

That outside of the Shoreland Overlay District, residential and agricultural accessory structures shall be placed a minimum of 15 feet from the side lot line and 15 feet from the rear lot line including any overhang. On Lots of Record established prior to April 24, 1979 which are in the shoreland overlay district, the minimum side yard shall conform to current Stearns County Zoning Ordinance sideyard standards. Flues, roof overhangs, awnings, bay windows and chimneys up to two (2) feet in width shall not be permitted encroachments into setback requirements.

#### **9.3.12 Height Requirements**

**That Section 9.3.12 shall read as follows:**

- A. Buildings, other than agricultural buildings, shall not exceed **twenty eight (28)** feet in height.
- B. Agricultural buildings shall not exceed fifty (50) feet in height if located on a parcel of at least forty (40) acres.
- C. **Structures with height exceeding 28 feet or agricultural buildings exceeding 50 feet shall be subject to a conditional use permit.**
- D. **Height is measured from the lowest elevation of the immediately adjacent surrounding grade.**

#### **9.4 Transitional District T-20 (T-20 District)**

##### **9.4.3 Provisional Uses**

**That Section 9.4.3B (Cemeteries) and Section 9.4.3C (Government administrative and service buildings) are hereby repealed.**

##### **9.4.5 Conditional Uses**

**That Section 9.4.5 L and M are hereby added to read as follows:**

- L. Cemeteries
- M. Government administrative and service buildings

##### **9.4.11 Setback Requirements**

**That Section 9.4.11A (3) is hereby amended to read as follows:**

The setback from a township road shall be 100 feet from the centerline

**That Section 9.4.11D is hereby added to read as follows:**

That outside of the Shoreland Overlay District, residential and agricultural accessory structures shall be placed a minimum of 15 feet from the side lot line and 15 feet from the rear lot line including any overhang. On Lots of Record established prior to April 24, 1979 which are in the shoreland overlay district, the minimum side yard shall conform to current Stearns County Zoning Ordinance sideyard standards. Flues, roof overhangs, awnings, bay windows and chimneys up to two (2) feet in width shall not be permitted encroachments into setback requirements.

**9.4.12 Height Requirements**

**That Section 9.4.12 shall read as follows:**

- A. Buildings shall not exceed **twenty eight (28)** feet in height.
- B. **Structures with height exceeding 28 feet shall be subject to a conditional use permit.**
- C. **Height is measured from the lowest elevation of the immediately adjacent surrounding grade.**

**9.6 Residential District R-10 (R-10 District)**

**9.6.3 Provisional Uses**

**That Section 9.6.3B (Cemeteries) and Section 9.6.3C (Government administrative and service buildings) are hereby repealed.**

**9.6.5 Conditional Uses**

**That Section 9.5.5 L and M are hereby added to read as follows:**

- L. Cemeteries
- M. Government administrative and service buildings

**9.6.11 Setback Requirements**

**That Section 9.6.11A (3) is hereby amended to read as follows:**

The setback from a township road shall be 100 feet from the centerline

**That Section 9.6.11D is hereby added to read as follows:**

That outside of the Shoreland Overlay District, residential and agricultural accessory structures shall be placed a minimum of 15 feet from the side lot line and 15 feet from the rear lot line including any overhang. On Lots of Record established prior to April 24, 1979 which are in the shoreland overlay district, the minimum side yard shall conform to current Stearns County Zoning Ordinance sideyard standards. Flues, roof overhangs, awnings, bay windows and chimneys up to two (2) feet in width shall not be permitted encroachments into setback requirements.

**9.6.12 Height Requirements**

**That Section 9.6.12 shall read as follows:**

- A. Buildings shall not exceed **twenty eight (28)** feet in height.
- B. **Structures with height exceeding 28 feet shall be subject to a conditional use permit.**
- C. **Height is measured from the lowest elevation of the immediately adjacent surrounding grade.**

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

**9.7.3 Provisional Uses**

**That Section 9.7.3B (Cemeteries) and Section 9.7.3C (Government administrative and service buildings) are hereby repealed.**

**9.7.5 Conditional Uses**

**That Section 9.7.5 L and M are hereby added to read as follows:**

- L. Cemeteries
- M. Government administrative and service buildings

**9.7.11 Setback Requirements**

**That Section 9.7.11A (3) is hereby amended to read as follows:**

The setback from a township road shall be 100 feet from the centerline

**That Section 9.7.11C is hereby added to read as follows:**

That outside of the Shoreland Overlay District, residential and agricultural accessory structures shall be placed a minimum of 15 feet from the side lot line and 15 feet from the rear lot line including any overhang. On Lots of Record established prior to April 24, 1979 which are in the shoreland overlay district, the minimum side yard shall conform to current Stearns County Zoning Ordinance sideyard standards. Flues, roof overhangs, awnings, bay windows and chimneys up to two (2) feet in width shall not be permitted encroachments into setback requirements.

**9.7.12 Height Requirements**

**That Section 9.7.12 shall read as follows:**

- A. Buildings shall not exceed **twenty eight (28)** feet in height.
- B. **Structures with height exceeding 28 feet shall be subject to a conditional use permit.**
- C. **Height is measured from the lowest elevation of the immediately adjacent surrounding grade.**

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

**9.9.3 Provisional Uses**

**That Section 9.9.3C (Cemeteries) and Section 9.9.3D (Government administrative and service buildings) are hereby repealed.**

**9.9.5 Conditional Uses**

**That Section 9.9.5 I is hereby added to read as follows:**

- I. Cemeteries

**9.9.9 Setback Requirements**

**That Section 9.9.9A (3) is hereby amended to read as follows:**

The setback from a township road shall be 100 feet from the centerline

**That Section 9.9.9A is hereby amended to read as follows:**

That outside of the Shoreland Overlay District, structures shall be placed a minimum of 15 feet from the side lot line and 15 feet from the rear lot line including any overhang. On Lots of Record established prior to April 24, 1979 which front DNR Classified Lakes, the minimum side yard shall conform to current Stearns County Zoning Ordinance sideyard standards.

Flues, roof overhangs, awnings, bay windows and chimneys up to two (2) feet in width shall not be permitted encroachments into setback requirements.

**9.9.10 Height Requirements**

**That Section 9.9.10 shall read as follows:**

Buildings shall not exceed **twenty eight (28)** feet in height **measured from the lowest elevation of the immediately adjacent surrounding grade**. Structures with a height exceeding 28 feet shall be subject to a conditional use permit.

**9.10 Commercial District (C District)**

**9.10.3 Provisional Uses**

**That Section 9.10.3A (Adult uses-accessory) is hereby repealed.**

**9.10.5 Conditional Uses**

**That Section 9.10.5G (Multi-family residential dwellings) is hereby repealed.**

**9.10.8 Setback Requirements**

**That Section 9.10.8A (3) is hereby amended to read as follows:**

The setback from a township road shall be 100 feet from the centerline

**9.10.9 Height Requirements**

**That Section 9.10.9 shall read as follows:**

Buildings shall not exceed **twenty eight (28)** feet in height **measured from the lowest elevation of the immediately adjacent surrounding grade**. Structures with a height exceeding 28 feet shall be subject to a conditional use permit.

**9.12 Educational/Ecclesiastical District (EE District)**

**9.12.2 Permitted Uses**

**That Section 9.12.2L is hereby repealed.**

**9.12.5 Conditional Uses**

**That Section 9.12.5E is hereby added to read as follows.**

E. Any use of land that is consistent with the purpose of the Educational/Ecclesiastical District which is not expressly prohibited or provided for in the Educational/Ecclesiastical District.

**9.12.7 Setback Requirements**

**That Section 9.12.7A (3) is hereby amended to read as follows:**

The setback from a township road shall be 100 feet from the centerline

**9.12.8 Height Requirements**

**That Section 9.12.8 shall read as follows:**

**Height Requirements**

- A. In the Shoreland District, buildings shall not exceed **fifty (50)** feet in height **measured from the lowest elevation of the immediately adjacent surrounding grade**
- B. **Structures with height exceeding 50 feet on land zoned Educational Ecclesiastical shall be subject to a conditional use permit.**

**SECTION 10 OVERLAY DISTRICT STANDARDS**

**10.3 Conservation Design Overlay District**

That Section 10.3, Conservation Design Overlay District of Stearns County Ordinance Number 439, or successor Ordinance is hereby adopted as modified below:

**10.3.1 Purpose.**

The Collegeville Township Natural Resource Conservation Design Overlay District is intended to protect areas of high value natural resources within Collegeville Township by allowing development flexibility not allowed under the base zoning districts. Lands within this District shall be subject to a primary zoning district and, if applicable, the Shoreland Overlay District and the Floodplain Overlay District.

**10.3.2 District Application**

The Natural Resource Conservation Design Overlay District shall be applied in those areas of Collegeville Township designated as “Avon Hills Conservation Area” on the Stearns County Comprehensive Plan map, except areas zoned R-1 on the date of adoption of this ordinance, \_\_\_\_\_, 2011.

**10.3.3 Permitted Uses**

Uses permitted in the Conservation Design Overlay District shall be those uses allowed as permitted, provisional, accessory, conditional or interim in the primary zoning district or any applicable overlay district, except that conventional subdivisions shall require a conditional use permit as identified in *Section 7.6.5 of Stearns County Ordinance Number 439; or successor ordinance.*

**10.3.4 Residential Density Requirements**

The number of residential dwelling units allowed shall not exceed the total number permitted under the residential density requirements of the primary zoning district or any applicable overlay district, whichever is more restrictive, except as provided in *Section 7.6.3 of Stearns County Ordinance Number 439; or successor ordinance.*

**10.3.5 Residential Subdivision Requirements**

All residential subdivisions of land that meet the minimum size thresholds of *Section 7.6.3 A. of Stearns County Ordinance Number 439; or successor*

*ordinance shall meet the conservation design subdivision design and conservation area requirements of Sections 7.6.4, 7.6.6, 7.6.7, 7.6.8, and 7.6.9 of Stearns County Ordinance Number 439; or successor ordinance, except when approved as a conventional subdivision conditional use under the provisions of Section 7.6.5 of Stearns County Ordinance Number 439; or successor ordinance.*

**10.3.6 Residential Density Bonus**

Residential density bonuses are offered for conservation design subdivisions as described in *Section 7.6.3C.(1) of Stearns County Ordinance Number 439; or successor ordinance.*

**10.4 Airport Overlay District**

That Section 10.4, Airport Overlay District of Stearns County Ordinance Number 439, or successor Ordinance is hereby adopted by reference.

**SECTION 11 TRANSFER OF DEVELOPMENT RIGHTS PROGRAM**

That *Section 11 of Stearns County Ordinance Number 439 or successor Ordinance* are hereby adopted by reference to establish a Transfer of Development Rights program for the Colledgeville Natural Resources Conservation Design Overlay District.

That *Section 11.1.5 of Stearns County Ordinance Number 439 or successor Ordinance* establishing an agricultural Transfer of Development Rights Program is not adopted.

**SECTION 12 ENFORCEMENT**

**12.1** Any person, firm or corporation who violates any of the provisions of this Ordinance, or who fails, neglects or refuses to comply with the provisions of this Ordinance (including violations of conditions and safeguards established in connection with the granting of variances and conditional and interim use permits or failures to comply with restoration orders), or who knowingly makes any false statement in any document required to be submitted under the provisions hereof, shall be guilty of a misdemeanor and upon conviction thereof, shall be punished by a fine not to exceed \$1,000 or by imprisonment not to exceed 90 days or both. Each day that a violation continues shall constitute a separate offense.

**12.2** In the event of a violation or a threatened violation of this Ordinance, the Board, in addition to other remedies, may institute appropriate civil actions or proceedings to prevent, prosecute, restore, restrain, correct or abate such violations or threatened violations.

**SECTION 13 FEES**

To defray the administrative costs of processing requests of this Ordinance, a fee not exceeding administrative costs shall be paid by the applicant. Such fee shall be determined by the Township Board of Supervisors.

**SECTION 14 EFFECTIVE DATE**

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

**SECTION 15 REPEALER**

The Collegeville Township Zoning Ordinance and any amending ordinance, as presently enacted, are hereby repealed.

PASSED BY THE Collegeville Township Board THIS 29<sup>th</sup>  
DAY OF November, 2011.

APPROVED:

Linus Heinen  
Linus Heinen  
Collegeville Township Chair

ATTEST:

Joe Pohl  
Joe Pohl  
Collegeville Township Clerk

This instrument drafted by:  
Stearns County Environmental Services  
705 Courthouse Square  
St Cloud, Minnesota 56303

