



# Pokegama Township, Pine County, Minnesota

# Zoning Ordinance

REVISED APRIL, 2012

	<b>A- 500482</b>		<b>T- 17306</b>
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April 27, 2012 11:00 AM	<small>REG PROCESS COMPLIANCE: \$11.00 RECORDER TECH FUND: \$10.00 STATE TREAS GENERAL FUND: \$10.50 GENERAL ABSTRACT: \$14.50</small>	Tamara Tricas, Registrar of Titles	<small>REG PROCESS COMPLIANCE: \$11.00 RECORDER TECH FUND: \$10.00 STATE TREAS GENERAL FUND: \$10.50 TORRENS ASSURANCE FEE: \$1.50 GENERAL TORRENS: \$13.00</small>
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Returned To: POKEGAMA TOWNSHIP		18336 TOWN HALL ROAD	
18336 TOWN HALL ROAD		PINE CITY, MN 55063	
PINE CITY, MN 55063			

# **1 INTRODUCTION**

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The Board of Supervisors of the Township of Pokegama Ordains: An ordinance regulating the use of land; the location, size and use of buildings and structures; and the arrangement of buildings and structures on lots in the Township of Pokegama, Pine County, Minnesota, pursuant to the authority granted by Minnesota Statutes Section 462.357.

## **Township Board of Supervisors 2005**

Dave Deutschlander, Chairman  
Dennis Cull  
Sue Alderink  
Sue Pederson  
Vernon Kruse

## **Township Board of Supervisors 2012**

Dave Deutschlander, Chairman  
Gerald DuBois  
Victoria Sigurdson  
Dean Swenson  
Henry Fischer

## **Planning Commission 2005**

Tom Brytowski, Chairman  
Sue Alderink  
Kevin Hofstad  
Rick Wickre  
Ed Larka  
Darrin Lange  
Eugene Kubesh

## **Planning Commission 2012**

Ed Larka, Chair  
Victoria Sigurdson  
Eugene Kubesh  
Kathy Doenz  
Jason Zastera  
Gordon Johnson – Zoning Administrator

## **Consultants 2005**

East Central Regional Development Commission  
100 Park Street South  
Mora, MN 55051

Robert Voss, Executive Director  
Pat Oman, Community/Economic Development Director  
Sarah Morton, Geographic Information Systems Specialist

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## **2 TITLE AND APPLICATION**

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**Subd. 1.**  
**Title**

This Ordinance shall be known as the "Zoning Ordinance of the Township of Pokegama, Pine County, 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 Pokegama Township and its people through the establishment of minimum regulations governing land development and use. This Ordinance shall divide the Township 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; and to define powers and duties of the Township staff, the Planning Commission, the Board of Appeals and Adjustments, and the Township Board of Supervisors 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 ordinances, rules or regulations of the Township, County, State, or Federal Government, the ordinance, rule or regulation which imposes the more restrictive condition standard or requirements shall prevail. In the event of any conflict between this Ordinance with any private restrictions, protections and covenants, the provisions of this Ordinance shall be met, although it is not the intent of this ordinance to invalidate any greater restrictions that may be included in such covenants.

**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 and Provisions**

No structure shall be erected, converted, enlarged, reconstructed, placed or altered, and no structure or land shall be used for any purpose nor in any manner which is not in conformity with the provisions of this Ordinance.

**Subd. 6.**  
**Zoning Permits**

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

**Subd. 7.**  
**Conditional  
Uses, Interim  
Uses, Variances,  
Amendments,  
Appeals**

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

**Subd. 8.**  
**Uses not  
provided for  
within Zoning  
Districts**

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Whenever in any zoning district a use is neither specifically permitted nor denied, the use shall be considered prohibited, unless specifically exempted from local regulation by state or federal laws. In the case of uses neither specifically permitted nor prohibited, the 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 of appropriate conditions and standards relating to development of the use. The Planning Commission, Township Board or property owner may initiate an amendment to the Zoning Ordinance to provide for the particular use.

**Subd. 9.**  
**Separability**

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

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

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

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### 3 TERMS AND DEFINITIONS

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

<b>Accessory Building or Use</b>	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.
<b>Agriculture uses</b>	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, shrubs or flower nursery without building; truck gardening; roadside produce stands in season; and livestock raising and feeding.
<b>Antenna</b>	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.
<b>Automobile Wrecking, or Junk Yard, Salvage Operations</b>	Any place where two (2) 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, merchandise, or structures. Refer to Section 13, General Provisions, Subd. 6 for further information.
<b>Basement</b>	A portion of a building located partially underground but having more than one-half (½) its floor to ceiling height below the average land grade.
<b>Bed and Breakfast Inn</b>	An owner-occupied dwelling having no more than four (4) guest rooms for sleeping for short term lodging and where meals are provided for guests for compensation.
<b>Blight</b>	Buildings improvements or uses which, by reason of dilapidation, obsolescence, overcrowding, faulty arrangement or design, lack of ventilation, light, and sanitary facilities, excessive land coverage, deleterious land use, or any combination of these or other factors, are detrimental to the safety, health, morals, or welfare of the community.
<b>Buildable Area</b>	The portion of a lot remaining after required yards have been provided, which is capable of supporting the proposed structure(s).
<b>Building</b>	Any structure used or intended for supporting or sheltering any use or occupancy.
<b>Building Height</b>	The vertical distance between the highest adjoining ground level at the building or ten feet above the lowest ground level, whichever is lower, and the highest point of a flat roof or average height of the highest gable of a pitched or hipped roof.

Section 3 Terms and Definitions

<b>Building Line</b>	A line parallel to a lot line or the ordinary high water level at the required setback beyond which a structure may not extend in accordance with setback provisions.
<b>Building Setback</b>	The minimum horizontal distance between the building and the specified lot line as prescribed in this Ordinance.
<b>Campground</b>	An area containing campsites or camping spurs for tent, trailer and recreational vehicle camping.
<b>Church</b>	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.
<b>Commercial Uses</b>	The principal use of land or buildings for the sale, lease, rental, or trade of products, goods, and services.
<b>Commercial Recreation</b>	Bowling alley, cart track, golf course, pool hall, vehicle racing or amusement, dance hall, skating, swimming, tavern, theater, shooting range, gun clubs, hunting preserves, boat rental, amusement rides, campgrounds, deer park, and similar uses for which fees are charged for admission or use of the facility.
<b>Commercial Wireless Telecommunication Services</b>	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.
<b>Conditional Use</b>	A use, which because of special problems of control requires reasonable, but special limitations specific to the use which eliminate or minimize the incompatibility with other permitted uses of the district for the protection of the public health, safety and welfare, and the integrity of the Township's Comprehensive Plan.
<b>Conditional Use Permit</b>	A permit issued by the Township Board in accordance with procedures specified in this Ordinance, as well as its compatibility with the Comprehensive Plan, as a flexibility device to enable the Board to assign conditions to a proposed use after consideration of adjacent uses and their functions and the special problems which the proposed use presents.
<b>Deck</b>	A horizontal, unenclosed platform with or without attached railings, seats, trellises, or other features, attached or functionally related to a principal use or site and at any point extending more governmental units.
<b>District</b>	A section or sections of the Township for which the regulations and provisions governing the use of buildings and lands are uniform for each class of use permitted therein.
<b>Dwelling</b>	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.
<b>Dwelling, Multiple (Apartment)</b>	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.
<b>Dwelling Site</b>	A designated location for residential use by one or more persons using temporary or movable shelter, including camping and recreational vehicle sites.
<b>Dwelling, Single Family</b>	A detached dwelling unit designed for occupancy of one (1) family.
<b>Dwelling, Two Family</b>	A dwelling designed exclusively for occupancy by two (2) families living independently of each other.
<b>Earth Shelter Buildings</b>	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
<b>Engineer</b>	A qualified professional engineer registered with the State of Minnesota.
<b>Essential Services</b>	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.
<b>Extractive Use</b>	The use of land for surface or subsurface removal of sand, gravel, rock, industrial minerals, other nonmetallic minerals, and peat not regulated under Minnesota Statutes, sections 93.44 to 93.51.
<b>FAA</b>	The Federal Aviation Administration.
<b>FCC</b>	The Federal Communications Commission.
<b>Family</b>	An individual or two or more persons related by blood or marriage or a group of not more than five unrelated adult persons living together on the premises or in a single housekeeping unit.
<b>Farm</b>	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.
<b>Fence</b>	A barrier forming a boundary to, or enclosing some area.
<b>Floor Area</b>	The sum of the gross horizontal area of all of the floors of the building, measured from the exterior faces of the exterior walls.
<b>Forestry</b>	The management, including logging, of a forest, woodland, or plantation, and related research and educational activities, including the construction, alteration or maintenance of forest roads, landings, and fences.
<b>Garage, Private</b>	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 residing upon the premises, and in which no business service or industry is carried on; provided that not more than one-half (½) of the space may be rented for the private vehicles of persons not resident on the premises, except that none of the space in a garage of one (1) or two (2) car capacity may be so rented.

### Section 3 Terms and Definitions

<b>Hardship, Undue</b>	The property in question cannot be put to a reasonable use if used under conditions allowed by the official controls and the plight of the landowner is due to circumstances unique to his property not created by the landowners.
<b>Height, Tower</b>	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.
<b>Home Occupation</b>	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.
<b>Industrial Use - Light</b>	Any establishment, occupation, employment, or enterprise where the manufacturing, commercial salvaging, commercial recycling, storage, or warehousing of products and materials occur in such a manner and scale as to not require extraordinary water, wastewater, transportation services; or generate significant environmental impacts such as noise, smoke, vibration as to transcend property boundaries and adversely impact adjacent land uses; or exceed the capacity of the existing public facilities or services.
<b>Kennel</b>	Any place where three (3) or more dogs over six (6) months of age are kept, boarded, bred, or offered for sale, except veterinary clinics. Kennels shall be considered a conditional use for the purposes of this Ordinance.
<b>Lot</b>	A parcel of land designated by plat, metes and bounds, registered land survey, auditor's plat, or other accepted means and separated from other parcels or portions by said description for the purpose of sale, lease, or separation thereof; 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 Township, or having not less than a sixty-six (66) foot easement for the purpose of access to a street or proposed street approved by the Township.
<b>Lot Area</b>	The area of a horizontal plane within the lot lines.
<b>Lot, Corner</b>	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.
<b>Lot, Frontage</b>	The front of a lot shall be that boundary abutting a public right-of-way.
<b>Lot, Line</b>	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.
<b>Lot, of Record</b>	A parcel of land, whether subdivided or otherwise legally described of record as of the effective date of this Ordinance, or approved by the Township Board as a lot subsequent to such date.
<b>Lot Width</b>	The shortest horizontal distance between the side lot lines measured at the right angles at the building line and front lot line.

<b>Manufacturing</b>	All uses which include the compounding, processing, packaging, treatment, or assembly of products and materials.
<b>Manufactured Home Parks</b>	Means any site, lot field or tract of land upon which two or more occupied manufactured homes and located, either free of charge or for compensation and includes any building structure, tent, vehicle or enclosed used or intended for use as part of the equipment of the manufactured home park.
<b>Mining Operation - Commercial</b>	The removal from the land and sale of one thousand (1000) cubic yards of stone, sand, gravel, peat, or other material for commercial, industrial, or governmental purposes.
<b>Nonconforming Structure or Use</b>	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.
<b>Off-Road Loading Space</b>	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
<b>Open Space Recreational Use</b>	A recreational use particularly oriented to and utilizing the outdoor character of an area; including hiking and riding trails, primitive campsites, campgrounds, waysides, parks, and recreation areas.
<b>Parking Space</b>	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.
<b>Permitted Use</b>	The purpose of 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 designed by the performance standards of this Ordinance as distinguished from accessory or conditional use.
<b>Planned Unit Development (PUD)</b>	A type of development characterized by a unified site design for a number of building units or building sites on a parcel, whether for sale, rent, or lease, and also usually involving clustering of these units or sites to provide areas of common open space, increase density, and a mix of structure types and land uses. These developments may be organized and operated as commercial enterprises, clustered subdivisions of dwelling units, campgrounds, recreational vehicle parks, resorts, hotels, motels, and conversions of structures and land uses to these uses.
<b>Planning Commission</b>	The planning agency of the Township, designated by the Township Board.
<b>Practical Difficulties</b>	As used in connection with the granting of a variance, means that the property owner proposes to use property in a reasonable manner not permitted by an official control; The plight of the landowner is due to circumstances unique to the property and not created by the landowner, and the variance, if granted, will not alter the essential character of the Township.

### Section 3 Terms and Definitions

<b>Principal Use</b>	The primary or main use of land or buildings as distinguished from subordinate, incidental or accessory uses.
<b>Public Road</b>	For the purpose of this Ordinance public roads shall include only those roads which are owned by the township, county, state, or federal government, or are dedicated or under easement for public use by deed conveyance or public user
<b>Public Uses</b>	Uses owned or operated by municipal, school district, township, county, state or other governmental units.
<b>Public Utility</b>	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.
<b>Recreation Camping Area</b>	Means any area, whether privately or publicly owned, used on a daily, nightly, weekly, or longer basis for the accommodation of five or more tents or recreational camping vehicle free of charge or for compensation
<b>Recreational Use</b>	Recreational use particularly oriented to and utilizing the outdoor character of an area; including hiking and riding trails, primitive campsites, campgrounds, waysides, parks and recreation areas.
<b>Semi-Public Use</b>	The use of land by a private, nonprofit organization to provide a public service that is ordinarily open to some persons outside the regular constituency of the organization.
<b>Setback</b>	The minimum horizontal distance between a structure or sewage treatment facility and a road or highway right-of-way or property line, or between a structure or sewage treatment facility and the ordinary high water mark.
<b>Sewage Treatment System</b>	Any system for the collection, treatment and dispersion of sewage including but not limited to septic tanks, soil absorption systems and drain fields
<b>Sewer System</b>	Pipelines or conduits, pumping stations, and force main, and all other construction, devices, appliances, or appurtenances used for conducting sewage or industrial waste or other wastes to a point of ultimate disposal.
<b>Shoreland</b>	Land located within the following distances from public water: (1) 1,000 feet from the ordinary high water mark of a lake, pond, or flowage; and (2) 300 feet from a river or stream; or the landward extent of a flood plain designated by ordinance on such river or stream, whichever is greater.
<b>Sign</b>	A structure or device designed or intended to convey information to the public in written or pictorial form.
<b>Sign Area</b>	The entire area within a continuous perimeter enclosing the extreme limits of sign display, including any frame or border.
<b>Sign, Awning, Canopy, or Marquee</b>	The entire area within a continuous perimeter enclosing the extreme limits of sign display, including any frame or border.
<b>Sign, Freestanding</b>	A sign supported by one or more upright poles, columns, or braces placed in or on the ground and not attached to any building or structure.



<b>Sign, Off Premises</b>	A sign for which the message does not apply to the premises or any use of the premises where it is displayed or located.
<b>Sign, On Premises</b>	A sign for which the message applies to the premises or any use of the premises where it is displayed or located.
<b>Sign, Wall</b>	A sign applied to the outside of a building, parallel to the face of a building and supported throughout its length by such building.
<b>Sign, Window</b>	A sign applied on a window, which is visible from a right-of-way.
<b>Significant Historical Site</b>	Any archaeological site, standing structure, or other property that meets the criteria for eligibility to the National Register of Historic Places or is listed in the State Register of Historic Sites, or is determined to be an unplatted cemetery that falls under the provisions of Minnesota Statutes, section 307.08. A historic site meets these criteria if it is presently listed on either register or if it is determined to meet the qualifications for listing after review by the Minnesota state archaeologist or the director of the Minnesota Historical Society. All unplatted cemeteries are automatically considered to be significant historic sites.
<b>Slope</b>	The degree of deviation of a surface from the horizontal, usually expressed in percent or degrees.
<b>Steep Slope</b>	Land where agricultural activity or development is either not recommended or described as poorly suited due to slope steepness and the site's soil characteristics, as mapped and described in available county soil surveys or other technical reports, unless appropriate design and construction techniques and farming practices are used in accordance with the provisions of this ordinance. Where specific information is not available, steep slopes are lands having average slopes over 12 percent, as measured over horizontal distances of 50 feet or more, that are not bluffs.
<b>Structure</b>	Any building or appurtenance, 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; except aerial or underground utility lines, such as sewer, electric, telephone, telegraph, gas lines, towers, poles, and other supporting facilities.
<b>Subdivision</b>	Improved or unimproved land or lands which are divided for the purpose of ready sale or lease, or divided successively within a five year period for the purpose of sale or lease, into three or more lots or parcels of less than five acres each, contiguous in area and which are under common ownership or control.
<b>Standard Use</b>	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.
<b>Tower</b>	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.

**Tower, Co-Located**

A tower designed for two or more commercial wireless telecommunications service providers.

**Use**

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

**Variance**

The waiving action of the literal provisions of the Zoning Ordinance in instances where their strict enforcement would cause practical difficulty because of dimensional standards that would otherwise apply.

**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, shrub land, 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 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.

**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.

**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

**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

**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.

**Zoning Administrator**

A person appointed by the Township Board to administer and enforce the Zoning Ordinance.

**Zoning Map**

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

## **4 ZONING DISTRICT PROVISIONS**

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**Subd. 1.**  
**Establishment of**  
**Districts**

The following zoning districts are hereby established within the Township of Pokegama.

A	Agricultural District
RR	Rural Residential
R	Residential
B	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 Zoning Administrator and incorporated as Section 30 of this ordinance. 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 Township boundaries from removing territory from the Township or adding territory to the Township, district boundaries shall be construed as moving with Township 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 shorelines shall be construed to follow such shorelines, and in the event of change in shoreline shall be construed as moving with the actual shoreline; boundaries indicated as approximately following the center 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 section lines shall be construed as following such lines.
- 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 25 of this Ordinance.

**Subd. 5.  
District  
Regulations**

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The regulations of this Ordinance within each district shall be minimum regulations, and shall apply uniformly to each class or kind of structure or 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.

**Subd. 6  
Right to Farm**

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Pokegama Township began, and continues to this day, as a community with a farming history. Pokegama Township's citizens prize and cherish the rural atmosphere that has been maintained. They also recognize that this rural atmosphere cannot be protected unless the family farm is protected.

All of Pokegama Township is hereby designated a "Right to Farm" area.

- a. Farmers shall have the right to farm without unreasonable restrictions, regulations, or harassment. Complaints against the operations of farms shall be considered unwarranted and frivolous as long as the farming activities are being conducted according to generally accepted agricultural standards and applicable to State and Federal Regulations. These farming activities shall include, but are not limited to:
  1. The right to operate equipment in the fields, on the roads, or on any farm or homestead property, at any time and on any day of the week.
  2. Farming activities that generate noise and dust. This can be caused in a variety of ways including field work, caring for livestock, or care and maintenance of a farm.
  3. The generation of odor from livestock, manure, fertilizer, feed, and other farm-related sources.
  4. Farmers have a right to farm even if development is taking place around them. If the farm was present before the complaining person moved to the area, the complaining person shall be deemed to "have moved to a farming community."
  5. All farming operations that lawfully exist in Pokegama Township shall be protected by this Ordinance.

## **5 AGRICULTURE (A)**

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### **Subd. 1. Purpose**

The Agricultural District is intended to provide a district which will allow suitable areas of the Township to be retained and utilized in 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 are permitted uses:

- 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, livestock, and aquaculture, or animals not typically regarded as domestic pets for sale, profit, or pleasure.
- c. Greenhouse or nursery.
- d. Tree farms.
- e. Wildlife areas, forest preserves, public parks owned or operated by a government agency or nonprofit organization, and other open space uses, not including shooting ranges, or club or commercial hunting preserves.
- f. Temporary or seasonal roadside stands for sale of agricultural products.
- g. Single family dwellings, subject to the following requirement:  
(See section 5. Subd. 5-6 for lot size requirements)
  1. All dwellings sites shall front a public road or have a permanent access easement to an existing public road.
  2. An area of at least one (1) contiguous buildable acre or the necessary to support the principle and accessory structures.
  3. Must be served by an Individual Sewage treatment System conforming to the requirements of Minnesota Individual Sewer Treatment Program.

### **Subd. 3. Conditional Uses**

The following uses may be permitted upon the issuance of a conditional use permit as provided for in section 22:

- a. Commercial recreational parks, campgrounds, and commercial recreational facilities including shooting ranges, or commercial hunting preserves.
- b. Commercial extraction of sand, gravel, soil, sod, minerals, or rock in accordance with Section 16 of this ordinance.
- c. Cemeteries.
- d. Kennels.
- e. Manufactured Home Parks in accordance with Section 18 of this ordinance.

- f. Planned Unit Developments (PUD) in accordance with Section 11 of this ordinance.
- g. Home occupations in accordance with Section 15 of this ordinance.
- h. Other residential and commercial uses determined by the Planning Commission to be of the same general character as the principal uses above and found not to be detrimental to the general public health and welfare.

**Subd. 4.**  
**Accessory Uses**

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The following uses are permitted accessory uses:

- a. Any structure or use which is incidental to the permitted principal use including agricultural outbuildings, pole barns, silos, 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.

**Subd. 5.**  
**Lot Size,  
Setback, Yard  
and Height  
Requirements**

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Every lot in an Agricultural District in which any permitted or conditionally permitted use is erected shall meet the following minimum standards:

- a. Lot size and depth.
    - 1. Every lot on which a single family dwelling is erected shall contain an area of not less than two and one half (2 ½) acres. The minimum lot area shall not apply to the sale of lots of record at the time of enactment of this Ordinance.
    - 2. Every lot on which a single family dwelling is erected shall have a minimum width of not less than three hundred (300) feet measured from the building front setback line and three hundred (300) feet on road frontage.
  - b. Yard Requirements. Every permitted, conditionally permitted or accessory building shall meet the following yard requirements:
    - 1. Front Yard:
      - (a) There shall be a front yard setback of not less than:
        - (1) State trunk highway-100 feet.
        - (2) County, County State aid, Township roads-75 feet.
      - (b) Front yard setback is measured from the right-of-way line of any public right-of-way.
      - (c) Where a lot is located at the intersection of two (2) or more streets, the width of the yard along the side street shall not be less than the front yard setback.
    - 2. Side Yard:
      - a) Every building; shall have two (2) side yards. Each side yard shall have width of not less than ten (10) feet.
-

3. Rear Yard:

(a) Every building shall have a rear yard having a depth of not less than fifty (50) feet.

c. Height Requirements: Every permitted, or accessory building shall meet the following requirements:

1. All building shall not exceed thirty five (35) feet in height.
  2. Agricultural buildings shall be exempt from height requirements.
  3. Exceptions: Certain uses are exceptions; they are listed in Section 13, General Provision.
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**Subd. 6.**  
**Density**  
**Regulations For**  
**Single-Family**  
**Dwellings**

The following provisions shall regulate the placement of any single-family dwelling in an Agricultural District:

a. Density:

1. A maximum of four (4) Single-family dwellings per quarter-quarter shall be allowed.

b. Site Plan Requirements:

1. Presentation of a site plan illustrating the location of the dwelling on site, location of the septic tank and drain field, location of the well and access from a public road. Reasonable revisions to the site plan may be required as a condition of approval



## **6 RURAL RESIDENTIAL DISTRICT (RR)**

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### **Subd. 1. Purpose**

The Rural Residential District is intended to provide a district which will allow suitable areas of the Township to be retained and utilized in residential uses on larger lots or acreage, promote orderly development, and secure economy in government expenditures for public utilities and services.

### **Subd. 2. Permitted Uses**

The following are permitted uses:

- a. Single family dwellings and two (2) family dwellings are subject to the following requirement:
  1. All dwelling lots shall front a public road, or have a permanent access easement to an existing public road.
  2. All must be served by sanitary sewer system or an on-site system conforming to the requirements set forth in the Pine County Individual Sewage Treatment System Ordinance.
- b. Essential services.
- c. Wildlife areas, forest preserves, public parks owned or operated by a government agency or nonprofit organization, and other open space uses, not including shooting ranges, or club or commercial hunting preserves.
- d. Licensed non-residential day care facilities serving twelve (12) or fewer persons in ordinance with Minn. Stat. §245A.14.
- e. Licensed group family day care to serve fourteen (14) or fewer children in ordinance with Minn. Stat. §245A.14.
- f. Licensed residential facilities serving six (6) or fewer persons, except that a residential program whose primary purpose is to treat juveniles who have violated criminal statutes related to sex offenses or have been adjudicated delinquent on the basis of conduct in violation of criminal statutes relating to sex offenses shall not be considered a permitted use in accordance with Minn. Stat. §245A.11.

### **Subd. 3. Conditional Uses**

The following uses may be permitted upon the issuance of a conditional use permit as provided for in Section 22:

- a. Parks, playgrounds, golf courses, and other recreational uses
- b. Churches and church-related facilities.
- c. Licensed day care facilities located outside the primary residence and licensed residential facilities serving 7-16 persons.
- d. Bed and Breakfast services.
- e. Towers for amateur radio operators and towers/antenna on churches, governmental buildings and schools
- f. Three (3) and four (4) family dwellings.

Section 6 Rural Residential District (RR)

- g. Kennels.
- h. Planned unit development (PUD) in accordance with Section 11 of this ordinance.
- i. Manufactured Home Parks in accordance with Section 18 of this ordinance.
- j. Home occupations in accordance with Section 15 of this ordinance.
- k. Other residential and commercial uses determined by the Planning Commission to be of the same general character as the principal uses above and found not to be detrimental to the general public health and welfare.

**Subd. 4.**  
**Accessory Uses**

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The following uses are permitted accessory uses:

- a. Private garages, parking spaces, and carports and trucks. Private garages are intended for use 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.
- b. Recreational vehicles and equipment.
- c. Non-commercial greenhouses and conservatories.
- d. Swimming pools, tennis courts and other recreational facilities which are operated for the enjoyment and convenience of the residents of the principal use and their guests.
- e. Tool houses, sheds and similar buildings for storage of domestic supplies and non-commercial recreational equipment.
- f. Boarding or renting of rooms to not more than one (1) person.

**Subd. 5.**  
**Accessory Uses**  
**Conditions**

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The permitted area of accessory uses is as follows:

See Section 12, Subd. 7-8. Building Requirements

**Subd. 6.**  
**General**  
**Statement**

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No lot, yard, or other open space shall be reduced in area or dimension so as to make such lot, yard or open space less than a minimum required by this Ordinance, and if the existing yard or other open space as existing is equal or less than the minimum required, it shall not be further reduced.

**Subd. 7.**  
**Lot**  
**Requirements**

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Lot Area :

- a. Unsewered Lots. A lot area of not less than two and one-half (2.5) acres is required, of which an area of at least one (1) contiguous acre, or the area necessary to support the principal and accessory structures, whichever is the larger, is determined to be buildable. The lot is to be serviced by an individual sewage treatment system conforming to the Pokegama Township Individual Sewage Treatment System Ordinance, or Central sewage treatment system.

Lot Width: A lot width of not less than three hundred (300) feet at the building line and road frontage for unsewered lots and not less than one hundred and fifty (150) feet at the building line and road frontage for sewerred lots.

**Subd. 8.**  
**Yard**  
**Requirements**

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The minimum yard requirements from the appropriate lot line are set forth within the district provisions of this Ordinance.

- a. **Front Yard Setbacks.** Where existing structures within a block have front yard setbacks different from those required, the front yard minimum setback shall be the average of the adjacent structures. If there is only one (1) adjacent structure, the front yard minimum setback shall be the average of the required setback and the setback of the adjacent structure.
- b. **Corner Lots.** Where a lot is located at the intersection of two (2) or more streets, the width of the yard along the side street shall not be less than the front yard setback.
- c. **Through Lots.** On a lot fronting on two (2) parallel streets, both street lines shall be front lot lines for applying the yard regulations of this Ordinance.
- d. **Rear Yard with Alley Adjoining.** In computing the depth of a rear yard for any building where the rear line of the lot adjoins an alley, one-half the width of such alley may be included as rear yard depth. In any residential district, the rear yard depth actually on the lot shall be not less than ten (10) feet in any dwelling district.
- e. **Exceptions.** The following shall not be considered as encroachment into yard setback requirements:
  1. In rear yards, recreational and laundry drying equipment, trellises, and air conditioning or heating equipment not less than two (2) feet from any lot line.
  2. Driveways and parking areas in residential districts, terraces, steps, stoops, patios, decks or similar features, provided they do not extend to a distance less than two (2) feet from any lot line.
  3. Retaining walls not less than one (1) foot from any lot line.

**Subd. 9.**  
**Lot area**  
**Requirements**

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

- a. **Lot Area With Alley Adjoining.** In computing required lot area, one-half of the width, but not exceeding ten (10) feet of any alley or portion thereof abutting any lot line may be included as part of the lot area for such computation.
- b. **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:
  1. The lot can be serviced with an approved sanitary sewer system.
  2. That due to ownership patterns, the combining of adjacent lots to meet the requirements of this ordinance is not possible.

**Subd. 10.**  
**Front, Side, and**  
**Rear Yard**  
**Requirements**

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Front Yard: A front yard is required and shall be not less than the following distances between the right-of-way and building line:

1. State trunk highway - 100 feet from right-of-way.
2. County or county/state-aid highways, Township roads - 50 feet from right-of-way.

Side Yard: Two side yards are required, each having a width of not less than ten (10) feet.

Rear Yard: A rear yard of not less than fifty (50) feet from rear lot line and nearest line of building is required.

Septic Systems: Septic Systems shall not be placed less than ten (10) feet from any lot line.

**Subd. 11.**  
**Minimum**  
**Building Height**

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Building heights shall not exceed thirty-five (35) feet except for agricultural buildings.

## **7 RESIDENTIAL DISTRICT (R)**

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### **Subd. 1. Purpose**

The Residential District is intended to provide suitable areas for the orderly and aesthetic development of single-family and other low-density residential uses within the Township.

### **Subd. 2. Permitted Uses**

The following uses shall be permitted in the R-1 District:

- a. Single family dwellings if served by a sanitary sewer system or an on-site system conforming to the requirements set forth in the Pine County Individual Sewage Treatment System Ordinance.
- b. Two (2) family dwellings if served by a sanitary sewer system or an on-site system conforming to the requirements set forth in the Pine County Individual Sewage Treatment System Ordinance.
- c. Essential services
- d. Licensed group family day care to serve fourteen (14) or fewer children in accordance with Minn. Stat. §245A.14.
- e. Licensed residential facilities serving six (6) or fewer persons, except that a residential program whose primary purpose is to treat juveniles who have violated criminal statutes related to sex offenses or have been adjudicated delinquent on the basis of conduct in violation of criminal statutes relating to sex offenses shall not be considered a permitted use in accordance with Minn. Stat. §245A.11.
- f. Parks and other public recreation facilities owned or operated by the County or other governmental agencies.
- g. Historic sites and markers, commemorative public areas.

### **Subd. 3. Permitted Accessory Uses**

The following uses are permitted accessory uses:

- a. Private garages, parking spaces, and carports for passenger cars and trucks. Private garages are intended for use 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. Such space can be rented to non-residents of the property for private passenger vehicles or non-commercial vehicles, trailers, or equipment if sufficient off-street parking in full compliance with this section is provided elsewhere on the property. Truck tractors, semi-trailers, semi-tractors, or tractor-trailers may not be stored in residential districts.
- b. Recreational vehicles and equipment.
- c. Home Occupations in accordance with Section 15 of this Ordinance.

## Section 7 Residential District (R)

- d. Non-commercial greenhouses and conservatories.
- e. Swimming pools, tennis courts, and other recreational facilities which are operated for the enjoyment and convenience of the residents of the principal use and their guests.
- f. Tool houses, sheds, and similar buildings for storage of domestic supplies and non-commercial recreational equipment.
- g. Boarding or renting of rooms to not more than one (1) person.
- h. Garage Sales: The number of garage sales on an individual's premises may not exceed four (4) per year and each sale is limited to a three (3) day duration, with hours of operation between 8:00 a.m. and 10:00 p.m. All garage sales shall end at 10:00 p.m.

### Subd. 4. **Conditional Uses**

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The following uses may be permitted upon the issuance of a conditional use permit as provided for in Section 22.

- a. Parks, playgrounds, golf courses, campgrounds, and other recreational uses.
- b. Hospitals, nursing homes, assisted living units and associated medical facilities which are accessory to and located in close proximity to the facilities.
- c. Churches and church-related activities.
- d. Educational and cultural facilities.
- e. Licensed day care facilities serving 13-16 persons and licensed residential facilities serving 7-16 persons.
- f. Bed and Breakfast services
- g. Towers for amateur radio operators and towers/antenna on churches, governmental buildings and schools.
- h. Three (3) and four (4) family dwellings.
- i. Kennels.
- j. Planned Unit Developments (PUD) in accordance with Section 11 of this ordinance.
- k. Repair shops, including appliances, computers, etc. as home occupations.
- l. Other residential and commercial uses determined by the Planning Commission to be of the same general character as the principal uses above and found not to be detrimental to the general public health and welfare.

### Subd. 5. **Lot Area Requirements**

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#### Lot Area:

- a. Unsewered Lots. A lot area of not less than two and one-half (2.5) acres is required, of which an area of at least one (1) contiguous acre, or the area necessary to support the principal and accessory structures, whichever is the larger, is determined to be buildable. The lot is to be serviced by an

individual sewage treatment system conforming to the Pokegama Township Individual Sewage Treatment System Ordinance.

- b. Sewered Lots. A lot area of not less than one and one-half (1.5) acres is required, of which an area of at least one (1) contiguous acre, or the area necessary to support the principal and accessory structures, whichever is the larger, is determined to be buildable. The lot is to be serviced by the central sewage treatment system.

Lot Width: A lot width of not less than three hundred (300) feet at the building line and road frontage for unsewered lots and a lot width of not less than one hundred and fifty (150) feet at the building line and road frontage for sewerred lots.

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**Subd. 6.**  
**Front, Side, and**  
**Rear Yard**  
**Requirements**

- a. Front Yard Setback. A front yard of not less than fifty (50) feet is required.
- b. Side Yard. Two side yards are required, each having a width of not than less ten (10) feet.
- c. Rear Yard. A rear yard of not less than thirty (30) feet is required.

Septic Systems: Septic Systems shall not be placed less than ten (10) feet from any lot line.

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**Subd. 7.**  
**Performance**  
**Standards**

- a. Maximum Height of Structures: 35 feet
- b. Buildings must be on a permanent foundation.

## **8 BUSINESS DISTRICT (B)**

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**Subd. 1.**  
**Purpose**

The Business District is to provide for certain retail, service and light manufacturing uses.

**Subd. 2.**  
**Permitted Uses**

The following are permitted uses

- a. Nurseries, lawn and garden supply sales
- b. Car wash
- c. Commercial indoor storage
- d. Clubs and lodges
- e. Veterinary clinics
- f. Service businesses
- g. Convenience store
- h. Health club
- i. Laundry.
- j. Retail stores.
- k. Hotels, motels.

**Subd. 3.**  
**Conditional Uses**

The following uses may be permitted upon the issuance of a conditional use permit as provided for in 20:

- a. Automobile, implement and recreational vehicle sales, rental, service, accessory sales, or repair
- b. Building material sales
- c. Feed, fertilizer plant
- d. Building contractors offices and shops
- e. General repair
- f. Commercial recreation
- g. Printing
- h. Light industrial
- i. Salvage operations
- j. Kennels
- k. Planned Unit Developments (PUD) in accordance with Section 11 of this ordinance.
- l. Manufactured Home Parks in accordance with Section 18 of this Ordinance.



- m. Any other retail or service use determined by the Planning Commission to be of the same general character as the uses allowed for within the district which conform with the purpose and performance standards applicable to this district.

**Subd. 4.**  
**Accessory Uses**

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The following are permitted accessory uses:

- a. Outside storage buildings and outside trash storage buildings.
- b. Fencing, screening and landscaping as permitted and regulated by Subd. 14, Subd. 4 of this ordinance.

**Subd. 5.**  
**Lot Requirements**

- 
- a. Lot Area:
    - 1. Unsewered lots. A lot area of not less than two and one-half (2.5) acres is required, of which an area of at least one (1) contiguous acre, or the area necessary to support the principal and accessory structures, whichever is the larger, is determined to be buildable. The lot is to be serviced by an individual sewage treatment system in accordance with the Pokegama Township Individual Sewage Treatment System Ordinance.
    - 2. Sewered lots. A lot area of not less than one and one-half (1.5) acres is required, of which an area of at least one (1) contiguous acre, or the area necessary to support the principal and accessory structures, whichever is the larger, is determined to be buildable. The lot is to be serviced by the central sewage treatment system.
  - b. Lot Width:
    - 1. A lot width of not less than three hundred (300) feet at the building line and front lot line is required.

**Subd. 6.**  
**Front and Side Yard Requirements**

- 
- a. Front yard. Except as otherwise hereinafter provided, all uses allowed in the "B" District shall provide a front yard of twenty (20) feet which shall be devoted to landscaping except for necessary access drives.
  - b. Side yard. Two (2) side yards are required, each with a width of not less than ten (10) feet.

**Subd. 7.**  
**Maximum Building Height**

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Building height shall not exceed two (2) stories

- a. Height Exceptions. The building height limits established shall not apply to agricultural buildings, grain elevators, or to architectural projections of buildings such as belfries, cupolas, domes, spires, chimneys, flues or to similar structures extending above the roof of any building and not occupying more than twenty-five (25) percent of the area of such roof. Freestanding structures such as water tanks, poles, towers and other structures for essential services, monuments, flag poles shall be exempt from the building height requirements of the district in which it is located.
-

**Subd. 8.  
Exterior Use  
Requirements**

- a. Exterior storage as a principal or accessory use is allowed provided that:
  1. The storage area is fenced and screened from view from adjacent properties and public roads in compliance with Subd.10, of this section.
  2. All lighting shall be hooded or shielded such that the light source is not directed at, or is diffused as viewed from the public right-of-way or and from neighboring residences.
- b. Exterior service, sale and rental as a principal or accessory use is allowed provided that:
  1. Outside sales areas are fenced or screened from view of neighboring residential uses within residential districts in compliance with Subdivision 10 of this section.
  2. All lighting shall be hooded or shielded such that the light source is not directed at, or is diffused as viewed from the public right-of-way and from neighboring residences.

**Subd. 9.  
Performance  
Standards**

- a. Odor. No activity or operation shall cause at any time the discharge of toxic, noxious or odorous matter beyond the limits of the immediate site where it is located in such concentrations as to be obnoxious or otherwise detrimental to, or endanger the public health, welfare, comfort or safety, or cause injury to property or business.
- b. Exterior Lighting. Any lights used for exterior illuminations shall be directed away from adjacent properties.
- c. Fumes or Gases. Fumes or gases shall not be emitted at any point in concentrations or amounts that are noxious, toxic, or corrosive.
- d. Hazard. Every operation shall be carried on in accordance with state and local fire and safety codes.
- e. Waste. All sewage and industrial wastes shall be treated and disposed in such manner as to comply with Minnesota State Department of Health standards and requirements, Minnesota Pollution Control Agency standards and requirements, and local codes.
- f. Additions, Outbuildings. All subsequent additions and outbuildings constructed after the erection of an original building or buildings shall be reviewed and approved by a township zoning official.

**Subd. 10.  
Regulations on  
Screening**

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

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

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

**Subd. 11.  
Service Road  
Requirement**

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

**Subd. 12.  
Building  
Standards**

- a. Any person desiring to improve property shall submit to the Zoning Administrator information on the location, and dimensions of existing and proposed buildings, location of easements crossing the property encroachments, and any other information which may be necessary to insure conformance to Township ordinances.
- b. No buildings shall be permitted on areas considered as wetlands, flood plain, peat or muck soils, or areas having poor drainage, or areas where the water table depth is less than four (4) feet.

**Subd. 13.  
Sewage  
Treatment**

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

- a. Central sewer systems must be used when available and feasible.
- b. All private sewage treatment systems must meet or exceed Pokegeama Township's standards for individual sewer treatment systems.

**Subd. 14.  
Parking  
Requirements**

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

Section 8 Business District (B)

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- c. Maintenance. It shall be the responsibility of the lessee and/or owner of the principal use or building to maintain in a neat and adequate manner, the parking area, striping, landscaping and screening.
  - d. Driveway Design.
  - e. All property shall be entitled to at least one (1) access.
  - f. All parking spaces shall be served by access aisle or driveway connections to a public right-of-way.

**Subd. 1.**  
**Purpose**

The purpose of this district is to establish regulations authorized in Minnesota Statutes, Chapter 103F, Minnesota Regulations, Part 6120.2500 – 6120.3900, and the planning and zoning legislation in Minnesota Statutes, Chapter 462 relating to the development of shoreland areas in the Township of Pokegama.

**Subd. 2**  
**District  
Regulations**

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The Shoreland District boundaries and regulations are set forth in the Pokegama Township Shoreland Management Ordinance as amended, and those maps and regulations applicable to the Township of Pokegama are hereby incorporated and made part of this ordinance by reference.

**Subd. 3**  
**Administration  
and Enforcement**

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Administration and enforcement within the Shoreland District is the responsibility of Pokegama Township.

## **10 FLOOD PLAIN DISTRICT**

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Subd. 1.  
**Purpose**

The purpose of this district is to establish regulations authorized in Minnesota Statutes Chapter 103F and designed to minimize flood losses in areas subject to periodic inundation which results in potential loss of life, loss of property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare.

Subd. 2  
**District Regulations**

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The flood plain district boundaries and regulations are set forth in the Pine County, Minnesota Flood Plain Management Ordinance as amended, and those maps and regulations applicable to the Township of Pokegama are hereby incorporated and made part of this ordinance by reference.

Subd. 3.  
**Administration and Enforcement**

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Administration and enforcement within the Flood Plain District is the responsibility of the Pine County Zoning Department.

# 11 PLANNED UNIT DEVELOPMENT (PUD)

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**Subd. 1.  
Purpose**

The purpose of this section is to provide the means of designing building complexes containing an internal relationship between building and building, and between building and site that cannot be accomplished through the standard "one building per lot" application of this Ordinance. This section provides a procedure for the development of more than one structure upon a single tract or lot, as well as the integrated development of one or more lots as a single tract.

The Planned Unit Development concept is intended for use only where the usual application of bulk and density controls:

1. would not provide adequate environmental protection;
2. would allow design standards detrimental to the natural aesthetic and physical characteristics of the site;
3. would not provide an efficient and feasible use of the land.

**Subd. 2  
Conditional Use  
Permit Required**

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Planned Unit Developments shall be allowed for as a conditional use in the A, R, RR, and B districts. Application for a Conditional Use Permit shall state precisely the reasons for requesting the consideration of the property for a Planned Unit Dev. and shall be accompanied by the fee established for Planned Unit Developments.

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**Subd. 3.  
General  
Regulations**

- a. All other development regulations of the appropriate Zoning District shall apply to a Planned Unit Development.
  - b. It is the intent of this section that the subdivision of the land involved be carried out simultaneously with the review of a Planned Unit Development.
  - c. The land which is to be set aside as open or common area shall be clearly indicated on the plan. Provisions for recreational areas and the continual maintenance of that area not dedicated and accepted by the Board shall be required. Provisions shall be required for the continual maintenance of any recreational areas not dedicated and accepted by the Board.
  - d. No conveyance of property within the Planned Unit Development shall take place until the property is platted in conformance with the provisions of this subdivision and applicable to the Subdivision Ordinance. All by-laws, property owner's association articles of incorporation, and protective covenants must be approved by the Board and filed with the record plat.
  - e. The PUD may include additional uses to those allowed for in the zoning district in which the PUD is located, upon the finding of the Board that the additional use(s) are compatible and interrelated with the other proposed uses.
  - f. There is to be provided within the tract, parking spaces in private garages or off-street parking spaces in private garages or off-street parking areas.
  - g. Drives, access ways and common parking areas must be developed. Such drives and access ways must be protected by recorded deed covenants assuring their availability to all residents of the project.
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**Subd. 4  
Site Design**

- a. The number of principal use structures which may be constructed within the Planned Unit Development shall be determined by dividing the net buildable acreage of the project area by the required lot area per unit which is required in the zoning district which the Planned Unit Development is located. The net buildable acreage shall be defined as the project area less the land area dedicated for public streets and land which deemed as "unbuildable" by this ordinance. The project area includes all the land within the Planned Unit Development which is allocated for residential, commercial or industrial uses, and for common open space as required by this Subdivision. Land to be dedicated for public streets is to be excluded from the project area.
- b. The common open space, any other common properties, individual properties, and all other elements of the Planned Unit Development shall be so planned that they will achieve a unified scheme of integrated planning and distribution of uses.
- c. The proposed PUD shall be of such size, composition, and arrangement that its construction, marketing and operation is feasible as a complete unit, without dependence on any subsequent unit or development.
- d. All Planned Unit Developments shall be served by community sewer and water facilities.

**Subd. 5  
Standards for  
Common or  
Public Open  
Space**

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No open area may be accepted as common open space under the provisions of this Subdivision unless it meets the following standards:

- a. The location, shape, size, and character of the common open space must be suitable for the PUD.
- b. Common open space must be used for amenity or recreational purposes. The uses authorized for the common open space must be appropriate to the scale and character of the Planned Unit Development, considering its size, density, expected population, topography, and the number and type of structures to be provided.
- c. Common open space must be suitably improved for its intended use, but common open space containing natural features worthy of preservation may be left unimproved. The buildings, structures and improvements which are permitted in the common open space must be appropriate to the uses which are authorized for the common open space and must conserve and enhance the amenities of the common open space, having regard to its topography and unimproved condition.
- d. The development plan must coordinate the improvement of the common open space and the construction of buildings, structures, and improvements in the common open space, with the construction of the principal structures of the Planned Unit Development.
- e. If the final development plan provides for buildings or structure improvements in the common open space, the developer must provide a bond or other adequate assurance that the buildings, structures, and improvements have been completed according to the development plan.



- f. The construction and provision of all of the common open spaces and public and recreational facilities which are shown on the final development plan must proceed at the same rate as the construction of the principal structures of the PUD.

**Subd. 6  
Conveyance and  
Maintenance of  
Common Open  
Space**

- a. All land shown on the final development plan as common open space must be conveyed under one of the following options:
  - 1. It may be conveyed to a public agency to maintain the common open space and any buildings, structures, or improvements which have been placed on it.
  - 2. It may be conveyed to trustees provided in an indenture establishing an association or similar organization for the maintenance of the planned development. The common open space must be conveyed to the trustees, subject to covenants to be approved by the Board which restrict the common open space to the uses specified on the final development plan, and which provide for the maintenance of the common open space in a manner which assures its continuing use for its intended purpose. Interest in the common open space shall be undivided and such interest shall not be transferable.
- b. No common open space may be put to any use not specified in the final development plan unless the final development plan has been amended to permit that use. However, no change of use may be considered as a waiver of any of the covenants limiting the use of common open space areas, and all rights to enforce these covenants against any permitted use are expressly reserved.
- c. If the common open space is not conveyed to a public agency, either one of the following methods of enforcement must be provided:
  - 1. The legal right to develop the common open space for the uses not specified in the final development plan must be conveyed to a public agency.
  - 2. The restrictions governing the use, improvement, and maintenance of the common open space must be stated as conditions to the conveyance of the common open space, the fee title to the common open space to vest in a public agency in the event of a substantial default in the stated conditions.
- d. If the common open space is not conveyed to a public agency, the covenants governing the use, improvement and maintenance of the common open space may authorize a public agency to enforce their provisions.

**Subd. 7  
Required  
Covenants,  
Easements and  
Provisions in  
Plan**

The development plan shall contain such proposed covenants, easements, and other provisions relating to the bulk, location, and density of permitted structures, accessory uses thereto, and public facilities as may be necessary for the welfare of the Planned Unit Development and not inconsistent with the best interest of the entire community.

The applicant may be required to dedicate land for street or park purposes and, by appropriate covenants, to restrict areas perpetually (or for the duration of the Planned Development) as open space for common use. The development shall be subject to all conditions so imposed, and shall be exempted from other provisions of this Ordinance only to the extent specified in the authorization.

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**Subd. 8**  
**Guarantee the Provision of Common Open Space**

The Board may require adequate assurance, in a form and manner which it approves, that the common open space shown in the final development plan will be provided. The following methods of assurance are intended as illustrative, and they may be used singly or in combination:

- a. The Board may accept a bond, corporate surety, or other acceptable financial guarantee, in a form which complies with the provisions of this Ordinance and the Subdivision Ordinance, and in an amount sufficient to purchase the common open space shown in the final development plan or alternative acreage which is equivalent in size and character.

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**Subd. 9**  
**Final Approval**

When the Board gives final approval, a Conditional Use Permit shall be issued for the Planned Unit Development even though the size of lots, depth of yards, and the required distance may not conform in all respects to the regulations of the district in which the project is to be located

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**Subd. 10**  
**Final Action by Applicant**

The applicant shall then review their application and plan in its final approved form and sign a statement that the Planned Unit Development Plan in its final form shall be made binding on the applicant, any successors in interest and assigns.

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**Subd. 11**  
**Amendments to the Approved Final Developments Plan**

All changes in use, or re-arrangement of lots, blocks, and building tracts, any changes in the provision of common open spaces, and all other changes in the approved final plan must be approved by the Board. No amendments may be made in the approved final plan unless they are shown to be required by changes in conditions that have occurred since the final plan was approved or by changes in the development policy of the Board.

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**Subd. 12**  
**Failure to Begin Planned Unit Development**

If no construction has begun or no use established in the Planned Unit Development within one (1) year from the final approval of the final development plan, the final development plan shall lapse and be of no further effect.

In its discretion and for good cause, the Board may extend for one additional year the period for the beginning of construction.

## **12 BUILDING REQUIREMENTS**

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### **Subd. 1 Purpose**

The purpose of this section is to establish building requirements and standards which apply to all districts within the Township to assure compatible land uses; to prevent blight and deterioration; and to enhance the health, safety, and general welfare of the area

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### **Subd. 2 Building Standards**

- a. Any person desiring to improve property shall submit to the Zoning Administrator information on the location, and dimensions of existing and proposed buildings, location of easements crossing the property encroachments, and any other information which may be necessary to insure conformance to Township Ordinances.
  - b. No buildings shall be permitted on areas considered as wetlands, flood plain, peat or muck soils, or areas having poor drainage, or areas where the water table depth is less than four (4) feet.
  - c. Not more than (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 Appeals and Adjustment.
- 

### **Subd. 3 Building Size and Architectural Requirements**

The following building size and architectural requirements shall apply to all districts unless otherwise specified.

- a. Design Standards: The architectural appearance and function of any building shall not be as 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 in M.S. 462.357.
  - b. Height Exceptions. The building height limits established shall not apply to agricultural buildings, grain elevators, or to architectural projections of buildings such as belfries, cupolas, domes, spires, chimneys, flues or to similar structures extending above the roof of any building and not occupying more than twenty-five (25) percent of the area of such roof. Freestanding structures such as water tanks, poles, towers and other structures for essential services, monuments, flag poles shall be exempt from the building height requirements of the district in which it is located.
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### **Subd. 4 Dwelling Unit Restrictions**

- a. No cellar, basement, garage, tent or accessory building shall at any time be used as an independent residence or dwelling unit, temporarily or permanently.
- b. Basements may be used as living quarters or rooms as a portion of residential dwellings.
- c. Existing cellars or basements used as an independent dwelling unit shall have the status of a nonconforming use, subject to the provisions of Section 19 of this Ordinance.

**Subd. 5  
Dwelling Size**

All dwellings shall have a minimum finished livable space of at least nine hundred sixty (960) Square Feet. Additions to manufactured homes shall not be considered in determining dwelling area requirements. All manufactured homes shall be HUD certified units. Temporary residences as allowed for in Subdivision 7 of this section are exempted from this requirement.

**Subd. 6  
Dwelling  
Architectural  
Requirements**

- a. Dwellings shall be placed on a permanent foundation system conforming to Minnesota State Building Code requirements.
- b. Dwellings shall be placed on a permanent foundation forming a complete enclosure around the perimeter of the structure, or have a perimeter skirting enclosing the non-perimeter foundation.
- c. Temporary residences as allowed for in Subd. 7 of this section are exempted from these requirements.

**Subd. 7  
Accessory and  
Temporary  
Residences**

A temporary interim residence permit may be issued for an accessory residence to be placed or constructed on the same lot as an existing principal residence in the following cases:

- a. Temporary (Interim) Accessory Residence during Construction of Permanent Dwelling. In all districts, a twelve (12) month interim permit, renewable for one additional twelve (12) month period, may be issued to allow one temporary housing unit to be placed and occupied on the same site as the permanent dwelling is being constructed, provided:
  1. The building permit for the permanent dwelling has been issued.
  2. An approved sewer system has been installed on the site to serve the temporary 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.

**Subd. 8  
Accessory  
Structures, Uses  
and Equipment**

The following requirements apply to all districts, unless otherwise noted:

- a. Part of Principal Building. An accessory building or structure shall be considered an integral part of the principal building if it is connected to the principal building.
- b. Setbacks. Accessory structure setbacks are as follows:
  1. Structures of greater than one hundred and twenty (120) square feet in floor area shall be located from all lot lines in accordance with yard requirements set forth for principal structures within this Ordinance.
  2. Structures of one hundred and twenty (120) square feet of floor area or less shall be located five (5) feet or more from all lot lines of adjoining lots, except as otherwise permitted within this Ordinance.
  3. Structures shall not be located in an easement.

- c. Accessory Structure and Uses Located on parcels of Two and one-half (2.5) Acres or Less. Accessory structures and uses located on lots or parcels of two and one-half (2.5) acres or less shall also be subject to the following provisions:
1. Height. Accessory structures shall not exceed eighteen (18) feet in height in the District.
  2. Number. The number of accessory buildings shall be limited as follows:  
In cases where a garage is part of the principal structure, one (1) additional accessory building is allowed provided that the total floor area of the accessory building does not exceed one thousand, two hundred (1,200) square feet or result in a total lot coverage of more than thirty (30) percent, plus one storage shed of one hundred twenty (120) square feet or less in floor area.  
  
In cases where a garage is not part of the principal structure, two (2) accessory buildings are allowed provided that the total floor area of the accessory buildings do not exceed one thousand, eight hundred (1,800) square feet or result in a total lot coverage of more than thirty (30) percent, plus one storage shed of one hundred twenty (120) square feet or less in floor area.

**Subd. 9  
Sewage  
Treatment**

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Any premises used for human occupancy must be provided with an adequate method of sewage treatment, as follows:

- a. Central sewer systems must be used when available and feasible.
- b. All private sewage treatment systems must meet or exceed the Pokegama Township Individual Sewer Treatment System Standards, as administered by the Township.

## **13 GENERAL PROVISIONS**

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### **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 Township.

### **Subd. 2 Drainage and Grading**

The following requirements shall apply when any development activity has the potential for impacting the natural or artificial drainage systems of the area

- a. Stormwater Run-off. No land shall be developed or altered that results in surface water run-off causing unreasonable flooding, erosion, or deposition of minerals on adjacent properties or water bodies. Such run-off shall be properly channeled into a storm drain, natural water course or drainage way, a pond area, or other public facility.
- b. Obstruction of Natural Drainage Prohibited. No building permit shall be issued for the construction of any building on which construction or necessary grading thereto shall obstruct any natural drainage waterway.
- c. Undrainable Lands. No building permit shall be issued for the construction of any building upon ground which cannot be properly drained.
- d. Protection of Existing Drainage Installations. Where application is made for a building permit and subsequent investigation shows that the property to be occupied by said building is adjacent to a portion of a public road or street containing a drainage culvert, catch basin, sewer, special ditch, or any other artificial drainage structures used for the purpose of draining said property and/or neighboring property, the applicant shall specifically agree in writing to protect these waterways in such a way that they shall not be affected by the proposed building construction or grading work incidental thereto.
- e. Order to Regrade. The Township may order the applicant to regrade property if existing grade does not conform to any provision of this subdivision, if the grade indicated in the preliminary plan has not been followed, or if the grade poses a drainage problem to neighboring properties.
- f. Drainage Tile. The Township's Zoning Administrator or Building Official may require drainage tile if, in their opinion, it is needed to avoid the accumulation of water or moisture in the building.

### **Subd. 3 Waters, Waterways**

As used in this section, the terms waters and/or waterways shall include all public waterways as defined by Minnesota Statutes, Section 105.38, and shall also include all bodies of water, natural or artificial, including ponds, streams, lakes, swamps, and ditches which are a part of or contribute to the collection, runoff, or storage waters within the Township or directly or indirectly affect the collection, transportation, storage, or disposal of the storm and surface waters system in the Township.

103G.245, as amended. This alteration includes the construction 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.

- b. **Permit Required.** No person shall cause or permit any waters or waterways to be created, dammed, altered, filled, dredged, or eliminated, or cause the water level elevation thereof to be artificially altered without first securing a permit from the Township and the Department of Natural Resources.
- c. **Application for Permit.** Applications for permits required by the provisions of this Subdivision shall be made in writing upon printed forms furnished by the Zoning Administrator.
- d. **Scope of Proposed Work.** Applications for permits required by this section shall be accompanied with a complete and detailed description of the proposed work, together with complete plans and topographical survey map clearly illustrating the proposed work and its effect upon existing waters and water handling facilities.

**Subd. 4**  
**Fencing,**  
**Screening, and**  
**Landscaping**

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The placement of fences shall be subject to these requirements, except for agricultural fences

- a. No fence shall exceed four (4) feet in the front yard or eight (8) feet in the side and rear yards in height as measured from the average point between the highest and lowest grade, except for security purposes within the "B" district, security for government facilities, and for agricultural purposes.
- b. No fence, screen, or structure which obstructs the view shall be located within twenty-five (25) feet of the corner formed by the intersection of street or railroad right-of-ways as measured from the intersecting property lines.
- c. Except as provided in this section, Subd. 4.B, fences may upon mutual consent of the abutting property owner(s) be placed along the lot line.
- d. That side of the fence considered to be the face, opposite the side with the fence posts, shall face the abutting public or private property.
- e. All fences shall be constructed of or have the appearance of masonry, brick, wood, steel, or chain link. No barbed wire, electric fences, hog netting, poultry netting, or sheep netting are allowed except for agricultural purposes. No snow fencing or construction security fencing is allowed, except during construction.
- f. All screening required by the provisions of this ordinance shall consist of:
  - 1. A green belt planting strip consisting of vegetative cover of sufficient width and density to provide an effective screen, or
  - 2. A fence constructed of masonry, brick, wood or steel which is compatible with surrounding structures and buildings.

3. In the case of a non-residential use abutting a residential use, the Township Board may require screening up to eight (8) feet in height.
4. Any nonconforming fence which is destroyed or in disrepair, requiring more than fifty (50) percent of its replacement cost to repair, shall be removed and only be rebuilt if in compliance with the standards set forth in this section.

**Subd. 5**  
**Public**  
**Nuisances**  
**Prohibited**

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A public nuisance is a substantial and unreasonable interference with the use and enjoyment of land is hereby prohibited. An action may be brought by the Township Board or any person whose property is injuriously affected or whose personal enjoyment is lessened by the nuisance, and by the judgment the nuisance may be enjoined or abated, as well as damages recovered, as provided for in Minnesota Statutes 561.01.

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**Subd. 6**  
**Blighting Factors**  
**Prohibited**

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It is hereby determined that the uses, structures and activities and causes of blight or blighting factors described in this Subdivision if allowed to exist, will tend to result in blighted and undesirable neighborhoods, so as to be harmful to the public welfare, health and safety. No person shall maintain or permit to be maintained, any of these causes of blight or blighting factors upon any property in the Township owned, leased, rented or occupied by such person.

Blighting Conditions. The following conditions are found to create blighting conditions and are hereby prohibited:

- a. Storage of Junk Automobiles. The storage upon any property of junk automobiles, unless stored in a garage, similar structure, or screened from view from adjacent property or the public right-of-way, shall be considered blight. For the purpose of this Subdivision, the term "junk automobiles" shall include any motor vehicle, part of a motor vehicle, stored in the open for more than thirty (30) days, which is not currently licensed for use upon the highways of the State of Minnesota, or is either:
  1. unusable or inoperable because of lack of, or defects in component parts; or
  2. unusable or inoperable because of damage from collision, deterioration, alteration or other factors; or,
  3. beyond repair and, therefore, not intended for future use as a motor vehicle; or,
  4. Being retained on the property for possible use of salvageable parts. A classic car or pioneer car, as defined in Minnesota Statutes, section 168B.10 shall not be considered a "junk automobile" within the meaning of this Subdivision. Motor vehicles on the premises of a junk or salvage yard, which is licensed in accordance with Minnesota Statutes, Section 161.242 and is permitted under local laws and zoning regulations, shall not be considered "junk automobiles" within the meaning of this Subdivision.
  5. Excluded on agricultural land are unlicensed motor vehicles maintained and used in farming activities which are being conducted according to generally accepted agricultural standards and applicable State and Federal Regulations.



- b. Storage of Junk. The storage, accumulation, or salvaging of junk, trash, rubbish or refuse of any kind, except if stored in such a manner as to not create a nuisance or blighting condition for a period not to exceed thirty (30) days. The term "junk" shall include parts of machinery or motor vehicles; unused appliances stored in the open; unused mobile or manufactured homes, mobile or manufactured homes used for any other purpose other than their intended use; remnants of wood materials, decayed, weathered or broken construction materials no longer suitable for sale or use as approved building materials; metal or other material or cast off materials of any kind, whether or not the same could be put to any reasonable use.
1. Excluded on agricultural land are implements and machinery maintained and used in farming activities which are being conducted according to generally accepted agricultural standards and applicable State and Federal Regulations. Also excluded are secondary implements and machinery used to maintain operational implements. Not excluded are implements and machinery which are not operational and do not support the operation of other implements.
- c. Enforcement of Blight Regulations. The following procedures shall be followed in the enforcement of regulations set forth in Subd. 6 of this section.
1. Notice of Violation. The owner of any property upon which any of the causes of blight or blighting factors set forth in Subd. 6 of this section is found to exist, shall be notified in writing by the Zoning Administrator, Township Board or other agent of the Township Board to remove or eliminate such causes of blight or blighting factors from the property within fifteen (15) days after service of the notice upon the owner of the affected property. The notice may be served personally or by registered mail, return receipt requested, to the last known address of the owner. Additional time may be granted by the Town Board or its agent where bona fide efforts to remove or eliminate such causes of blight or blight factors are in progress.
  2. Failure to Comply. Failure of the owner to comply with such notice within the time allowed shall constitute a violation of this ordinance.
  3. Failure to Remove Blight. In the case of failure to remove any blight as defined herein, within the time prescribed, the Township Board may order the blight removed or the condition corrected with the cost to be charged back to the property owner. Where automobiles are involved, they shall be removed and disposed of in accordance with Minnesota Statutes Chapter 168B. All other goods seized by the Township shall be disposed of in conformity with applicable State law. The Township Board may certify the cost of the service to the County Auditor as an unpaid service charge which will then be collected together with the property taxes as provided for in Minnesota Statutes 366.012. As an additional or alternative remedy, the owners of the land shall be liable for such costs, said costs shall be recoverable in any action brought against them in the name of the Township

**Subd. 7**  
**Lighting**

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Any lighting used to illuminate an off-street parking area, sign, yard or structure shall be arranged as to deflect light away from any adjoining residential properties or uses from the public streets. Direct or reflected light shall not be directed into any adjoining property. The source of light shall be hooded or controlled in some manner so as not unreasonably light adjacent property. Bare incandescent light bulbs shall not be permitted in full view from adjacent property or public right-of-way.

**Subd. 8**  
**Vision Clearance  
at Corners, Curb  
Cuts, and  
Railroad  
Crossings**

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Notwithstanding any part of this ordinance or any permit or variance granted, no 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, curb cuts, or railroad crossings.

**Subd. 9**  
**Storage and  
Disposal of  
Equipment,  
Items, Materials,  
and Waste**

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The following standards shall apply to storing, handling and disposal of any items, materials or wastes:

- a. No construction equipment and/or material for the purposes of construction on the site shall be stored on the site without a valid zoning permit. When construction is completed, all construction equipment and materials must be removed within thirty (30) days.
- b. 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.
- c. The pollution of any well, stream, lake, or body of water by sewage, industrial waste, or other substances is prohibited.
- d. All carcasses of animals shall be properly disposed of, including burning, composting, or rendering within forty-eight (48) hours after death.
- e. 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.
- f. All structures, landscaping and fencing shall be reasonably maintained so as to not constitute a blighting condition or be a threat to the public health and safety or cause depreciation of the value of adjacent property.

**Subd. 10**  
**Performance  
Standards**

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All users shall comply with all federal, state, and local pollution and nuisance laws and regulations, including but not limited to glare, smoke, dust, odors, and noise. The burden of proof for compliance with appropriate performance standards shall lie with the applicant.

**Subd. 11**  
**Administrative  
Standards**

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Whenever in the course of administration and enforcement of this ordinance, it is necessary or desirable to make any administrative decision, then, 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 this ordinance as described in section 1, Subd. 2 of this ordinance.

## 14 SIGN REGULATIONS

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### Subd. 1 **Purpose**

The purpose of this section is to regulate the location, size and types of signs to enable the public to locate goods, services, and facilities; to prevent competition for attention; to prevent hazards to life and property; and to protect the natural roadside aesthetics.

### Subd. 2 **Permits Required**

Except as otherwise provided in this ordinance, no sign shall be erected, constructed, altered, rebuilt, or relocated until a sign permit has been issued. No signs shall be erected along a state trunk highway without obtaining a permit from the Minnesota Department of Transportation.

- a. Exceptions. No permit will be required under this ordinance for the following signs:
  1. Address and identification signs not exceeding three (3) square feet in area.
  2. Real estate sale signs which do not exceed ten (10) square feet in area.
  3. Political signs.
  4. Public signs.
  5. Temporary construction signs not exceeding thirty-two (32) square feet in area.
  6. Temporary signs as provided for in Subd.4, K of this section.

### Subd. 3. **Prohibited Signs**

No sign shall be erected or maintained:

- a. Which purports to be or resembles an official traffic control device, sign, or signal, or railroad sign or signal; or which hides from view or interferes in any material degree with the effectiveness of any traffic control device, sign, or signal, or railroad sign or signal, or which obstructs or interferes with the driver's view of approaching, merging, or intersecting traffic for a distance not to exceed five hundred (500) feet.
- b. Which prominently displays the word "stop" or "danger".
- c. Which contains statements, words, or pictures of an obscene, indecent, or immoral character, or such as would offend public morals or decency.
- d. On any right-of-way of any highway, except as otherwise provided by law or allowed by the Commissioner of the Minnesota Department of Transportation.
- e. If any part of such sign extends more than six (6) feet into the public right-of-way, or is less than eight (8) feet above ground level. Canopies and marquees shall be considered an integral part of the structure to which they are attached. This section does not apply to signs posted by duly constituted public authorities in the performance of their public duties.
- f. On private land without the written consent of the owner thereof.

- g. On trees, shrubs, or which are painted or drawn upon rocks or natural features, or on any public utility poles.
- h. Which has distracting flashing or moving lights resembling an emergency vehicle or so designed as to be a traffic hazard.
- i. Which are structurally unsafe, in disrepair, or are abandoned.

**Subd. 4.  
General  
Provisions**

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The following requirements shall apply to all signs in all districts.

- a. Signs painted on buildings. 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.
- b. Signs obstructing. Signs shall not obstruct any window, door, fire escape, stairway or opening intended to provide light, air, ingress or egress for any building or structure.
- c. Ground Sign Maintenance. 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.
- d. Signs in Disrepair. 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.
- e. Political Signs. 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 seven (7) days following the date of the election or elections to which they apply.
- f. Displays. 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. Mobile signs on wheels or otherwise capable of being moved from place to place shall conform to the provisions of this ordinance just as permanently affixed signs.
- g. Home Occupation Signage. Signage for home occupation uses may consist of no more than one (1) single or double-faced sign with a maximum area of sixteen (16) square feet per side, not to exceed ten (10) feet in height.
- h. Illuminated Signs. 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 r.o.w. or residences.

- i. Real Estate Sales Signs. Real estate sales signs may be placed in any yard providing such signs are within the property line.
- j. 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 one hundred (100) 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.
- k. Construction Signs. Construction signs shall not be erected before issuance of a building permit or remain after issuance of certificate of occupancy.
- l. Temporary Signs. Banners, pennants, and temporary signs may be used for grand openings, special events and holidays, but must be removed within seven (7) days after said event.
- m. Inside Signs. The regulations contained herein do not apply to signs painted, attached by adhesive or otherwise attached directly to or visible through windows and glass portions of doors.
- n. Multi-faced Signs. Multi-faced signs shall not exceed two (2) times the allowed square footage of single-faced signs.
- o. Location Restrictions. Except for more restrictive subsections of this sign section, no sign that exceeds one hundred (100) square feet in area 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 national, state or local 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 partly or totally obstruct the view of a lake, river, rocks, wooded area, stream or other point of natural and scenic beauty.

**Subd. 5.  
Permitted Signs  
in the "A", "RR"  
and "R",  
Districts**

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The following signs are permitted and regulations established for the "A", "RR" and "R" zoning districts:

- a. Types of Signs. Nameplate, real estate sales and development, public or governmental, political, identification, informational, institutional, business, directional, construction, temporary and agricultural crop demonstration signs.
- b. Number of Signs. One (1) of each type of sign is allowed per lot frontage, except political signs where one (1) per each candidate is permitted, one for each agricultural crop demonstration plot is permitted, or as hereinafter allowed.

- c. Sign Size Requirements.
  - 1. Nameplate signs shall not exceed ten (10) square feet in area.
  - 2. Construction signs (temporary) not exceeding thirty-two (32) square feet in area.
  - 3. Real estate signs not exceeding sixteen (16) square feet and real estate development project signs not to exceed one hundred (100) square feet.
- d. Number, Height of Signs. Business signs, institutional signs, and governmental signs located on premises, for allowed conditional uses or allowed uses, subject to the following provisions:

Home Occupation Signage. Signage for home occupation uses may consist of no more than one (1) single or double-faced sign with a maximum area of sixteen (16) square feet per side, not to exceed ten (10) feet in height.

### Subd. 6. **Permitted Signs in "B" Business District**

The following signs are permitted and regulations established for the "B" Business zoning district.

- a. Permitted Signs. Signs as permitted and regulated in the "A", "RR", and "R" Districts.
- b. Business Signs. The total surface area of all business signs for each business shall not exceed the following standards:
  - 1. Free standing sign - One hundred (100) square feet in area for single business tenant buildings and two hundred (200) square feet in area for multiple business tenant buildings, per road frontage.
  - 2. Wall and/or window - Fifteen (15) percent of the total wall area on which the sign is placed.
  - 3. Off-Premise Business Signs. Business signs located off-premise shall be permitted in the "B" district. Off-premise signs shall not exceed two hundred (200) square feet in area and shall not be placed closer than five hundred (500) feet to any other sign on the same side of the road.
  - 4. Sign Height. No business sign shall project above the permitted building height of thirty five (35) feet.

### Subd. 7. **Design, construction and Maintenance**

Any sign existing upon the effectuation date of this ordinance and hereafter which no longer advertises or identifies a bonafide business conducted, or a service rendered or a product sold, shall be removed by the owner, agent, or other person having the beneficial use of the property upon which the sign is located. All signs, together with their supports, braces, guys, and anchors, shall be kept in repair and in proper state of preservation. The display surfaces of all signs shall be kept neatly painted or posted at all times. All signs shall be maintained so as not to be unsightly or create hazards to the public health, safety or general welfare. The term unsightly shall mean a condition where the sign has deteriorated to the point that one-fourth (1/4) or more of the surface of the name, identification, description or other symbol is no longer clearly recognizable to the human eye at a distance of one hundred (100) feet.

The Township Board may order the removal of any sign that is not properly

Section 14 Sign Regulations

maintained. The Township Board may certify the cost of the removal service to the County Auditor as an unpaid service charge which will then be collected together with the property taxes as provided for in Minnesota Statutes 366.012. As an additional or alternative remedy, the owners of the land shall be liable for such costs, said costs shall be recoverable in any action brought against them in the name of the Township

**Subd. 8.**  
**Nonconforming  
Sign**

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Nonconforming permanent signs lawfully existing at the time of adoption of this ordinance shall be allowed to continue in use, but shall not be rebuilt, relocated or altered without being brought into compliance with the requirements of this section. After a non-conforming sign has been removed, it shall not be replaced by another non-conforming sign.



## **15 HOME OCCUPATIONS**

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### **Subd. 1. Purpose**

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

### **Subd. 2. Permitted Home Occupations**

Home occupations which do not require additional employees or parking, an accessory building, or generate a noticeable increase in traffic, does not have the potential to impact adjacent properties, or does not have the potential of exceeding existing services or facilities, shall be permitted as an accessory use.

### **Subd. 3. Conditional Use Permit Required**

Home occupations which have the potential for generating a noticeable increase in traffic, requires additional parking, involves employees not residing in the home, or utilizes an accessory building, has the potential to impact adjacent properties, or has the potential of exceeding existing services or facilities, shall require a Conditional Use Permit.

### **Subd. 4. Performance Standards**

All home occupations shall conform to the following standards:

- a. Conduct of the home occupation does not require alterations to the interior or exterior of the residence which substantially alters the appearance of the dwelling as a residence.
- b. Only those persons residing in the home and two (2) other persons as allowed by a conditional use permit may be employed within the home.
- c. Signage consists of no more than one (1) single or double-faced sign with a maximum area of sixteen (16) square feet per side, not to exceed ten (10) feet in height.
- d. The home occupation shall not generate wastes of a nature or type that cannot be treated by a standard on-site sewage system or municipal sewer system, or hazardous wastes without an approval plan for off site disposal.

### **Subd. 5. Review by Planning Commission**

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

## **16 COMMERCIAL MINING, GRADING, LAND RECLAMATION**

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### **Subd. 1. 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 the "A" and "RR" Districts, the conduct of commercial mining shall be permitted only upon issuance of a Conditional Use Permit or Interim Use Permit.

Commercial mining operations in existence prior to the enactment of this ordinance, shall apply for a conditional use permit and be subject to the provisions of this ordinance at any time that the existing mining operation is expanded or moved to another land parcel. In addition to the requirements for conditional uses in Section 22, the following information shall accompany the conditional use permit application in writing with necessary maps.

- a. Site Plan  
Area of site
  1. Proximity of site to lot lines, adjacent structures
  2. Existing drainage and permanent or temporary ponding areas
- b. Operational Plan
  1. Placement of structures and equipment
  2. Location and amount of materials to be removed
  3. Location and height of materials to be stock piled
  4. Altered drainage and ponding areas
  5. Erosion and sediment controls to be used
  6. Dust, noise, and smoke control
  7. Duration of mining operation
  8. Hours of operation
  9. Materials to be produced
  10. Other activities occurring related to mining activity
- c. Reclamation Plan
  1. Final grade of site
  2. Vegetative cover
  3. End use of site
- d. Other information as may be requested by the Planning Commission or Township Board.
- e. The Township may require updated operational plans on an annual basis. The approval of the annual operational plan shall be a condition of the use permit.
- f. Any use beyond the extraction and stockpiling of materials such as crushing, washing, or processing of materials; the production of architectural or structural stone; or the manufacture of asphalt, concrete or concrete building blocks; or any activity other than what is described in the conditional permit shall be considered a separate use and shall require an amendment of issuance of a conditional use permit.
- g. The Township Board may place conditions upon the issuance of the permit in

addition to those described in Section 22. These conditions may include, but are not limited to:

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 Township for any costs which may be incurred for the following:

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

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

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

**Subd. 2.**  
**Grading and**  
**Land**  
**Reclamation**

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

- a. The smallest amount of bare ground is exposed for as short a time as feasible.
- b. Temporary ground cover is used until 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%.

## **17 COMMUNICATION TOWERS AND ANTENNAE**

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### **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, these regulations are necessary in order to:

- a. Facilitate the provision of wireless telecommunication services to the residents and businesses of the Township of Pokegama.
- 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 community.

### **Subd. 2. Allowed as Conditional Use in the A, R, RR, and B Districts**

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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 Township of Pokegama and securing a conditional use permit therefor as hereinafter provided.

### **Subd. 3. Activities Not Requiring Permit**

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Permits are not required for:

- a. Routine maintenance of towers and related structures shall not require the issuance of a conditional use permit.
- 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 72 hours following installation.

### **Subd. 4. Additional Submittal Requirements**

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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**

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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**

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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 (150) feet in height or for one

additional user if the tower is over one 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 Township of Pokegama 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 with 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**

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All antennas and towers erected, constructed, or located within the Township, 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**

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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**

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Towers shall conform with each of the following minimum setback requirements. Towers shall meet the setbacks of the underlying zoning district or the special setback requirements set forth in this subdivision, whichever is the greater.

- a. 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.
- b. The setback shall be measured between the base of the tower located nearest the property line and the actual property line.
- c. Towers shall not be located between a principal structure and a public street, with the following exceptions:
  - 1. In the "B" District, towers may be placed within a side yard abutting an internal street.
  - 2. On sites adjacent to public streets on all sides, towers may be placed within a side yard abutting a local street.
- d. 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**

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All proposed towers shall not exceed three hundred (300) feet in height.

**Subd. 11.**  
**Tower Lighting**

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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 Township of Pokegama 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**

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

**Subd. 13.  
Accessory Utility  
Buildings**

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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**

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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**

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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 zoning permit based upon administrative review.

**Subd. 16.  
Interference with  
Telecommunica-  
tions**

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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**

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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 restore to its former use, location, and physical dimensions upon obtaining a building 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**

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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 Township of Pokegama. In the event that a tower is not removed within twelve (12) months of the cessation of operations at a site, the tower and associated facilities may be removed by the Township. The Township Board may certify the cost of the removal service to the County Auditor as an unpaid service charge which will then be collected together with the property taxes as provided for in Minnesota Statutes 366.012. As an additional or alternative remedy, the owners of the land shall be liable for such costs, said costs shall be recoverable in any action brought against them in the name of the Township. The Township may also require a bond in the amount sufficient to remove the tower.

# 18 MANUFACTURED HOME PARKS

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**Subd. 1.**  
**Purpose**

The purpose of this section is to provide for manufactured home parks and recreational camping areas, assures quality development by providing a safe, well serviced, and attractive environment.

**Subd. 2.**  
**Conditional Use  
Permit Required**

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Manufactured Home Parks and Recreational Camping areas maybe allowed as conditional use in the A, R, RR, and B Districts.

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**Subd. 3.**  
**Accessory Uses**

Each application shall include the following information:

- a. Legal description and size in acres of the proposed manufactured housing park.
- b. Location and size of all manufactured home parks and recreational camping areas, storage areas, recreation areas, laundry drying areas, roadways, parking sites and all setback dimension.
- c. Detailed landscaping plans and specifications.
- d. Location and width of sidewalks, if any.
- e. Plans for sanitary sewage disposal, solid waste disposal, surface drainage, water system, electrical service, gas service, telephone service, other utilities, plumbing and fire protection, the sewage disposal plans to include a detailed report and estimate of projected pollutants entering surface and underground water.
- f. Location and size of all streets driveways and sidewalks accessed from such streets to the manufactured housing park.
- g. Road construction plans and specifications including cross-section and curb details for all road construction within the park or directly related to park operation.
- h. Preliminary floor plans and elevation for any and all permanent structures.
- i. Such other information as required or implied by these manufactured home park and recreation camping areas standards or requested by the Town.
- j. Name and address of developer.
- k. Detailed description of maintenance procedures and grounds supervision.
- l. Detailed description of lighting to be installed.
- m. Topographical map, on a meaningful scale.
- n. Plans for the fully developed park. If construction is staged, plans should indicate the various stages and time line for construction of each stage.
- o. Plans for storm shelters as required by Minnesota statutes, rules and/or regulations.

Proposed rules and regulations promulgated by the owners or operators which set forth the obligation of the owner or operator to the tenants and of the tenants to the owner or operator, which shall be approved by the Town prior to occupancy of the manufactured home park and recreational camping areas.

- p. Such other information as may be required of the zoning administrator, building official and other permitting agencies.

**Subd 4.**  
**Occupancy  
Permit Required**

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After issuance of a use permit, the park or camping area may be constructed but may not be occupied until it has been inspected by the Zoning Administrator and an occupancy permit issued. An occupancy permit may be issued when it is found that construction is complete and that all the terms thereof have been complied with. A temporary occupancy permit may allow occupancy of the completed portion if the developer furnished the Town with a public contractor's performance bond, with corporate surety in an amount equal to the total cost of the uncompleted portion of the project as estimated by the Town's Engineer. The bond shall be approved by the Town's Attorney and filed with the Town.

**Subd 5.**  
**Development  
Agreements**

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The Township may require the owner/operator to enter into a development agreement with the Township at the time the Township issues a permit and such agreement with all its terms, conditions, and provisions shall be essential to the permit and shall be enforceable as part of this ordinance.

**Subd 6.**  
**Inspections**

- a. Manufactured home parks and recreational camping areas permitted under this ordinance shall be subject to annual inspections. Periodic inspections may be conducted by the Zoning Administrator or other designated agent of the Township.
- b. Notification of the Zoning Administrator and other designated agent shall be made prior to locating or relocating any manufactured home in the park for purposes of inspection for compliance with all applicable codes and requirements.

**Subd 7.**  
**Compliance**

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Compliance with the terms of this ordinance shall be a condition precedent to the issuance of a State license and shall run with the license so as to be an essential part thereof. Upon violation of any provision of this ordinance, no further occupancy of the homes in the park shall be allowed, but the Town may allow a reasonable time for termination of occupancy.

**Subd 8.**  
**General**  
**Provisions**

- a. Zoning Permit Required. Zoning permits shall be required for structures as set forth in Section 19, Subd.3.
- b. No manufactured homes shall be located in the manufactured housing parks that do not conform to the requirements of the most current Minnesota State Uniform Manufactured Home Standards Code and have the State Seal of Compliance affixed to it. No manufactured home shall be allowed therein which is in an unsanitary condition, or which has an exterior in bad repair, or which is structurally unsound, or which fails to protect the inhabitants of said manufactured home against all the elements.
- c. The minimum ground floor area of all manufactured homes shall be at least nine hundred, sixty (960) square feet.
- d. Land in the manufactured home park and recreational camping areas shall be used for residential and accessory purposes only.
- e. Manufactured home parks and recreational camping areas shall be located only in such areas as will permit readily available access to a collector or given street as designated by the Town.
- f. All manufactured home parks and recreational camping areas shall be provided with an approved centralized sewage disposal system and water supply system. If public services are available, the park shall be required to use the public system. The capacity of the water supply shall be sufficient to provide for fire protection in addition to an adequate household supply for the park as determined by the Fire Chief or Fire Marshall having jurisdiction for the park.
- g. Each manufactured home parks and recreational camping areas shall have one (1) or more central community buildings with central heating and must be maintained in a safe, clean and sanitary condition. Said buildings shall be adequately lighted during all hours of darkness and shall contain laundry washers, dryers and drying areas, public telephones and public mail boxes, in addition to public toilets, and lavatory. For each one hundred (100) home lots or fractional part thereof, there shall be one (1) flush toilet and one (1) lavatory for each sex.
- h. Tornado Shelter. A tornado shelter shall be provided in accordance with Minnesota statutes, rules and/or regulations within a building or buildings at a convenient site within the manufactured housing park. Shelter accommodations shall be sufficient for the full population of the development.
- i. Each manufactured home lot shall be served by a central fuel supply system such as natural gas or a central LP system. No separate private fuel containers, such as fuel or oil tanks or LP tanks shall be allowed in the park.
- j. All manufactured home park and recreational camping areas shall have an area or areas set aside for storage. Recreational vehicles, boats, boat equipment, trailers, and all other equipment not generally stored within the home or within the utility enclosure that may be provided, shall be stored in a separate place provided by the park owner. This storage place shall be

screened. Such equipment shall not be stored upon a lot which is occupied by a home nor upon the streets within the park.

- k. Every structure in the manufactured home park and recreational camping areas shall be developed and maintained in a safe and approved manner. The exterior of every such structure shall be kept in good repair.
- l. Portable fire extinguishers rated for electrical and liquid fires shall be kept in all service buildings and other locations conveniently and readily accessible for use by all occupants.
- m. No sales lot for new or used manufactured homes shall be permitted within the park.
- n. Advertising shall be limited to one sign not to exceed thirty-two (32) square feet with lighting, height and location as approved by the Town. Signs shall be set at least fifteen (15) feet from the front lot line.
- o. The area beneath all manufactured homes shall be enclosed with a fire resistant material that shall be generally uniform throughout the entire park, except that such an enclosure must be so constructed that it is subject to reasonable inspection. No obstruction shall be permitted that impedes the inspection of plumbing, electrical facilities and related equipment.
- p. All manufactured homes shall be tied down and blocked in accordance with current state regulations.
- q. All requirements and specifications of State Statutes, Minnesota Department of Health and the Minnesota Pollution Control Agency, and the Township shall be fully met.

**Subd 9.  
Design  
Standards**

- a. Site:
  - 1. Each manufactured home parks shall contain at least six thousand (6,000) square feet of land area for the exclusive use of the occupant, and having an average width no less than fifty (50) feet and having an average depth no less than one hundred (100) feet.
  - 2. Any site to be occupied by a manufactured home wider than sixteen (16) feet shall contain at least nine thousand (9,000) square feet of land area for the exclusive use of the occupant, and having an average width of no less than sixty (60) feet, and having an average depth no less than one hundred (100) feet.
  - 3. Each manufactured home parks shall have frontage on an approved roadway, owned and maintained by the manufactured housing park.
  - 4. The corners of each manufactured home lot shall be clearly marked and each site shall be numbered.
  - 5. All mobile home stands shall be at such elevation, distance and angle relative to the street and driveway that placement and removal of a mobile home with a car, tow truck, or other customary moving equipment is practical. All mobile home stands shall have a longitudinal grade of less than four percent (4%) and transverse crown or grade to provide adequate surface drainage. The stand shall be compacted and surfaced with a material which will prevent the growth of vegetation while supporting the maximum anticipated loads during all seasons.

## Section 18 Manufactured Home Parks

6. Each home lot shall be so designed that automobiles may not be parked within five (5) feet of the side of any mobile home or within five (5) feet of the front or back of the home.
  7. The area occupied by a manufactured home shall not exceed fifty (50%) percent of the total area of a home site; land may be occupied by a home, a vehicle, a building, a carport, an awning, or any structure.
- b. Setbacks:
1. No manufactured home park or recreational camping vehicle, including their attachments shall be parked closer than ten (10) feet to the side lot lines, abutting a public street closer than twenty-five (25) feet to the front lot line, nor within ten (10) feet of the rear lot line.
  2. Designated parking areas shall not be nearer than five (5) feet to any side lot line, except where parking spaces of two abutting lots are designated as a single unit.
  3. No manufactured home parks and recreational camping areas, off-street parking space, or building shall be located within seventy-five (75) feet of the exterior boundary of any manufactured home park or recreational camping area.
- c. Parking:
1. Each manufactured home park and recreational camping area shall have hard surfaced off-street parking space for at least two (2) automobiles. Each automobile space shall be nine (9) feet by eighteen (18) feet minimum.
  2. Each manufactured home park shall maintain hard surfaced off-street parking spaces for guests of occupants in the amount of one (1) space for each three (3) home sites. These spaces shall be conveniently located and shall not be more than three hundred (300) feet from the sites which they serve.
  3. Access drives off roads to all parking spaces and home sites shall be hard surfaced.
- d. Storage:
1. Enclosed storage shall be located either adjacent to the mobile home or at such other place in the park as to be convenient to the unit for which it is provided. Storage of large items such as boats, boat trailers, etc., shall not be accomplished at the site of the mobile home unit, but rather shall be provided in a separate enclosed or screened area of the park.
- e. Utilities:
1. All manufactured home parks and recreational camping areas shall be connected to a central water supply and central sanitary sewer system that shall meet the minimum standards as set forth by the Minnesota Department of Health, Pollution Control Agency, and Township. An engineering report shall be submitted giving an analysis of the system and including a detailed report of estimate of all projected pollutants entering surface and underground waters.
  2. Storm water drainage shall be handled under a system separate from the sanitary sewer with design of facilities based on local rainfall curves and the five (5) year storm frequency. Natural drainage ways, streams, ponds

and other holding areas shall be preserved for recharge of ground water resource. Plans for the disposal of surface storm water shall be approved by the Township Board.

3. All utilities, such as sewer, water, fuel, electric, telephone and television antenna lead-ins, shall be buried to a depth specified by the Township and there shall be no overhead wires or support poles except those essential for street or other lighting purposes. All utility connections shall be approved by the Zoning Administrator prior to connection and electrical service shall be at least one hundred ten (110) volt, one-hundred (100) ampere capacity.
  4. Fire hydrants shall be placed within three hundred (300) feet of any manufactured home unit.
- f. Access, Internal Roads and Streets:
1. Each manufactured home parks and recreational camping shall have at least two (2) access roadways, additional access roadways may be required by the Township if deemed necessary to provide for convenience and or safety.
  2. Roads and access drives to parking spaces shall be hard surfaced, as approved by the governing body.
  3. Right-of-ways shall be no less than forty (40) feet in width.
  4. All streets shall be developed with a minimum of a 24' roadbed. Wider roadbeds may be required for collector streets within the park.
- g. Landscaping:
1. All lot area not utilized for structures or designated parking facilities shall be adequately landscaped, with sodding or seeding programs completed before occupancy of the manufactured home unit.
  2. Not less than two (2) trees of a minimum diameter of four (4) inches shall be planted per home site to provide shading and aesthetic value to the residential area.
  3. Screening and buffering of the periphery of the manufactured home park with plantings shall be required.
- h. Lighting:
1. Artificial light shall be maintained during all hours of darkness in all community service buildings containing public toilets, laundry equipment, and the like.
  2. Lighting plans shall include light standards at all roadway intersections, but not more than three hundred (300) feet apart. All parking areas and occupant used facility buildings within the court shall be properly lighted to insure safe pedestrian and vehicular movements.
- i. Recreation. All manufactured home parks and recreational camping areas shall have one (1) or more recreational areas which shall be easily accessible to all park residents. Recreational areas shall be so located as to be free of traffic hazards and should, where the topography permits, be centrally located. The size of such recreational area shall be based upon a minimum of fifteen (15%) of the land area (exclusive of street), but no outdoor recreational area shall contain less than two thousand (2,000) square feet. Playground equipment shall be installed in such an area and shall be owned and maintained by the owner or operator at his own expense.

**Subd 10.**  
**Operating**  
**Conditions**

- a. The manufactured home parks and recreational camping area office shall be clearly marked and illuminated during all hours of darkness. An illuminated map of the park noting all roads and location of each unit shall be displayed outside and adjacent to the office.
- b. An adult caretaker must be on duty at all times in the park.
- c. The operator of every manufactured home parks and recreational camping area shall maintain a register in the office of the park indicting the name and address of each resident of said park, and the make, model and license number of each automobile of each resident, and the date of arrival and departure of each home. This information shall be kept for at least three (3) years after the date the occupant departs from park and shall be available at all time to law enforcement officers, health authorities and all other officials whose duties necessitate the acquisition of information contained in the register.
- d. All land areas shall be adequately drained and properly maintained free of dust, refuse and garbage. Waste and trash disposal must be approved by the community and must conform to the regulations of the State Pollution Control Agency. Refuse collection stands shall be provided for all refuse containers. Such stands shall be so designed as to prevent containers from being tipped, to minimize spillage and container deterioration, and to facilitate cleaning around them. The storage, collections and disposal of refuse in the park shall be so conducted as to create no health hazards, rodent harborage, insect breeding areas, accident or fire hazards, or air pollution.
- e. No person shall erect, place, construct, relocate, alter, maintain, use or occupy a structure in a manufactured home parks and recreational camping area without the written consent of the owner or operator of said park.
- f. No domestic animal shall be permitted to run at large.
- g. No public address or loud speaker system shall be permitted.
- h. Laundry and clothes shall be hung out to dry only on lines located in approved areas established and maintained exclusively for that purpose.
- i. No person shall bring or keep an automobile in the manufactured home parks and recreational camping areas that does not have a current license and is not in operable condition.
- j. Each home shall be equipped with an approved fire extinguisher.



## **19 NONCONFORMING BUILDINGS, STRUCTURES AND USES**

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**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.**  
**Alterations**

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

**Subd 3.**  
**Safe Condition**

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Nothing in this ordinance shall prevent changes to improve the safety of a structure declared unsafe by the Zoning Administrator provided the necessary repairs to bring the structure to a safe condition 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 4.**  
**Relocation or Use**

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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 5.**  
**Reoccurrence**

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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 6.**  
**Permitted Improvement**

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

**Subd 7.**  
**Replacement**

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If at any time a nonconforming building, structure or use shall be destroyed to the extent of more than fifty (50) 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 fifty (50) percent of its value may be restored to its former extent. Estimate of the extent of damage or destruction shall be determined by the Zoning Administrator.

**Subd 8.**  
**Usage**

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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 Township, any future use of said structure or land shall be made to conform with the provisions of this ordinance.

**Subd 9.**  
**Maintenance**

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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 10.**  
**Livability  
Improvements**

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

**Subd 11.**  
**Pre-existing  
Permit**

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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.

## 20 ADMINISTRATION AND ENFORCEMENT

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**Subd 1.**  
**Administrating**  
**Officer**

This ordinance shall be administered and enforced by the Zoning Administrator who shall be appointed by the Township Board.

**Subd 2.**  
**Duties of the**  
**Zoning**  
**Administrator**

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The Zoning Administrator shall enforce the provisions of this ordinance and shall perform the following duties:

- a. Determine that all zoning permit applications comply with the terms of this ordinance.
  - b. Issue zoning permits after determination of above.
  - c. Maintain permanent and current records of this ordinance, including but not limited to, all maps, amendments, conditional uses, variances, appeals and applications thereof.
  - d. Receive, file and forward all applications for appeal, variances, conditional uses, interim uses, amendments and other matters to the designated official bodies.
  - e. Institute in the name of the Township, any appropriate actions or proceedings against a violator as provided by law.
- 

**Subd 3.**  
**Zoning Permit**  
**Required**

- a. Scope. From and after the effective date of this ordinance, it shall be unlawful to proceed with the construction, placement, alteration, repair, enlargement, demolition, or removal of any building or structure, of more than eighty (80) square feet or ten (10) feet in height with a fixed ground location, or part thereof, or change in use of a building, structure or land, without first obtaining a zoning permit. This section does not exclude any permit requirements for signs as set forth in Section 14 or shoreland improvements as set forth in Section 9.
- b. Application. Requests for a zoning permit shall be filed with the Zoning Administrator on an official application form. Each application for a permit shall be accompanied by a site plan drawn to scale showing the dimensions of the lot, size and location of all 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 development codes. The fee for a zoning permit shall be based upon a fee schedule, hereby made part of this ordinance.
- c. Survey Required. The Zoning Administrator may require a survey as part of the application when the property is undeveloped or when the location of property lines are in question.
- d. Issuance of Permit. The Zoning Administrator shall approve the issuance of the zoning permit for conformance with zoning requirements only when the

plans comply with this ordinance and other applicable Township ordinances. If all requirements are met, the zoning permit will be issued by the Zoning Administrator. In certain cases the application may be referred to the Planning Commission, in accordance with the operating policies of the Township.

**Subd 4.**  
**Fees**

- a. To defray administrative costs of processing of requests for conditional uses, interim uses, amendments, variances and appeals, a base fee per application shall be paid by all applicants, in accordance with the zoning permit fee schedule as established and adopted by the Township Board.
- b. In order to defray the additional cost of processing applications (amendment, conditional use, interim 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.
  4. 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.**  
**Duties of the  
County**

County shall be responsible for the administration of all applicable County ordinances and regulations.

## **21 BOARD OF APPEALS AND ADJUSTMENTS**

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### **Subd 1. Creation and Membership**

A Board of Appeals and Adjustments is hereby established and vested with such authority as is hereinafter provided and as provided by Minnesota Statutes. The Board shall consist of all members of the Planning Commission. The Zoning Administrator may act as Secretary of the Board. The Board of Appeals and Adjustments shall elect a Chairman and Vice Chairman from among its members. It shall adopt rules for the transaction of its business and shall keep a public record of its transactions, findings and determinations. The meetings of the Board of Appeals and Adjustments shall be held at the call of the Chairman and at such other times as the Board in its rules of procedure may specify.

### **Subd 2. Powers**

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The Board of Appeals and Adjustments shall act in an advisory capacity to the Township Board and have the power to make recommendations to the Township Board:

- a. To vary or modify the strict application of any of the regulations or provisions contained in this ordinance in instances where their strict enforcement would cause Practical Difficulties because of circumstances unique to the individual property under consideration. No variance or modification of the uses provided for within a district shall be allowed, except as otherwise provided in this ordinance.
- b. To interpret zoning district boundaries on official zoning maps.
- c. To permit the extension of a zoning district where the boundary line thereof divides a lot in one ownership at the time of the passage of this ordinance, but such extension of any district shall not exceed one hundred (100) feet.
- d. Regarding appeals from any aggrieved persons, firm or corporation objecting to the ruling of any administrative official on the administering of the provisions of this ordinance.

## **22 CONDITIONAL USE PERMITS**

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### **Subd 1. Procedure**

- a. Requests for conditional use permits, as provided for 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 complimentary copies of detailed written and graphic materials fully explaining the proposed development or use.
- b. The application shall be accompanied by a site plan of the proposed use showing such information as may be necessary, including, but not limited to, the following:
  1. Site plan drawn to scale showing parcel and building dimensions.
  2. Location of all buildings and their square footage.
  3. Streets, curb cuts, driveways, access roads, parking spaces and off-street loading areas, and estimated traffic generation.
  4. Existing topography.
  5. Finished grading and drainage plan.
  6. Type of business or activity and proposed number of employees.
  7. Proposed floor plan of any building and use indicated.
  8. Sanitary sewer and water plan with estimated use per day and storm water management plan.
  9. Proposed sidewalks and landscaping and lighting plans.
  10. Soil type and soil limitations for the intended use. If severe soil limitations for the intended use are noted, a plan or statement indicating the soil conservation practice or practices and/or engineering to be used to overcome said limitation shall be made part of the permit application.
  11. A location map showing the general location of the proposed conditional use within the Township.
  12. A map showing all principal land use within three hundred fifty (350) feet of the parcel for which application is being made.
  13. Any other information deemed necessary by the Zoning Administrator or Planning Commission.
- c. After determining that the application has been properly filed and is complete, The Zoning Administrator shall refer said application, along with all related information, to the Township Planning Commission for consideration and a report at least fifteen (15) days before the next regular meeting.
- d. The Planning Commission or its authorized agent shall schedule a public hearing to consider the request at a meeting following proper notification. Notice of such hearing shall be published in the official newspaper of the Township at least ten (10) days prior to the date of the hearing. An individual notice shall be sent to all property owners of record within one quarter (1/4) mile or the ten (10) properties nearest to which the request relates, whichever would provide notice to the greatest number of owners. A copy of the notice and a list of the property owners and addresses to which the notice was sent shall be attested to by the Zoning Administrator or Township 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 bonafide attempt to comply with this subdivision has been made.

- e. The Planning Commission shall consider the request and hold a public hearing at its next regular meeting unless the filing date falls within fifteen (15) days of said meeting, in which case the request would be placed on the agenda and considered at the regular meeting following the next regular meeting. The Zoning Administrator shall refer said application, along with all related information, to the Township Planning Commission for consideration. The applicant or a representative thereof shall appear before the Planning Commission in order to answer questions concerning the proposed use.
- f. The Planning Commission and Township 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 at the expense of the applicant if determined to be necessary to establish performance conditions in relation to all pertinent sections of this ordinance.
- g. Within sixty (60) days from the date of the public hearing, the Planning Commission shall make a finding of fact and recommend such actions or conditions to the Township Board.
  1. The Planning Commission shall consider possible adverse affects of the proposed conditional use. Its judgment shall be based upon, but not limited to, the following general factors:
  2. General Requirements:
    - (a.) Relationship to Township's Comprehensive Plan.
    - (b.) The use will not create an excessive demand on existing parks, schools, streets and other public facilities and utilities which serve or are proposed to serve the area.
    - (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 or otherwise adversely impacted and there will not be a 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 Township, is reasonably related to the overall needs of the Township and to the existing land use.
    - (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 hazard or congestion.
  3. Specific Requirements. In considering conditional use requests, the Planning Commission shall evaluate the use, utilizing from the requirements "a" through "p" below, those which are specific to the designated uses as indicated in Paragraph 4 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 use shall be appropriately screened and landscaped.
  - (c.) Where applicable, all Township, County, State and Federal laws, regulations and ordinances shall be complied with and all necessary permits secured.
  - (d.) Signs shall not adversely impact adjacent or surrounding conforming uses.
  - (e.) Adequate off-road parking and loading shall be provided. Such parking and loading shall be screened and landscaped from abutting residential uses located in a district permitting residences.
  - (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 located in a district permitting residences.
  - (i.) All lighting shall be designed with shrouds or lenses to direct or diffuse light as to not have a glaring, direct source of light visible from adjacent residential areas or from the public streets.
  - (j.) The site 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.
  - (m.) Proximity of the tower to residential structures and residential district boundaries.
  - (n.) Location of tower and antennas to minimize the visual obtrusiveness.
  - (o.) Design of the tower, with particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness;
  - (p.) Availability of suitable existing towers, other structures, or alternative technologies not requiring the use of towers or structures.
4. The conditional use permit application shall comply with the minimum specific requirements pertaining to each designated conditional use as stated below:



<u>Conditional Use</u>	<u>Requirements</u>
<u>Residential uses</u> —residences, state-licensed daycare and state-licensed residential facilities	a,c,d,e,f,g,i,j,k
<u>Commercial uses</u> —retail,wholesale, service,	a,b,c,d,e,f,g,h,i,j,k,l
<u>Manufacturing uses</u> —solid waste facilities, salvage operations	a,b,c,d,e,f,g,h,i,j,k,l
<u>Commercial (public or club)</u> — recreation facilities - parks, campgrounds, facilities, kennels	a,b,c,d,e,f,g,h,i,l,k,l
Churches, government buildings	a,b,c,d,e,f,g,i,j
Organized group camps, private club buildings	a,b,c,d,e,f,g,i,j,l
Commercial extraction of sand, gravel, minerals, rock	a,b,c,d,e,f,g,j
Manufactured home parks	a,c,d,e,f,i,j
Cemeteries, parking lots,	a,b,c,d,g,i,j
Home occupations	a,b,c,d,f,g,h,i,j,k
Commercial communication towers and antennas	m,n,o,p

5. The Planning Commission 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 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 and load capacity.
  - (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.
  - (k.) All conditions pertaining to a specific site are subject to change when the Planning Commission or Township Board, upon investigation, finds the community safety, health, welfare, and public betterment can be served as well or better by modifying the conditions.
- h. Following the conclusion of the public hearing, the Planning Commission shall make a finding of fact and recommend approval, with or without conditions, or denial of the application to the Township Board.

- i. Upon receiving the report and recommendation of the Planning Commission, such report and recommendation shall be entered in and made part of the permanent written record of the Township Board meeting. The Township Board, based on findings of fact, 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 further consideration. This procedure shall be followed only one time on a singular action.
- j. The Zoning Administrator shall notify the applicant of the Board's action.
- k. A certified copy of every conditional use permit shall be filed by the Zoning Administrator with the County Recorder.
- l. The decision of the Township Board shall be final, subject to judicial review.
- m. In the case of denial of the application, the applicant cannot reapply for the same project within ninety (90) days of the Board's action.

**Subd 2.**  
**Expiration of  
Conditional Use  
Permit By Non-  
Use.**

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Whenever within one (1) year after granting a conditional use permit, the work as permitted by the permit shall not have been completed, such permit shall expire unless an extension of time in which to complete the work has been granted by the Planning Commission or Township Board. Such extension shall be requested in writing and filed with the Zoning Administrator at least thirty (30) days before the expiration of the original conditional use permit. There shall be no charge for the filing of such a petition. The request for extension shall state facts showing a good faith attempt to complete the work permitted in the conditional use permit. Such petition shall be presented to the Planning Commission or Township Board for a decision and shall be requested only one time on a singular action. Upon expiration of a conditional use permit, the County Recorder shall be notified of the termination of the permit.

**Subd 3.**  
**Amended  
Conditional Use  
Permit**

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Any change involving structural alterations, enlargement, intensification of use, or similar change not specifically permitted by the conditional use permit issued shall require an amended conditional use permit and all procedures shall apply as if a new permit were being issued.

**Subd 4.**  
**Performance**  
**Bond**

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The Township 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 Board 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 Township.
- b. The security may be in the amount of the Township 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 Board.
- c. The Township Board may hold the security until completion of the proposed improvements or development and a certificate indicating compliance with the conditions and ordinances of the Township has been issued by the Zoning Administrator.
- d. Failure to comply with the conditions of the conditional use permit and/or ordinances of the Board may result in forfeiture of the security.

## **23 INTERIM USES**

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**Subd 1.**  
**Description**

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 permit it

**Subd 2.**  
**Requirements  
For Interim Uses**

An interim use permit may be granted if:

- a. The use is allowed for as a conditional use within the zoning district and conforms to all other 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.

**Subd 3.**  
**Termination of  
Interim Use**

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

**Subd 4.**  
**Conditions**

Planning Commission may impose additional restrictions or conditions upon the issuance of an interim permit as deemed necessary to protect the public interest.

**Subd 5.**  
**Procedure**

The procedure for considering an interim use permit application is the same procedure as for a conditional use permit as set forth in Subd. 1, 2, 3 and 4 of Section 22 of this ordinance.

## 24 AMENDMENTS

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### Subd 1. Initiation of Amendments

The Township Board or Planning Commission may, upon their own motion, initiate a request to amend the text or the district boundaries of this ordinance, or any person owning real estate within the Township may initiate a request to amend the district boundaries or text of this ordinance so as to affect the said real estate.

### Subd 2. Procedure

- a. Requests for amendments as provided within this ordinance, shall be filed with the Zoning Administrator on an official application form. Such application shall also be accompanied by the application fee and complimentary copies of detailed written and graphic materials fully explaining the proposed amendment.
- b. The application shall be accompanied by written and graphic materials including, but not limited to the following information:
  1. A description of any land area affected by the application.
  2. Stated reason for requested change.
  3. Statement on compatibility to the Comprehensive Plan and other Township plans and policies.
  4. Text of portion of the existing ordinance to be amended.
  5. Proposed amended text and statements outlining any other effects that the amendment may have on other areas of this ordinance.
  6. Information on any specific project related to the amendment request including, but not limited to the following:
    - (a) Site plan drawn to scale showing the parcel and existing and proposed buildings and structures and their dimensions and locations.
    - (b) Curb cuts, driveways, access roads, parking and loading areas, and sidewalks.
    - (c) Surface water drainage plans sufficient to drain and dispose of surface water.
    - (d) Existing and proposed utilities including storm sewers, sanitary sewers, and water supply.
    - (e) Soil type and soil limitations for the intended use.
    - (f) Additional information which may be requested by the Planning Commission.
- c. After determining that the application has been properly filed and is complete, the Planning Commission or its authorized agent shall schedule a public hearing to consider the request at a meeting following proper notification. Notice of such hearing shall be published in the official newspaper of the Township at least ten (10) days prior to the date of the hearing. When the application of the amendment involves changes in district boundaries affecting an area of five (5) acres or less, written notice shall also be sent to all property owners of record within three hundred and fifty (350) feet of the affected property. A copy of the notice and a list of the property owners and addresses and local governments to which the notices were sent shall be attested to by the Zoning Administrator 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 bonafide attempt to comply with this subdivision has been made.

- d. The Planning Commission shall consider the request at the public hearing at which the applicant or a representative thereof shall appear before the Planning Commission in order to answer questions concerning the proposed amendment.
- e. The Planning Commission and Township 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 if said information is declared to be necessary by the Township in reviewing the request.
- f. The Planning Commission shall consider possible affects of the proposed amendment. Its judgment shall be based upon, but not limited to, the following criteria:
  1. The Township may adopt amendments to the zoning ordinance and zoning map in relation both to land uses within a particular district or to the location of the district lines. Such amendments shall not be issued indiscriminately, but shall only be used as a means to reflect changes in the goals and policies of the community as reflected in the Comprehensive Plan or changes in conditions in the Township. The following factors shall be considered:
    - (a) Whether the amendment will create an excessive demand on existing parks, schools, streets and other public facilities and utilities which serve or are proposed to serve the area.
    - (b) Whether the amendment is sufficiently compatible so that existing development will not be depreciated in value and there will be not deterrence to development of vacant land.
    - (c) The amendment in the opinion of the Township is reasonably related to the overall needs of the Township.
    - (d) The amendment is consistent with the intent and purposes of the zoning ordinance.
    - (e) The amendment will not cause traffic hazard or congestion.
- g. Following the conclusion of the public hearing, the Planning Commission shall make a finding of fact and recommend such actions or conditions relating to the request to the Township Board.
- h. Upon receiving the report and recommendation of the Planning Commission, such reports and recommendations shall be entered in and made part of the permanent written record of the Township Board meeting. The Township Board, based on findings of fact, 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.
  - i. Approval of a request shall require passage by two-thirds (2/3) vote of the Township Board. The Zoning Administrator shall notify the applicant of the Township Board's action.
  - j. The decision of the Township Board shall be final, subject to judicial review.
  - k. In the case of denial of the application, the applicant cannot reapply for the same amendment and project within six (6) months of the Board's action.

## 25 VARIANCES

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### Subd 1. **Procedure**

- a. Requests for variances, 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 complimentary copies of detailed written and graphic materials fully explaining the proposed change, development and use.
- b. The application shall be accompanied by a site plan of the proposed variance showing such information as may be necessary or desirable, including, but not limited to the following:
  1. The names and addresses of the petitioner or petitioners, and their signatures to the petition.
  2. A specific description of the area for which the variance is requested and addresses of all owners of property lying within five hundred (500) feet of such area, and a description of the property owned by each.
  3. Proposed use of land for which variance is requested.
  4. A statement of the compatibility of the proposed variance with the Township Comprehensive Plan.
  5. A legal description of the property for which the variance is requested.
  6. A detailed map of the property showing the location of proposed buildings, and dimensional variances requested, and existing land uses and buildings of adjacent properties.
- c. After determining that the application has been properly filed and is complete, the Board of Appeals and Adjustments or its authorized agent shall schedule a public hearing to consider the request following proper notification periods. Notice of such hearing shall be published in the official newspaper of the Township at least ten (10) days prior to the date of the hearing. Written notice shall also be sent to all property owners of record within five hundred (500) feet of the affected property in incorporated areas and unincorporated areas. A copy of the notice and a list of the property owners and addresses and local governments to which the notices were sent shall be attested to by the Zoning Administrator 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 bonafide attempt to comply with this subdivision has been made.
- d. The Board of Appeals and Adjustments shall consider the request at the public hearing. The applicant or a representative thereof, shall appear before the Board of Appeals and Adjustments in order to answer questions concerning the requested variance.
- e. The Board of Appeals and Adjustments or its agent shall have the authority to request additional information from the applicant or to retain expert testimony, at the expense of the applicant, when said information is declared necessary.
- f. Following the public hearing at which the request was considered, the Board of Appeals and Adjustments shall make a finding of fact. Such findings shall



be entered in and made a part of the written record of the Board of Appeals and Adjustments meeting.

1. Variances - In considering requests for variances, the Board of Appeals and Adjustments shall make a finding of fact as to whether the request meets all of the following cases.
  - (a) Unique Circumstances: The problem for landowner/applicant which the proposed variance is intended to correct must be due to circumstances that are unique to the property in question and was not created by the landowner/applicant.
  - (b) Character of Township: The proposed variance will not alter the essential character of the Township in which the property, in question, is located.
  - (c) Adjacent property and traffic: The proposed variance will not impair an adequate supply of light and air to property adjacent to the property in question or substantially increase the congestion of public roads or substantially diminished or impair property values within the neighborhood.
- g. The Board of Appeals and Adjustments shall recommend to the Township Board the approval or denial of the application based on its findings of fact. The Board of Appeals and Adjustments may impose such restrictions and conditions upon property that is subjected of the variance as may be necessary to comply with standards established by this section or to reduce or minimize the effects of such variance upon other properties in the neighborhood and to better carry out the intent of the variance.
- h. Upon receiving the report and recommendations of the Board of Appeals and Adjustments, such reports and recommendations shall be entered in and made part of the permanent written record of the Township Board meeting. The Township Board shall approve or deny the application based upon the finding of whether the application meets all of the requirements as stated in paragraph F, above.
- i. The Zoning Administrator shall notify the applicant of the action.
- j. A certified copy of every variance shall be filed with the County Recorder.
- k. The decisions of the Township Board shall be final, subject to judicial review.
- l. In the case of denial of the application, the applicant cannot reapply for the same amendment and project within six (6) months of the Board action.

## **Subd 2. Expiration of Variance**

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Whenever within one (1) year after granting a variance the work as permitted by the variance has not been completed, then such variance shall expire unless a request for extension of time in which to complete the work has been granted by the Board of Appeals and Adjustments. 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. 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. Such request shall be presented to the Board of Appeals

and Adjustments for a decision, and shall be requested only one time on a singular action.

**Subd 3.**  
**Performance**  
**Bond**

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The Board of Appeals and Adjustments 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 the Board may require 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 and the ordinances of the Township.
- b. The security may be in the amount of the Board's estimated cost of labor and materials for the proposed improvements or development.
- c. The Board may hold the security until completion of the proposed improvements or development and a certificate indicating compliance with the variance and ordinances of the Board has been issued by the Zoning Administrator.
- d. Failure to comply with the conditions of the variance and/or ordinances of the Board may result in forfeiture of the security.

## 26 APPEALS

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### Subd 1. Procedures

- a. An appeal, as provided within this ordinance, shall be filed with the Zoning Administrator on an official application form. Such appeal shall be accompanied by the appeal fee and complimentary copies of detailed written and graphic materials fully explaining the appeal.
- b. The appeal shall be accompanied by information which may be necessary or desirable, including, but not limited to the following:
  1. The particular order, requirement, decision or determination from which the appeal is taken.
  2. The name and address of the appellant.
  3. The grounds for the appeal.
  4. The relief requested by the appellant.
- c. An appeal stays all proceedings in furtherance of the action appealed unless the Board of Appeals and Adjustments, to whom the appeal is taken, determines that by reason of the facts stated in the application, a stay would cause imminent peril to life or property.
- d. After determining that the application has been properly filed and is complete, the Board of Appeals and Adjustments or its authorized agent shall schedule a meeting to consider the appeal. The Zoning Administrator shall refer the application and all related information, to the Board of Appeals and Adjustments for consideration. The appellant and officer from whom the appeal is taken shall appear before the Board of Appeals and Adjustments in order to answer questions concerning the appeal.
- e. The Board of Appeals and Adjustments shall make a finding of facts and recommend to the Township Board to reverse or affirm, wholly or partly; or modify the order, requirement, decision or determination appealed.
- f. Upon receiving the report and recommendations of the Board of Appeals and Adjustments, such reports and recommendations shall be entered in and made part of the permanent written record of the Township Board meeting. The Township Board, based on finding of facts, shall reverse or affirm, wholly or partly; or modify the order, requirement, decision or determination appealed, and shall have all the powers of the officer from whom the appeal was taken and may direct the issuance of a permit or allow for an action. The reasons for the Board's decisions shall be stated in writing.
- g. All decisions by the Township Board regarding appeals from any administrative order, requirement, decision, or determination shall be final, subject to judicial review.

**Subd 2.**  
**Expiration of  
Appeal By Non-  
Use**

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

## **27 PENALTIES AND VIOLATIONS**

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### **Subd 1. Fines and Penalties**

Any person who violates any provision of this ordinance shall, upon conviction thereof, be guilty of a misdemeanor. Each day that the violation is permitted to exist constitutes a separate offense.

### **Subd 2. Civil Penalties**

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

- a. If the Zoning Administrator finds that any landowner, person in possession of property, and/or occupant subject to the provisions of this Ordinance is in violation of the provisions of this Ordinance the landowner, person in possession including any occupant shall be notified of the violation in writing.
- b. If the landowner, person in possession and/or occupant fails to comply with this ordinance within twenty (20) days after notification, the Zoning Administrator shall advise the Township Board. If the Board determines that the landowner, person in possession and/or occupant is in violation it shall order compliance with the Ordinance. If the landowner fails to take action to fully and finally bring the property into compliance with the Ordinance within the time allowed by the Township the matter shall be referred to legal counsel who shall initiate a District Court proceeding setting forth the violation, a demand for remediation, correction, abatement or such other and further relief as will end the violation and for legal fees, administrative fees, costs and expenses and such actual costs as will be incurred by the Township in undertaking the corrective work, remediation, abatement, or other required work.
  1. Recovery of Costs: The owner of the land shall be personally liable for the costs incurred by the Township for remediation, correction, abatement or other action necessitated by the violation including legal and administrative fees and costs. Upon completion of work performed or directed by the Township the township shall prepare an invoice for the fees, costs, and expenses and mail it to the owner of the land. The amount invoiced shall be immediately due and payable at the town hall.
  2. Assessment: If the township is not fully reimbursed for all its reasonable costs incurred in the remediation, correction, abatement or other relief required to terminate a violation hereunder, said cost may be assessed in the manner of a special assessment under Minnesota Statutes Chapter 429 against the lot or property to which the costs, charges, and fees are attributed. The Town Board shall certify the assessment to the County Auditor for collection along with the real estate taxes for the following year or in annual installments, not exceeding three (3) years, as the Town Board may determine in each case.

## **28 DATE OF EFFECT**

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Subd 1.  
**Date of adoption**

This ordinance shall become effective upon its adoption and publication.

ADOPTED BY THE TOWNSHIP BOARD OF POKEGAMA, PINE COUNTY,

MINNESOTA THIS DAY OF April 27th, 2012

By Chairman *D. P. [Signature]*

Attested by Clerk *Susan X. Alderik*

## **29 (PROPOSED) FEE SCHEDULE**

Zoning Permit Application – Principal Structure	\$75
Zoning Permit Application– Accessory Structure	\$50
Conditional Use Permit Application	\$250
Interim Use Permit Application	\$250
Variance Application	\$250
Zoning Amendment Application	\$250
Planned Unit Development (PUD)	\$250 plus \$50 per unit
Fences	\$25
Signs	\$25
Late Application Fee	\$25
Individual Sewage Treatment System	Pokegama Township Fee Applies
Individual Sewage Treatment System Certification	Pokegama Township Fee Applies
Individual Sewage Treatment System Drain Field	Pokegama Township Fee Applies
Individual Sewage Treatment System Holding Tank	Pokegama Township Fee Applies
Demolition Permit	No Charge

## INDEX OF CHANGES

Dated: APRIL, 2007

### AGRICULTURAL

Page 14, Subdivision 2, Remove section (g, 1-2). Add the following language to read: (See Section 5. Subd. 5-6 for lot size requ.remeirs)

1. All dwellings sites shall front a public road or have a permanent access easement to an existing public road.
2. An area of at least one (1) contiguous buildable acre or to support the principle and accessory structures.
3. Must be served by an Individual Sewage treatment System conforming to the requirements of the Minnesota Individual Sewer Treatment Program.

Page 14, Subdivision 3, (d), Delete sentence.

Page 15, Subdivision 5. Change Lot requirements language to read: Lot Size, Setback, Yard and Height Requirements,

Every lot in an Agricultural District in which any permitted or conditionally permitted use is erected shall meet the following minimum standards:

a. Lot size and depth.

1. Every lot on which a single family dwelling is erected shall contain an area of not less than two and one half (2 1/2) acres. The minimum lot area shall not apply to the sale of lots of record at the time of enactment of this Ordinance.
2. Every lot on which a single family dwelling is erected shall have a minimum width of not less than three hundred (300)ft. measured from the building front setback line and three hundred (300)ft. on road frontage.

b. Yard Requirements. Every permitted, conditionally permitted or accessory building shall meet the following yard requirements:

1. Front Yard:

(a) There shall be a front yard setback of not less than:

- (1) State truck highway-100ft.
- (2) County, County State aid, Township roads-75ft.

(b) Front yard setback is measured from the right-of-way line of any public right-of-way.

(c) Where a lot is located at the intersection of two (2) or more streets, the width of the yard along the side street shall not be less than the front yard setback.

2. Side Yard:

(a) Every building shall have two (2) side yards. Each side yard shall have width of not less than ten (10) ft.

3. Rear Yard:

Every building shall have a rear yard having a depth of not less than fifty (50) ft.



f. Height Requirements: Every permitted, or accessory building shall meet the following requirements:

1. All buildings shall not exceed thirty five (35) ft. in height.
2. Agricultural buildings shall be exempt from height requirements.
3. Exceptions: Certain uses are exceptions; they are listed in Section 13, General Provisions

**Page 16, Subdivision 6, Add new Subdivision 6, Add the following Language as:**

**DENSITY REGULATIONS FOR SINGLE-FAMILY DWELLINGS**

The following provisions shall regulate the placement of any single-family dwelling in an Agricultural District:

a. Density:

1. A maximum of four (4) Single-family dwellings per quarter-quarter shall be allowed.

b. Site Plan Requirements:

1. Presentation of a site plan illustrating the location of the dwelling on the site, location of the septic tank drain field, location of the well and access from a public road. Reasonable revisions to the site plan may be required as a condition of approval.

**Rural Residential District**

Page 17, Subdivision 4, a. Delete language and replace it with: Private garages, parking spaces, and carports cars and trucks. Private garages are intended for me 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.

Page 17, Subdivision 5, Delete language and replace it with:

The permitted area of accessory uses is as follows:

See Section 12, Subd. 7-8. Building Requirements,

Page 19, Subdivision 7, Delete Lot Width, and replace the language to read:

Lot Width: A lot width of not less than three hundred (300)ft. at the building line and road frontage for unsewered lots and not less than one hundred and fifty (150)ft. at the building line and road frontage for sewerred lots.

Page 19, Subdivision 10, Replace 75ft. to read 50ft.

Page 19, Subdivision 11, Replace 25ft. to read 35:11.

**Residential District**

Page 21, Subdivision 3, Delete language and replace it with: The following uses are permitted accessory uses:

Page 21, Subdivision 3, (a), Remove licensed and operating, to have the language read:

- a. Private garages, parking spaces, and carports for passenger cars and trucks. Private garages are intended for use 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. Such space can be rented to non-residents of the property for private passenger vehicles or non-commercial vehicles, trailers, or equipment if sufficient off-street parking in full compliance with this section is provided elsewhere on the property. Truck tractors, semi-trailers, semi-tractors, or tractor-trailers may not be stored in residential districts.

Page 21, Subdivision 4, Add the following language:

The following uses may be permitted upon the issuance of a conditional use permit as provided for in Section 22:

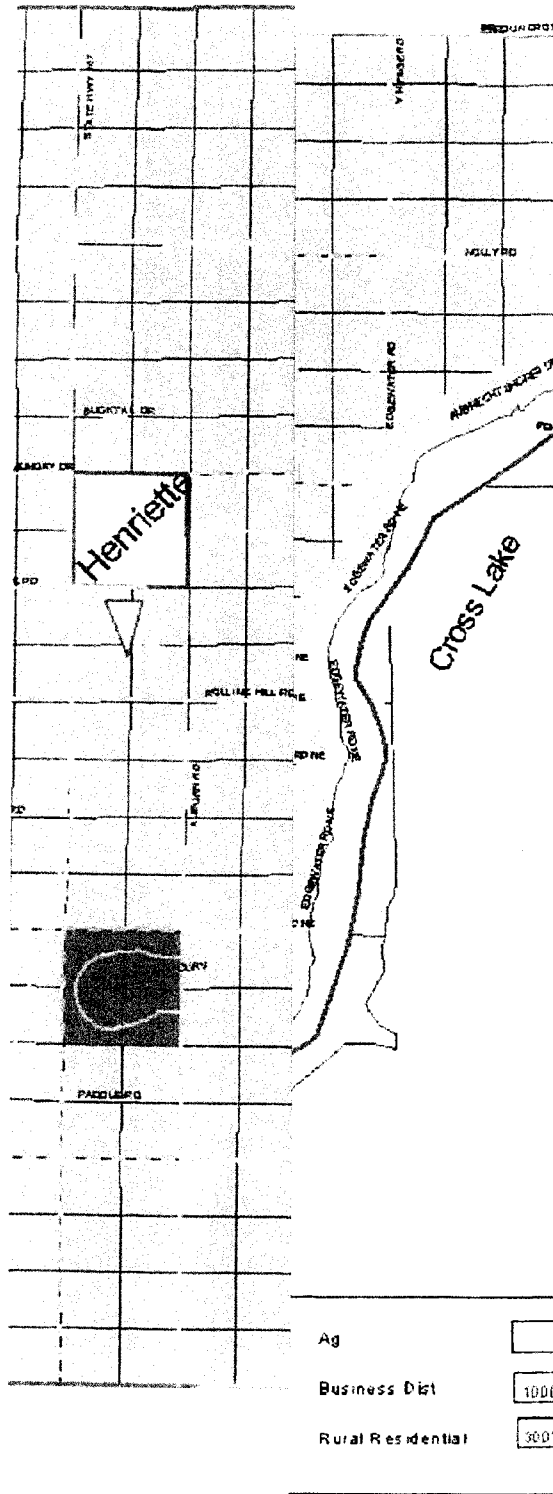
Section 29 (proposed) Fee Schedule

Page 22, Subdivision 5, Delete Lot width paragraph, to have the following language:

Lot Width: A lot width of not less than three hundred (300) ft. at the building line and road frontage for unsewered lots and a lot width of not less than one hundred and fifty (150) ft. at the building line and road frontage for sewer lots.

Page 22, Subdivision 6, Change 75ft. to read 50ft.







STATE OF MINNESOTA  
COUNTY OF PINE

)  
) ss.

*[Handwritten Signature]*  
Signature

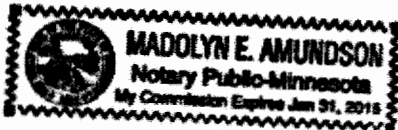
Gordon Johnson  
Printed Name

This instrument was acknowledged before me

on April 27, 2012

By Gordon Johnson (married)  
(Marital Status)

ID verification by: Driver's Lic.



*[Handwritten Signature]*  
Signature of Notary Public or other Official  
Commission expires: 1-31-15

Notarial Stamp

Pine County

