

KANABEC COUNTY RECORDER

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TOWN OF

KANABEC

ZONING
ORDINANCE

AMENDED APRIL 12, 2003

TOWN OF KANABEC ZONING ORDINANCE**TABLE OF CONTENTS**

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ZONING ORDINANCE FOR THE TOWN OF KANABEC, MINNESOTA

The Town Board of the Town of Kanabec ordains: An ordinance regulating the use of land; the location, size and use of buildings; and the arrangement of buildings on lots in the Town of Kanabec, Minnesota, pursuant to the authority granted by Minnesota Statutes Section 462.357.

SECTION 1

TITLE AND APPLICATION

Subd. 1.

Title. This Ordinance shall be known as the "Zoning Ordinance of the Town of Kanabec, Minnesota," except as referred to herein, where it shall be known as "this Ordinance."

Subd. 2.

Intent and Purpose. The intent of this Ordinance is to protect the public health, safety and general welfare of the Town and its people through the establishment of minimum regulations governing land development and use. This Ordinance shall divide the Town into use districts and establish regulations in regard to location, erection, construction, placement, 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, yards and density of population; to provide for compatibility of different land uses; to provide for administration of this Ordinance; to provide for amendments; to prescribe penalties for violation of such regulations; to define powers and duties of the Town Staff, the Board of Adjustments and Appeals, the Planning Commission, and the Town Board in relation to the Zoning Ordinance.

Subd. 3.

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 Town, 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, the provisions of this Ordinance shall be met.

Subd. 4.

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.

Subd. 5.

Conformity with Provisions. No structure shall be erected, converted, enlarged, reconstructed, placed 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.

Subd. 6.

Land Use Permits. Except as herein provided, no building, structure or premises shall hereafter be used or occupied and no land use permit shall be granted that does not conform to the requirements of this Ordinance.

Subd. 7.

Conditional Uses, Variances, Amendments, Appeals. Nothing within this Ordinance shall be construed so to deny any property owner his right to apply for a conditional use permit variance, amendment, or appeal.

Subd. 8.

Uses Not Provided for Within Zoning Districts. Whenever in any zoning district a use is neither specifically permitted nor denied, the use shall be considered prohibited. In such case the Town 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 Town Board, Planning Commission or property owner shall, if appropriate, initiate an amendment to the Zoning Ordinance to provide for the particular use under consideration, or shall find that the use is not compatible and therefore not allowed within the Town.

Subd. 9.

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

- A. 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.
- B. 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 provisions to any other property, building, or structure not specifically included in said judgment.

SECTION 2

DEFINITION OF TERMS

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

Subd. 1.

Accessory Building or Use. A subordinate building, structure or use which is located on the same lot 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.

Subd. 2.

Accessory utility buildings, structures for wireless communication facilities. A building or cabinet-like structure located adjacent to or in the immediate vicinity of a commercial wireless telecommunication tower or antenna to house equipment customarily incidental to the receiving or transmitting of wireless broadcasts, cellular telephone calls, voice messaging, and paging services.

Subd. 3.

Agriculture Uses. Those uses commonly associated with the growing of produce and raising of livestock on farms. These uses include: field crop farming; pasture; the production of hay, fruit, trees, plants, or shrubs; flower nursery without building; truck gardening; roadside produce stands in season; and livestock raising and feeding.

Subd. 4.

Antenna. Any exterior transmitting or receiving device mounted on a tower, building or structure and used in communications that radiate or capture electromagnetic waves, digital signals, analog signals, radio frequencies (excluding radar signals), wireless telecommunications signals or other communication signal.

Subd. 5.

Automobile Wrecking or Junk Yard. Any place where five (5) or more vehicles not in running condition and/or not licensed, or parts thereof are stored in the open; or any land, building or structure used for commercial wrecking or storing of such motor vehicles or parts thereof; and including any commercial salvaging and scavenging of any other goods,

articles or merchandise.

Subd. 6.

Basement. A portion of a building located partially underground but having more than one-half (1/2) its floor to ceiling height below the average land grade.

Subd. 7.

Buildable Area. The portion of a lot remaining after required yards have been provided, which is capable of supporting the proposed structure(s).

Subd. 8.

Building. Any structure used or intended for supporting or sheltering any use or occupancy.

Subd. 9.

Building Line. That line measured across the width of the lot at the point where the main structure is placed in accordance with setback provisions.

Subd. 10.

Building Setback. The minimum horizontal distance between the building and the specified lot line as prescribed in this Ordinance.

Subd. 11.

Campground. An area containing campsites or camping spurs for tent and trailer camping.

Subd. 12.

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.

Subd. 13.

Commercial Recreation. Bowling alley, cart track, golf course, pool hall, vehicle racing or amusement, dance hall, skating, swimming, tavern, theater, firearms range, boat rental, amusement rides, campgrounds, deer park, and similar uses for which fees are charged for admission or use of the facility.

Subd. 14.

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

Subd. 15.

Conditional Use. A use, which because of special problems of control requires reasonable, but special limitations peculiar to the use for the protection of the public health, safety and welfare, and the integrity of the Town's Comprehensive Plan.

Subd. 16.

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

Subd. 17.

Conditional Use Permit. A permit issued by the Town Board in accordance with procedures specified in this Ordinance, as well as its compatibility with the Town's Comprehensive Plan, as a flexibility device to enable the Town Board to assign dimensions to a proposed use or conditions surrounding it after consideration of adjacent uses and their functions and the special problems which the proposed use presents.

Subd. 18.

District. A section or sections of the Town for which the regulations and provisions governing the use of buildings and lands are uniform for each class of use permitted herein.

Subd. 19.

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

Subd. 20.

Dwelling, Multiple (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, main entrances and exits.

Subd. 21.

Dwelling, Single Family. A detached dwelling unit designed for occupancy of one (1) family.

Subd. 22.

Dwelling, Two-Family. A dwelling designed exclusively for occupancy by two (2) families living independently of each other.

Subd. 23.

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. Partially completed buildings shall not be considered earth sheltered.

Subd. 24.

Engineer. A qualified professional engineer registered with the State of Minnesota.

Subd. 25.

Essential Services. Underground or overhead gas, electrical, steam or water distribution systems; collection, communication, supply or disposal system 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 services.

Subd. 26.

FAA. The Federal Aviation Administration.

Subd. 27.

Family. An individual or two or more persons related by blood or marriage or a group of not more than five unrelated persons living together on the premises or in a single housekeeping unit.

Subd. 28.

Farm. A tract of land which is principally used for commercial agriculture, all of which is owned and/or operated by a single family, farm corporation, individual or corporation.

Subd. 29.

FCC. The Federal Communications Commission.

Subd. 30.

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

Subd. 31.

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.

Subd. 32.

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

Subd. 33.

Garage, Private. An accessory building or accessory portion of the principal building which is intended for and used to store the private passenger vehicles of the family or families resident upon the premises, and in which no business service or industry is carried on; provided that not more than one-half (1/2) of the space may be rented for the private vehicles of persons not resident on the premises, except that all the space in a garage of one (1) or two (2) car capacity may be so rented.

Subd. 34.

Hardship - Undue. The property in question cannot be put to a reasonable use if used under conditions allowed by the official controls, the plight of the landowner is due to circumstances unique to his property not created by the landowners.

Subd. 35.

Height, tower. When referring to a tower or other structure, the distance measured from the finished grade of the parcel to the highest point on the tower or other structure, including the base pad and any antenna.

Subd. 36.

Home occupation. Any occupation or profession 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.

Subd. 37.

Industrial Use. Any establishment, occupation, employment, or enterprise where the manufacturing, storage, or warehousing of products and materials occur.

Subd. 38.

Kenel. Any place where four (4) or more dogs over six (6) months of age are boarded, bred, or offered for sale, except veterinary clinics. Kennels shall be considered a commercial use for the purposes of this Ordinance.

Subd. 39.

Lot, Of Record. A parcel of land, whether subdivided or otherwise legally described of record as of the effective date of this Ordinance, or approved by the Town as a lot subsequent to such date.

Subd. 40.

Lot. Land occupied or to be occupied by one (1) principal building or use and its accessory buildings, together with such open spaces as are required under the provisions of this Zoning Ordinance, having not less than the minimum area required by this Zoning Ordinance for a building site in the district in which such lot is situated and having its principal frontage on a street or a proposed street approved by the Board, or having not

less than a thirty-three (33) foot easement for the purpose of access to a street or proposed street approved by the Board.

Subd. 41.

Lot Area. The area of a horizontal plane within the lot lines.

Subd. 42.

Lot, Corner. A lot situated at the junction of and abutting on two (2) or more intersecting roads; or a lot at the point of deflection in alignment of a single street, the interior angle of which is one hundred thirty-five (135) degrees or less.

Subd. 43.

Lot, Frontage. The front of a lot shall be that boundary abutting a public right-of-way.

Subd. 44.

Lot, Line. A property boundary line of any lot held in 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.

Subd. 45.

Lot, Width. The shortest horizontal distance between the side lot lines measured at the right angles at the building line and front lot line.

Subd. 46.

Manufactured home. A factory-built single-family structure that meets the National Manufactured Home Construction and Safety Act, commonly known as the HUD Code.

Subd. 47.

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

Subd. 48.

Mining Operation - Commercial. The removal from the land and sale of stone, sand and gravel, coal, salt, iron, copper, nickel, granite, petroleum products or other material for commercial, industrial, or governmental purposes.

Subd. 49.

Nonconforming Structure or Use. Any structure or use which on the effective date of this Ordinance does not, even though lawfully established, conform to the applicable conditions if the structure or use was to be erected under the guidance of this Ordinance.

Subd. 50.

Off-Road Loading Space. 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) truck of the type typically used in the particular business.

Subd. 51.

Parking Space. An area 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) automobile which has adequate access to a public road and permitting satisfactory ingress and egress of an automobile.

Subd. 52.

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.

Subd. 53.

Planning Commission. The planning advisory board of the Town, designated by the Town Board.

Subd. 54.

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

Subd. 55.

Public Road. For the purpose of this Ordinance public roads shall include only those roads which are owned by the township, county, state, or federal government, and dedicated for public use.

Subd. 56.

Public Uses. Uses owned or operated by a municipality, school district, town, county, state or other governmental units.

Subd. 57.

Public utility. Persons, corporations, or governments supplying gas, electric, transportation, water, sewer, or land line telephone service to the general public. For the purpose of this ordinance, commercial wireless telecommunication service facilities shall not be considered public utility uses, and are defined separately.

Subd. 58.

Protected Waters. Any waters of the State which serve a beneficial public purpose, as defined in Minnesota Statutes, Section 103G.201. 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 State of Minnesota shall be exempt from the provisions of these regulations.

Subd. 59.

Setback. The minimum horizontal distance between a structure or sanitary facility and a road or highway right-of-way or property lot line, or between a structure or sanitary facility and the ordinary high water mark.

Subd. 60.

Shoreland. Land located within the following distances from public water: (i) 1,000 feet from the ordinary high water mark 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.

Subd. 61.

Sign. Any letters, words, symbols, poster, picture, device reading matter, or representation in the nature of a message, announcement, visual communication, or advertisement whether printed, painted, posted, affixed, constructed, or displayed for the purpose of information or communication. This definition includes sign structural supports, uprights, bracing and framework. The term sign shall specifically include architectural or graphic features which are intrinsically associated with a particular product, good, service, business, firm corporation, or profession.

Subd. 62.

Sign, abandoned. A sign which no longer correctly advertises a bona fide business, lessor, lessee, owner, activity, use, product, or service available on the premises where the sign is displayed for a continuous period of three (3) months.

Subd. 63.

Sign, Canopy or Marquee. A roof-like structure projecting from and attached to a building.

Subd. 64.

Sign, Changeable Copy. A sign designed to permit an immediate change of copy which may be other than the name of the business such as reader boards and billboards.

Subd. 65.

Sign, Directional. A sign, the primary function of which is to provide location directions.

Subd. 66.

Signs, Electronic Reader Board. A sign which uses artificial lights as an integral part of the message. The message is changed by electronic means, not manually.

Subd. 67.

Sign, Flashing. Any illuminated sign that has artificial light or color which is not maintained at a constant intensity or color when such sign is in use. A flashing sign shall not include electronic reader board signs.

Subd. 68.

Sign, Freestanding. A sign that is supported by upright braces or posts placed in the ground, rather than affixed to any part of the building.

Subd. 69.

Sign, Gross Surface Area Of. That physical area of the sign constituted as the face upon which the advertisement is borne. The gross surface area shall be that area enclosed within the smallest regular geometric figure needed to encompass completely all letters, insignias or symbols of the sign, including horizontal spacing between letters, insignias or symbols, and including the physical area constituting the face of the sign. This shall be determined using one side of a double-faced sign.

Subd. 70.

Sign, Identification. Any sign, the primary function of which is to identify an establishment located upon the premises where such is located, or to which such sign is affixed. Signs identifying industrial establishments may secondarily call attention to the products, goods or materials which are produced, processed, assembled or stored upon the premises.

Subd. 71.

Sign, Illuminated. Any sign that is lighted by artificial means.

Subd. 72.

Sign, Monument Style. A freestanding sign that contains a solid or enclosed base and where the sign support post(s) is/are not visible. Base shall be constructed of materials that are consistent with and complementary to the building. Width of base to be a minimum of 2/3 the width of sign face.

Subd. 73.

Sign, Nonconforming. A sign which lawfully existed at the time of the adoption of this Ordinance, which does not conform to the requirements of this Ordinance.

Subd. 74.

Sign, Portable. A sign so designed as to be movable from one location to another and not permanently attached to the ground or to any immobile structure and to serve only as a temporary sign.

Subd. 75.

Sign, Projecting. A sign which is affixed perpendicular to the wall of a building or other structure and extends outward from that building wall or structure more than eighteen (18) inches.

Subd. 76.

Sign, Off-Premise. A sign not located on the property for which its message pertains.

Subd. 77.

Sign, On-Premise. A sign located on the property for which its message pertains.

Subd. 78.

Sign, Roof. A sign erected or attached in whole or in part upon the roof of a building, or a non-freestanding sign which projects above the roof line of a respective building. The roof line of structures with a flat roof is the top line of the coping; in structures with pitched roofs, the intersection of the outside wall with the roof.

Subd. 79.

Sign, Structure. The supports, uprights, bracing and framework for a sign, including the sign surface itself. In the case of a wall sign, the sign surface constitutes the sign structure. In the case of a sign structure consisting of two or more signs, where the interior angle formed between any of the sides exceeds 15 degrees, each side shall be considered a separate sign structure.

Subd. 80.

Sign, Temporary. A sign which is erected or displayed for a limited period of time.

Subd. 81.

Sign, Wall. A sign which is affixed upon and parallel to the wall of a building, to include canopy and marquee signs.

Subd. 82.

Sign, Window. A sign affixed to the outside of the windowpane or mounted or placed closely to the window which can be viewed from the outside of the building.

Subd. 83.

Sign, Wall Graphic. Visual artistic representations, symbols, and affiliations with state, federal, or international organizations.

Subd. 84.

Slope. The degree of deviation of a surface from the horizontal, usually expressed in percent or degrees.

Subd. 85.

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.

Subd. 86.

Substandard Use. Any use existing prior to the date of this Ordinance which is permitted within the applicable zoning district but does not meet the minimum lot area, frontage, setbacks, water frontage length, or other dimensional standards of this Ordinance.

Subd. 87

Tower. Any structure that is designed and constructed primarily for the purpose of supporting one or more antennas for telephone, radio and similar communication purposes, including self-supporting lattice towers, guyed towers, or monopole towers. The term includes radio and television transmission towers, microwave towers, common-carrier towers, cellular telephone towers, alternative tower structures, and the like; except for television, and radio towers for private use and not exceeding sixty (60) feet in height or be located closer to the property line than the height of the tower. The term includes the structure and any support thereto.

Subd. 88.

Tower, co-locate. A tower designed for two or more commercial wireless telecommunications service providers.

Subd. 89.

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.

Subd. 90.

Variance. The waiving action of the literal provisions of the Zoning Ordinance in instances where their strict enforcement would cause undue hardship because of physical circumstances unique to the individual property under consideration.

Subd. 91.

Wetlands. An area where water stands near, at, or above the soil surface during a significant portion of most years, saturating the soil and supporting a predominantly aquatic form of vegetation and which may have the following characteristics.

- A. Vegetation belonging to the marsh (emergent aquatic) bog, fen, sedge meadow, shrubland, southern lowland forest (lowland hardwood), and northern lowland forest (conifer swamp) communities. (These communities correspond roughly to wetland types 1, 2, 3, 4, 5, 6, 7 and 8 described by the United States Fish and Wildlife Service, Circular 39, "Wetlands of the U.S.", 1956).
- B. Mineral soils with grey horizons or organic solids belonging to the Histosol order (peat and muck).
- C. Soil which is water logged or covered with water at least three (3) months of the year. Swamps, bogs, marshes, potholes, wet meadows, and sloughs are wetlands, and properly, may be shallow water bodies, the waters of which are stagnant or actuated by very feeble currents, and may at times be sufficiently dry to permit tillage but would require drainage to be made arable. The edge of a wetland is commonly that point where the natural vegetation changes from predominantly aquatic to predominantly terrestrial.

Subd. 92.

Yard. An open space on the lot which does not contain structures. A yard extends along a lot line at right angles to such lot line to a depth or width specified in the yard regulations for the zoning district in which such lot is located.

Subd. 93.

Yard - Front. A yard extending across the front of the lot between the side lot lines and

lying between the front line of the lot and the nearest line of the building.

Subd. 94.

Yard - Rear. A yard extending across the full width of the lot and lying between the rear line of the lot and the nearest line of the building.

Subd. 95.

Yard - Side. A yard between the side line of the lot and the nearest line of the building and extending from the front yard of the lot to the rear yard.

Subd. 96.

Zoning Administrator. A person appointed by the Town Board to enforce the Zoning Ordinance.

Subd. 97.

Zoning Map. The maps or map incorporated into this Ordinance as part thereof, and as amended, designating the zoning districts.

SECTION 3

ZONING DISTRICT PROVISIONS

Subd. 1.

Establishment of Districts. The following zoning districts are hereby established within the Town of Kanabec.

- A-0, Agricultural-Open Space District
- A-R, Agricultural-Residential District
- HB, Highway Business District
- S, Shorelands District

Subd. 2.

Map. The location and boundaries of the districts established by this Ordinance are hereby set forth on the zoning map entitled "Zoning Map", a copy of which is on file with the Town Clerk. 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.

Subd. 3.

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

Subd. 4.

Zoning district Boundaries.

- A. Boundaries indicated as approximately following the center lines of streets, highways, alleys, or railroad lines shall be construed to follow such center lines.
- B. Boundaries indicated as approximately following lot lines shall be construed as following such lot lines.
- C. Boundaries indicated as following shore lines shall be construed to follow such shore lines, and in the event of change in shore line shall be constructed as moving with the

actual shore line; boundaries indicated as approximately following the center lines of streams, rivers, lakes or other bodies of water shall be construed to follow such center lines.

- D. Boundaries indicated as approximately following the Town boundaries shall be construed as following such boundaries.
- E. Where a district boundary line divides a lot which was in 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.
- F. The exact location of all district boundaries shall be interpreted by the Zoning Administrator, subject to appeal as provided in Section 16 of this Ordinance.

Subd. 5.

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 hereinafter provided.

- A. No building, structure, or land shall hereafter be used or occupied, except in conformity with all of the regulations herein specified for the district in which it is located.
- B. No building or other structure shall hereafter be erected, placed, or altered to exceed the height or bulk, to accommodate or house a use, to occupy a greater percentage of lot area, and to have narrower or smaller yards, other than herein required, or in any other manner contrary to the provision of this Ordinance.
- C. No yard or lot existing at the time of passage of this Ordinance shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this Ordinance shall meet at least the minimum requirements established by this Ordinance.

SECTION 4.

(A-0) AGRICULTURAL - OPEN SPACE DISTRICT

Subd. 1.

Purpose. The Agricultural-Open Space District is intended to provide a district which will allow suitable areas of the Township to be retained and utilized in open space and/or agricultural uses, prevent scattered non-farm uses from developing improperly, promote orderly development, and secure economy in government expenditures for public utilities and services.

Subd. 2.

Permitted Uses. The following uses are permitted:

- A. Farm buildings which are used for purposes related to the operation of the farm.
- B. Farm production which shall include the raising of crops and animals for sale, profit, or pleasure.
- C. Greenhouse or nursery.
- D. Forestry.
- E. Wildlife areas, forest preserves, public parks owned or operated by a government agency or nonprofit organization, and other open space uses.
- F. Temporary or seasonal roadside stands for sale of agricultural products.
- G. Single family dwellings, subject to Subd. 5 of this Section.
- H. Essential services.

Subd. 3.

Conditional Uses. The following uses may be permitted upon the issuance of a conditional use permit as provided for in Section 15:

- A. Commercial recreational parks, campgrounds, and commercial recreational facilities.
- B. Organized group camps.
- C. Commercial extraction of sand, gravel, minerals, or rock.
- D. Churches.
- E. Kennels.
- F. Government buildings.
- G. Home occupations, subject to Section 10, Subd. 2 of this Ordinance.

Subd. 4.

Accessory Uses. The following uses are permitted accessory uses:

- A. Any structure or use which is incidental to the permitted principal use including garages, sheds, fencing, and landscaping.
- B. Recreational facilities which serve the residents of the principal use.
- C. Operation and storage of vehicles, equipment and machinery which is incidental to the permitted principal use.
- D. Home occupations, subject to Section 10, Subd. 2 of this Ordinance.

Subd. 5.

Residential Density Requirements.

- A. Quarter/Quarter Sections Fronting Existing Public Roads. No more than two dwelling units per quarter (1/4) of a quarter (1/4) section, including existing dwellings, are permitted. Existing parcels or lots of record shall be considered buildable, notwithstanding this density requirement. All dwelling lots shall front an existing public road.

- B. Quarter/Quarter Sections Not Fronting an Existing Public Roads. No more than one dwelling unit per quarter (1/4) of a quarter (1/4) section including existing dwellings is permitted, subject to Kanabec County's Subdivision Ordinance. Existing parcels or lots of record shall be considered buildable, notwithstanding this density requirement. All tracts shall have access to an existing public road of at least one (1) rod in width.

Subd. 6.

Lot Area Requirements.

- A. Lot Area. A lot area of not less than two (2) acre is required, of which an area of at least one (1) acre is determined to be buildable.
- B. Lot Width. A lot width of not less than three hundred (300) feet at the building line and front lot line is required for each dwelling unit.

Subd. 7.

Front, Side, and Rear Yard Requirements.

- A. Front Yard. A front yard not less than the following distance between the center line of the road or right-of-way, whichever is the greater, and building line is required:
1. State Trunk Highway - 135 feet from centerline.
 2. County or County State-Aid Highways - 110 feet from centerline.
 3. Township Roads - 100 feet from centerline.
 4. From the right-of-way of any road - 30 feet.
- B. Side Yard. Two side yards are required, each having a width of not less than thirty (30) feet.
- C. Rear Yard. A rear yard of not less than thirty (30) feet from rear lot line and nearest line of building is required.

SECTION 5

(A-R) AGRICULTURAL - RESIDENTIAL DISTRICT

Subd. 1.

Purpose. The (A-R) Agricultural-Residential District is intended to accommodate agricultural and residential uses as the predominant uses in areas well served by the existing road system and where services and facilities can be provided in the most cost-effective manner.

Subd. 2.

Permitted Uses. The following uses are permitted:

- A. Farm buildings which are used for purposes related to the operation of the farm.
- B. Farm production which shall include the raising of crops and animals for sale, profit, or pleasure.
- C. Greenhouse or nursery.
- D. Forestry.
- E. Wildlife areas, forest preserves, public parks owned or operated by a government agency or nonprofit organization, and other open space uses,
- F. Temporary or seasonal roadside stands for sale of agricultural products.
- G. Single family dwellings.
- H. Essential services.

Subd. 3.

Conditional Uses. The following uses may be permitted upon the issuance of a conditional use permit as provided for in Section 15:

- A. Commercial recreational parks, campgrounds, and commercial recreational facilities.
- B. Churches.
- C. Organized group camps.
- D. Commercial extraction of sand, gravel, minerals, or rock.
- E. Government buildings.
- F. Home occupations, subject to Section 10, Subd. 2 of this Ordinance.

Subd. 4.

Accessory Uses. The following uses are permitted accessory uses:

- A. Any structure or use which is incidental to the permitted principal use including garages, sheds, fencing, and landscaping.
- B. Recreational facilities which serve the residents of the principal use.
- C. Operation and storage of vehicles, equipment and machinery which is incidental to the permitted principal use.
- D. Home occupations, subject to Section 10, Subd. 2 of this Ordinance.

Subd. 5.

Lot Area Requirements.

- A. Lot Area. A lot area of not less than two (2) acres is required, of which an area of at least one (1) acre is determined to be buildable.
- B. Lot Width. A lot width of not less than three hundred (300) feet at the building line is required for each dwelling unit.

Subd. 6.

Front, Side, and Rear Yard Requirements.

- A. Front Yard. A front yard is required and shall be not less than the following distance between the centerline of the road or right-of-way and building line is required:
1. State Trunk Highway - 135 feet from centerline.
 2. County or County State-Aid Highways - 110 feet from centerline.
 3. Township Roads - 100 feet from centerline.
 4. Local Roads (which are part of a development, or which serve as an extension of the city street system.) - 30 feet.
 5. From the right-of-way of any road - 30 feet.
- B. Side Yard. Two side yards are required, each having a width of not less than ten (10) feet.
- C. Rear Yard. A rear yard of not less than thirty (30) feet from the rear lot line and the nearest building line is required.

SECTION 6

(HB) HIGHWAY BUSINESS DISTRICT

Subd. 1.

Purpose. The (HB) Highway Business District shall be considered to be an overlying business district. The purpose of the HB District is to provide for retail and service businesses to accommodate the traveling public and light industries, in addition to the residential, agricultural and other uses allowed for in the underlying districts. The requirements of this district shall apply only to those uses allowed for in this Section.

Subd. 2.

Conditional Uses. The following uses may be permitted upon the issuance of conditional uses permit as provided for in Section 15:

- A. Agricultural implements, distribution, display, repair, sales.
- B. Automobile, truck and marine sales.
- C. Small engine, auto and truck repair and sales.
- D. Building materials, sales and storage.
- E. Cafe, restaurant, supper club.
- F. Gasoline service station.
- G. Grocery store.
- H. Bait and sporting goods store.
- I. Motel.
- J. Light industry.
- K. Commercial telecommunication towers.

- L. Any use, in the opinion of the Town Board, similar in nature to the above stated uses.

Subd. 3.

Accessory Uses. The following are permitted accessory uses:

- A. Buildings and structures for a use accessory to the principal use, but shall not exceed thirty (30) percent of the gross floor area of the principal use.
- B. Off-street parking as regulated by Section 10, Subd. 7 of this Ordinance.
- C. Off-street loading as regulated by Section 10, Subd. 7 of this Ordinance.
- D. Fencing, screening and landscaping as permitted and regulated by Section 10, Subd. 8. F. of this Ordinance.
- E. Business signs as regulated by Section 11 of this Ordinance.
- F. Residential units in a commercial building, accessory to the principal commercial use of the building, provided the residential unit does not exceed the gross floor area of the commercial portion of the building.

Subd. 4.

Minimum Lot Size.

- A. A minimum lot area of not less than one (1) acre is required, as well as all sanitary provisions as regulated by the Minnesota Department of Health Well Drilling Code.
- B. A minimum lot width of not less than one hundred (100) feet of street frontage is required, as well as all sanitary provisions as regulated by Section 14, Subd. 5 of this Ordinance and the Minnesota Department of Health Well Drilling Code.

Subd. 5.

Front, Side and Rear Yard Requirements.

- A. Front yard. Except as otherwise hereinafter provided, all uses allowed for under the "HB" District shall provide a front yard of thirty (30) feet, which shall be devoted exclusively to landscaping except for improved parking and necessary access drives. On lots fronting a State highway all primary structures shall be setback a minimum of one hundred seventy-five (175) feet from highway center line, with a fifty (50) foot easement dedicated for possible future use as a frontage road.
- B. Side yard. Two (2) side yards are required, each a width of not less than ten (10) feet.
- C. Rear yard. A rear yard with a depth of not less than fifteen (15) feet is required.

Subd. 6.

Transitional Yard Requirements. In the "HB" District, the minimum transitional yard requirements shall not be less than those specified below:

- A. Where a side lot line coincides with a side or rear lot line in an adjacent residential district, a yard shall be provided along such side lot line. Such yard shall be equal in dimension to the minimum side yard which would be required under this Ordinance for a residential use on the adjacent residential lot.
- B. Where a rear lot line coincides with a side lot line in an adjacent residential district, a yard shall be provided along such rear lot line. Such yard shall be equal in dimension to the minimum side yard which would be required under this Ordinance for a residential use on the adjacent residential lot, or the rear yard requirement of this Section, whichever is the greater.
- C. Where a rear lot line coincides with a rear lot line in an adjacent residential district, a yard shall be provided along such rear lot line. Such yard shall not be less than that which would be required for the rear yard for a residential use on the adjacent residential lot.
- D. Where the extension of a front or side lot line coincides with a front lot line of an adjacent lot located in a residential district, a yard equal in depth to the minimum front

yard required by this Ordinance on such adjacent residential lot shall be provided along such front or side lot lines.

Subd. 7.

Exterior Use Requirements.

- A. Storage areas shall be screened from view of neighboring residential uses.
- B. Storage areas shall be screened from view from the public right-of-way.
- C. Sales or display areas shall be screened from abutting residential uses.
- D. Sales, display, storage, and parking area shall be grassed or surfaced to control dust.
- E. All lighting shall be hooded and so directed that the light source is not directly visible from the public right-of-way or from neighboring residences.
- F. Sales display and storage areas shall not take up parking space as required for conformity to this Ordinance.

SECTION 7.

(S) SHORELAND DISTRICT

Subd. 1.

Purpose. The (S) Shoreland District is hereby established to regulate the development of shorelands of public waters within the Town pursuant to Laws of Minnesota.

Subd. 2.

All requirements of the Kanabec County Shorelands Management Ordinance ordinance No. 5), as amended, for the management of shoreland areas shall apply to the Shoreland District of Kanabec Township and shall be administered by Kanabec County.

SECTION 8.

BUILDING REQUIREMENTS

Subd. 1.

Purpose.

The purpose of this Section is to establish building requirements and standards which apply to all districts within the zoning jurisdiction of the Town to assure compatible land uses; to prevent blight and deterioration; and to enhance the health, safety and general welfare of the Town.

Subd. 2.

Building Standards.

- A. No buildings shall be permitted in areas classified as wetlands, flood plain, peat and muck areas, areas of poor drainage, and areas where the water table depth is less than four (4) feet.
- B. Dwelling Size. All dwellings shall have a minimum finished livable space of at least nine hundred twenty (920) square feet. Additions to manufactured homes shall not be considered in determining area requirements.
- C. Frost Free Footings. All permanent dwellings must be placed on frost free footings, foundations or pillars. Such footings shall have a minimum depth of at least five (5) feet.
- D. Manufactured Homes. Any manufactured home placed on a lot or parcel of land shall be a U.S. Department of Housing and Urban Development certified unit as evidenced by the HUD certification seal affixed to the unit. Such homes shall be placed on a minimum one (1) foot gravel base placed on a level surface of which a minimum of one (1) foot of top soil has been removed, or frost-free footings as described in Subd. 2 of this Section.
- E. 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 M.S. 462.357.

- F. No garage, tent or accessory building shall at any time be used as an independent residence or dwelling unit, temporarily or permanently, without approval of the Zoning Administrator.
- G. All buildings shall be so placed so that they will not obstruct future roads which may be constructed by the Town in conformity with existing roads and according to the system and standards employed by the Town.
- H. Not more than one (1) principal building shall be located on a lot, except in cases described herein. In case of doubt or on any question or interpretation, the decision of the Zoning Administrator shall be final, subject to the right of appeal to the Board of Adjustment and Appeals.
 - 1. Accessory Residences. A conditional use permit or temporary residence permit may be issued for an accessory residence to be placed or constructed on the same lot as an existing principal in the following cases:
 - a. Temporary Accessory Residence During Construction of Permanent Dwelling. In all districts, a twelve (12) month permit, renewable for one additional twelve (12) month period, may be issued to allow a manufactured home to be placed and occupied on the same site as the permanent dwelling is being constructed, provided:
 - (1) The land use permit for the permanent dwelling has been issued.
 - (2) A county-approved sewer system has been installed on the site to serve the temporary manufactured home.
 - (3) The accessory residence shall not be subsequently divided from the original parcel or lot unless all density, lot and setback provisions of this Ordinance are met.
 - b. Temporary Accessory Residence for Health Care Reasons. A twelve (12) month, renewable permit may be issued to allow a manufactured home to be placed and occupied on the same lot as the principal residence when the person(s) occupying the accessory residence or principal residence requires close supervision due to health reasons, yet are capable of independent living, provided:

- (1) A documented medical condition must exist requiring the need for a closely supervised independent living arrangement
 - (2) A county-approved sewer system exists on the site to accommodate the additional structure.
 - (3) The accessory residence shall not be subsequently divided from the original parcel or lot unless all lot, density and setback provisions of this Ordinance are met.
- c. Accessory Residence for Farm Employees. A conditional use permit may be issued to allow an accessory residence to be placed or constructed and occupied on a farm to provide housing for a person(s) or family which is actively engaged in the operation of the farm, provided:
- (1) The major portion of the livelihood of the person(s) or family residing is derived from the farm.
 - (2) A county-approved sewer system exists on the site to accommodate the additional structure.
 - (3) The accessory residence shall not be subsequently divided from the farm unless all density, lot and setback provisions of this Ordinance are met.
2. When issuing or renewing a temporary accessory dwelling permit or issuing a conditional use permit for an accessory residence, the Town Board may place additional, reasonable conditions on the permit to further the purpose and intent of this Ordinance. The failure to comply with these conditions may result in the revocation of said permit.
3. When conditions change, whereby the purpose and conditions of this section are no longer met, the temporary accessory residence may remain and be occupied through the term of the permit, however, the accessory residence shall be removed from the lot within ninety (90) days of the expiration date of the permit.
- I. Temporary Dwellings. Temporary dwellings, except as allowed for in Section 8, Subd. 2, H, including travel trailers, campers, tents, recreational vehicles, and other vehicles or structures which are adaptable for living and may be reasonably

transported, may only be used for dwelling purposes for a period not to exceed thirty (30) consecutive days or more than thirty (30) days of a sixty (60) day period. Only one temporary dwelling may be placed on a parcel or lot, except for short term periods such as family reunions, and visits which do not exceed a period of fourteen (14) days. Any deviation from the above restrictions requires a conditional use permit for a campground.

Subd. 3.

Accessory Structures and Uses.

- A. Two detached accessory buildings shall be allowed per lot in the "A-R" district.
- B. Accessory buildings and structures shall be located fifteen (15) feet or more from property lines, except as otherwise provided for in Section 9, Subd. 2., paragraph D.
- C. No sanitary facilities are permitted within an accessory building prior to the construction of the principal structure.
- D. No accessory building or structure other than a fence or a temporary construction office shall be permitted on any lot prior to the time of construction of the principal building to which it is accessory except a private garage, which prior to construction of the residence can be used only for storage purposes, pertaining to, and until the completion of the principal structure.
- E. No manufactured home, mobile home, travel trailer, camper, tent, recreational vehicle, or other vehicle shall be used as an accessory storage structure. Pre-manufactured storage units, constructed for the intended purpose of the storage of materials or objects, may be used as temporary (unfixed to the ground) storage accessory structures.

SECTION 9.

YARD AND LOT AREA REQUIREMENTS

Subd. 1.

Purpose. The purpose of this Section is to determine minimum yard and lot area requirements to be applied to all zoning districts under the jurisdiction of the Town.

Subd. 2.

Yard Requirements. The minimum yard setback distances from the appropriate lot line are set forth within the district provisions of this Ordinance.

- A. Corner Lots. Where a lot is located at the intersection of two (2) or more roads, the width of the yard along the side road shall not be less than the required front yard.
- B. Through Lots. On a lot fronting on two (2) parallel roads, both road lines shall be considered front lot lines for applying the yard regulations of this Ordinance.
- C. Earth Sheltered Buildings. Computations for yard requirements shall be based upon measurements from the exposed exterior surface of the building.
- D. Exceptions. The following shall not be considered as encroachment into yard setback requirements:
 - 1. Architectural projections including chimneys, flues, leaders, sills, pilasters, lintels, ornamental features, mechanical devices, cornices, eaves, gutters, and the like, provided they do not extend more than three (3) feet.
 - 2. Yard lights and signs provided they are located three (3) feet or more from all lot lines. Lights for illuminated parking or loading areas or yards for safety and security purposes may be installed where necessary provided that glare is not visible from public right of way or adjacent residential property.
 - 3. Off-street parking spaces except as hereinafter regulated.
 - 4. Fencing not exceeding eight (8) feet, or screening materials as hereinafter regulated.

5. In rear yards: recreational and laundry drying equipment, picnic tables, open arbors and trellises, balconies, breezeways, porches, detached outdoor living rooms and decks, and outdoor eating facilities, are allowed, provided these are not less than ten (10) feet from any lot line.

Subd. 3.

Lot Area Requirements. The minimum lot area requirements are set forth within the district provisions of this Ordinance.

- A. Lot Area Exception. A lot of record existing upon the effective date of this Ordinance which does not meet the area or width requirements of this Ordinance may be utilized provided that the following conditions are met:
 1. The combining of adjacent lots of common ownership to meet the requirements of this Ordinance is not possible.
 2. All sanitary sewer standards of the County are met.

SECTION 10.

GENERAL PROVISIONS

Subd. 1.

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

Subd. 2.

Home Occupations. It is the purpose of this subdivision 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.

- A. Permitted Home Occupations. Home occupations which employ persons residing in the home and do not require additional parking or use of an accessory building, or generate a noticeable increase in traffic shall be permitted. Such home occupations as architects, artists, clergymen, clothing alterations, domestic crafts making and similar uses are permitted.
- B. Home Occupations Requiring a Conditional Use Permit. Home occupations which have the potential for generating a noticeable increase in traffic, requires additional parking, involves employees not residing in the home, or utilizes an accessory building, shall require a Conditional Use Permit. Such home occupations, such as barber shops, beauty salons, repair shops, clothing shops, bed-and-breakfast inns, day care facilities, museums, animal hospitals, kennels, schools, and similar uses shall require a Conditional Use Permit.
- C. Performance Standards. All home occupations shall conform to the following standards:
 - 1. Conduct of the home occupation does not require alterations to the exterior of the residence which substantially alters the appearance of the dwelling as a residence.
 - 2. Only those persons residing in the home and two other persons as allowed by a Conditional Use Permit, may be employed in the home occupation.

3. Signage consists of no more than 1 single or double-faced sign with a maximum area of sixteen (16) square feet per side.
 4. The activities, equipment, and materials involved in the home occupation shall be conducted and contained within the home or accessory structure to the principal use, except in those cases when such activities, equipment and materials are not visible from a public road or adjacent residences. Such activities and items shall be screened by buildings or natural vegetation.
 5. The home occupation shall not generate sewage of a nature or type that cannot be treated by a standard on-site sewage system or generate hazardous wastes without an approval plan for off-site disposal.
- D. Review by Planning Commission. The Zoning Administrator may bring a proposed 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 standards and intent of this Ordinance.

Subd. 3.

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 site shall be defined as commercial mining. In all districts, the conduct of commercial mining shall be permitted only upon issuance of a conditional use permit. The following requirements shall apply to commercial mining operations:

- A. In addition to the requirements for conditional uses in Section 15, the following information shall accompany the conditional use permit application in writing with necessary maps.
 1. Site Plan
 - a. Area of site
 - b. Proximity of site to lot lines, adjacent structures
 - c. Existing drainage and permanent or temporary ponding areas
 2. Operational Plan
 - a. Placement of structures and equipment
 - b. Location and amount of materials to be removed
 - c. Location and height of materials to be stock piled

- d. Altered drainage and ponding areas
 - e. Erosion and sediment controls to be used
 - f. Dust, noise, and smoke control
 - g. Duration of mining operation
 - h. Hours of operation
 - i. Materials to be produced
 - j. Other activities occurring related to mining activity
3. Reclamation Plan
- a. Final grade of site
 - b. Vegetative cover
 - c. End use of site
4. Other information as may be requested by the Planning Commission or Town Board.
- B. The Town Board may require updated operational plans on an annual basis. The approval of the current operational plan shall be a condition of the use permit.
- C. 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 shall be considered a separate use and may be allowed by issuance of a conditional use permit.
- D. The Town Board may place conditions upon the issuance of the permit in addition to those described in Section 15. These conditions may include:
- 1. Maintenance standards of site - including weed control, storage and parking of vehicles and equipment.
 - 2. Drainage and sediment control.
 - 3. Fencing and screening.
 - 4. Location and maintenance of access roads and hauling routes.
 - 5. Dust, noise, and smoke control.
 - 6. Setbacks from property lines.

7. Hours of operation.
8. Rehabilitation of land and vegetation.
9. Posting of performance bond to reimburse the Town for any costs which may be incurred for the following:
 - a. Costs of bringing the operation into compliance with the conditional use permit requirements.
 - b. 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.
 - c. 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 County Engineer.

Subd. 4.

Land Reclamation. Under this Ordinance land reclamation is the reclaiming of land by the deposit of materials so as to elevate the grade. All land reclamation shall be controlled under the provisions of the Zoning Ordinance and shall meet the following minimum standards:

- A. The smallest amount of bare ground is exposed for as short a time as feasible.
- B. Temporary ground cover is used and permanent ground cover, such as sod, is planted.
- C. Methods to prevent erosion and trap sediment are employed.
- D. Fill is stabilized to accepted engineering standards.
- E. 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%.

Subd. 5.

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

Subd. 6.

Protected Water Alteration. Any alteration which will change or diminish the course, current or cross section of a public water shall be approved by the Commission of the Minnesota Department of Natural Resources, in accordance with the procedures of Minnesota Statutes, Section 103G.241, as amended. This alteration includes the construction of, or any change to water courses; excavation of lake or stream bottoms for removal of muck, silt or weeds; and filling in the lake or stream bed.

Subd. 7.

Off-Road Parking and Loading. All applications for a land use permit should include off-road parking and loading areas adequate to serve the proposed development.

Subd. 8.

Storage and Disposal of Items, Materials, and Waste. The following standards shall apply to storing, handling and disposal of any items, materials or wastes:

- A. No use shall be so operated that the storage and or disposal of materials or wastes results in any discharges of matter across the boundaries of the lot wherein such use is located or into the air, water or soil as to endanger the public health, safety, comfort, or welfare, or cause injury or damage to property or business.
- B. The pollution of any well, stream, lake, or body of water by sewage, industrial waste, or other substances is prohibited.
- C. All carcasses of animals shall be disposed of within forty-eight (48) hours after death.

- D. The ownership, possession or control of any unused appliances or other containers with doors which fasten automatically when closed and of sufficient size to retain any person, that are exposed and accessible to the public without the removal of the doors, lids, hinges or latches or the locking thereof to prevent access by the public, is prohibited.
- E. The property owner or caretaker of any property shall not allow any, unlicensed, partially dismantled, inoperative, wrecked or junked vehicle to remain on the property longer than thirty (30) days where said vehicle is visible from a public road or adjacent residence. Up to four (4) such vehicles may be kept on the property, unenclosed, provided that said vehicles are not visible from a public road or adjacent residences. Vehicles shall be screened by buildings or natural vegetation.
- F. All structures, landscaping and fencing shall be reasonably maintained so as to avoid health or safety hazards and prevent degradation to the value of adjacent property.

Subd. 9.

Nuisances. Any visual appearance, noise, odors, heat, dust, vibration, smoke, air pollution, glare, electrical interferences, or other such objectionable influences, or the storage of refuse or disposal of wastes that construed by the Town Board to be a menace or nuisance to the public health, safety, or general welfare of the Town, or to have a depressing influence upon property values in the area shall be prohibited.

Subd. 10.

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 Section 1, Subd. 2 of this Ordinance.

Subd. 11.

Existing Building Structures and Premises. Nothing in this Ordinance shall prevent or hinder the present or current use, operation of any existing building structure or premise that is occupied or under operation at the date of passing of this Ordinance.

SECTION 11

SIGNS

Subd. 1.

Purpose. The purpose of this section is to protect and promote the public health, safety, and general welfare of the citizens of the Town through the establishment of a comprehensive and impartial set of regulations governing the erection, display, and use of signs serving as a visual media to persons on public or private properties within the Town. These regulations are intended to:

- A. Preserve and protect property values and civic beauty, and not allow signs which detract from this objective due to excess size, height, number, visual impact, undesirable location, maintenance (or lack thereof), spacing, or illumination.
- B. Provide for signs which are compatible with their surroundings and appropriate to the type of activity to which they pertain.
- C. Control signs which invade privacy, constitute a public nuisance, or increase the likelihood of accidents by distracting attention or obstructing vision.
- D. Establish standards which will permit businesses a reasonable and equitable opportunity for effective communication, but will avoid excessive and unreasonable visual competition among sign displays.
- E. Promote a concern for the visual amenities on those persons designing, displaying, erecting, or utilizing signs in the Town.
- F. Assure that the public health, safety, and general welfare of the citizens of the Town.

Subd. 2.

Prohibited Signs.

- A. Signs that, by reason of position, shape or color would interfere with the proper function of a traffic sign or signal.

- B. Signs within a public right-of-way or easement, except for signs installed by governmental subdivisions.
- C. Signs that resemble any official marker erected by a governmental agency or that display such words as "Stop" or "Danger", which are not erected by legal authority.
- D. Flashing signs, including indoor signs, which are visible from the public streets.
- E. No rotating beam, beacon of flashing illumination shall be used in conjunction with any display.
- F. Sign or sign structures that obstruct any window, door, fire escape, stairway or opening intended to provide ingress or egress for any building structure.
- G. Banners, balloons, and stringers, unless used as a temporary sign.
- H. Sign posters that are tacked or posted on trees, utility posts.
- I. Portable signs, except as used as a temporary sign as provided for in Subd. 4. K.
- J. Roof signs.
- K. Off-premise advertising signs, not including directional signs.
- L. Projecting signs.
- M. Abandoned signs.
- N. Signs with rotating or moving parts or designed to move as the result of wind pressure for the purpose of attracting attention.
- O. Signs placed on or affixed to vehicles and/or trailers which are parked on a public right-of-way, public property, or private property so as to be visible from a public right-of-way where the apparent purpose is to advertise a product or direct people to a business or activity located on the same or another property.
- P. Signs which have become rotted, unsafe or unsightly.
- Q. All other signs not expressly permitted by this Ordinance.

Subd. 3.

Sign Permits. No sign shall hereafter be erected, re-erected, moved or altered unless a permit for each sign has been obtained, except for those signs for which no permit is required pursuant to Subd. 5. The maintenance of signs including repainting, the changing of advertising message provided the sign remains in conformance with this Ordinance, or minor nonstructural repairs shall not require a permit.

Subd. 4.

General Requirements and Standards for Permitted Sign.

- A. No part of any permanent freestanding sign shall be closer than ten (10) feet from any lot line, or from the public right-of-way.
- B. It shall be the responsibility of the lessee, licensee, owner, or agent of the owner of the property to keep the ground under and adjacent to the sign free of weeds and litter.
- C. Signs painted on a building shall be governed by the square footage limitations specified in the appropriate zoning districts. These shall be kept in good condition and shall be repainted, removed or painted out when they are not so maintained.
- D. The owner, lessee or manager of any ground sign and the owner of the land on which the same is located shall keep grass or weeds and other growth cut and debris and rubbish cleaned up and removed from the lot on which a sign is located.
- E. Signs which may be or may hereafter become rotted, unsafe or unsightly shall be repaired or removed by the owner or lessee of the property upon which the sign stands upon notice by the Zoning Administrator.
- F. Political signs not exceeding thirty-two (32) square feet in area are allowed in any district, on private property, with the consent of the owner of the property. Such signs must be removed within ten (10) days following the date of the election or elections to which they apply.
- G. In any district, animal displays, lights directed skyward, pieces of sculpture, fountains or other displays or features which do not clearly fall within the definition of a sign, but which direct attention to an object, product, activity, person, institution, organization or business, shall require a sign permit.

- H. The light from any illuminated sign shall be so shaded, shielded or directed that the light intensity or brightness shall not adversely affect surrounding or facing premises, nor adversely affect the safe vision of operators of vehicles moving on the public or private roads, highways or parking areas. Light shall not shine or reflect on or into residential structures. The source of light shall not be visible from the public right-of-way or residences.
- I. Real estate Development Project Sales Signs. Real estate development project sales signs may be erected for the purpose of selling or promoting a real estate development project.
 - 1. Such signs shall not exceed thirty-two (32) square feet in area.
 - 2. Only one (1) such sign shall be erected on each road frontage.
 - 3. Such signs shall be removed when the project is eighty (80) percent completed, sold or leased.
 - 4. Such signs shall not be located closer than one hundred (100) feet to any existing residence.
- J. Construction Signs. Construction signs shall not be erected before issuance of a zoning permit or remain after completion of construction.
- K. Temporary Signs. Banners, pennants, and temporary signs which are erected or displayed for a limited period of time not to exceed a ten (10) day period in conjunction with grand openings, special events, or holidays, but must be removed within seven (7) days after the event. The use of temporary signs shall not exceed thirty days (30) within a twelve month (12) period.
- L. Multi-faced Signs. Multi-faced signs shall not exceed two (2) times the allowed square footage of single-faced signs.
- M. Location Restrictions. Except for more restrictive subsections of this Section, no business sign shall be erected or maintained:
 - 1. Which would prevent any traveler on any street from obtaining a clear view of approaching vehicles on the same street for a distance of five hundred (500) feet.

2. Which would be closer than five hundred (500) feet to a park, historic site, picnic or rest area, church or school.
 3. Which would be closer than two hundred fifty (250) feet to residential structures.
 4. Which would unnecessarily partly or totally obstruct the view of a lake, river, rocks, wooded area, stream or other point of natural and scenic beauty.
- N. The sign height shall be measured from the normal grade of the lot as approved by the Zoning Administrator.

Subd. 5.

Permitted Signs Not Requiring a Permit.

- A. Identification signs for family dwellings, provided that such signs are less than ten (10) square feet in area, address numbers exempted.
- B. Pedestrian, vehicular-traffic, and parking directional signs in parking lots, provided such signs are less than eight (8) square feet in area and less than five (5) feet in height, unless located on the building, provided such sign does not constitute traffic hazard and no more than twenty-five (25) percent of the area of the sign is used for the business name or logo.
- C. Traffic control signs (including snowmobile trail signs), non-commercial governmental signs, local notices, railroad crossing signs, and temporary non-advertising safety or emergency signs.
- D. Signs denoting the architect, engineer, contractor, or owner when placed upon a work site for which a zoning permit has been issued, which do not exceed an aggregate of thirty-two (32) square feet in area. Such signs must be removed ten (10) days after completion of construction.
- E. Copy of message changing on permitted changeable copy signs.
- F. Political campaign signs designating candidates seeking public political office and other data pertinent thereto in accordance with Subd. 4. F.
- G. Flags, badges, or insignia of any governmental or governmental agency, or of any civic, religious, fraternal or similar organizations.

- H. Temporary signs in accordance with requirements set forth in Subd. 4. K.
- I. Temporary displays which are erected to celebrate, commemorate or observe a civil or religious holiday, provided such displays are removed within seven (7) days after the event or holiday.
- J. Wall graphics are allowed provided they are not used for advertising.
- K. Real estate signs and real estate development project signs in accordance with requirements set forth in Subd. 4. I. and J. as follows:
 - 1. Temporary signs for the purpose of selling or leasing individual lots or buildings provided that such signs are not more than thirty-two (32) square feet and have a maximum height of ten (10) feet, unless located on the building, and provided that only one (1) sign is permitted for each property. The signs must be removed within ten (10) days following the lease or sale.
 - 2. One (1) sign per building for the purpose of leasing dwelling units or office space in building containing two (2) or more units, provided such signs are limited to five (5) square feet in area.
- L. No hunting or no trespassing signs are allowed, not to exceed two (2) square feet each.
- M. Agricultural crop demonstration signs.

Subd. 6.

Permitted Signs Requiring a Sign Permit

- A. Permitted Signs in the "A-O" and "A-R" Districts.
 - 1. Business Signs. Business signs located on-premise for lawfully existing businesses, subject to the following requirements:
 - a. Freestanding Sign. No more than one (1) freestanding sign per lot frontage of no more than sixteen (16) square feet in surface area and no more than ten (10) feet in height above the average grade.

- b. Wall and/or Window Signs. No more than one (1) flat wall and/or window sign which shall not exceed sixteen (16) square feet in surface area.
- 2. Directional Signs. Lawfully existing businesses not fronting T.H. 47 or T.H 23 may have up to two (2) directional signs, located in T.H. 47 or T.H 23 right-of-way or on private property with the written permission of the property owner. Any sign to be placed in the T.H. 47 or T.H 23 right-of-way shall be the standard directional sign available from the Minnesota Department of Transportation. Other directional signs shall be supplied by the Town at the expense of the business and shall be installed by the business.

B. Permitted Signs in "HB" Business District.

- 1. Business Signs. Business signs located on-premise for lawfully existing businesses, subject to the following requirements:
 - a. Freestanding Sign. No more than one (1) freestanding sign per lot frontage of no more than sixty-four (64) square feet in surface area and no more than ten (10) feet in height above the average grade.
 - b. Wall and/or Window Signs. The total area of all wall and/or window signs shall not exceed fifteen (15) percent of the total wall area (including window area) on which the sign(s) is placed, and shall not exceed two hundred (200) square feet in surface area.
 - c. Restaurants providing a drive-through, take-out service may have an additional menu board monument sign provided that the maximum height of the sign is ten (10) feet and the maximum area is fifty (50) square feet.
- 2. Directional Signs. Lawfully existing businesses not fronting T.H. 47 or T.H 23 may have up to two (2) directional signs, located in T.H. 47 or T.H 23 right-of-way or on private property with the written permission of the property owner. Any sign to be placed in the T.H. 47 or T.H 23 right-of-way shall be the standard directional sign available from the Minnesota Department of Transportation. Other directional signs shall be supplied by the Town at the expense of the business and shall be installed by the business.

Subd. 7.

Nonconforming Signs.

- A. The Zoning Administrator shall order the removal of any sign erected or maintained in violation of the law. Removal shall be in accordance with Subd. 8.
- B. Whenever the use of a non-conforming sign or an abandoned sign has been discontinued for a period of twelve (12) months, such use shall not thereafter be resumed unless in conformance with this ordinance.
- C. All non-conforming signs not otherwise prohibited by the provisions of this Ordinance shall be removed or shall be altered to conform to the provisions of this Ordinance when the sign is moved, enlarged, altered, or when the sign is damaged by any means to an extent of more than fifty (50) percent of its replacement cost at time of damage.

Subd. 8.

Removal of Signs.

- A. The Zoning Administrator shall remove any sign immediately and without notice if it reasonably appears that the condition of the sign is such as to present an immediate threat to the safety of the public. Any cost of removal incurred by the Township shall be assessed to the owner of the property on which such sign is located or may be collected in appropriate legal proceedings.
- B. Signs in violation of this ordinance placed on public property or in the public right-of-way are subject to immediate removal.

Subd. 9.

Revocation of Sign Permit. The Zoning Administrator is hereby authorized to revoke a sign permit upon failure of the holder thereof to comply with any provision of this Chapter.

Subd. 10.

Expiration of Permit. A permit shall expire if the sign is not erected within ninety (90) days after issuance and no permit fees or inspection fees for such sign shall be refunded.

SECTION 12

TELECOMMUNICATION TOWERS AND ANTENNA

Subd. 1.

Purpose. In order to accommodate the communication needs of residents and business while protecting the public health, safety, and general welfare of the community, the Town finds that these regulations are necessary in order to:

- A. Facilitate the provision of wireless telecommunication services to the residents and businesses of the Town.
- B. Minimize adverse visual impact of the towers and antennas through careful design, siting, landscape screening, and innovative camouflaging techniques;
- C. Encourage towers and antennas to be located, to the extent possible, in areas where the adverse impact on the community is minimal;
- D. Avoid potential damage to adjacent properties from tower failure through structural standards and setback requirements; and
- E. Maximize the use of existing and approved towers to accommodate new wireless telecommunication antennas in order to reduce the number of towers needed to serve the community.

Subd. 2.

Allowed as Conditional Use in the "HB" District. It shall be unlawful for any person, firm, or corporation to erect, construct in place, place or re-erect, or replace any tower without first making application to the Town and securing a conditional use permit as hereinafter provided.

Subd. 3.

Activities Not Requiring Permit. Permits are not required for:

- A. Routine maintenance of towers and related structures.

- B. Adjustment or replacement of the elements of an antenna array affixed to a tower or antenna, provided that replacement does not reduce the safety factor.
- C. Antennas and/or towers erected temporarily for test purposes, for emergency communication, or for broadcast remote pick-up operations. Temporary antennas shall be removed within seventy-two (72) hours following installation.

Subd. 4.

Additional Submittal Requirements. In addition to the information required elsewhere in this Ordinance, prior to the issuance of a building permit, an applicant for tower antennas shall include the following supplemental information:

- A. A report from a qualified engineer that:
 - 1. describes the tower and antenna height and design including a cross section and elevation;
 - 2. documents the approximate height above grade for potential mounting positions for co-located antennas and the approximate minimum separation distances between antennas; and
 - 3. describes the tower's capacity generally, including the number and type of antennas that it can accommodate.
- B. For all commercial wireless telecommunication service towers, a letter of intent committing the tower owners and his or her successors to allow the shared use of the tower if an additional user agrees in writing to meet reasonable terms and conditions for shared use, including without limitation, reasonable rental rates for such shared use.
- C. A landscape plan showing specific landscape materials.
- D. Method of fencing tower and accessory structures, finished tower color and, if applicable, the method of camouflage and illumination.
- E. Plans shall include an engineer's stamp and registration number.

Subd. 5.

Co-location Requirements. A proposal for a new commercial wireless telecommunication service tower shall not be approved unless it can reasonably be documented by the applicant that the telecommunications equipment planned for the proposed tower cannot be accommodated on an existing or approved tower or building due to one or more of the following reasons:

- A. The planned equipment would exceed the structural capacity of the existing or approved tower or building, as documented by a qualified engineer;
- B. The planned equipment would cause interference materially impacting the usability of other existing or planned equipment at the tower or building as documented by a qualified engineer;
- C. Existing or approved towers and buildings within the search radius cannot accommodate the planned equipment at a height necessary to function reasonably as documented by a qualified engineer;
- D. In spite of best efforts, within sixty (60) days, the applicant is unable to negotiate reasonable business terms regarding the lease or purchase of space on an existing tower; or
- E. Other reasons affecting technical performance, system coverage, and system capacity that make it impractical to place or locate the planned telecommunications equipment upon an existing or approved tower, as documented by a qualified engineer.

Subd. 6.

Tower Design Requirements. Proposed construction or modification of towers shall meet the following design requirements.

- A. Any proposed commercial wireless telecommunication tower shall be designed structurally, electrically, and in all respects, to accommodate both the applicant's antennas and comparable antennas for at least two additional users if the tower is over one hundred fifty (150) feet in height or for one additional user if the tower is over hundred (100) feet in height. Towers must be designed to allow for future rearrangement of antennas upon the towers and to accept antennas mounted at varying heights.

- B. Towers shall be designed to blend into the surrounding environment to the maximum extent feasible through the use of color, except in instances where the color is dictated by federal or state authorities such as the Federal Aviation Administration.
- C. If an antenna is installed on a structure other than a tower, the antenna and supporting electrical and mechanical equipment must be of a neutral color that is identical to, or closely compatible with, the color of the supporting structure so as to make the antenna and related equipment as visually unobtrusive as possible.
- D. Commercial wireless telecommunication service towers shall be of a monopole design unless determined by the Town that an alternative design would be necessary to support future potential users.
- E. At a tower site, the design of the buildings and related structures shall, to the extent possible, use materials, colors, textures, screening, and landscaping that will blend them into the natural setting and surrounding buildings.
- F. Towers and antennas shall be designed to conform to accepted electrical engineering methods and practices and to comply with the provisions of the National Electrical Code.
- G. Tower designs shall be certified by a qualified engineer to conform to the latest structural standards and wind loading requirements of the Uniform Building Code and the Electronics Industry Association.

Subd. 7.

Construction Requirements. All antennas and towers erected, constructed, or located within the Town, and all wiring therefore, shall comply with the following requirements:

- A. All applicable provisions of this Ordinance.
- B. No part of any antenna or tower nor any lines, cable, equipment or wires or braces in connection with either shall at any time extend across or over any part of the right-of-way, public street, highway, sidewalk, or property line.
- C. Every tower affixed to the ground shall be protected to discourage climbing of the tower by unauthorized persons by erection of a security fence at least six feet in height.

Subd. 8.

Landscaping. The following requirements shall govern the landscaping surrounding towers for which a conditional use permit is required;

- A. Tower facilities shall be landscaped with a buffer of plant materials that effectively screens the view of the tower compound from property used for residences. The standard buffer shall consist of a landscaped strip at least four (4) feet wide and six (6) feet high outside the perimeter of the compound.
- B. Existing mature tree growth and natural land forms on the site shall be preserved to the maximum extent possible. In some cases, such as towers sited on large, wooded lots, natural growth around the property perimeter may be sufficient buffer.

Subd. 9.

Tower Setbacks. Towers shall conform to each of the following minimum setback requirements.

- A. Towers shall meet the setbacks of the underlying zoning district or the special setback requirements set forth in this subdivision, whichever is the greater.
- B. The tower shall not encroach upon any easements. The minimum distance to the nearest residential property shall be equal to the height of the tower. The minimum distance to the nearest residential structure shall be two times the height of the tower.
- C. The setback shall be measured between the base of the tower located nearest the property line and the actual property line.
- D. Towers shall not be located between a principal structure and a public street, with the following exceptions:
 - 1. Towers may be placed within a side yard abutting an internal street.
 - 2. On sites adjacent to public street on all sides, towers may be placed within a side yard or rear yard abutting a local street.

- E. A tower's setback may be reduced or its location in relation to a public street varied, at the discretion of the Board of Adjustments and Appeals, to allow the integration of a tower into an existing or proposed structure such as a church steeple, light standard, power line support device, or similar structure.

Subd. 10.

Tower Height. All proposed towers shall not exceed one hundred, ninety-nine (199) feet in height.

Subd. 11.

Tower Lighting. Towers shall not be illuminated by artificial means and shall not display strobe lights unless such lighting is specifically required by the Federal Aviation Administration or other federal or state authority for a particular tower; or if required by the Town for security or safety reasons. This provision shall not preclude the placement of an antenna on an existing or proposed lighting standard.

Subd. 12.

Signs and Advertising. The use of any portion of a tower for signs other than warning or equipment information signs is prohibited.

Subd. 13.

Accessory Utility Buildings. All utility buildings and structures accessory to a tower shall be architecturally designed to blend in with the surrounding environment and shall meet such setback requirements as are compatible with the actual placement of the tower. Ground mounted equipment shall be screened from view by suitable vegetation, except where a design of non-vegetative screening better reflects and complements the architectural character of the surrounding neighborhood. Accessory buildings shall not be more than two hundred (200) square feet in size.

Subd. 14.

Antennas Mounted on Roofs, Walls, and Existing Towers. The placement of wireless telecommunication antennas on roofs, walls, and existing towers shall be approved by issuance of a conditional use permit based upon the submittal and approval of:

- A. A final site and building plan as specified in Subd. 4 of this Section.
- B. A report prepared by a qualified professional engineer licensed by the State of Minnesota, indicating the existing structure or tower's suitability to accept the antenna and the proposed method of affixing the antenna to the structure. Complete details of all fixtures and couplings, and the precise point of attachment shall be indicated.

Subd. 15.

Existing Light Poles. The replacement of an existing light pole or lighting standards in order to accommodate the placement of an antenna thereupon shall be approved by issuance of a land use permit based upon administrative review.

Subd. 16.

Interference with Telecommunications. No new or existing telecommunications service shall interfere with public safety telecommunications, or private telecommunications, including without limitation, radio, television, and personal communications, in accordance with rules and regulations of the Federal Communications Commission.

Subd. 17.

Lawful Existing Antennas and Towers. Antennas and towers in lawful existence as of the date of effect of this Ordinance that do not conform to or comply with this Section are subject to the following provisions:

- A. Towers may continue in use for the purpose now used and as now existing but may not be replaced or materially altered without complying in all respects with this section.

- B. If such towers are hereafter damaged or destroyed due to any reason or cause whatsoever, the tower may be repaired and restored to its former use, location, and physical dimensions upon obtaining a land use permit therefore, but without otherwise complying with this Section, provided, however, that if the cost of repairing the tower to the former use, physical dimensions, and location would exceed the cost of a new tower of like kind and quality, then the tower may not be repaired or restored except in full compliance with this section.

Subd. 18.

Abandoned or Unused Towers or Portions of Towers. All abandoned or unused towers and associated above-ground facilities shall be removed within six (6) months of the cessation of operations of an antenna facility at the site unless a time extension is approved by the Town Board. In the event that a tower is not removed within twelve (12) months of the cessation of operations at a site, the tower and associated facilities may be removed by the Town. The costs of removal may be assessed against the property. The Town may also require a bond in the amount sufficient to remove the tower.

SECTION 13.

NONCONFORMING BUILDINGS, STRUCTURES AND USES

Subd. 1.

Purpose. It is the purpose of this Section to provide for the regulation of nonconforming buildings, structures, and uses and to specify those requirements, circumstances, and conditions under which 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.

Subd. 2.

Notwithstanding the provisions of this section, a manufactured home park, as described in Minnesota Statutes, Section 327.14 and constructed prior to January 1, 1995, may continue the existing density, lot size requirements, and manufactured home setback requirements as were required at the time of construction of said manufactured home park, pursuant to Minnesota Statutes, Section 462.357, Subd. 1a. Furthermore, notwithstanding the provisions of this section, the construction of accessory structures, including storm shelters, garages, storage sheds, and recreational facilities which serve only the residents of the manufactured home park and their guests are allowed. These accessory structures can not include or be used as dwelling units.

Subd. 3.

Any structure or use lawfully existing upon the effective date of this Ordinance shall not be enlarged, except where the structure will be in full compliance with all township and state regulations, but may also be continued at the size and in the manner of operation existing upon such date except as hereinafter specified or, subsequently amended.

Subd. 4.

Nothing in this Ordinance shall prevent the placing of a structure in safe condition when said structure is declared unsafe by the Zoning Administrator providing the necessary repairs shall not constitute more than fifty (50) percent of fair market value of such structure. Said value shall be determined by the County Assessor.

Subd. 5.

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.

Subd. 6.

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.

Subd. 7.

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.

Subd. 8.

If at any time a nonconforming building, structure, or use shall be destroyed to the extent of more than seventy-five (75) percent of its fair market value, said value to be determined by the County Assessor, then without further action by the Board, the building and the land on which such building was located or maintained shall, from and after the date of said destruction, be subject to all the regulations specified by these zoning regulations for the district in which such land and buildings are located. Any building which is damaged to an extent of less than seventy-five (75) percent of its value may be restored to its former extent. Estimate of the extent of damage or destruction shall be made by the Zoning Administrator.

Subd. 9.

Whenever a lawful nonconforming use of a structure or land is discontinued for a period of twelve (12) months, following written notice from an authorized agent of the Town, any future use of said structure or land shall be made to conform to the provisions of this Ordinance.

Subd. 10.

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.

Subd. 11.

Alterations may be made to lawful nonconforming residential units when they will improve the livability thereof, bring the building nearer to compliance with all township, county, and state regulations, provided they will not increase the number of dwelling units.

Subd. 12.

Any proposed structure which will, under this Ordinance, become nonconforming but for which a building 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.

SECTION 14

ADMINISTRATION AND ENFORCEMENT

Subd. 1.

Administrating Officer. This Ordinance shall be administered and enforced by the Zoning Administrator who shall be appointed by the Town Board.

Subd. 2.

Duties of the Zoning Administrator. The Zoning Administrator shall enforce the provisions of this Ordinance and shall perform the following duties:

- A. Determine that all land use permits comply with the terms of this Ordinance.
- B. Maintain permanent and current records of this Ordinance, including but not limited to, all maps, amendments, conditional uses, variances, appeals and applications thereof.
- C. Receive, file and forward all applications for appeal, variances, conditional uses, amendments, and other matters to the designated official bodies.
- D. Institute in the name of the Town, any appropriate actions or proceedings against a violator as provided by law.

Subd. 3.

Land Use Permit Required.

- A. Scope. From and after the effective date of this Ordinance, it shall be unlawful to proceed with the construction, placement, or enlargement of the exterior dimension, or changes of use of any building or structure, unless exempt, without first obtaining a land use permit. An accessory building one hundred (100) square feet or less and on skids shall not require a permit for construction or to be moved.
- B. Application. Requests for land use permits shall be filed with the Zoning Administrator on an official application form. Each application for a permit shall be

accompanied by a site and floor plan drawn showing the dimensions of the lot to be built upon, the size and location of the principal and accessory buildings and parking areas, and such additional information deemed necessary for the proper review and enforcement of this Ordinance and any other applicable building codes.

- C. Issuance of Permit. The Zoning Administrator shall issue the land use permit only when the plans comply with this Ordinance and other applicable ordinances and an on-site sewer system permit has been issued by Kanabec County.

Subd. 4.

Fees.

- A. To defray administrative costs of processing requests for land use permits, conditional uses, amendments, variances, or appeals, a base fee per application shall be paid by all applicants in accordance with a fee schedule established by resolution of the Town Board.
- B. In order to defray any additional cost of processing applications (land use permit, amendment, conditional use, variance, appeal) for developments, all applicants shall pay the total cost of staff and/or consulting time spent exclusively in producing materials for the applicant's request, and all materials for said request.
 - 1. "Materials" shall include, but not be limited to maps, graphs, charts, drawings, etc., and all printing or reproduction of same.
 - 2. "Staff and/or consulting time" shall include any time spent in either researching for or actual production of materials.
 - 3. The hourly rate for "staff and/or consulting time" shall be established and made available to the applicant by the Zoning Administrator prior to production of any materials and the applicant shall be given a reasonable estimate of project time and/or materials costs.
- C. Fees shall be payable at the time applications are filed with the Zoning Administrator and are not refundable unless application is withdrawn prior to referral to the Planning Commission. A deposit to cover staff or consulting time and special materials will be established and required by the Zoning Administrator at the time the base fee is paid.

Subd. 5.

Shorelands.

Kanabec County shall be responsible for the administration of all applicable County ordinances and regulations, including those addressing shorelands and on-site sewage treatment systems.

SECTION 15.

AMENDMENTS AND CONDITIONAL USE PERMITS

Subd. 1.

Procedure for Amendments and Conditional Uses.

- A. Requests for amendments or 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 complimenting copies of detailed written and graphic materials fully explaining the proposed change, development, or use. The Zoning Administrator shall refer said application, along with all related information, to the Town Planning Commission for consideration and a report before the next regular meeting.
- B. The Zoning Administrator, upon notification of the Planning Commission members and on behalf of the Planning Commission, shall set a date for a public hearing. A notice of the time, place, and purpose of the hearing shall be published in the official newspaper of the Town at least ten (10) days prior to the date of the hearing. A similar notice shall also be mailed not less than ten (10) days prior to the hearing to all property owners of record, according to the county assessment records, within one quarter (1/4) mile to which the request relates. A copy of the notice and a list of the property owners and addresses to which the notices were sent shall be attested to by the Zoning Administrator or Town Clerk and made part of official record. 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 this subdivision has been made.
- C. The Planning commission shall consider the request and hold a public hearing. The Zoning Administrator shall refer said application, along with all related information, to the Town Planning Commission for consideration. The applicant or a representative thereof shall appear before the Planning Commission in order to answer questions concerning the proposed amendment or conditional use.
- D. The Planning Commission and Town staff shall have the authority to request additional information from the applicant concerning planned use of the property, operational factors, or to retain expert testimony with the consent and at the expense of the applicant concerning operational factors, if information is declared necessary to establish performance conditions in relation to all pertinent sections of this Ordinance.

- E. At any time after the public hearing is held, the Planning Commission shall make a finding of fact and recommend such actions or conditions relating to the request to the Town Board.
1. The Planning Commission shall consider possible adverse affects of the proposed amendment or conditional use. Its judgment shall be based upon (but not limited to) the following general factors:
 - a. Relationship to the Town's Comprehensive Plan and Policies.
 - b. The use will not create an excessive demand on public services and facilities.
 - c. The use will be sufficiently compatible or separated by distance or screening from adjacent development or land so that existing development will not be depreciated in value and there will be no deterrence to development of vacant land.
 - d. The structure and site shall have an appearance that will not have an adverse effect upon adjacent properties.
 - e. The use in the opinion of the Town is reasonably related to the overall needs of the Town and to the existing land uses.
 - f. The use is consistent with the purposes of the zoning ordinance and the purposes of the zoning district in which the applicant intends to locate the proposed use.
 - g. The use will not cause traffic hazards or congestion.
 2. Conditional Uses - In considering conditional use requests, the Planning Commission shall evaluate the use, utilizing from the requirements "a" through "l" below, and also those which are specific to the designated uses as indicated in paragraph 3 below.
 - a. The land area and setback requirements of the property containing such a use or activity shall be the minimum established for the district.
 - b. When abutting a residential use in a district permitting residences, the property shall be appropriately screened and landscaped.
 - c. Where applicable, all Town, County, State and Federal laws, regulations and ordinances shall be complied with and all necessary permits secured.

- d. All signs shall not adversely impact adjoining or surrounding residential uses.
 - e. Adequate off-road parking and loading shall be provided. Such parking and loading shall be screened and landscaped from abutting residential uses.
 - f. The 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 traffic to create a nuisance or hazard to existing traffic or to surrounding land uses, or result in the need for excessive road improvements or maintenance.
 - g. All access roads, driveways, parking areas, and outside storage, service, or sales areas shall be surfaced to control dust.
 - h. All open and outdoor storage, sales and service areas shall be screened from view from abutting residential uses or districts.
 - i. All lighting shall be designed as to have no direct source of light visible from adjacent residential areas or from the public streets.
 - j. The use or activity shall be properly drained to control surface water runoff and prevent erosion.
 - k. The architectural appearance and functional plan of the building and site shall not be so dissimilar to the existing buildings or area as to cause impairment in property values or constitute a blighting influence.
 - l. 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.
3. Conditional Use - The conditional use application shall comply with the minimum specific requirements pertaining to each designated conditional use as stated below.

<u>CONDITIONAL USE</u>	<u>REQUIREMENTS (Above)</u>
<u>Commercial uses, industrial uses, kennels</u>	a,b,c,d,e,f,g,h,i,j,k,l
<u>Commercial recreational parks,</u>	a,b,c,d,e,f,g,h,i,j,k,l

campgrounds, facilities

Churches, governmental buildings

a,c,e,f,g,i,j,k

Organized group camps

a,b,c,d,e,f,g,i,j,k,l

Extraction of sand, gravel, minerals, rock

a,b,c,d,e,f,g,j

4. The Township may impose such additional restrictions or conditions as deemed necessary to protect the public interest. When appropriate, restrictive covenants may be entered into regarding such matters. These conditions, in addition to those specific requirements set forth in paragraph E, 2 and 3 of Subdivision 1 of this Section, may include, but are not limited to the following:

- a. Matters relating to the architecture or appearance.
- b. Establishing hours of operation.
- c. Increasing the required lot size or yard dimension.
- d. Limiting the height, size or location of buildings.
- e. Controlling the location and number of vehicle access points.
- f. Increasing the street width.
- g. Increasing the number of required off-street parking spaces.
- h. Limiting the number, size, location or lighting of signs.
- i. Requiring diking, fencing, screening, landscaping or other facilities to protect adjacent or nearby property.
- j. Designating sites for open spaces.

F. Conditional Uses - All conditions pertaining to a specific site are subject to change when the Planning Commission or Town Board, upon investigation, finds that the community safety, health, welfare and public betterment can be served as well or better by modifying the conditions.

- G. Conditional Uses and Amendments - Upon receiving the report and recommendation of the Planning Commission, the Town Board shall place the report and recommendation on the agenda for the next regular meeting. Such reports and recommendations shall be entered in and made part of the permanent written record of the Town Board meeting.

- H. Upon receiving the report and recommendation of the Planning Commission, the Town Board shall either:
 - 1. Approve or disapprove the request as recommended by the Planning Commission, based upon whether the application meets the requirements stated in the Ordinance.

 - 2. 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, or

 - 3. Refer the recommendation back to the Planning Commission for future consideration. This procedure shall be followed only one time on a singular action.

Approval of a request shall require passage by two-thirds (2/3) vote of the full Town Board. The Zoning Administrator or Town Clerk shall notify the applicant of the Board's action.

- I. A certified copy of every conditional use shall be filed with the County Recorder.

- J. The recommendation of the Planning Commission shall be advisory to the Town Board. The decision of the Town Board shall be final subject to judicial review.

Subd. 2.

Amendments - Initiation. The Town 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 Town may initiate a request to amend the district boundaries or text of this Ordinance so as to affect the said real estate. All amendment requests must first be reviewed by the Planning Commission.

Subd. 3.

Lapse of Conditional Use Permit by Non-Use. Whenever within one (1) year after granting a conditional use permit, if the work has not begun, then such permit shall become null and void unless a written extension of time in which to complete the work has been granted by the Town Board. Such extension shall be requested in writing and filed with the Zoning Administrator or Town Clerk at least thirty (30) days before the expiration of the original conditional use permit. There shall be no charge for the filing of such a request. The request for extension shall state facts showing a good faith attempt to complete the work permitted in the conditional use permit. Such request shall be presented to the Planning Commission for a recommendation and to the Town Board for a decision and shall be requested only one time on a singular action. Upon lapse of a conditional use permit, the County Recorder shall be notified the nullification of the permit.

Subd. 4

Performance Bond. The Planning Commission and Town Board shall have the authority to require a performance bond or other security when it is deemed necessary and appropriate.

- A. Except in the case of non-income producing residential property, upon approval of a conditional use permit the Town may require a surety bond, cash escrow, certificate of deposit, securities, or cash deposit prior to the issuing of building permits or initiation of work on the proposed improvements or development. Said security shall guarantee conformance and compliance with the conditions of the conditional use permit and the ordinances of the Town.
- B. The security may be in the amount of the Town Board's estimated costs of labor and materials for the proposed improvements or development. Said project can be handled in stages upon the discretion of the Town Board.
- C. The Town may hold the security until completion of the proposed improvements or development and a certificate of occupancy indicating compliance with the variance or appeal and ordinances of the Town has been issued by the Town Zoning Administrator.
- D. Failure to comply with the conditions of the conditional use permit and/or ordinances of the Town may result in forfeiture of the security.

SECTION 16

INTERIM USES

Subd. 1.

Interim Uses. An "interim use" is a temporary use of property until a particular date, until the occurrence of a particular event, or until zoning regulations no longer permits it.

Subd. 2

Requirements for Interim Uses. An interim use permit may be granted if the following conditions are met:

- A. The use conforms to the zoning regulations.
- B. The date or event that will terminate the use can be identified with certainty.
- C. Permission of the use will not impose additional costs on the public if it is necessary for the public to take the property in the future.
- D. The user agrees to any conditions that the governing body deems appropriate for permission of the use.

Any interim use may be terminated by a change in zoning regulations.

Subd. 3.

Public Hearing. A public hearing and notification of property owners is required as set forth in Section 15 of this Ordinance.

SECTION 17

VARIANCES AND APPEALS

Subd. 1.

Board of Adjustment and Appeals. The Planning commission shall act as the Board of Adjustment and Appeals and shall have the following powers:

- A. 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.
- B. To hear requests for variances from the literal provisions of this Ordinance in instances where their strict enforcement would cause undue hardship because of circumstances unique to the individual property under consideration.

Subd. 2.

Procedures.

- A. Requests for variances or appeals shall be filed with the Zoning Administrator on an official application form. Such application shall also be accompanied by the application fee and complimentary copies of detailed written or graphic materials fully explaining the proposed request. The Zoning Administrator shall refer said application, along with all related information to the Board of Appeals, for consideration.
- B. The Board of Adjustment and Appeals, shall consider the request at its next regular meeting. The applicant or a representative thereof shall appear before the Planning Commission in order to answer questions concerning the variance request or appeal.
- C. The Board of Adjustment and Appeals and Town staff shall have the authority to request additional information from the applicant or to retain expert testimony, with the consent and at the expense of the applicant, when said information is declared necessary.
- D. The Zoning Administrator, upon notification of Board of Adjustment and Appeals members and on behalf of the Board of Adjustment and Appeals, shall set a date for a public hearing. A notice of the time, place, and purpose of the hearing shall be published in the official newspaper of the Town at least ten (10) days prior to the date of the hearing. A similar notice shall also be mailed not less than ten (10) days prior

to the hearing to all property owners of record according to the county assessment records, within five hundred (500) feet of the affected property. A copy of the notice and a list of the property owners and addresses to which the notices was sent shall be attested to by the Zoning Administrator or Town Clerk and made part of official record. 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 this subdivision has been made.

E. The Board of Adjustment and Appeals shall make a finding of fact. Such findings shall be entered in and made a part of the written record of the Board of Adjustment and Appeals meeting.

1. Variances - In considering requests for variances, the Board of Adjustment shall make a finding of fact as to whether the request meets all of the following cases.

- a) The proposed action will be in keeping with the spirit and intent of the Comprehensive Plan and Ordinance.
- b) The property in question cannot be put to a reasonable use if used under conditions allowed by this Ordinance.
- c) The plight of the landowner is due to circumstances unique to his property and not created by the landowner.
- d) The variance, if granted, will not alter the essential character of the locality or adversely impact the environment.
- e) The variance requested is the minimum variance which would alleviate the hardship.

If the variance request meets all of the conditions of items (a) through (e) above, the variance may be granted. Economic considerations alone shall not constitute an undue hardship if reasonable use of the property exists under the terms of the Ordinance. Access to direct sunlight in cases of solar energy systems shall constitute grounds for granting a variance. The Board of Adjustment and Appeals may not permit as a variance any use which is not permitted within the zone that the property is located.

F. Approval of variances or appeals shall require passage by two-thirds (2/3) vote of the Board of Adjustment and Appeals. The Zoning Administrator or Town Clerk shall notify the applicant of the action. The decisions of the Board of Adjustment and Appeals shall be final subject to judicial review.

- G. A certified copy of every variance shall be filed with the County Recorder.

Subd. 3.

Lapse of Variance or Appeal. Whenever within one (1) year after granting a variance or appeal the work as permitted by the variance or appeal has not been started, then such variance or appeal shall become null and void unless a request for extension of time in which to complete the work has been granted by the Board of Adjustment and Appeals. Such extension shall be requested in writing and filed with the Zoning Administrator at least thirty (30) days before the expiration of the original variance or appeal. There shall be no charge for the filing of such request. The written request for extension shall state facts showing a good faith attempt to complete the work permitted in the variance or appeal. Such request shall be presented to the Board of Adjustment and Appeals for a decision, and shall be requested only one time on a singular action.

Subd. 4.

Performance Bond. The Planning commission shall have the authority to require a performance bond or other securities when it is deemed necessary and appropriate.

- A. Except in the case of non-income producing residential property, upon approval of a variance or appeal the Town may be provided with a surety bond, cash escrow certificate of deposit, securities or cash deposit prior to the issuing of land use permits or initiation of work on the proposed improvements or development. Said security shall guarantee conformance and compliance with the conditions of the variance or appeal and the ordinances of the Town.
- B. The security may be in the amount of the Town Board's estimated costs of labor and materials for the proposed improvements or development.
- C. The Town may hold the security until completion of the proposed improvements or development and a certificate of occupancy indicating compliance with the variance or appeal and ordinances of the Town has been issued by the Town Zoning Administrator.
- D. Failure to comply with the conditions of the variance or appeal and/or ordinances of the Town may result in forfeiture of the security.

SECTION 18**ENVIRONMENTAL REVIEW PROGRAM****Subd. 1.**

Purpose. The purpose of the Environmental Review Program Section is to provide for the reparation and review of Environmental Assessment Worksheets (EAW), Environmental Impact Statements (EIS), and other environmental documents required under Minnesota Rules, Parts 4410.0200 - 4410.7800 as amended, to implement the Environmental Review Program.

SECTION 19

PENALTIES AND VIOLATIONS

Subd. 1.

Any person who violates any provision of this Ordinance shall, upon conviction thereof, shall be guilty of a misdemeanor and fined not more than five hundred (500) dollars for each offense, or imprisoned for not more than ninety (90) days, or both. Each day that the violation exists constitutes a separate offense.

Section 20

Date of Effect

SECTION 20.

DATE OF EFFECT

Subd. 1.

Date of Effect.

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

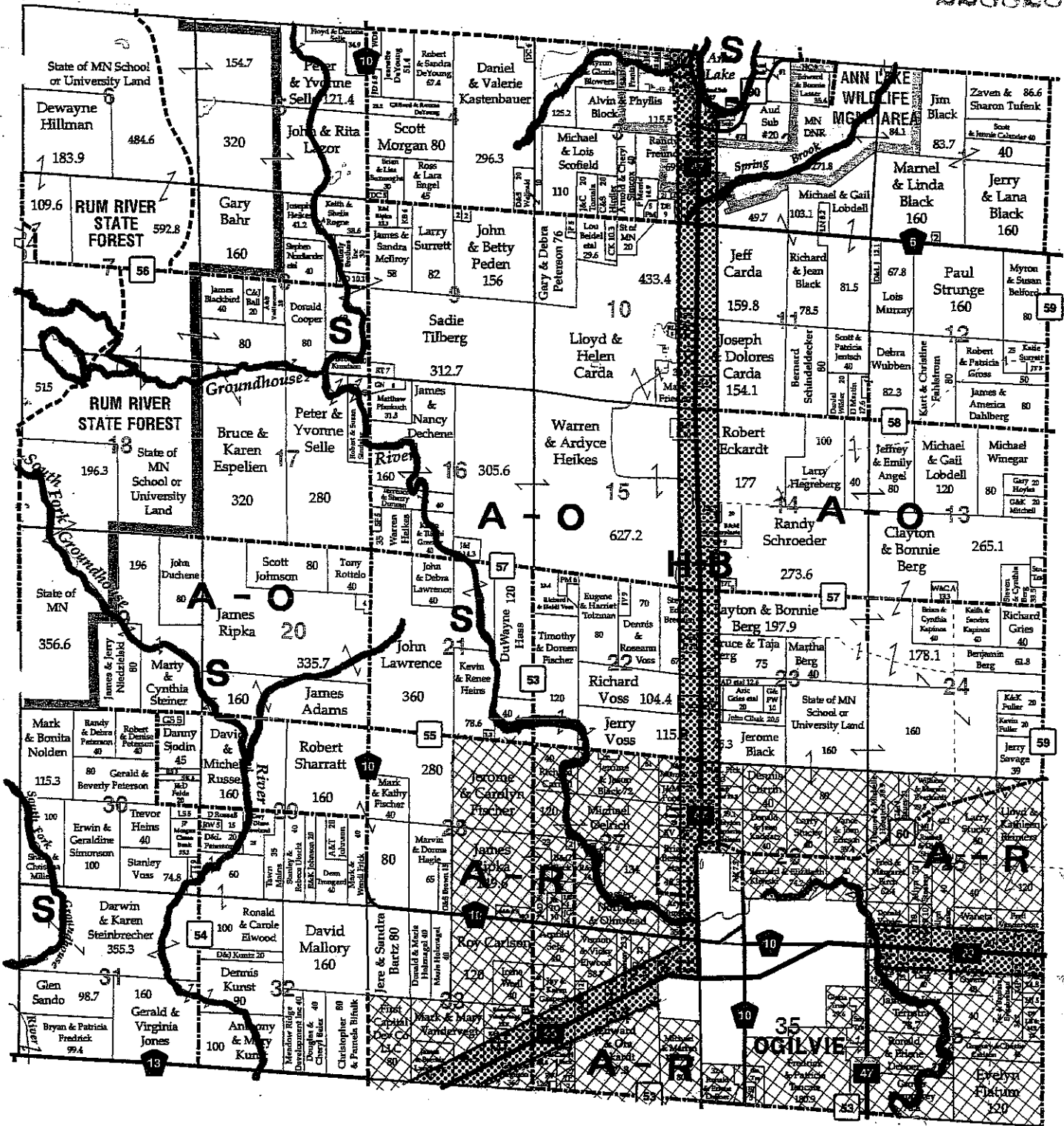
Adopted June 1, 1992

Amended July 6, 1999

Amended July 10, 2000

Amended May 7, 2001

Amended April 12, 2003



ZONING DISTRICTS MAP



AGRICULTURAL - OPEN SPACE DISTRICT



AGRICULTURAL - RESIDENTIAL DISTRICT



HIGHWAY BUSINESS DISTRICT (660' from highway centerline)



SHORELAND

