHICLE PARK AREAS WITHIN THE TOWNSHIP OF MISSION CREEK, PINE COUNTY, MINNESOTA**

**THE BOARD OF SUPERVISORS OF THE TOWNSHIP OF MISSION CREEK, MINNESOTA DOES ORDAIN:**

**Definition:**

CAMPGROUND: A facility containing sites or spaces for the temporary and recreational occupancy of person in tents and/or RV’s. Such facility may also contain recreation and other support facilities subordinate to and serving only the camping occupants. **Conditional Use permit is required.**

New Mobile home and Recreational Vehicle parks

1. New mobile home and recreational vehicle parks and expansions of existing parks shall comply with the following requirements and ay applicable State of Minnesota and Federal provisions
2. A recreational vehicle park shall conform to the state standards in effect at the time of construction, or in the case of pre-existing parks, at the time of permitting.
3. The space provided for each recreational vehicle shall be not less than 900 square feet per site exclusive of any space used for common areas such as roadways, general use structures, walkways, parking spaces for vehicles other than recreational vehicles and landscaped areas.
4. Any tent type camping area shall provide no less than 700 square feet per site.
5. Roadways shall not be less than 30 feet wide if parking is permitted on the margin of the roadway or not less than 20 feet wide if parking is not permitted on the roadway.
6. Trash receptacles for the disposal of solid waste materials shall be provided in convenient locations for the use of guests of the park and located in such number and such capacity that there is no uncovered accumulation of trash at any time.
7. No recreational vehicle shall remain in the park for more than 120-day period.
8. The park shall provide toilets, lavatories and showers for each sex in the following ratios: For each 15 recreational vehicle spaces or any fraction thereof, one toilet, one urinal, one lavatory and one shower for men; two toilets, one lavatory and one shower for women. The toilets and showers shall afford privacy and the showers shall be provided with private dressing rooms. Facilities for each sex shall be located in separate buildings, or, if in the same building, shall be separated by a soundproof wall.
9. Water and electric supply station is necessary for every 8 campsites.
10. Storm shelter is required to accommodate total occupancy of campground or follow the Minnesota statute.
11. If RV site or trailer sites are part of the campground a blackwater dumping station needs to be provided.
12. The camping site area needs to be screened by a fence or type of screening with minimum of 6 feet tall, to provide privacy to adjoining land owners.
13. New Mobile home and Recreational Vehicle parks shall only be permitted in the A/R District.
14. All applicable State and County rules and regulations must be adhered to.

**Effective Date:**

The Mission Creek Township Board of Supervisors ordains that this Ordinance shall be in full force and effect on the \_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, 202\_\_\_\_. by the Board of Supervisors of Mission Creek Township

*By*

Chairperson of the Board

ATTEST:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Mission Creek Township Clerk

**ORDINANCE NO. 005**

**AN ORDINANCE REGULATING RENEWABLE ENERGY SYSTEMS WITHIN THE TOWNSHIP OF MISSION CREEK, PINE COUNTY, MINNESOTA**

**THE BOARD OF SUPERVISORS OF THE TOWNSHIP OF MISSION CREEK, MINNESOTA DOES ORDAIN:**

###### General Provisions.

1. Purpose and Intent

Mission Creek Township finds that it is in the public interest to encourage the use and development of renewable energy systems that enhance energy conservation efforts, but result in limited adverse impact on nearby properties. As such, the Township supports the use of solar energy systems. Mission Creek Township also finds that the development of solar energy should be balanced with the protection of the public health, safety and welfare. The Township resolves that the following standards shall be adopted to ensure that solar energy systems can be constructed within Mission Creek Township while also protecting public safety and the natural resources of the Township. Consistent with the Mission Creek Township Comprehensive Plan, it is the intent of the Township with this Section to create standards for the reasonable capture and use, by households, businesses and property owners, of their solar energy resource, and to encourage the development and use of solar energy.

1. Severability

The provisions of this Section shall be severable and the invalidity of any paragraph, subparagraph or subdivision thereof shall not make void any other paragraph, subparagraph or subdivision of this section.

1. Applicability

These regulations shall apply to all solar energy systems on properties and structures under the jurisdiction of Mission Creek Township. Those systems shall be defined as solar energy systems generating less than 50 megawatts of power. Mission Creek Township shall refer any application for a large electric power generating plant (LEPGP) to the Minnesota Public Utilities Commission (MN PUC) for approval.

###### DEFINITIONS.

###### The following words, terms and phrases, when used in this Section, shall have the meaning provided herein, except where the context clearly indicates otherwise:

1. Accessory Solar Energy Systems: Systems which are accessory to the principal use on a property and designed to supply energy solely for the principal use.
2. Building or Other Architecturally-Integrated Solar Energy System: An active solar energy system that is an integral part of a principal or accessory building, rather than a separate mechanical device, replacing or substituting for an architectural or structural component of the building. Building-integrated systems include, but are not limited to, photovoltaic or thermal solar systems that are contained within roofing materials, windows, skylights and awnings.
3. Commercial Solar Energy Systems: Systems designed to supply energy for off-site users on the distribution grid, or for export to the wholesale market via connection to the electric transmission grid.
4. Department: The "Department" shall be construed to refer to Mission Creek Township.
5. Ground Mounted Panels: Freestanding solar panels mounted to the ground by use of racking, pilings, piers, stabilizers or similar apparatus.
6. Large Energy Power Generating Plant (LEPGP): Any Solar Energy System capable of producing 50 megawatts or more of power.
7. MN PUC: The Minnesota Public Utilities Commission.
8. Rooftop or Building Mounted Solar Energy System: A solar energy system that is mounted to the roof or building using brackets, stands or other apparatus.
9. Site Area Footprint: The site area footprint for commercial solar energy systems is the total area of the solar array enclosed by the security perimeter and may include the size of any solar energy systems located on contiguous parcels and/or the aggregate impact thereof, as determined by the Zoning Administrator.
10. Solar Administrative Permit: A land use permit required by the Township for the installation of commercial solar energy systems having a site area footprint of less than ten acres, as regulated by this Ordinance.
11. Solar Collector: A device, structure or a part of a device or structure that the principal purpose is to transform solar radiant energy into thermal, mechanical, chemical or electrical energy.
12. Solar Energy System: An active energy system that collects and/or stores radiant energy from the sun and transforms solar energy into another form of energy, or transfers heat from a collector to another medium using mechanical, electrical, thermal or chemical means.

###### TYPES OF SOLAR ENERGY SYSTEMS: This Ordinance identifies and regulates the following two types of solar energy systems:

1. Accessory Solar Energy Systems: Systems which are accessory to the principal use and designed to supply energy solely for the principal use shall be subject to the following:

##### Permitted Use: Accessory Solar Energy Systems are permitted accessory uses in all districts in which buildings and structures are permitted.

##### Site Permit: A site permit and applicable inspections are required for ground-mount, rooftop mounted and architecturally-integrated accessory solar energy systems.

##### Accessory Use Standards: Accessory solar energy systems shall be subject to the accessory use standard for the district in which they are located, including dimensional standards, such as setbacks and lot area coverage limitations

##### Visual Impact: Rooftop, building mounted, and architecturally-integrated accessory solar energy systems shall be placed on the roof or building so to limit visibility from the public right-of-way and neighboring properties, or to blend into the design of the roof or building.

##### Height Limitation: Ground-mount accessory solar energy systems shall not exceed twelve (12) feet in height.

1. COMMERCIAL SOLAR ENERGY SYSTEMS: Systems designed to supply energy for off-site users on the distribution grid, or for export to the wholesale market via connection to the electric transmission grid (i.e. community "solar gardens" or "solar farms" and other commercial systems generating less than 50 megawatts) shall require an Administrative Solar Permit or an Interim Case permit, as determined by site footprint and/or determination by Zoning Administrator, and shall be subject to the following:

##### Minimum Parcel Size and Parcel Allowance: Commercial solar energy systems shall be located on parcels of land no less than five (5) acres in size.

##### Interim Use Permit Required: Commercial solar energy systems shall require an Administrative Permit (projects less than ten acres in site area footprint) or an Interim Use Permit (projects with site area footprint greater than ten acres) in accordance with the relevant sections below.

##### Prohibited Areas: The Township permits solar energy systems within each of its designated Zoning Districts with the exception that Commercial Solar Energy Systems are prohibited within the following areas:

* 1. Shoreland Districts as designated by the Minnesota Department of Natural Resources and the Mission Creek Township Shoreland Management Ordinance;
  2. Within six hundred (600) feet of areas designated or formally protected from development by the Federal, State or Township agencies as wildlife habitat, wildlife management areas or designated as National Wild and Scenic land or corridor;
  3. Floodplain Districts.

##### Site Permit and Site Plan Compliance: A site permit is required for installation of all system components regulated by the building code. A site plan certification of compliance is also required. No final site permit inspection approval or site plan compliance certification shall be issued by the Township until all regulatory requirements have been met and the solar energy system has been constructed in a manner that is deemed compliant with the approved site and land use plan.

##### District Standards: Commercial energy systems are restricted to the A/R District and subject to the standards for the district in which they are located except as herein otherwise specified, and the conditions of approval placed upon the Interim Use Permits.

##### Power and Communications Lines. All on-site power and communications lines running between the elements of the project and the connection point shall be buried underground on premise. The Zoning Administrator may grant exemptions to this requirement in the instances where shallow bedrock, water courses or other elements of the natural landscape interfere with the ability to bury lines.

##### Annual Notification: The permittee of any commercial solar energy system shall annually notify the Zoning Administrator of his intent to continue operation of the commercial solar energy sys tern, and certify that the project is in compliance with its approved site and land use plan and conditions of approval, including the active status and inflationary review of Decommissioning Plan surety. The project owner/ operator shall provide the Department a minimum 90-day notice of intent to decommission a project.

##### Decommissioning Plan: At time of application for an Administrative or ICP permit, the project developer of all ground-mounted commercial solar energy systems shall submit a decommissioning plan for approval. The purpose of the decommissioning plan is to ensure that the permittee properly removes the equipment and facilities upon the end of the projects useful life. End of project life determination shall include, but not be limited to, the existence of panels and project components that are not in use for twelve (12) consecutive months. The plan shall include provisions for the removal of all structures and foundations, the removal of all electrical transmission components, the restoration of soil and vegetation and a soundly-based financial surety ensuring financial resources will be available to fully decommission and restore the site.

All solar project decommissioning disposal plans shall meet the requirements of the Mission Creek Township Solid Waste Ordinance and applicable Minnesota Pollution Control Agency regulations at the time of decommissioning. All decommissioning and operational plans shall include a product stewardship element that requires the recycling and/or reuse of all solar panel racking, components, and materials upon their removal, replacement, or damage throughout the project life.

To aid in determining financial surety, the plan shall include an industry engineer's estimate of the decommissioning cost for Township staff review and approval at the time of submission. Financial surety in an amount equal to or greater than 125% of the resulting Township staff approved surety is required to ensure proper decommissioning that shall be provided in association with the site permit application.

All solar project decommissioning plans shall include inflationary or other financial surety review and adjustment provisions. Periodic review of current economic factors associated with the salvage of solar projects and solar technology may cause the Township to require financial surety review and revision by the permittee owner. Adjustments to financial surety may be made upon receipt of renewed engineer's estimates from the project owner and approval and acceptance from the Township. In no instance can surety guarantees be adjusted less than 125% of estimated cost of decommissioning.

Failure to maintain financial surety, update surety due to inflationary or other revision requirements, or maintain a current decommissioning plan shall be grounds for revocation and/or nullification of permit approvals and site operation.

##### Large Energy Power Generating Plant: Commercial solar energy systems which have a generating capacity of 50 megawatts or more of power shall fall under the jurisdiction of the Minnesota Public Utilities Commission.

##### Collector Systems Prohibited: The use of mirrors or other reflecting devices for the purpose of redirecting or concentrating solar energy or light for use in solar energy systems is prohibited.

##### Future Alterations to Project Elements: All future alterations to elements of the project, including racking, pilings, panels, security fencing, and visual screening shall conform with all relevant provisions of this Ordinance.

###### ADDITIONAL STANDARDS FOR ALL SOLAR ENERGY SYSTEMS: In addition to the standards required above, the following standards shall apply to all Solar Energy Systems regardless of classification.

1. Compliance with MN Building Code. All SES's shall require a site permit, shall be subject to the approval of the Township Building Official, and shall be consistent with the State of Minnesota Building Code.
2. Compliance with MN Electrical Code. All photovoltaic systems shall comply with the Minnesota State Electric
3. Code. Additionally, all commercial solar energy system projects should evaluate and include where practical harmonics limiting design and/or equipment at the point of common coupling consistent with the Institute of Electrical and Electronics Engineers (IEEE) 519 Standard.
4. Compliance with MN Plumbing Code. Solar thermal systems shall comply with applicable Minnesota State Plumbing Code requirements.
5. Compliance with MN Energy Code. All SES's shall comply with HVAC-related requirements of the Energy Code.
6. Compliance with MPCA regulations. All projects shall be subject to the relevant MPCA regulations governing erosion control, including obtaining an NPDES permit, and/or any other pollution or contaminant management regulations.
7. Controlled Access. The owner or operator shall contain all unenclosed electrical conductors located above ground within structures that control access.

###### ADMINISTRATIVE SOLAR PERMIT REQUIREMENTS:

1. Administrative Solar Permits: An Administrative Solar Permit application shall be required for all Commercial Solar Energy Systems with a site footprint less than ten (10) acres in size, contiguous or aggregate. The site area footprint size shall be computed by a determination of the Zoning Administrator. Projects proposed for location within 1320 feet of an existing commercial solar project shall be reviewed by the Zoning Administrator for a determination of aggregate impact, and may require the processing and approval of an Interim Use Permit, regardless of site area footprint.
2. Community Meeting: Prior to submission of an application for an Administrative Solar Permit, a community information meeting shall be organized and hosted by the project developer. The purpose of the meeting is outreach, with the intent of providing complete information to the community in an informal setting. The meeting shall not be construed to be a local government meeting or formal public hearing. The meeting shall be conducted in accordance with the following protocol:

##### Notification: The proposer shall notify the Township Board of Commissioners, Zoning Administrator, the Township Board of the affected Township, and all property owners within one quarter (1/ 4) mile (urban locations) or one half (1/2) mile (rural locations) of the proposed Commercial Solar Energy System a minimum of ten (10) days prior to the community meeting.

##### Meeting Date/Time/Location: The meeting shall be held on a weeknight (Monday thru Thursday) at an accessible location within the Township where the proposed project will be located, such as the Township hall or other community center, or alternately at the Mission Creek Township Government Center.

##### Content of Meeting: The informational meeting shall be arranged and hosted by the applicant or a qualified representative and shall at a minimum include a detailed explanation of the project, the site plan for the proposed project, anticipated construction schedule, the landscaping and screening plan, and the decommissioning plan.

##### Township Representation: Mission Creek Township Environmental Services personnel shall staff the meeting, to monitor proceedings and provide guidance as needed.

##### Response to Concerns: The project developer shall solicit and accept all comments, questions and concerns of the citizens at the meeting, and respond to the identified concerns with reasonable, practical means and methods of mitigating undue impact to the surrounding area.

##### Meeting Summary and Report: A summary and report regarding the community meeting shall be submitted to the Department at the time of application for the Solar Administrative Permit. The report shall include a list of the landowners who were invited, a record of attendees, and copies of all written comments received. The report shall itemize the concerns stated by the citizens and shall include a statement of reasonable, practical mitigation the proposer will undertake to address those concerns and minimize impact to the community. This report shall be used by the Department to establish suitable conditions of approval on the Solar Administrative Permit.

1. Administrative Solar Permit Application Submittal Requirements. Applications for a Solar Administrative Permit shall be submitted on the official Departmental application form, and the fee paid. The application shall be accompanied by the following submittals, at a minimum, unless expressly waived by the Department. Additional information may be required by the Department, as determined to be necessary.

##### A written narrative describing the project and all elements of the project.

##### A full written report detailing the proceedings and outcomes of the community informational meeting.

##### A level-two wetland delineation and report shall be submitted on properties proposed for use as commercial solar energy systems, simultaneously and in association with the land use permit application, unless expressly waived by the Department.

##### A landscape plan designed in accordance with the provisions in Section F (4) below. Landscaping must be specifically tailored and emphasized as it pertains to the view from the adjacent home(s). Opacity levels must be met and the level of overall landscape treatment shall be commensurate with the project setback.

##### A detailed description of the type and location of interconnection equipment to be used, in accordance with the provisions of Section F (11) below.

##### Description of anticipated construction schedule and timeline to completion. Construction phase elements of every solar development project must address specific site, traffic, driveway, noise, and staging/laydown area practices such as:

1. Perimeter fence and landscape improvements shall be installed prior to all other above grade site improvements and confirmed compliant by Township inspection. The Township may authorize project commencement if seasonal or wintertime conditions obstruct the reasonable progress of fence and landscape elements of the project.
2. Deliveries must be routed and delivery drivers must be specifically instructed to maintain compliance with all roadway, hauling, tonnage and traffic safety regulations. Local routing of traffic must be clearly coordinated using safety, trucks hauling, and other such directional signs upon approach to the site. A traffic route and delivery plan shall be submitted for review and approval with the land use permit.
3. Shipping and construction crew vehicles shall not be parked, idled, or staged anywhere but the authorized construction site and shall not be parked or staged on adjacent roadways.
4. Routing of deliveries on trunk and Township highways shall be prioritized and required over shorter distance or more convenient routing thru developed Township or residential neighborhood and road areas.
5. Appropriate road authorities (Township and/or Township Highway Dept.) shall be consulted for driveway location and construction standards and permits. Trailing of dirt, debris, mud onto adjacent roads and any visible wear or damage to adjacent roads resulting from the project development shall be immediately remedied or repaired as required by the applicable road authority.
6. Construction equipment and materials storage and laydown areas shall be restored and all materials and temporary job site structures, materials, or improvements shall be removed prior to Township issue of site plan certification of compliance for the project.

##### Horizontal and vertical elevation drawings, drawn to scale which clearly show the following:

##### Existing features

##### Proposed features

##### Property boundaries

##### Property zoning designation(s) including required setbacks from property lines buildings and roadways

##### Solar arrays, connecting lines, and all affiliated installations and structures

##### Access points, drive aisles, security features, and fencing

##### Topography and surface water drainage patterns and treatment systems

##### Woodlands, Grasslands Prairielands identification

##### Existing and proposed/preserved/protected wildlife corridors, with wetland/woodland/ topographical connectivity indicated

##### Landscaping plan, including required screening of the site perimeter and security fencing

##### Existing vegetation, with areas proposed for removal and/or preservation depicted

##### Floodplains

##### Soils

##### Historical features

##### Archeological features

##### Wildlife and ecological habitat

##### Environmental mitigation measures

##### Description of project staging (if applicable)

##### Preliminary decommissioning cost estimate

1. Zoning Administrator Approval: Solar Administrative Permits shall require approval by the Zoning Administrator or his/her authorized agent. Such approval shall be issued following a Departmental determination that all relevant requirements of this section of the Ordinance have been met.
2. Solar Administrative Permit Expiration: Solar Administrative Permits which have not been activated through site preparation or land use permit application within one year of the date of permit approval shall expire and become null and void.

###### ADMINISTRATIVE SOLAR PERMIT PERFORMANCE STANDARDS

1. Noise - Construction and routine maintenance activities shall be limited to daytime working hours, as defined in Minn. R. 7030.0020, to ensure nighttime noise level standards will not be exceeded. The following additional noise related site standards shall also be satisfied:

##### Placement of transformers, inverters, or other equipment generating ongoing vibration or noise must be done in such a manner that low level recurring ambient noise does not audibly cross property boundaries. Placement of equipment interior to the site, shielded by proposed solar panels, and/or shielded by specifically placed noise and vibration deadening fence, landscape, berm, or other efforts, shall be required for all commercial solar sites in close proximity to existing developed homes or property boundaries.

##### The piling installation construction phase of every project generates repetitive audible noise and is extremely disruptive. Piling installation timelines and durations shall be identified in the application and consolidated into the shortest most confined time period possible. Installation of pilings shall take place only during permittee identified daytime and weekday hours which may be further limited by permit conditions if in close proximity to existing residences. Piling installation shall cease on Sundays and be limited between the hours of 7 a.m. - 6 p.m. on Saturdays.

1. Site Sediment and Erosion Control - The Permittee shall implement those MPCA-recommended erosion and sediment control which are deemed by the Department to be applicable. If applicable, the Permittee shall obtain an NPDES Permit, and provide the Department with the Storm Water Pollution Prevention Plan (S\WPP) submitted to the MPCA as part of the (NPDES) permit application. Those erosion and sedimentation control measures determined to be necessary shall be installed or implemented prior to construction and maintained in accordance with the SWPPP.
2. Ground Cover - Areas of bare ground at each facility shall be re-vegetated with a low-growing, accepted pollinator-friendly seed mix, and shall be maintained throughout the life of the project.
3. Visual Screening and Landscape Plan

##### Preservation of Existing Screening: Existing forestation, foliage and native fauna within, near and surrounding the project area shall be preserved insofar as is practical. Preservation of existing vegetative screening may be credited toward meeting the screening requirements stipulated below, upon such determination by the Zoning Administrator. The permitee shall establish and maintain an approved landscaped vegetative visual-buffer on-site in the manner prescribed below so as to limit undue impact to potentially affected abutting/nearby properties. The screening shall be maintained for the life of the project, including re-establishment of buffer in the case of decimation or destruction by disease, weather, fire or other peril, and guaranteed by financial surety pursuant to subsection F (4) (b) (2) below.

##### Screening From Dwellings, Roadways/ Around Interior Perimeter Fencing: All commercial solar projects shall include the development, installation, and maintenance of a performance-based landscape plan (wind row style plantings) placed outside the fenced perimeter and consisting of suitable native shrubbery and trees. Trees and/or shrubs shall be a minimum of six feet tall when planted, and shall reach project-affiliated fence height and leaf-on conditions 75% opacity screening by the end of year three of the project.

1. A site specific performance based landscape plan designed by Minnesota- licensed landscape architect or Minnesota- certified arborist shall be submitted verifying that the above-stipulated height and opacity goals will be achieved by the end of year three of the project, given normal growing conditions. In lieu of a landscape architect performance based landscape plan, the planting of two staggered rows of 6 foot tall coniferous trees coupled with site specific earthen berm construction may be proposed to meet the 75% opacity screening requirement.
2. Financial surety in an amount sufficient to guarantee that the planting heights and 75% opacity screening goals are achieved by the end of year three shall be provided prior to site permit approval.
3. 3) Perimeter fence and landscape improvements shall be installed prior to all other above grade site improvements and confirmed compliant by Township inspection.

##### New Vegetative Screening Location: All new, installed vegetative screening shall be established outside of the security fence, and shall maintain a minimum 20-foot setback from the parcel property lines.

1. Wetlands - All activities conducted within wetlands shall be carried out, regulated and/or prohibited in accordance with the provisions of NIN Chapter 8420.
2. Blanding's Turtle - The Permittee shall follow MN DNR's recommendations for avoiding and minimizing impacts to Blanding's turtle.
3. Security Fence Design - No chain link, or barbed wire fencing is permitted. The security fence surrounding the facility shall consist of agricultural fencing, also known as "deer fence" which is of woven wire composition.
4. Maintenance - Permittee shall be responsible for on-site cleanup of all waste and scrap that is the product of construction, as well as ongoing maintenance of project property, including disposal of trash, waste, and other detritus, for the life of the project. Such maintenance shall include sustaining and maintaining the visual screening buffer in an attractive and aesthetically pleasing manner.
5. Financial Surety/Site Restoration - Financial surety shall be provided and maintained by the permittee as required by this Ordinance.
6. Setbacks The required minimum setback from roadways and neighboring property lines for all project elements including structures, panels, racking systems, and security enclosure, are as follows:
7. 75 feet from all non-right of way property lines or 275 feet from any dwelling whichever is greater.
8. 135 feet from the centerline of State and Township Roads for the first commercial solar energy system on any single parcel and 735 feet from the centerline of State and Township Roads for any additional commercial solar energy system on the same parcel.
9. 135 feet from centerline of all other public roads.
10. Interconnection equipment - Interconnection equipment shall be mounted at grade whenever possible, as may be regulated by Minnesota public utility regulations. Interconnection equipment that is effectively screened from view, and located a minimum of 600 feet from public rights of way and/or neighboring residences shall be permitted an exception to this standard. In all cases, the use and quantity of above ground utility poles shall be limited to the fullest extent possible.
11. Revocation - Violations of the performance standards listed in this Ordinance, and/or the conditions of permit approval shall be cause for the Administrative Solar Site permit to be revoked, by decision of the Department. Upon permit revocation the site shall be decommissioned in accordance with the decommissioning plan. Failure of the permittee to decommission the site in accordance with the decommissioning plan may result in the issuance of a citation and criminal charges, and/or Township seizure of the financial surety and decommissioning of the site. Decommissioning costs that exceed the amount of posted financial surety shall be collected from the developer, landowner, or assessed against the property. A decision to revoke an Administrative Solar Site Permit may be appealed to the Township Board of Adjustment within thirty (30) days of the date of the notification of revocation.
12. Future Land Use. The future land use and development plan(s) for the project host property shall be discussed in the project narrative and presented in a scalable site sketch plan. Practical use of the balance of the subject property must be reasonably identified and preserved. Navigable roadway and/or driveway access to the balance of any subject property use or future development sites must be demonstrated.

###### INTERIM USE PERMIT (IUP) REQUIREMENTS:

1. Interim Use Permit: An Interim Use Permit (ICP) shall be required for a Commercial Solar Energy Systems which is situated, (or which is staged to be eventually situated) on a contiguous or aggregate site area footprint ten (10) acres or larger in size, whether commonly owned/ controlled or otherwise. The site area footprint size shall be computed by a determination of the Zoning Administrator. Projects proposed for location within 1320 feet of an existing project shall be reviewed by the Zoning Administrator for a determination of aggregate impact, and may require the issuance of an Interim Use Permit, regardless of site area footprint.
2. Application for Interim Use Permit: An application for an ICP for a Commercial Solar Energy System shall be accompanied by the submittal requirements stipulated for Solar Administrative Permit applications, as listed in Section E (3) above. All such applications shall be processed in accordance with and meet all the requirements of Section 8.04-1 of the Mission Creek Township Zoning Ordinance provisions governing Interim Case Permits.
3. Interim Use Permit Performance Standards: Approved Interim Use Permits shall generally conform with the provisions specified for Solar Administrative Permits in Section F above, but may be allowed some measure of flexibility on a case-by-case basis as determined to be appropriate, at the discretion of the Planning Commission and Township Board.

Effective Date:

The Mission Creek Township Board of Supervisors ordains that this Ordinance shall be in full force and effect on the \_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, 202\_\_\_\_. by the Board of Supervisors of Mission Creek Township

By

Chairperson of the Board

ATTEST:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Mission Creek Township Clerk

ORDINANCE NO. 006

AN ORDINANCE REGULATING SHORT TERM RENTALS WITHIN THE TOWNSHIP OF MISSION CREEK, PINE COUNTY, MINNESOTA

THE BOARD OF SUPERVISORS OF THE TOWNSHIP OF MISSION CREEK, MINNESOTA DOES ORDAIN:

Section 1. Intent. To establish and regulate the short-term rental of property within Mission Creek Township.

Section 2. Short-Term Rentals of Property. (Definition) Any rental less than sixty (60) days is considered short-term and therefore requires a permit.

* 1. Purpose. The purpose of this section is to allow short-term rentals, where appropriate, while mitigating impacts upon surrounding properties by implementing balanced regulations to protect the integrity of the area’s neighborhood as well as protect the general public health, safety, and welfare. Mission Creek Township homeowners have a reasonable expectation to enjoyment of their property without interference from short-term renters.
  2. Requirements. It is unlawful for any person to use property for a short-term rental unless it complies with all of the provisions of this Ordinance. Owners are only allowed one (1) short term rental unit in Mission Creek Township. Ownership by LLC or other family member does not constitute a separate owner. Owner must be compliant with all Mission Creek Township and Pine County taxes at time of application.

2.2.1 Annual Permit Application. An application for an annual short-term rental permit must be submitted on the form prescribed by the Mission Creek Township Board of Supervisors. To be considered complete, the application must contain all the information requested on the application form and all of the following:

* + - 1. Site Plan. A site plan, drawn to scale, showing locations and dimensions of clearly marked property lines, parking, driveways, garbage disposal, all structures and outdoor recreational areas that guests will be allowed to use; which shall include, but are not limited to, deck/patio, barbeque grill, recreational fire pit/ring, pool/hot tub or sauna, and any other information which may be reasonably required by the Mission Creek Township Board of Supervisors to evaluate the request;
      2. Floor Plan. A floor plan of the home, which shall identify those rooms which will be used as guest bedrooms. Dining rooms and kitchens shall not be counted or used as a guest bedroom. In each bedroom and any room used for sleeping, show the dimensions of egress windows on the drawing and the style of window (double hung, sliding or casement). Two (2) forms of egress will be required to be considered a legal bedroom.
      3. Contact Information. The owner shall keep on file with the Township the name and telephone number of a contact person who shall be responsible for responding to questions or concerns regarding the operation of the short-term rental. This information must be kept current. This information also shall be posted in a conspicuous location within the dwelling unit. The contact person must be available to accept telephone calls at all hours that the short-term rental is rented and occupied. The contact person must have access to the rental unit and be able to respond to the short-term rental within sixty (60) minutes to address issues or must have arranged for another person to address issues within the same timeframe. The requirement for identifying a contact person applies to each person or entity making arrangements for renting a given short-term rental.
      4. Septic Compliance Certificate. The certificate of individual septic treatment system compliance from Pine County Environmental Services Department that is valid for three years shall accompany the application.
      5. Water Test. Water must be tested annually from an accredited laboratory prior to permit renewal with the test results for nitrate-nitrogen and coliform bacteria. Water qualities must meet MN Department of Health standards for consumption for all ages.
      6. Parking. A parking layout must accompany the application as part of the site plan. At a minimum, at least one parking space shall be provided for each bedroom up to three (3) bedrooms. Properties with four (4) or more bedrooms shall have the number of parking spaces equal the number of bedrooms, minus one space. It is the owner’s responsibility to arrange for off-site parking for excess cars and trailers when needed. All parking must be two (2) feet off roadway.
      7. Shoreline Setback. Short-term rentals of existing homes must achieve at least 100% of shoreline setback required by Pine County. No variance to set back requirements shall be granted for new construction of a short-term rental. Short-term rentals also must meet impervious surface and side lot setback requirements of the Pine County Land Use Ordinance.
      8. Premises Inspection. The owner agrees that the short-term rental authority designated by the Township may enter premises to confirm compliance as a condition of getting permit.
      9. Proof of Insurance. Mission Creek Township shall require all owners to carry one million dollars ($1,000,000.00) of liability insurance. A certificate of insurance will be required prior to issuance of permit.

2.2.2 Permit Fee. The application for a permit shall not be deemed complete unless it is accompanied by payment in full of the required annual short-term rental permit application fee. The permit application fee amount will be as determined by the Mission Creek Township Board in its fee schedule.

2.2.3 Issuance. Short-term rental permits shall be issued administratively by the short- term rental authority designated by Mission Creek Township. The Mission Creek Township Board of Supervisors may place conditions on the permit that they determine are reasonable and appropriate. Every short-term rental permit is conditioned on compliance with the standards and requirements of this section, this Ordinance, and all applicable federal, state, and local laws, rules, regulations, and ordinances. Each short-term rental permit shall indicate the number of bedrooms which are on the property, as determined at the time of application. No property may be rented to a number of individuals greater than the structure’s bedroom and septic capacity. Application must be submitted two (2) weeks prior to the next Planning Commission meeting at which the Planning Commission will make a recommendation to the Mission Creek Township Board for final determination.

2.2.4 Permit Renewal. Annual Short-term rental permits expire on December 31 each year regardless of when it was issued in the year. No short-term rental of a property may occur in the subsequent year until a new annual short-term rental permit has been issued for that year. Renewal application must be initiated two (2) weeks prior to the November Planning Commission meeting.

* 1. General Standards. The following general standards shall apply to all annual short-term rental permits issued under this section. Failure to comply with the general standards in this paragraph, or any other provision in this section, may result in the revocation of the short-term rental permit as provided in this section.
     1. Occupancy. Maximum occupancy will be based on two (2) adult people per bedroom or the number compliant with septic capacity, whichever is smaller. Bedrooms do not include using kitchen; dining room; living room; den; or any porch for sleeping space. Children under 5 years of age do not count in the total of persons.
        1. Pets. All pets must be on leash or under direct control of the owners. No pets will be allowed to enter a neighbor’s property.
     2. Rental Restrictions. Properties may not be rented or leased more than 6 rental events during the May 20 through September 10 summer season and an additional 8 rental events during the off-season.
     3. Additional Occupancy. Occupancy by use of recreational vehicles, travel trailers, yurts, tents, accessory structures, garages, boathouses, pole barns, sheds, fish houses or similar structures is not permitted; including commercial buildings.
     4. Building/Safety Codes. The dwelling unit must meet all residential building and safety codes and must be inspected annually by the MN Department of Health within 12 months prior to the permit renewal application date.
        + 1. Fire Inspection. Owner will be required to have a walk through by the local Fire Department at initial permit or with renewal application.
     5. Parking/Vehicles. Parking shall not encumber the minimum greenspace requirements for that particular zoning district and no on-street parking is allowed for guests. Parking must be setback a minimum of 5’ from a property line.
        1. Watercraft Launching. Any trailered watercraft (jet ski, boat, pontoon, etc.) owned by the renter must be launched from a DNR boat launch. If a DNR launch is not available, it may be launched from a private launch. At no time shall a watercraft be launched from the rental property. Wake boats are prohibited as part of the Short-Term Rental Ordinance.
     6. Signage/Lighting. Signage for the rental property must not exceed 12 sq. ft. and must remain unlighted.
        1. Outside Lighting. All outside lighting on the rental property must be down lighting. Existing lighting must be converted upon granting of permit.
     7. Non-Transferable. Annual Short-term rental permits are non-transferable, and any such permit shall automatically terminate upon the sale or other conveyance of the property.
     8. No Vested Right. Annual Short-term rental permits issued under this section constitute a revocable, limited right. Nothing herein shall be construed as granting a vested property right in the short-term rental of the property.
     9. Number of Bedrooms. No permittee shall advertise the property as containing any more than the number of bedrooms identified in the short-term rental permit. The number of bedrooms, as indicated on the permit, shall be used for all calculations required herein.
     10. Guest Records. Each permittee shall maintain a guest record for the property available upon request by the Township Board for up to 3 years. At a minimum, such guest record shall include the following information on all guests staying at the property:
         1. Name;
         2. Address;
         3. Phone number;
         4. Number of guests and number of pets per stay;
         5. Dates of use; and
         6. Number of watercrafts supplied by renters.
     11. Annual Report. Each permittee shall annually provide the Township with a written report at the end of every calendar year. The report shall include number of guests; number of rental events; number of watercraft and number of pets during the calendar year. Other items may be required in the future.
     12. Guest Disclosures. Each permittee shall provide a written disclosure to each short- term rental guest. Such written disclosure shall include, at a minimum, the following information:
         1. Name, phone number, and permanent address of the owner; and operating lessee or managing agent/representative;
         2. The maximum number of guests permitted to stay at the property pursuant to the short-term rental permit;
         3. The maximum number of vehicles permitted to be parked upon the property, as well as a visual display showing the permitted parking locations on the property;
         4. A visual display along with a staked-out area showing where the property’s septic system is located, if not served by municipal services, to reduce the potential of system damage;
         5. Property rules related to use of outdoor features such as decks, patios, grills, recreational fires, pools, hot tubs, saunas, and other recreational facilities; and all rules required by the MN Department of Health must be visible;
         6. Notice that all applicable ordinances will be enforced by the Pine County Sheriff’s Department, including reduced noise levels between 10 PM and 7 AM.
         7. Display of Permit. Each permittee shall post or publish their annual short-term rental permit number upon all print, poster, or web advertisements offering the property for short- term rental.
         8. Garbage. All garbage must be kept in suitable containers that are stored out of view of a public street and shall be disposed of at least once a week or as guests depart the property.
         9. Additional Inspections. Mission Creek Township may conduct ongoing compliance inspections of every short-term rental property.
  2. Enforcement and Permit Revocation. In the event of a violation of this Ordinance as determined by short term rental authority designated by the Township, owner will be notified and a period of thirty (30) days will begin to request a hearing for dispute of claim. the first substantiated and relevant complaint or violation shall be an administrative fine of $500. The administrative fine for the second violation shall be $1000. The administrative fine for the third violation shall be $1500. In addition, upon a finding that a permittee has violated a provision of this section, this Ordinance, or the Mission Creek Township Board of Supervisors on three (3) separate occasions within a twelve (12) month period, the Board of Supervisors may revoke the annual short-term rental permit. Prior to such revocation, Township staff will mail written notice of the permit violations to the permittee. The permittee shall have ten (10) business days to request a hearing regarding such revocation before the Board of Supervisors. Failure to request such a hearing shall constitute waiver of the right to be heard on such revocation. If a timely request for a hearing is received, the Board of Supervisors shall hold a hearing at a regular scheduled meeting, provide the permittee an opportunity to be heard, and shall then act on whether to revoke the annual short-term rental permit. If the Board of Supervisors does not revoke the permit, they may add conditions to the permit as they determine are appropriate to mitigate further violations. Administrative fines will be assessed on the property taxes of the owner if not paid within ninety (90) days. The billed amount, if not paid within ninety (90) days, shall be added to the property tax roll and shall constitute a lien against the responsible person’s property which shall be collected and enforced in the same manner as general property taxes pursuant to Minnesota Statue § 366.012 or any other relevant statute. This cost recovery shall be in addition to any penalty or legal or equitable remedy the Township may seek or receive for the violation of this Ordinance.
     1. Effect of Revocation. Upon revocation of an annual short-term rental permit, the permittee shall be ineligible to apply for a new short-term rental permit for a period of twelve (12) months from the date of revocation.
     2. Violation. Each violation of any term of this section is punishable by an administrative citation and or misdemeanor. Each day that such violation occurs shall constitute a separate offense. Failure to license as a short-term rental is considered a violation. No application will be allowed for six (6) months if found to be in violation.
     3. Complaints. All complaints against a short-term rental shall first be directed to the owner or a local contact. If the owner or the local contact fail to respond to the complaint, then the complaint shall be addressed to either law enforcement or by the short-term rental authority designated by Mission Creek Township. A complaint shall include the type of violation, along with the date and time it occurred. Any person who makes a false complaint regarding a short-term rental is guilty of a misdemeanor.

Section 3. Rental Events. A rental event is defined as any rental to an individual party from 1 to 7 days. Every 1 to 7 days thereafter is a separate rental event.

The Mission Creek Township Board of Supervisors ordains that this Ordinance shall be in full force and effect on the \_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, 202\_\_\_\_. by the Board of Supervisors of Mission Creek Township

By

Chairperson of the Board

ATTEST:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Mission Creek Township Clerk