

**Chapter 100. Title.**

100.1 This ordinance shall be known, cited and referred to as the “Ford Township’s Zoning, Land Use and Subdivision Ordinance,” except as referred to herein, where it shall be known as the “Ordinance.”

**[END OF CHAPTER 100]**

## **Chapter 110. Purpose and Intent.**

### 110.1 Purpose and Intent.

- a) The purpose of this Ordinance is to protect the public interest; to insure a safer, more pleasant and economical environment; to preserve agricultural, water resources and other open lands; and to promote the public health, safety and general welfare through the establishment of minimum standards governing the Subdivision, Development and Use of land and Structures contained and/or erected upon same.
- b) This Ordinance divides the Town into Zoning Districts and regulates the Subdivision, Development and Use of land and the location, size, Use and arrangement of Buildings.
- c) The regulations and standards herein have been adopted to promote orderly Development of residential, commercial, agricultural, recreational, and public areas and to protect water resources and open spaces; to prevent the overcrowding of land and undue congestion upon Public Roads; to minimize the incompatibility of different land Uses and encourage the most appropriate Use of land within the Town; to prohibit Uses, Buildings or Structures which are incompatible with the character of Development or the Permitted Uses within specified Zoning Districts; to prevent such additions to, and alterations or remodeling of, existing Buildings or Structures as would not comply with the restrictions and limitations imposed hereunder; to provide for the gradual elimination of those Uses of land, Buildings and Structures which do not conform to the standards of the Zoning District in which they are located; to avoid the creation of substandard Lots and/or Parcels whereby uniform Setback requirements cannot be complied with; to protect and enhance existing Agricultural Land Uses; to conserve natural resources; to provide for adequate light, air and convenience of access to property by regulating the Use of land, Buildings and the bulk of Structures; to control and obtain the most economic distribution of, and demand for, public services; to conserve and enhance natural and scenic areas; to provide for the administration of this Ordinance and amendments hereto; to prescribe penalties for violations of the minimum standards and regulations herein; and to define the powers and duties of the Town, its staff and appointed personnel.

**[END OF CHAPTER 110]**

## Chapter 120. Definitions.

### 120.1 Defined Terms.

- a) For purposes of this Ordinance, the following terms and phrases shall have the definitions as provided in this Chapter:
- 1) “Abandoned or Junk Vehicle.” An unlicensed inoperative motor vehicle or the remains of a motor vehicle.
  - 2) “Accessory Building” or “Accessory Structure.” A subordinate Building or Structure which is located upon the same Parcel or Lot on which the Principal Building, or a proposed Principal Building, is situated or proposed to be situated and must be reasonably related to the Principal Use of such Lot and/or Parcel. An Accessory Building as herein described shall not include Cabins, Hunting Shacks, Modular Homes, and/or Manufactured Homes as further described herein.
  - 3) “Accessory Use.” A subordinate Use which is located upon the same Lot and/or Parcel on which a Principal Building, proposed Principal Building, Use or proposed Use is situated and must be reasonably related to the Principal Use or Proposed Principal Use of such Lot, Parcel, Building or proposed Principal Building.
  - 4) “Access Roads.” A Public Road running parallel to a county road, county highway or state highway and feeding to the county road, county highway or state highway at appropriate points of access.
  - 5) “Acre.” An area of land measuring 43,560 square feet.
  - 6) “Actual Notice.” Notice given directly to, or received personally by, a Person.
  - 7) “Administrative Appeal.” The process of seeking review from a decision of the Zoning Administrator, Town Engineer or any other Administrative Officer in accordance with Chapter 740 of this Ordinance.
  - 8) “Administrative Officer.” Any Individual including, but not limited to, the Zoning Administrator and Township Engineer, who has the authority pursuant to this Ordinance to make a final determination without a decision of the Town Board.
  - 9) “Administrative Appeal Report and Recommendation.” A written report by the Planning Commission, drafted in accordance with

Chapter 740 of this Ordinance, setting forth its recommendation to the Board of Adjustment and Appeals regarding whether or not to grant or deny a Petition for Administrative Appeal.

- 10) “Agricultural Animal.” Any animal raised for home use or profit, including but not limited to cattle, horses, sheep, chickens, turkeys and pigs. Agricultural Animals shall not include any animals maintained as Pleasure Animals.
- 11) “Agricultural Equipment.” Agricultural tractors, self-propelled machines, implements, and combinations thereof designed primarily for Agricultural Land Use purposes.
- 12) “Agricultural Materials.” Materials, including plant, animal, and marine materials, raw materials or residues, used in furthering an Agricultural Land Use.
- 13) “Agricultural and Horticultural Home Occupation.” Agricultural Land Use or Horticultural Use, allowed pursuant to Section 309.8 of this Ordinance, for which the product produced by any such Use is produced for purposes of retail sales directly to customers sold from the Lot and/or Parcel upon which the product is produced.
- 14) “Agricultural Land Uses.” The type of land use where the predominant uses are uses commonly associated with the growing of produce on Farms, including, but not limited to, Livestock raising; crop Farming; fruit growing; bee-keeping; gardening for purposes of commercial sale; tree, plant, shrub and/or flower nurseries when no retail sales are made upon the Lot and/or Parcel.
- 15) “Ambulance Service.” A Place of Business providing out-of-hospital acute care and transport to definitive care, to patients with illnesses and injuries which the patient believes constitutes a medical emergency.
- 16) “Animals, Pleasure.” Dogs, cats, birds, and any domesticated member of the animal kingdom housed principally in a cage, aquarium, or other area within the homestead and kept principally for non-commercial and non-scientific purposes. Pleasure Animals shall not include any animal weighing in excess of 200 pounds.
- 17) “Animal Unit.” A unit of measure used to compare differences in the production of animal wastes which, as a standard, is the amount of waste produced on a regular basis by a slaughter steer or heifer. For purposes of these regulations, the following equivalents apply: 1 slaughter steer or heifer = 1 Animal Unit (AU), 1 mature

dairy cow = 1.4 AU, 1 swine over 55 pounds = .4 AU, 1 sheep = .1 AU, 1 turkey = .018 AU, 1 chicken = .01 AU, 1 duck = .2 AU. For animals not listed, the number of Animal Units shall be defined as the average weight of the animal divided by 1,000 lbs.

- 18) “Annual Meeting.” A meeting held on an annual basis by the Town in accordance with Minnesota Statute §365.51, as amended from time to time, to perform the functions as described in Minnesota Statute §365.10, as amended from time to time.
- 19) “Antenna.” That portion of any equipment used to radiate or receive radio frequency energy for transmitting or receiving radio or television waves. Antennas may consist of metal, carbon fiber, or other electronically conductive rods or elements. It includes, but not limited to personal wireless service, microwave, radio and television broadcasting and transmitting and receiving and short wave radio equipment.
- 20) “Antiques and Collectibles Store.” A Place of Business that sells works of art, pieces of furniture, or decorative objects made at an earlier period.
- 21) “Apparel Manufacturing.” A Place of Business that manufactures finished clothing products made from fabric.
- 22) “Apparel Sales.” A Place of Business that sells finished clothing products made from fabric.
- 23) “Applicant.” A Person submitting a Land Use Permit Application pursuant to this Ordinance.
- 24) “Art Gallery.” A Place of Business for the exhibition of art, usually visual art.
- 25) “Art Studio.” A Place of Business where artists create their work, such as paintings, sculptures, multi-media, drawings, and prints.
- 26) “Assisted-Living.” A Place of Business that includes a system of housing and limited care that is designed for Individuals who need some assistance with daily activities but do not require care in a Nursing Home.
- 27) “Athletic Field.” A Lot and/or Parcel prepared for playing a game.

- 28) “Audio Production.” A Place of Business for the purposes of recording and editing sound, typically for purposes of selling copies of the recorded audio for profit.
- 29) “Auto Reduction Yard.” A Lot, Parcel or Yard where four (4) or more Abandoned or Junk Vehicles are kept for the purpose of dismantling, sale of parts, sale of scrap, storage or abandonment or any other premises used for wrecking of motor vehicles not in running condition.
- 30) “Automobile Rental.” A Place of Business that engages in the leasing and/or renting of automobiles.
- 31) “Automobile Repair.” A Place of Business for which general repair, rebuilding or reconditioning of engines, motor vehicles, or trailers, including body work, framework, welding and painting service, as well as the replacement of any part or repair of any part including, but not limited to, the engine head or pan, engine, transmission or differential and incidental body and fender work, when said services as herein described are applied to passenger automobiles and to trucks is performed.
- 32) “Automobile Sales.” A Place of Business for the sale or distribution of new and/or used automobiles, motor vehicles, or trailers.
- 33) “Auto and Vehicle Storage Yard.” A Lot and/or Parcel for which four (4) or more motor vehicles, Boats, Trailers, Recreational Vehicles, Travel Trailers, Campers, ATVs, cars, trucks or any other motorized vehicles, whether operable or inoperable, or any combination of the items as identified in this paragraph, are parked, stored or otherwise kept outside an Accessory Building, but are required to be Screened in accordance with Section 303.6 of this Ordinance. A Use that is specifically allowed pursuant to this Ordinance shall not be considered an Auto and Vehicle Storage Yard.
- 34) “Bakery.” A Place of Business for baking and/or selling baked goods.
- 35) “Bank.” A Place of Business for the custody, loan, exchange, or issue of money, for the extension of credit, and for facilitating the transmission of funds
- 36) “Barber Shop/Beauty Salon.” A Place of Business, offering haircuts and other hair-styling services to the public.

- 37) “Bed and Breakfast.” An Owner occupied Dwelling Unit in which the Owner/operator rents rooms to overnight guests and may offer meals to only those guests. The Dwelling Unit shall be the principal residence of the Owner/operator and the Owner/operator shall live on the premises when the Bed and Breakfast is active.
- 38) “Berm.” An earthen mound designed to screen a view and/or decrease noise.
- 39) “Bicycle Sales and Repair.” A Place of Business that sells new and/or used bicycles and also engages in general repair, rebuilding or reconditioning of bicycles.
- 40) “Basement.” The lowest habitable portion of a Building for which even part of said portion is located below grade.
- 41) “Blood/Plasma Collection Facility.” A Place of Business where blood and/or plasma is removed from a human being for the purpose of administering said blood or any of its components, to any human being.
- 42) “Board and Care Home.” A private house serving as a Place of Business that provides accommodations and meals for paying guests.
- 43) “Board of Adjustment and Appeals.” A board of review comprised of the Town Board which hears Administrative Appeals and other matters pursuant to Chapter 800 of this Ordinance.
- 44) “Bookstore.” A Place of Business where new or used books are the main item offered for sale.
- 45) “Buildable.” Any Lot and/or Parcel upon which a Building and/or Structure can be constructed, installed and/or relocated pursuant to this Ordinance.
- 46) “Buildable Area.” A 300 foot by 300 foot area of a Lot, to be measured at right angles, of which at least 40,000 contiguous square feet is at least three (3) feet above the highest known water table of which 20,000 square feet may be approved fill. Any Public Road Right-of-Way shall not be included in said area computation as provided in this definition.
- 47) “Building.” Any Structure, temporary or permanent, for the shelter, support, or enclosure of Persons, animals, chattel, or

property of any kind; and when separated by party walls without openings, that portion of such Building so separated shall be deemed a separate Building.

- 48) “Building Material Sales.” A Place of Business engaged in the manufacture, production, or resale of materials used in the construction or production of Buildings and/or Structures.
- 49) “Bulk Liquid.” Any oil, propane, gasoline, and/or liquid fertilizer maintained or stored on a given Lot and/or Parcel.
- 50) “Bus Garage or Maintenance Facility.” A Place of Business where buses are stored, maintained, and/or repaired which typically contain the following: internal parking, external parking, fueling point, fuel storage tank, inspection pits, and a bus wash.
- 51) “Business.” Any occupation, employment or enterprise wherein merchandise is exhibited or sold, or which occupies time, attention, labor and materials, or where services are offered for compensation. See also “Commercial Uses.”
- 52) “Business School.” An institution specializing in providing a business-oriented education to its students in preparation for a career in business.
- 53) “C-1 Commercial Zoning District.” That certain Zoning District so designated on the Zoning Map as the C-1 Commercial Zoning District whereby certain Commercial Uses and Residential Land Uses are permitted in accordance with Chapter 220 of this Ordinance.
- 54) “C-2 Commercial Zoning District.” That certain Zoning District so designated on the Zoning Map as the C-2 Commercial Zoning District whereby certain Commercial Uses are permitted in accordance with Chapter 221 of this Ordinance, and where Residential Land Uses are strictly prohibited.
- 55) “Cabinet Manufacturer.” A Place of Business engaged in the manufacture of furniture resembling a cupboard with doors, shelves and drawers, typically for storage or display
- 56) “Camper” or “Travel Trailer” or “Recreational Vehicle or RV.” A motor vehicle or trailer with space and equipment either built on a truck or bus chassis, in a rear compartment, in an attachment or in an attached trailer, for sleeping and simple housekeeping and is typically used for camping and recreational travel.



- 57) “Carport.” A roofed Structure for vehicle storage which is open on at least two sides, except for roof supports.
- 58) “Car Wash.” A Place of Business equipped with facilities for washing automobiles.
- 59) “Catering.” A Place of Business or operation that provides and supplies food for events or individuals.
- 60) “Certificate of Compliance.” A certificate issued by the Zoning Administrator to an Owner seeking to sell, give, transfer or otherwise convey a Lot and/or Parcel subject to a Written Notice of Violation, Variance, Conditional Use Permit and/or Exemption Permit, upon the Zoning Administrator's satisfaction that any and all obligations of Owner have been successfully completed pursuant to Chapter 910 of this Ordinance.
- 61) “Certificate of Description.” A certificate issued by a Licensed Land Surveyor setting forth and certifying the Legal Description of a given Lot and/or Parcel.
- 62) “Certificate of Survey.” A certificate issued by a Licensed Land Surveyor setting forth and certifying a Survey of a given Lot and/or Parcel.
- 63) “Chair” The officer who presides at the meetings of the Planning Commission or Town Board, as the case may be.
- 64) “Chemical Storage Facility.” A Lot and/or Parcel where chemicals, whether solid, liquid, powder or otherwise, in excess of 5,000 gallons or 5,000 pounds are stored. Chemical Storage Facility shall not include a Fuel Station or Retail Sale of Propane.
- 65) “Child Care Center.” A Place of Business, other than a private home, receiving one (1) or more preschool or school age children for care and supervision.
- 66) “Church.” A Building, together with its Accessory Buildings and uses, where Persons regularly assemble for religious worship and which Building, together with its Accessory Buildings and uses, is maintained and controlled by a religious body organized to sustain public worship.
- 67) “Clinic.” A Place of Business for diagnosis and treatment of outpatients.

- 68) “Club/Lodge.” An association of Persons for some common object usually jointly supported and meeting periodically.
- 69) “Coffee Shop.” A Place of Business that primarily serves coffee.
- 70) “Commercial Building.” A Building or Structure utilized primarily for Business or Commercial Use.
- 71) “Commercial Driveway.” A Driveway supporting a Commercial Use having a minimum width of twenty (24) feet and a maximum width of twenty-eight (28) feet, and operated and maintained in accordance with Chapter 306 of this Ordinance.
- 72) “Commercial Driveway Access.” Driveway Access of not less than twenty-four (24) feet wide nor more than thirty (30) feet wide, as measured along the edge of the Public Road Right-of-Way or more than a width of sixty (60) feet at the Shoulder of the Public Road, and operated and maintained in accordance with Chapter 306 of this Ordinance.
- 73) “Commercial Driveway Lanes.” The access lane between Commercial Parking Spaces on a Commercial Parking Lot, the minimum width of which shall be twenty (24) feet and the maximum width of which shall be twenty-eight (28) feet.
- 74) “Commercial Laundry.” A Place of Business for laundering clothes or linens.
- 75) “Commercial Parking Lot.” A cleared area used for parking vehicles in conjunction with, or in a support of, a Business or Commercial Use.
- 76) “Commercial Parking Spaces.” Parking Spaces used in conjunction with, or in support of, a Business or Commercial Use.
- 77) “Commercial Storage Building.” A Place of Business consisting of a Building divided into individual compartments having direct access to the outside of the Building and intended to be used principally to provide rental spaces to the general public for storage purposes.
- 78) “Commercial Uses.” The Use of a Lot and/or Parcel where any enterprise, establishment, occupation or employment situated wherein or whereby merchandise is exhibited, traded and/or sold or

any service is offered in exchange for compensation or other things of value.

- 79) ”Common Area Storage Building.” A Place of Business intended to be used principally to provide rental spaces to the general public for storage purposes that is not divided into individual compartments and not having direct access to the outside of the Building.
- 80) ”Communication Towers.” Radio and television broadcasting towers and Antennas, cellular phone and communication devices, and transmission and/or receiving towers and Antennas which are subject to licensing requirements of the Federal Communications Commission. This does not include residential radio and/or television reception Antennas and amateur radio station Antennas, all of which are deemed to be incidental to Residential Land Use.
- 81) ”Community Center.” A Building or group of Buildings used for a community's educational and recreational activities.
- 82) ”Comprehensive Plan.” The Comprehensive Plan for the Town of Ford.
- 83) ”Computers and Accessories.” A Place of Business engaged in the manufacture and/or sale of computers and computer accessories, including circuit boards and software.
- 84) ”Conditional Use.” A Conditional Use is a use or activity that, if properly controlled or restricted, may be allowed in a Zoning District only upon showing that such use or activity can or will comply with all criteria and standards as outlined in this Ordinance and the Comprehensive Plan.
- 85) ”Conditional Use Permit.” A permit specially and individually granted and approved by the Town Board pursuant to provisions of this Ordinance herein. All Conditional Use Permits shall be approved for a limited and specific duration. Upon expiration of the Conditional Use Permit, the Owner shall reapply to obtain approval to continue the Conditional Use.
- 86) ”Conditional Use Permit Applicant.” A Person submitting a Conditional Use Permit Application pursuant to Chapter 710 of this Ordinance.
- 87) ”Conditional Use Permit Application.” An application provided by the Town of Ford required to be submitted for purposes of

requesting a Conditional Use Permit pursuant to Chapter 710 of these Ordinances.

- 88) “Conditional Use Permit Report and Recommendation.” A written report by the Planning Commission, drafted in accordance with Chapter 710 of this Ordinance, setting forth its recommendation to the Town Board regarding whether or not to grant or deny a Conditional Use Permit Application.
- 89) “Conditional Use Permit Revocation.” Written revocation of a Conditional Use Permit that had been approved pursuant to Chapter 710 as a result of an Owner or Applicant’s nonconformance with the conditions set forth in the Conditional Use Permit.
- 90) “Conforming Structure.” A Structure which conforms with the requirements of this Ordinance.
- 91) “Conforming Use.” The Use of a Lot or Parcel which conforms with the Uses permitted in this Ordinance.
- 92) “Contracting Business.” A Place of Business where a Person engaged in a Business activity for which the goods and/or services are provided at the customer’s site.
- 93) “Convenience Store.” A Place of Business selling gasoline at retail pumps and other automotive products, which may also sell groceries and other food products for on or off premises consumption.
- 94) “Consignment Clothing Store.” A Place of Business that offers used goods at a lower cost than new.
- 95) “Convent.” A local community or house of a religious order or congregation, typically housing nuns.
- 96) “Crisis Center/Supportive Housing.” A Place of Business, where people may obtain informed help or advice in a personal crisis.
- 97) “Culvert.” A closed conduit used for the conveyance of surface drainage under a Residential Driveway, Commercial Driveway, Public Road or other impediment.
- 98) “Daycare.” A Place of Business for the care of children or disabled adults that is provided during the day by a licensed Person.

- 99) “Day Labor Industry.” A Place of Business for a Person employing workers, typically unskilled, who work by the day.
- 100) “Decorative Landscaping Features.” Any landscaping improvement that modifies the visible features of a Lot and/or Parcel in a decorative manner, including but not limited to lawn ornaments, ponds, rock gardens, fountains, flower gardens, and fencing other than as provided in Chapter 303.
- 101) “Delicatessen.” A Place of Business that sells cooked or prepared foods ready for serving.
- 102) “Development.” The act of building Structures and installing site improvements.
- 103) “Developmental Achievement Center.” A Place of Business used for tutoring and/or teaching students.
- 104) “Dilapidated.” In a state of disrepair or ruin and no longer adequate for the purpose or use for which it was originally intended.
- 105) “Domesticated Animal.” A domestic animal is one which has been selectivity bred in captivity and thereby modified from its ancestors for use by humans who control the animals breeding and food supply.
- 106) “Drainage Plan.” A plan outlining how the natural or artificial, whether existing or proposed, removal of surface and sub-surface water from a given area will affect a Parcel.
- 107) “Driveway.” A privately maintained paved or unpaved area allowing vehicular ingress and egress to a given Lot and/or Parcel
- 108) “Drug Store.” A Place of Business where medicines and miscellaneous articles are sold.
- 109) “Dry Cleaning Establishment.” A Place of Business that cleanses fabrics with substantially nonaqueous solvents.
- 110) “Dry Cleaning Pick-Up Station.” A Place of Business where patrons may drop off their fabrics to be sent to a separate location where the actual dry cleaning will occur.

- 111) “Dwelling, Single Family.” A detached dwelling designed exclusively for occupancy by one (1) family and containing not more than one (1) Dwelling Unit.
- 112) “Dwelling Unit.” A Structure consisting of (1) one or more rooms, including a bathroom and complete kitchen facilities, which are arranged, designed or used as living quarters for one (1) family or household.
- 113) “Early Childhood Learning Center.” Educational institution for children in the early stages of childhood, from birth to age 8.
- 114) “Electric Substation.” A subsidiary station of an electricity generation, transmission and distribution system where voltage is transformed from high to low or the reverse using transformers.
- 115) “Electronic Components and Accessories.” A Place of Business that offers a complete package of computer hardware and software, communications systems, power backup, and emergency services, to clients.
- 116) “Electronics Manufacturing.” A Place of Business that manufactures devices or technology associated with or employing low voltage current and solid state integrated circuits or components, usually for transmission and/or processing of analog or digital data.
- 117) “Electronics Sales.” A Place of Business for the Sale or resale of electronic devices.
- 118) “Emergency Meeting of the Planning Commission.” A meeting of the Planning Commission called pursuant to Chapter 851 of this Ordinance because of circumstances that, in the judgment of the Planning Commission, require immediate consideration by the Planning Commission.
- 119) “Emergency Meeting of the Town Board.” A meeting of the Town Board called pursuant to Chapter 850 of this Ordinance because of circumstances that, in the judgment of the Town Board, require immediate consideration by the Town Board.
- 120) “Essential Services.” Underground or overhead utilities including gas, electric, water, sewer and telecommunications including all appurtenances necessary or incidental thereto but excluding Buildings, transmission pipelines and electric transmission lines.

- 121) “Exempted Use.” A Use permitted pursuant to Chapter 751 of this Ordinance by means of issues of an Exemption Permit.
- 122) “Exemption Certificate.” Certificates that are administratively approved by the Zoning Administrator without review by the Planning Commission and Town Board, permitting certain types of Subdivision in accordance with Chapter 510 of this Ordinance.
- 123) “Exemption Certificate Application.” An application provided by the Town of Ford required to be submitted for purposes of requesting an Exemption Certificate pursuant to Chapter 510 of these Ordinances.
- 124) “Exemption Permit.” Permits granted by the Town to exempt certain Uses within a Zoning District pursuant to Chapter 751 of this Ordinance where the proposed Exempted Use meets all of the requirements of this Ordinance or can, with appropriate conditions attached, meet the requirements of this Ordinance.
- 125) “Exemption Permit Application.” An application provided by the Town of Ford required to be submitted for purposes of requesting an Exemption Permit pursuant to Chapter 751 of these Ordinances.
- 126) “Exemption Permit Report and Recommendation.” A written report by the Planning Commission, drafted in accordance with Chapter 751 of this Ordinance, setting forth its recommendation to the Town Board regarding whether or not to grant or deny an Exemption Permit Application.
- 127) “Exemption Permit Revocation.” Written revocation of an Exemption Permit that had been approved pursuant to Chapter 751 as a result of an Owner or Applicant’s nonconformance with the conditions set forth in the Exemption Permit.
- 128) “Existing Use.” A Use already in existence prior to the effective date of this Ordinance.
- 129) “Exterminating Business.” A Place of Business that regularly engages in the practice of complete and immediate extinction by killing off rodents, vermin, and other unwanted or unwelcomed species.
- 130) “Farm.” A single tract of land of not less than ten (10) Acres, the Principal Use of which is for Agricultural Land Use. This definition shall not preclude a small tract from being classified as

agricultural if otherwise qualifying under the laws of the State of Minnesota

- 131) “Farming.” To cultivate and/or produce a crop on the land and/or raise, breed or otherwise produce Livestock for home use or profit.
- 132) “Feedlot.” A fenced land area or Building or combination of fenced land area and Buildings for which Agricultural Animals are confined resulting in the accumulation of manure, or any land area having a Gross Acreage of one (1) Acre or more where the concentration of Agricultural Animals is such that a vegetative cover cannot be maintained as a result of the concentration of Agricultural Animals confined thereon.
- 133) “Fence.” A freestanding structure designed to restrict or prevent movement across a boundary or for screening purposes pursuant to Chapter 303 of this Ordinance.
- 134) “Fencing Requirements.” Those requirements pertaining to Fences set forth in Section 303.2 of this Ordinance.
- 135) “Film Developing.” A Place of Business that processes photographic film.
- 136) “Film and Video Production.” A Place of Business that produces and distributes films.
- 137) “Financial Institution.” A Place of Business that primarily engages in and provides financial services for its clients or members. Financial Institutions shall include but not be limited to Banks, building societies, credit unions, stock brokerages, asset management firms, and similar Businesses.
- 138) “Firearms Dealer.” A Place of Business that engages in the distribution of firearms for sale.
- 139) “Fire Station.” A Building housing fire apparatus and firefighters.
- 140) “Food and Beverage Products.” A Place of Business that manufactures or distributes any type of food, beverage, etc. but shall not include live slaughtering, grain milling, cereal, vegetable oil or vinegar.
- 141) “Ford Town Hall.” The Building within the Town where Town meetings and Public Hearings take place.



- 142) “Forestry.” The management, including logging, of a forest, woodland or tree plantation, including related research and educational activities and the construction and maintenance of wood roads and skid roads.
- 143) “Front Lot Line.” Any portion and/or part of a Lot and/or Parcel that abuts and/or is adjacent to a Public Road or Street.
- 144) “Front Setback Space.” The space between the Front Lot Line and the Setback as required pursuant to these Ordinances.
- 145) “Front Yard.” The area between the Front Lot Line and the nearest Building wall.
- 146) “Fuel Station.” A Place of Business at which motor vehicles are refueled.
- 147) “Funeral Home.” A Place of Business for the preparation of the dead for burial or cremation, for the viewing of the body, and for funerals.
- 148) “Furniture Moving and Storage.” A Place of Business engaged in the storage of furniture and/or engaged in the moving of furniture.
- 149) “Furniture Store.” A Place of Business that primarily buys, sells, and/or trades furniture, including, but not limited to household items, such as chairs, couches, tables, etc.
- 150) “Garage.” An Accessory Building or accessory portion of the Principal Building which is intended for and used primarily to shelter private passenger vehicles of a family or those families residing upon the Lot and/or Parcel.
- 151) “Garage for Public Vehicles.” A Garage used for storage of vehicles owned or operated by a governmental body or governmental agency.
- 152) “Greenhouse.” A Place of Business consisting of a Structure, primarily of glass, in which temperature and humidity can be controlled for the cultivation or protection of plants.
- 153) “Grocery Store.” A Place of Business whose principal business is selling convenience grocery items, health and beauty items, and other items intended for routine use and consumption by the consumer.

- 154) “Gross Acreage.” The total acreage lying within the boundaries of a given Lot and/or Parcel.
- 155) “Hardship.” A measure for determining whether or not a given Lot and/or Parcel can, or cannot, be put to a reasonable Use, as determined by the Board of Adjustment and Appeals for purposes of granting or denying a Variance Application, in accordance with the criteria set forth in Section 700.3 of this Ordinance.
- 156) “Hazardous Waste.” Waste that may pose a present or potential hazard to human health or to the environment when improperly treated, stored or disposed of, or otherwise mismanaged, or that may cause or contribute to an increase in mortality, or an increase in irreversible or incapacitating illness, including, but not limited to, those substances deemed hazardous waste by the Environmental Protection Agency.
- 157) “Hazardous Waste Facility.” A Lot and/or Parcel where Hazardous Waste is stored or treated or otherwise disposed of.
- 158) “Health Facility.” A Place of Business where medicine is practiced.
- 159) “Hedge.” A barrier formed by a row of closely planted shrubs or bushes or other vegetation.
- 160) “Heavy Commercial Use.” Any Commercial Use exceeding the lot area requirements set forth in Section 220.6 of this Ordinance.
- 161) “Home Occupation.” Any occupation or profession carried on in the R-1 Residential Zoning District or the R-2 Residential Zoning for which gross sales exceed \$5,000.00 annually and/or a permanent Sign has been erected.
- 162) “Horticultural Use.” Use of the Lot and/or Parcel , Building, or Structures associated with the cultivation of fruit, flowers, vegetables, shrubs and/or ornamental plants.
- 163) “Hospice.” A Place of Business designed to provide a caring environment for meeting the physical and emotional needs of the terminally ill.
- 164) “Hotel.” A Place of Business having provision for nine (9) or more guests in which lodging is provided with or without meals for compensation and which is open to transient or permanent guests and where provision may or may not be made for cooking in any

guest room, and in which ingress and egress to and from all rooms is made through an inside lobby.

- 165) “Indoor Recreation.” A Place of Business at which an athletic activity takes place inside a Building or Structure.
- 166) “Industrial Machinery and Equipment Sales, Service and Repair.” A Place of Business that primarily engages in the practice of selling, servicing, and/or repair of new and/or used industrial machines and equipment.
- 167) “Inebriate Housing.” A Place of Business for purposes of housing homeless, chronic alcoholics or drug addicts.
- 168) “Interior Decorating.” A Place of Business that specializes in interior design.
- 169) “Jewelry Store.” A Place of Business that keeps for resale objects of precious metal often set with gems and worn for personal adornment.
- 170) “Junkyard.” A Lot and/or Parcel used for dumping, storing, keeping, buying or selling junk, including but not limited to, garbage, rubbish, refuse, waste, motor vehicles, motor vehicle parts, metal, glass, paper, plastic, biological waste or any other waste whatsoever, whether said items have or do not have any commercial value.
- 171) “Kanabec County Sewer Ordinance.” That certain Kanabec County land use ordinance governing sewage and wastewater treatment, presently titled Sewage and Wastewater Treatment Ordinance.
- 172) “Kanabec County Shore Land Ordinance.” That certain Kanabec County land use ordinance entitled Ordinance for the Management of Shoreland Areas of Kanabec County, Minnesota.
- 173) “Kanabec County Treasurer.” The Kanabec County officer charged with receiving and disbursing funds.
- 174) “Kennel, Commercial.” A Place of Business upon any Lot, Building or Structure where four (4) or more dogs over four (4) months of age are offered for sale, boarded, trained or bred for compensation, in amount exceeding \$5,000.00 annually to include, but not limited to dog racing. Animal hospitals, Veterinary Clinics

and/or Pet Shops shall not be included for purposes of this definition.

- 175) “Kennel, Recreational.” Any Lot, Building or Structure where four (4) or more dogs over four (4) months of age are boarded, trained or bred for a hobby or recreational purposes without compensation. Animal hospitals, Veterinary Clinics and/or Pet Shops shall not be included for purposes of this definition.
- 176) “Laboratory, Medical or Dental.” A Place of Business where tests are done on clinical specimens in order to get information about the health of a patient.
- 177) “Landscape or Landscaping.” Planting such as trees, grass and/or shrubs as well as the construction and/or addition of retaining walls, ponds and/or other decorative features.
- 178) “Land Use Permit Application.” An application provided by the Town of Ford required to be submitted for purposes of requesting a Variance pursuant to Chapter 700 of these Ordinances, a Conditional Use Permit pursuant to Chapter 710 of these Ordinances, a Site Permit Application pursuant to Chapter 750 of these Ordinances, and/or an Exemption Permit Application pursuant to Chapter 751 of these Ordinances.
- 179) “Land Use Permit.” A permit issued by the Town for a Variance, Conditional Use, Site Permit, and/or Exemption Permit.
- 180) “Land Use Petition.” A petition provided by the Town of Ford required to be submitted by a Lot and/or Parcel Owner for purposes of requesting a Re-Zoning Petition pursuant to Chapter 720 of these Ordinances, an Ordinance Amendment pursuant to Chapter 730 of these Ordinances, and/or a Petition for Administrative Appeal pursuant to Chapter 740 of these Ordinances.
- 181) “Laundromat.” A Place of Business designed as a self-service laundry facility with coin-operated washing machines, dryers, and sometimes ironing or pressing machines, open to the public for washing clothing and household cloth items.
- 182) “Legal Description.” A description of a Lot, Parcel or tract by government Survey, Metes and Bounds Description, or by Lot and block in a recorded plat including description of any portion thereof.

- 183) “Library.” A Place of Business in which literary, musical, artistic, or reference materials, such as books, manuscripts, recordings, or films, are kept for use but not for sale.
- 184) “Licensed Land Surveyor.” A Person duly licensed as a land surveyor by the State of Minnesota.
- 185) “Light Commercial Use.” Any Use within the C-1 Commercial Zoning District which exceeds the allowed Home Occupation regulations as provided in Chapter 309.
- 186) “Limousine Service.” A Place of Business engaged in the Business of providing chauffeured limousine services.
- 187) “Liquor Store.” A Place of Business which specializes in the sale of alcoholic beverages.
- 188) “Livable Space.” Area within a Dwelling Unit that is finished and suitable for living. Livable Space shall not include Basements, walk-outs, crawl spaces and storage areas.
- 189) “Livestock.” Any animal raised for home use or profit, including but not limited to cattle, horses, sheep, chickens, turkeys and pigs. Livestock shall not include any animals maintained as Pleasure Animals.
- 190) “Livestock Sales.” A Place of Business where the Livestock being sold were not bred and/or raised on the Lot and/or Parcel from which the sale of said Livestock occurred, but rather, where said Livestock was transported to said Lot and/or Parcel for the sole purpose of being sold therefrom.
- 191) “Loading Area.” An architectural fixture or area where trucks or other automobiles may be loaded and unloaded.
- 192) “Locksmith.” A Person who makes or repairs locks.
- 193) “Lot.” A separately described Parcel of land, with or without Buildings.
- 194) “Lot Area.” The Gross Acreage of a Lot.
- 195) “Lot Line.” Any boundary line of a Lot, provided that where any Lot is encroached upon by a Public Street, road or highway, or by any private road easement, the boundary line shall be the Right-of-

Way line of any such Public Street, road, highway or private easement.

- 196) “Lot Line Adjustment.” The process of modifying or correcting the location of a Lot Line.
- 197) “Lot Line, Rear.” The boundary of a Lot, other than a Through Lot, which is opposite the Front Lot Line. If the Rear Lot Line is less than thirty (30) feet in length or if the Lot forms a point in the rear, the Rear Lot Line shall determined to be a line thirty (30) feet in length within the Lot, parallel to the Front Lot Line.
- 198) “Lot of Record.” Any Parcel, Lot and/or Platted Lot or other Parcel described by a Metes and Bounds Description which is of record in the office of the Kanabec County Recorder on the date this Ordinance becomes effective; and any such Lot or Parcel which was the subject of and described in a purchase agreement or option which was binding upon the effective date of the adoption of this Ordinance.
- 199) “Lot Split.” The division of an existing Lot and/or Parcel into two or more separate Lots and/or Parcels.
- 200) “Lot Width.” The frontage of a Lot on an existing Public Road.
- 201) “Manufactured Home.” A Structure, transportable in one or more sections, which in the traveling mode, is eight body feet or more in width or 40 body feet or more in length, or, when erected on site, is 320 or more square feet, and which is built on a permanent chassis and designed to be used as a Dwelling Unit with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained therein; except that the term includes any Structure which meets all the requirements and with respect to which the manufacturer voluntarily files a certification required by the Minnesota Secretary of State and complies with the standards established under Minnesota Statute 327.31 et. seq. as amended from time to time.
- 202) “Medical Goods and Equipment Manufacturer.” A Place of Business engaged in the manufacture of medical equipment and supplies, including dental and optical equipment.
- 203) “Medical Goods and Equipment Sales.” A Place of Business engaged in the sales and distribution of medical equipment and supplies, including dental and optical equipment.

- 204) “Memorial Monument Manufacturing.” A Place of Business that produces monuments.
- 205) “Metes and Bounds Description.” A description of real property which is not described by reference to a Lot or block shown on a map, but is described by starting at a known point and describing the bearings and distances of the lines forming the boundaries of the property or delineates a fractional portion of a section, Lot or area by described lines or portions thereof.
- 206) “Minimum Lot Standard.” Any and all Lots and/or Parcels shall have an area of no less than three-hundred (300) feet by three-hundred (300) feet, measured at right angles.
- 207) “Mission.” A local Church or parish dependent on a larger religious organization for direction or financial support.
- 208) “Modular Home.” A factory-built pre-fabricated Structure delivered to the site in sections with onsite assembly and some onsite construction assembled on foundation walls that is built to meet Minnesota State Building Codes and does not have a chassis.
- 209) “Monastery.” A Building, or complex of Buildings, that houses a room reserved for prayer as well as domestic quarters and workplace(s).
- 210) “Movie Theater.” A Place of Business for showing motion pictures.
- 211) “Museum.” A Place of Business devoted to the procurement, care, study, and display of objects of lasting interest or value and where objects are exhibited.
- 212) “Nightclub.” A Place of Business open at night usually serving food and liquor and providing music and space for dancing and often having a floor show.
- 213) “Non-Buildable” A Lot and/or Parcel that has characteristics that prevent any Building or Structure from being placed, constructed or erected thereon in compliance with this Ordinance.
- 214) “Nonconforming Lot.” Any Lot and/or Parcel established prior to the effective date of this Ordinance but which would not otherwise be permitted under the provisions of this Ordinance.

- 215) “Nonconforming Structure” or “Nonconforming Use.” Any Structure or Use lawfully established prior to the effective date of this Ordinance but which would not otherwise be permitted under the provisions of this Ordinance.
- 216) “Non-livable Space.” Any portion of a Dwelling Unit not considered Livable Space.
- 217) “Notice of Emergency Meeting of the Planning Commission.” Notice providing information regarding the occurrence of an Emergency Meeting of the Planning Commission given in accordance with Chapter 851 of this Ordinance.
- 218) “Notice of Emergency Meeting of the Town Board.” Notice providing information regarding the occurrence of an Emergency Meeting of the Town Board given in accordance with Chapter 850 of this Ordinance.
- 219) “Nursing Home/Assisted Living.” A Place of Business providing maintenance and personal or nursing care for Persons, such as the aged or the chronically ill, who are unable to care for themselves properly.
- 220) “Office Building.” A Place of Business in which Business, clerical, or professional activities are conducted.
- 221) “Office Supplies Sales and Service.” A Place of Business that engages in the sales and/or service of common office supplies and equipment.
- 222) “Official Newspaper.” The newspaper so designated by the Town Board at each respective Annual Meeting.
- 223) “Off-Street Parking.” Parking Spaces located on any Lot and/or Parcel located outside a Public Right-of-Way.
- 224) “Ordinance.” Ford Township’s Zoning, Land Use and Subdivision Ordinance.
- 225) “Ordinance Amendment.” A change or modification to the Ordinance or to the Zoning Map in accordance with Chapter 730 of this Ordinance.
- 226) “Ordinance Amendment Petition.” A Petition provided by the Town of Ford required to be submitted for purposes of requesting



an Ordinance Amendment pursuant to Chapter 730 of these Ordinances.

- 227) “Ordinance Amendment Report and Recommendation.” A written report by the Planning Commission, drafted in accordance with Chapter 730 of this Ordinance, setting forth its recommendation to the Town Board regarding whether or not to grant or deny a Ordinance Amendment Petition.
- 228) “Ordinance Book.” The official book of the Town containing all finalized and implemented Ordinance versions and Ordinance Amendments.
- 229) “Outdoor Recreation Area.” A Place of Business at which an athletic activity takes place outside on the Lot and/or Parcel.
- 230) “Overhang.” A projection of the roof or upper story of a Building beyond the wall or support posts of the lower part or beyond a point which is perpendicular with the point of intersection of the upper part and the outer-most support Structure.
- 231) “Owner.” A Person having a legal or fee title interest in a Lot and/or Parcel.
- 232) “Owner of Record.” An entity named in the public records as the Owner and/or title holder of a particular Lot and/or Parcel.
- 233) “Package Delivery Service.” A Place of Business engaged in the shipping of packages and parcels as single shipments.
- 234) “Packaging of Finished Goods.” A Place of Business that packages finished and completed goods.
- 235) “Parcel.” A piece of land.
- 236) “Parcel Identification Number.” A unique number provided by Kanabec County for real estate tax purposes to identify a specific Lot and/or Parcel.
- 237) “Parking Space.” A surfaced and maintained area for the temporary parking of one standard automobile.
- 238) “Parking Facility.” A Structure that is designed to accommodate vehicular Parking Spaces that are fully or partially enclosed or located on the deck surface of a Building.

- 239) “Passenger Transit Station.” A facility consisting of the roads and equipment necessary for the movement of passengers or goods.
- 240) “Performing Arts.” A Place of Business for which arts, such as dance, drama, and music, are typically performed before an audience.
- 241) “Permitted Use.” A Use which is expressly permitted within a Zoning District established by this Ordinance, provided that such Use conforms with all requirements, regulations and performance standards (if any) applicable thereto.
- 242) “Person.” An individual, to include both male and female, as well as political bodies, corporate and partnership entities, and other unincorporated associations.
- 243) “Pet Store.” A Place of Business which sells different kinds of Pleasure Animals, pet supplies, and pet food.
- 244) “Petition for Administrative Appeal.” A Petition provided by the Town of Ford required to be submitted for purposes of requesting an Administrative Appeal pursuant to Chapter 740 of these Ordinances.
- 245) “Petitioner.” A Person submitting a Land Use Petition pursuant to this Ordinance.
- 246) “Photocopying.” A Place of Business engaged in the practice of making copies of original documents for customers, or for providing customers the tools with which said customers can make photocopies on their own.
- 247) “Picture Framing.” A Place of Business for the construction of frames for pictures, photographs, paintings, or other works of art.
- 248) “Place of Business.” A Lot and/or Parcel where a Business’s primary location is based.
- 249) “Planning Commission” or “Commission.” The duly appointed Planning Advisory Commission of the Town Board.
- 250) “Planning Commission Agenda.” The official work plan for a Planning Commission meeting.

- 251) “Planning Commission Order of Business.” The order in which business of the Planning Commission is to be addressed during a Planning Commission meeting as provided in Chapter 831.
- 252) “Plat” or “Platted.” A map prepared by a licensed Surveyor of area Lots and/or Parcels within the Town, section or Subdivision showing the location and boundaries of individual Lots and/or Parcels of land subdivided with Streets, Alleys and easements shown and usually drawn to scale.
- 253) “Pleasure Animals.” Dogs, cats, birds, and any domesticated member of the animal kingdom housed principally in a cage, aquarium, or other area on a Lot and/or Parcel and kept principally for non-commercial and non-scientific purposes. Pleasure Animals shall not include any animal weighing in excess of 200 pounds.
- 254) “Point of Sale Application.” An application provided by the Town of Ford required to be submitted for purposes of requesting a Certificate of Compliance pursuant to Chapter 910 of these Ordinances.
- 255) “Point of Sale Regulations.” The regulations, requirements and procedures as provided in Chapter 910 of this Ordinance.
- 256) “Police Station.” The headquarters of the police for a locality.
- 257) “Post Office.” A Place of Business for a local branch of a national post office handling the mail for a particular place or area.
- 258) “Preschool.” A school for children younger than those attending elementary school or kindergarten.
- 259) “Principal Use.” The primary or main use of a Lot and/or Parcel and/or Buildings upon same. Principal Uses shall be categorized as Agricultural Land Uses, Residential Land Uses or Commercial Uses in accordance with the provisions of this Ordinance and designated Zoning Districts. If a use is mixed or might qualify under more than one of the general categories, the Planning Commission shall review the Use and shall provide a recommendation to the Board as to which category the Planning Commission deems appropriate for that particular Use. The Board shall then determine which category is ultimately applicable.
- 260) “Principal Building” or “Principal Structure.” The main or primary Building or Structure on a given Lot and/or Parcel. On a Parcel and/or Lot for which the designated use is Residential Land

Use, the main or primary Building or Structure shall be considered a Single Family Dwelling. On a Parcel and/or Lot for which the designated use is Agricultural Land Use, the main or primary Building or Structure shall be considered a Single Family Dwelling. On a Parcel and/or Lot for which the designated use is Commercial Use, the main or primary Building or Structure shall be considered a Commercial Building.

- 261) “Printing and Publishing.” A Place of Business for which literature or information is produced and disseminated.
- 262) “Production and Processing.” A Place of Business for which products, equipment and/or goods are manufactured, created or modified. This includes Businesses engaged in value added processes.
- 263) “Public Hearing.” A hearing in which Individuals have the right to appear and give evidence, testimony, opinions, concerns, support and/or opposition to resolutions, ordinances, zoning, applications and/or any action proposed to be taken by the Town Board, Planning Commission or any individual.
- 264) “Public Land.” Land owned by Federal, State or local government, or other entities financed by public funds.
- 265) “Public Nuisance.” Any activity that annoys, interferes, injures, or endangers the safety, health, comfort, or repose of any considerable number of members of the public as set forth and further defined in Chapter 301 of this Ordinance.
- 266) “Public Road” or “Public Street.” Those roads or Streets under the direct authority of the Town, the county, the state or federal government.
- 267) “Public Road Right-of-Way.” A Right-of-Way across a Public Road.
- 268) “Publish” or “Published.” The act of preparing and printing a document for public view in accordance with Minnesota law and/or the requirements of this Ordinance.
- 269) “Quarter Quarter.” The quarter of a section of land according to the divisions of a government survey, into four (4) equal parts by North-and-South and East-and-West lines, containing approximately forty (40) Acres.

- 270) “R-1 Residential Zoning District.” That certain Zoning District wherein Lots and/or Parcels are so designated in order to be retained as sensitive natural areas, to protect and preserve open spaces and to allow scattered development, as further described in Chapter 210 of this Ordinance.
- 271) “R-2 Residential Zoning District.” That certain Zoning District wherein Lots and/or Parcels are so designated in order to permit residential Development in an orderly manner, to manage Subdivision of vacant land proposed for Development and to assure a pleasant and suitable residential environment, as further described in Chapter 211 of this Ordinance.
- 272) “Radio and Television Service and Repair.” A Place of Business that repairs and services radios and or televisions.
- 273) “Radio or Television Station.” A Place of Business that broadcasts both audio and video to television and/or radio receivers in a particular area.
- 274) “Rear Lot Line.” The boundary of a Lot, other than a Through Lot, which is opposite the Front Lot Line. If the Rear Lot Line is less than thirty (30) feet in length or if the Lot forms a point in the rear, the Rear Lot Line shall be a line thirty (30) feet in length within the Lot, parallel to the Front Lot Line. If a Lot and/or Parcel is adjacent and/or abuts a Public Road and/or Street on multiple sides of the Lot and/or Parcel the Lot and/or Parcel shall have no Rear Lot Line or Rear Property Line.
- 275) “Rear Setback Space.” The space between the Rear Lot Line and the Setback as required pursuant to these Ordinances.
- 276) “Rear Yard.” The area between the Rear Lot Line and the nearest Building wall.
- 277) “Reception or Meeting Hall.” A Place of Business for which allows large and/or small group of people to gather and conduct meetings or receptions.
- 278) “Recreational Equipment.” Play apparatus such as swing sets and slides, sandboxes, poles for nets, picnic tables, lawn chairs, barbecue stands, and similar apparatus, but not including tree houses, swimming pools, playhouses exceeding Twenty-five (25) square feet of floor area, or sheds utilized for storage of equipment greater than 100 square feet in size.

- 279) “Recreational Land Use/Recreational Use.” A type of land use where the predominant use is recreation consisting primarily of outdoor activities utilizing the Town’s natural resources, including not limited to, hunting, trapping, fishing, swimming, boating, camping, picnicking, hiking, bicycling, horseback riding, firewood gathering, pleasure driving, including snowmobiling and the operation of any motorized vehicle upon or across a given Lot and/or Parcel in any manner, and also including recreational trail use, nature study, waterskiing, winter sports, and viewing or enjoying historical, archaeological, scenic, or scientific sites.
- 280) “Recreational Shelter.” A temporary non-permanent shelter typically associated with Recreational Uses to specifically include a Recreational Vehicle, Tent, Travel Trailer or Camper used for Recreational Uses.
- 281) “Recreational Structure.” A Structure or Building constructed on a permanent foundation such as a cabin or hunting shack built for sleeping or simple house keeping purposes used for Recreational Uses.
- 282) “Recreational Vehicle” or “RV” or “Travel Trailer” or “Camper.” A motor vehicle or trailer with space and equipment either built on a truck or bus chassis, in a rear compartment, in an attachment or in an attached trailer, for sleeping and simple housekeeping and is typically used for camping and recreational travel.
- 283) “Recreational Vehicle or RV Rental Facility.” A Place of Business that engages in the leasing and or renting of Campers, Travel Trailers, Recreational Vehicle, mobile homes, ATVs, snowmobiles and/or boats.
- 284) “Regional Financial Service Center.” A Place of Business that services Banks and/or Financial Institutions throughout a given geographical region.
- 285) “Regional Sports Arena.” An enclosed area designed to showcase theater, musical performances, or sporting events.
- 286) “Registrar of Titles.” An officer who has the custody and charge of keeping of a registry or register of titles in Kanabec County.
- 287) “Regular Meeting of the Planning Commission.” Meetings of the Planning Commission, as further discussed in Chapter 831 of this Ordinance, set at the beginning of each calendar year and

Published yearly in the Official Newspaper of the Town, a schedule of which are maintained on file at the Ford Town Hall.

- 288) “Regular Meeting of the Town Board.” Meetings of the Town Board, as further discussed in Chapter 830 of this Ordinance, set at the beginning of each calendar year and Published yearly in the Official Newspaper of the Town, a schedule of which are maintained on file at the Ford Town Hall.
- 289) “Religious Retreat Center.” A location where visitors go to experience seclusion for the purpose of deepening their spiritual life through such means as prayer, meditation, study and instruction.
- 290) “Rental of Household Goods and Equipment.” A Place of Business engaged in the practice of renting to customers certain every-day, household items, machinery, and equipment for profit.
- 291) “Residential Driveway.” A Driveway constructed to serve Residential Land Uses, Agricultural Land Uses, and/or Recreational Land Uses.
- 292) “Residential Driveway Access.” Access to Residential Driveways operated and maintained in accordance with Chapter 305 of this Ordinance.
- 293) “Residential Dwelling.” A Building whose construction is completed and is intended for residence by its nature.
- 294) “Residential Fence.” A Fence erected or otherwise installed for purposes of restricting or preventing movement on, across or through a Residential Lot or for purposes of Screening in accordance with Chapter 303.
- 295) “Residential Land Use.” A type of land use where the predominant use is housing. In Residential Land Use areas, Buildings may include Residential Dwellings and/or Accessory Buildings in accordance Chapter 308.
- 296) “Residential Lot.” A Lot and/or Parcel situated within the R-1 Residential Zoning District and/or within the R-2 Residential Zoning District upon which Residential Structures may be constructed.

- 297) “Residential Structure.” A Building or Structure constructed or otherwise situated upon a Residential Lot in accordance with the requirements as set forth in this Ordinance.
- 298) “Restaurant, Fast Food.” A Place of Business engaged in the retail sale of ready-to-consume food and drinks in disposable containers, for consumption on or off the premises, and having a drive-in or drive-through facilities so that patrons may be served while remaining in their automobiles.
- 299) “Restaurant, Sit Down.” A Place of Business at which food and drinks are provided to the public, primarily for on-premises consumption by seated patrons.
- 300) “Retail Sale of Propane.” A Place of Business where propane gas is sold directly to customers for profit.
- 301) “Re-Zoning Petition.” A Petition provided by the Town of Ford required to be submitted for purposes of requesting re-zoning pursuant to Chapter 720 of these Ordinances.
- 302) “Re-Zoning Petition Report and Recommendation.” A written report by the Planning Commission, drafted in accordance with Chapter 720 of this Ordinance, setting forth its recommendation to the Town Board regarding whether or not to grant or deny a Re-Zoning Petition.
- 303) “Right-of-Way.” A path or thoroughfare which one may lawfully use in crossing the Lot and/or Parcel of another, including, but not limited to a Public Road or other land dedicated to public use, utilities, railroad tracks, or other land dedicated for private use.
- 304) “School, K-12.” An institution for the instruction of children or people under college age, generally from kindergarten through twelfth grade.
- 305) “Screen” or “Screening” or “Screened.” A device, situated on a Lot and/or Parcel designed to conceal said Lot and/or Parcel, as well as the Uses occurring on said Lot and/or Parcel, from adjacent and neighboring Lots and/or Parcels or Public Roads.
- 306) “Screening Fence.” A Fence designed and utilized for Screening purposes in accordance with Chapter 303.



- 307) “Secondhand Goods Store.” A Place of Business that engages in the resale of second-hand or used goods that are being purchased by or otherwise transferred to a second or later end user.
- 308) “Service Road.” A Public Road that runs parallel to a state highway or county highway and that provides access to the Lots and/or Parcels bordering it.
- 309) “Setback.” The minimum horizontal distance required between any variation of two (2) or more points, boundaries, lines, perimeters or Buildings.
- 310) “Setback Space.” The space between the minimum horizontal distance required between any variation of two (2) or more points, boundaries, lines, perimeters or Buildings.
- 311) “Shoe Repair.” A Place of Business for the fixing, modifying, tailoring, and/or repairing of new and/or used shoes.
- 312) “Shopping Center.” A Place of Business where a group of retail stores and service establishments usually with ample parking facilities and usually designed to serve a community or neighborhood.
- 313) “Shoreline.” The land at the edge of a body of water, including, but not limited to, a river, lake, or stream, or other protected water ways.
- 314) “Shoulder of the Public Road.” The edge of an improved and traveled surface of a Public Road.
- 315) “Side Lot Line.” Any boundary of a Lot which is not a Front Lot Line or a Rear Lot Line.
- 316) “Side Setback Space.” The space between the Side Lot Line and the Setback as required pursuant to these Ordinances.
- 317) “Side Yard.” The area between the Side Lot Line and the nearest Building wall.
- 318) “Sign” or “Signage.” A board or display used to identify or advertise a Place of Business, goods or services, including electric and neon Signs.
- 319) “Simple Plat.” A Plat representing a tract of land showing the boundaries of the property to create a legal Lot and/or Parcel for a

Lot and/or Parcel previously with a Legal Description consisting of a Metes and Bounds Description or an outlot of a Plat.

- 320) “Simple Plat Subdivision.” The procedure allowed pursuant to Chapter 530 utilized to procure a Simple Plat.
- 321) “Single Family Dwelling.” A detached Building or Structure designed exclusively for occupancy by one (1) family and containing not more than one (1) Dwelling Unit.
- 322) “Site Permit.” A permit required from the Zoning Administrator prior to the erection, construction, alteration, or relocation of any Building or Structure in accordance with Chapter 750 of this Ordinance.
- 323) “Site Permit Application.” An application provided by the Town of Ford required to be submitted for purposes of requesting a Site Permit pursuant to Chapter 750 of these Ordinances.
- 324) “Small Engine Repair.” A Business or individual that engages in the practice of making small or minor repairs to engines, excluding automobile engines.
- 325) “Special Meeting of the Planning Commission.” A meeting of the Planning Commission that may be called, pursuant to Chapter 841 of this Ordinance, by either the Chair of the Town Board, the Chair of the Planning Commission, the Zoning Administrator or by any two (2) Planning Commission members by the mailing, at least five (5) days in advance, of Written Notice of Special Meeting of the Planning Commission by the Town Clerk to all Planning Commission members setting forth the time, date, and purpose of the Special Meeting of the Planning Commission.
- 326) “Special Meeting of the Town Board.” A meeting of the Town Board that may be called, pursuant to Chapter 840 of this Ordinance, by either the Chair of the Town Board or by any two (2) Town Board members by the mailing, at least five (5) days in advance, of Written Notice of Special Meeting of the Town Board by the Town Clerk to all Town Board members setting forth the time, date, and purpose of the Special Meeting of the Town Board.
- 327) “Sports Facility.” A Place of Business consisting of Buildings for organized areas and equipment for indoor and outdoor sport activities.

- 328) “Standard Plat.” The procedure to obtain a Standard Plat pursuant to Chapter 540.
- 329) “Stop Order.” An order of the Zoning Administrator requiring the cessation of the construction, repair, alteration, renewal, or demolition of any Building or Structure or any work done thereon in violation of this Ordinance or any Use performed in violation of this Ordinance.
- 330) “Street.” A Public Road for vehicular traffic, whether designated as a street, highway, thoroughfare, parkway, throughway road, lane, place or however otherwise designated.
- 331) “Street Width.” The shortest distance between the lines delineating the Right-of-Way of a Street.
- 332) “Street and Equipment Maintenance Facility.” A Place of Business that holds equipment needed to maintain and repair Streets and out of which said Street maintenance is performed.
- 333) “Structure.” Any Building or part of a Building, constructed or erected, the use of which requires location on or in the ground or attached to something having a location on or in the ground. “Structure” does not include Accessory Buildings smaller than eighty (80) square feet.
- 334) “Structure, Nonconforming.” Any Structure or Use lawfully established prior to the effective date of this Ordinance but which would not otherwise be permitted under the provisions of this Ordinance.
- 335) “Subdivider.” A Person who Subdivides a given Lot and/or Parcel.
- 336) “Subdivision” or “Subdivide.” The division of a Lot and/or Parcel after the effective date of this Ordinance into two (2) or more Lots and/or Parcels, for the purpose of transfer of ownership or building Development. The term includes re-subdivision and, when appropriate to the context, shall relate to the process of subdividing or to the land subdivided. If construction or Development of a new Street, road, or highway is involved, any division of a Parcel of land shall be considered a Subdivision.
- 337) “Subdivision Regulations.” Those regulations set forth in Chapters 500-599 of this Ordinance governing the Subdivision process in the Town.

- 338) “Survey.” A process by which a Lot and/or Parcel is measured and its boundaries and contents ascertained by a Licensed Land Surveyor; also a map, Plat or statement of the result of such survey, setting forth courses and distances and quantities of the land surveyed.
- 339) “Surveyor, Licensed Land.” A Person duly licensed as a land surveyor by the State of Minnesota.
- 340) “SWPPP.” Storm Water Pollution Protection Plan.
- 341) “Tailor.” A Place of Business that repairs or customizes finished clothing products made from fabric.
- 342) “Taxicab Service.” A Place of Business engaged in the Business of providing transportation services to the public, typically by carrying passengers in an automobile for a fare usually determined by the distance traveled.
- 343) “Telephone Exchange.” A Place of Business where a system of electronic components that connects telephone calls is located.
- 344) “Tent.” A shelter, consisting of sheets of fabric or other material draped over or attached to a frame of poles and/or ropes.
- 345) “Theater.” A Place of Business for the presentation of plays or other dramatic performances.
- 346) “Through Lot.” A Lot with a Front Lot Line on two parallel or approximately parallel Streets.
- 347) “Tobacco Shop.” A Place of Business that primarily supplies all types of tobacco, including both smoking and smokeless tobacco.
- 348) “Town.” The Town of Ford.
- 349) “Town Board.” The Board of Supervisors of the Town of Ford
- 350) “Town Board Agenda.” The official work plan for a Town Board meeting.
- 351) “Town Board Order of Business.” The order in which business of the Town Board is to be addressed during a Town Board meeting.

- 352) “Town Clerk.” A Town Officer elected by Town General Election to carry out those duties as further described in Chapter 820 of this Ordinance.
- 353) “Town General Election.” An election of Town officers held in the Town on the same date as similar elections throughout the United States, generally the Tuesday after the first Monday in November of even-numbered years.
- 354) “Town’s Permit Book.” The official book of the Town in which all granted Land Use Permits and all granted Land Use Petitions are filed and maintained.
- 355) “Town Treasurer.” A Town Officer elected by Town General Election to carry out those duties as further described in Chapter 821 of this Ordinance relating to the receipt and disbursement of money on behalf of the Town.
- 356) “Township Attorney.” The attorney or law firm retained by the Town Board to provide legal services on behalf of the Town.
- 357) “Township Engineer.” A licensed engineer engaged by the Town Board on behalf of the Town.
- 358) “Trailer.” A vehicle without motive power, designed for the carriage of cargo and to be towed by a motor vehicle.
- 359) “Travel Trailer” or “Camper” or “Recreational Vehicle” or “RV.” A motor vehicle or trailer with space and equipment either built on a truck or bus chassis, in a rear compartment, in an attachment or in an attached trailer, for sleeping and simple housekeeping and is typically used for camping and recreational travel.
- 360) “Useable Acre.” An Acre or Acres of land fenced off from the surrounding land, containing grass and other similar vegetation upon which animals and Livestock may graze. For purposes of this definition, if such land is historically covered by a river or other body of water greater than one-quarter (1/4) of an Acre in size with a depth in excess of two (2) feet at any one point for a continuous duration in excess of six months, such portion of the land which is covered by said body of water shall not be included in the calculation of useable acreage. Useable Acre shall be further limited to that fenced portion of the Lot and/or Parcel for which the Livestock actually has uncontrolled access to graze.

- 361) “Use.” The purpose or activity for which the Lot and/or Parcel 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.
- 362) “Use, Conditional.” A Conditional Use is a use or activity that, if properly controlled or restricted, may be allowed in a Zoning District only upon showing that such use or activity can or will comply with all criteria and standards as outlined in this Ordinance and the Comprehensive Plan.
- 363) “Use, Horticultural.” Use of a Lot and/or Parcel, Buildings, or Structures associated with the cultivation of fruit, flowers, vegetables, shrubs and/or ornamental plants.
- 364) “Variance.” Written approval waiving the requirements of this Ordinance in accordance with the requirements in Chapter 700 in instances where the strict enforcement of said requirements would cause undue Hardship because of unique circumstances not created by the Owner.
- 365) “Variance Application.” An application provided by the Town of Ford required to be submitted for purposes of requesting a Variance pursuant to Chapter 700 of these Ordinances.
- 366) “Variance Report and Recommendation.” A written report by the Planning Commission, drafted in accordance with Chapter 700 of this Ordinance, setting forth its recommendation to the Board of Adjustment and Appeals regarding whether or not to grant or deny a Variance Application.
- 367) “Variance Revocation.” Written revocation of a Variance that had been approved pursuant to Chapter 700 as a result of an Owner or Applicant’s nonconformance with the conditions set forth in a Variance.
- 368) “Veterinary Clinic.” A Place of Business that employs physicians for the care of animals and at which animal care is undertaken.
- 369) “Video Store.” A Place of Business that sells, resells, or rents motion picture videos.
- 370) “Visual Arts.” A Place of Business for the creation of art forms that are primarily visual in nature, such as painting, photography, printmaking, and filmmaking.

- 371) “Vocational School.” A school, especially one on a secondary level, that offers instruction and practical introductory experience in skilled trades such as mechanics, carpentry, plumbing, and construction.
- 372) “Watches and Clocks Manufacturing.” A Place of Business engaged in the Business of manufacturing portable timepieces designed to be worn or carried in the pocket or a device other than a watch for indicating or measuring time commonly by means of hands moving on a dial.
- 373) “Watches and Clocks Sales/Repair.” A Place of Business for the sale, repair, or resale of a portable timepiece designed to be worn or carried in the pocket or a device other than a watch for indicating or measuring time commonly by means of hands moving on a dial.
- 374) “Water Pumping and Filtration Facility.” A Place of Business for the process of removing contaminants and other harmful microorganisms from a raw water source is performed.
- 375) “Wholesaling, Warehousing, and Distribution.” A Place of Business for the sale of goods or merchandise to retailers, to industrial, commercial, institutional, or other professional business users, or to other wholesalers and related subordinated services.
- 376) “Wood Crafting and Carving.” A Place of Business engaging in the practice of creating decorative products made of wood.
- 377) “Wood Furniture and Upholstery Manufacturing.” A Place of Business engaging in the practice of manufacturing furniture that is produced from wood.
- 378) “Wood Furniture and Upholstery Sales/Repair.” A Place of Business engaging in the practice of repairing and/or reselling furniture that is produced from wood.
- 379) “Written Notice.” A notice, set forth in writing, containing information to be communicated to a Person or Persons in accordance with the provisions of this Ordinance or as otherwise required by Minnesota law.
- 380) “Written Notice of Special Meeting of the Planning Commission.” A notice, set forth in writing, detailing the time, date, and purpose of a Special Meeting of the Planning Commission.

- 381) “Written Notice of Special Meeting of the Town Board.” A notice, set forth in writing, detailing the time, date and purpose of a Special Meeting of the Town Board.
- 382) “Written Notice of Violation.” A Written Notice sent by the Zoning Administrator to the Owner of a Lot and/or Parcel pursuant to Chapter 910 of this Ordinance notifying said Owner that his/her Lot and/or Parcel is in violation of this Ordinance and providing said Owner an opportunity to rectify the same within thirty (30) days of receipt thereof prior to having the same recorded against Owner's title.
- 383) “Yard.” That open space, or those open spaces, on a Lot which does not contain any Buildings.
- 384) “Yard, Front.” The area between the Front Lot Line and the nearest Building wall.
- 385) “Yard, Rear.” The area between the Rear Lot Line and the nearest Building wall.
- 386) “Yard, Side.” The area between the Side Lot Line and the nearest Building wall.
- 387) “Zoning Administrator.” The individual, regardless of job title, designated and authorized to supervise the application of this Ordinance and to enforce the provisions thereof.
- 388) “Zoning District.” An area within the limits of the zoning jurisdiction as identified on the Zoning Map for which the regulations and requirements governing use, height and size of structures and Lot and/or Parcels, are uniform.
- 389) “Zoning Map.” That map incorporated into and being a part of this Ordinance pursuant to Chapter 200 designating Zoning Districts as amended from time to time.

**[END OF CHAPTER 120]**



**Chapter 130. General Provisions.**

- 130.1 Minimum Requirement. The provisions of this Ordinance shall be applied and construed to constitute minimum standards for the promotion of the public health, safety and welfare within the Town.
- 130.2 Relation to Other Standards. Where a condition imposed by any provision of this Ordinance is either more or less restrictive than the comparable condition imposed by any other Ordinance, rule or regulation of the Town, county, state or federal government, the more restrictive condition shall prevail. For purposes of this Section, “more restrictive” shall mean the least congestion, the least intrusion and the least intensity of any Use or Development permitted between those provisions which are in conflict. This shall not permit any Use or Development of land which does not meet the minimum requirements of this Ordinance.
- 130.3 Word Tense. Words used in the singular includes the plural and the plural includes the singular; the word “shall” is mandatory, and the word “may” is permissive.
- 130.4 Application. The provisions of this Ordinance shall apply to all land, Lots and/or Parcels within the Town.
- 130.5 Compliance with Ordinance.
- a) No Structure shall be erected, converted, enlarged, reconstructed or altered, and no Structure, Lot and/or Parcel shall be used for any purpose, nor in any manner, which is not in conformity with the provisions of this Ordinance.
  - b) Land Use Applications, Variance Applications, Conditional Use Permit Applications, Site Permit Applications, Ordinance Amendment Petitions, Petitions for Administrative Appeal or any other petition or application as may be allowed and/or required by this Ordinance shall be made to the Zoning Administrator.
  - c) Land Use Applications, Variance Applications, Conditional Use Permit Applications, Site Permit Applications, Ordinance Amendment Petitions, Petitions for Administrative Appeal or any other petition or application as may be allowed and/or required by this Ordinance shall be executed by the Owner of the affected Lot and/or Parcel and Applicant or Petitioner.

- d) No Owner of any Lot and/or Parcel shall erect, construct, structurally alter, extend, convert, move or use -- nor allow or permit another Person, including a lessee, tenant, agent, employee or contractor, to erect, construct, structurally alter, extend, convert, move or use on the Owner's Lot and/or Parcel – any Building or Structure in any Zoning District within the Town without first obtaining a Land Use Permit and/or Site Permit therefore.

130.6 Uses Not Provided for Within Zoning Districts. Whenever in any Zoning District a Use of any Lot, Parcel and/or Building is not specifically permitted by this Ordinance or not otherwise specifically permitted by issuance of a Land Use Permit or Conditional Use Permit hereunder, the Use shall be considered prohibited. If such Use is considered prohibited, the Planning Commission, on its own initiative or upon request by the Town Board, or upon request by the Owner of an affected Lot and/or Parcel or a Petitioner in accordance with Chapter 730, may conduct a study to determine if the Use is acceptable, and if so, the appropriate Zoning District and the condition under which said Use may be permitted pursuant to the application, procedure and criteria as provided in Chapter 730.

130.7 Nonconforming Uses and Structures.

- a) Any Nonconforming Use or Nonconforming Structure existing on the effective date of this Ordinance may continue.
- b) Nonconforming Uses and Nonconforming Structures shall not be extended, expanded, enlarged or increased in intensity.
- c) If a Non-Conforming Use or Use of a Nonconforming Structure is discontinued for a period of more than one (1) year, further Use of said Nonconforming Structure or Non-Conforming Use must conform to this Ordinance, unless within said one (1) year period an Owner and/or Applicant is granted an Exemption Permit pursuant to Chapter 751 of this Ordinance.
- d) If a Nonconforming Structure is destroyed by fire or other peril by more than fifty percent (50%) of its market value as indicated by the records of the Kanabec County Assessor during the year the loss occurred, any subsequent use of the Lot and/or Parcel shall be a Conforming Use. Any subsequently erected Structure shall be a Conforming Structure.
- e) Normal maintenance of a Building or other Structure containing or related to a lawful Nonconforming Use, or which is a Nonconforming Structure, is permitted, including necessary non-

structural repairs and incidental alterations which do not extend the life of the Nonconforming Use, intensify the Nonconforming Use, extend the life of the Nonconforming Structure, or expand the Nonconforming Structure.

f) No Junkyard or Auto Reduction Yard shall continue as a Nonconforming Use.

130.8 Severability. If any section, clause, provision, or portion of this Ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby.

130.9 Repealer. Any previous Town ordinance which has not been repealed is hereby repealed in its entirety.

**[END OF CHAPTER 130]**

## **Chapter 140. Ordinance Chapter Designations.**

140.1 Reservation of Chapters. The unused Chapters of this Ordinance shall be designated and reserved for purposes of enacting future provisions to this Ordinance as follows:

- a) General Provision Chapters. Chapters 100 through 199 shall be designated and reserved for purposes of enacting general provisions of the Ordinance, including, but not limited to, Ordinance Title, Ordinance Purpose, Ordinance Intent, Ordinance Definitions and other general provisions of the Ordinance.
- b) Zoning District Chapters. Chapters 200 through 299 shall be designated and reserved for purposes of enacting Zoning District classifications.
- c) Performance Standard Chapters. Chapters 300 through 399 shall be designated and reserved for purposes of enacting general performance standards or performance standards for specific Uses within the Town.
- d) Subdivision Chapters. Chapters 500 through 599 shall be designated and reserved for purposes of enacting Subdivision provisions, requirements and procedures.
- e) Permitting Chapters. Chapters 700 through 799 shall be designated and reserved for purposes of enacting permitting provisions, requirements and procedures to include, but not be limited to, Variances, Conditional Use Permits, Ordinance Amendments and Site Permits.
- f) Administration Chapters. Chapters 800 through 899 shall be designated and reserved for purposes of enacting administrative provisions relating to Town officers, Town Board, Planning Commission and Board of Adjustment and Appeals.
- g) Violation and Enforcement Chapters. Chapters 900 through 999 shall be designated and reserved for purposes of enacting provisions, requirements and procedures relating to violations and enforcement of this Ordinance.

**[END OF CHAPTER 140]**

**Chapter 200. Zoning Use Districts.**

200.1 Establishment of Zoning Districts. For the purpose of this Ordinance, the Town is hereby divided into Zoning Districts which shall be designated as follows:

R-1 Residential Zoning District ..... “R-1” Chapter 210

R-2 Residential Zoning District ..... “R-2” Chapter 211

C-1 Commercial Zoning District ..... “C-1” Chapter 220

C-2 Commercial Zoning District ..... “C-2” Chapter 221

200.2 Zoning Map.

- a) The location and boundaries of the Zoning Districts established by this Ordinance are set forth on the Zoning Map attached hereto, the original of which shall be on file with the Town Clerk.
- b) The Zoning Map may change from time to time; thus, the original version of the Zoning Map attached hereto may not show subsequent amendments. Inquiry should be made of the Zoning Administrator to determine if any amendments to the Zoning Map have been adopted and as to their effect.
- c) Said Zoning Map and all notation, references and other information shown thereon as hereafter amended shall have the same force and effect as if fully set forth herein.

200.3 Detachment. In the event of changes in the Town boundaries, the boundaries of the Zoning Districts shall be extended or retracted accordingly.

200.4 Zoning District Boundaries. For purposes of this Ordinance, boundaries shall be determined as follows:

- a) Boundaries indicated as approximately following the center lines of Streets, highways or railroad lines shall be construed to follow such center lines.
- b) Boundaries indicated as approximately following plotted Lot Lines shall be construed as following such Lot Lines.
- c) Boundaries indicated as following Shorelines shall follow those Shoreline boundaries as set forth in the Kanabec County Shore Land Ordinance.

- d) Boundaries indicated as approximately following the Town boundaries shall be construed as following such boundaries.
- e) Where a Zoning District boundary line divides a Lot and/or Parcel which was in single or common ownership at the time of passage of this Ordinance and if, as a result of the placement of said Zoning District boundary line, any portion of the Lot and/or Parcel is unable to meet the criteria of the requirements of the Zoning District within which it is located without obtaining a Variance, the Planning Commission shall review the Zoning District boundary line and its effect on said Lot and/or Parcel and the Town Board shall determine whether the location of the Zoning District boundary should be modified accordingly.
- f) The exact location of all Zoning District boundaries shall be reviewed by the Planning Commission and the Town Board shall make the final determination as to the exact location of all Zoning District boundaries.

**[END OF CHAPTER 200]**

**Chapter 210. R-1 Residential Zoning District.**

- 210.1 Purpose. The R-1 Residential Zoning District is intended to allow suitable areas of the Town to be retained as sensitive natural areas, to protect and preserve open spaces and to allow scattered development
- 210.2 Lot Area Regulations. There shall be a maximum of two (2) Lots per Quarter Quarter with a minimum Lot Area of five (5) Acres. Every Lot and/or Parcel shall also meet the Minimum Lot Standard.
- 210.3 Lot Width Regulations. Every Lot or Parcel shall have a minimum Lot Width of not less than three-hundred (300) feet on an existing Public Road.
- 210.4 Permitted Uses. The following Uses shall be permitted within the R-1 Residential Zoning District:
- a) One Residential Dwelling per Lot and/or Parcel pursuant to Section 210.5 of this Chapter.
  - b) Agricultural Land Uses.
  - c) Farm production including:
    - 1) Farming, general and dairy, provided that Animal Unit Density is not greater than one (1) Animal Unit per Useable Acre;
    - 2) Raising Livestock, Livestock products and other Domesticated Animals kept for use on the Farm or raised for sale or profit provided any such Livestock does not exceed one (1) Animal Unit per Useable Acre except as provided by Section 210.8;
    - 3) Domestically raised fowl provided said domestically raised fowl do not exceed one (1) Animal Unit per Useable Acre except as provided by Section 210.8;
    - 4) Field and specialty crops;
    - 5) Garden vegetables; and
    - 6) Bee keeping;
  - d) Forestry.

- e) Essential Services.
- f) Historic sites and areas.
- g) Churches and cemeteries.
- h) Horticultural Uses and Structures designed for storage of products and machinery pertaining and necessary thereto.
- i) Recreational Land Uses.

210.5 Single Family Dwellings. Single Family Dwellings are permitted in the R-1 Residential Zoning District, subject to the following regulations:

- a) All Single Family Dwellings must be situated on a Lot and/or Parcel with a Lot Area of at least five (5) Acres.
- b) Each Lot and/or Parcel upon which a Single Family Dwelling is erected shall have a minimum Buildable Area;
- c) No Single Family Dwelling Unit may be located upon soil which shall create erosion problems;
- d) Each Lot and/or Parcel shall be of sufficient size and shall contain soils to support an on-site sewer system in accordance with the regulations of the Kanabec County Sewer Ordinance;
- e) Subdivision of any Lot of Record shall comply with the requirements of Sections 500 through 599 of this Ordinance as enacted and amended from time to time;
- f) Each Single Family Dwelling shall have a minimum of Seven Hundred Eighty (780) square feet of Livable Space in the Principal Structure. Basements, walk-outs, Carports, Overhangs, Garages and other such Structures shall not qualify in meeting these requirements;
- g) Each Single Family Dwelling, including the entire perimeter thereof, shall be constructed or erected upon a permanent foundation no less than Seven Hundred Eighty (780) square feet; and
- h) There shall not exist or be constructed on any Lot and/or Parcel more than one (1) Single Family Dwelling.

210.6 Permitted Accessory Uses.



- a) The following Accessory Uses are permitted in the R-1 Residential Zoning District:
  - 1) Private Garages, Parking Spaces and Carports;
  - 2) Decorative Landscaping Features;
  - 3) Signs;
  - 4) Recreational Equipment; and
  - 5) Private swimming pools and tennis courts.
- b) Accessory Buildings are permitted in the R-1 Residential Zoning District in accordance with Chapter 308 of this Ordinance.
- c) Recreational Structures and Recreational Shelters as may be allowed in accordance with Chapter 350 of this Ordinance.

210.7 Home Occupations. Home Occupations are permitted in the R-1 Residential Zoning District in accordance with Chapter 309 of this Ordinance.

210.8 Non-Permitted Uses. The following Uses shall not be allowed in the R-1 Residential Zoning District:

- a) Feedlots and/or more than one (1) Animal Unit per Acre, except however, nothing herein shall be construed as preventing Owners from maintaining Agricultural Animals at a concentration that would otherwise be prohibited pursuant to this Section 210.8(a) during the period of time commencing November 1<sup>st</sup> and concluding May 15<sup>th</sup> (“Off-Pasture Months”) of each year provided the Animal Units do not exceed the allowable Animal Units per Useable Acre for that Person who owns the Agricultural Animals during the previous On-Pasture Months (May 16<sup>th</sup> through October 31<sup>st</sup>). If the Person who owns the Agricultural Animals is not the Owner of the Lot(s) and/or Parcel(s) used to calculate the Useable Acres as provided in this Section for the previous On-Pasture Months, the Person shall have a written lease for any such Lot and/or Parcel. Any new offspring born to the Agricultural Animals on the Lot and/or Parcel during the Off-Pasture Months shall be specifically excluded from the calculation of Animal Units as provided in this Section for the Off-Pasture Months for which the offspring was born;

- b) Auto Reduction Yards;
- c) Auto and Vehicle Storage Yards;
- d) Hazardous Waste Facility;
- e) Chemical Storage Facility; and/or
- f) Junkyards.

210.9 Setbacks.

- a) Front Setback Space. Not less than one hundred ten (110) feet from the center line of any Public Road, Street, or highway.
- b) Side Setback Space. If the Lot and/or Parcel has not been surveyed by a Licensed Land Surveyor, the Side Setback Space shall be no less than fifty (50) feet from the non-surveyed Lot Line. If the Lot and/or Parcel has been surveyed by a Licensed Land Surveyor, the Side Setback Space shall be at least thirty (30) feet from the surveyed Lot Line.
- c) Rear Setback Space. If the Lot and/or Parcel has not been surveyed by a Licensed Land Surveyor, the Rear Setback Space shall be no less than fifty (50) feet from the non-surveyed Rear Setback Space. If the Lot and/or Parcel has been surveyed by a Licensed Land Surveyor, the Rear Setback Space shall be a least thirty (30) feet from the surveyed Rear Lot Line.

**[END OF CHAPTER 210]**

## **Chapter 211. R-2 Residential Zoning District .**

211.1 Purpose. The R-2 Residential Zoning District is intended to permit residential Development in an orderly manner, to manage subdivision of vacant land proposed for Development and to assure a pleasant and suitable residential environment.

211.2 Lot Area Regulations. Every Lot and/or Parcel in the R-2 Residential Zoning District shall have a minimum Lot Area of five (5) Acres. Every Lot and/or Parcel shall also meet the Minimum Lot Standard.

211.3 Lot Width Regulations. Every Lot and/or Parcel shall have a minimum Lot Width of not less than three hundred (300) feet on an existing Public Road.

211.4 Permitted Uses.

- a) One Residential Dwelling per Lot and/or Parcel pursuant to Section 211.5 of this Chapter.
- b) Agricultural Land Uses.
- c) Farm production including:
  - 1) Farming, general and dairy, provided that Animal Unit density is not greater than one (1) Animal unit per Useable Acre;
  - 2) Raising Livestock, Livestock products and other Domesticated Animals kept for use on the Farm or raised for sale or profit provided any such Livestock does not exceed one (1) Animal Unit per Useable Acre except as provided by Section 211.8;
  - 3) Domestically raised fowl provided said domestically raised fowl do not exceed one (1) Animal Unit per Useable Acre except as provided by Section 211.8;
  - 4) Field and specialty crops;
  - 5) Garden vegetables; and
  - 6) Bee keeping.
- d) Forestry.

- e) Essential Services.
- f) Historic sites and areas.
- g) Churches and cemeteries.
- h) Horticultural Uses and Structures designed for storage of products and machinery pertaining and necessary thereto.
- i) Recreational Land Uses.

211.5 Single Family Dwellings. Single Family Dwellings are permitted in the R-2 Residential Zoning District, subject to the following regulations:

- a) All Single Family Dwellings must be situated on a Lot and/or Parcel with a Lot Area of at least five (5) Acres;
- b) No more than one (1) Single Family Dwelling shall exist or be constructed upon any Lot and/or Parcel. Any existing Single Family Dwelling upon a Lot of Record shall satisfy this allowance and preclude the placement of a second Dwelling Unit of any nature upon such a Lot and/or Parcel;
- c) Each Lot and/or Parcel upon which a Single Family Dwelling is erected shall have a minimum Buildable Area;
- d) No Single Family Dwelling Unit may be located upon soil which shall create erosion problems;
- e) Each Lot and/or Parcel shall be of sufficient size and shall contain soils to support an on-site sewer system in accordance with the regulations of the Kanabec County Sewer Ordinance;
- f) Subdivision of any Lot of Record shall comply with the requirements of Sections 500 through 599 of this Ordinance as enacted and amended from time to time;
- g) Each Single Family Dwelling shall have a minimum of Seven Hundred Eighty (780) square feet of Livable Space in the Principal Structure. Basements, walk-outs, Carports, Overhangs, Garages and such other Structures shall not qualify in meeting these requirements;
- h) Each Single Family Dwelling, including the entire perimeter thereof, shall be constructed or erected upon a permanent

foundation no less than Seven Hundred Eighty (780) square foot;  
and

211.6 Permitted Accessory Uses.

- a) The following Accessory Uses are permitted in the R-2 Residential Zoning District:
  - 1) Private Garages, Parking Spaces and Carports;
  - 2) Decorative Landscaping features;
  - 3) Signs;
  - 4) Recreational Equipment; and
  - 5) Private swimming pools and tennis courts.
- b) Accessory Buildings are permitted in the R-2 Residential Zoning District in accordance with Chapter 308 of this Ordinance.
- c) Recreational Structures and Recreational Shelters as may be allowed in accordance with Chapter 350 of this Ordinance.

211.7 Home Occupations. Home Occupations are permitted in the R-2 Residential Zoning District in accordance with Chapter 309 of this Ordinance.

211.8 Non-Permitted Uses. The following Uses will not be allowed in the R-2 Residential Zoning District:

- a) Feedlots and/or more than one (1) Animal Unit per Acre, except however, nothing herein shall be construed as preventing Owners from maintaining Agricultural Animals at a concentration that would otherwise be prohibited pursuant to this Section 211.8(a) during the period of time commencing November 1<sup>st</sup> and concluding May 15<sup>th</sup> (“Off-Pasture Months”) of each year provided the Animal Units do not exceed the allowable Animal Units per Useable Acre for that Person who owns the Agricultural Animals during the previous On-Pasture Months (May 16<sup>th</sup> through October 31<sup>st</sup>). If the Person who owns the Agricultural Animals is not the Owner of the Lot(s) and/or Parcel(s) used to calculate the Useable Acres as provided in this Section for the previous On-Pasture Months, the Person shall have a written lease for any such Lot and/or Parcel. Any new offspring born to the Agricultural Animals on the Lot and/or Parcel during the Off-

Pasture Months shall be specifically excluded from the calculation of Animal Units as provided in this Section for the Off-Pasture Months for which the offspring was born;

- b) Auto Reduction Yards;
- c) Auto and Vehicle Storage Yards;
- d) Hazardous Waste Facility;
- e) Chemical Storage Facility; and/or
- f) Junkyards.

211.9 Setbacks.

- a) Front Setback Space. Not less than one hundred ten (110) feet from the center line of any Public Road, Street, or highway.
- b) Side Setback Space. If the Lot and/or Parcel has not been surveyed by a Licensed Land Surveyor, the Side Setback Space must be no less than fifty (50) feet from the non-surveyed Lot Line. If the Lot and/or Parcel has been surveyed by a Licensed Land Surveyor, the Side Setback Space must be at least thirty (30) feet from the surveyed Lot Line.
- c) Rear Setback Space. If the Lot and/or Parcel has not been surveyed by a Licensed Land Surveyor, the Rear Setback Space must be no less than fifty (50) feet from the non-surveyed Rear Lot Line. If the Lot and/or Parcel has been surveyed by a Licensed Land Surveyor, the Rear Setback Space must be a least thirty (30) feet from the surveyed Rear Lot Line.

**[END OF CHAPTER 211]**

**Chapter 220. C-1 Commercial Zoning District.**

220.1 Purpose. The purpose of the C-1 Commercial Zoning District is to establish minimum standards permitting Light Commercial Uses in the area as designated in Section 220.2 below and as otherwise regulated herein. The area so designated shall permit Light Commercial Uses and Development in an orderly manner so as to ensure a pleasant and suitable environment consistent with the goals as set forth in the Comprehensive Plan. Residential Dwellings may be constructed on Lots and/or Parcels zoned as C-1 Commercial Zoning District in accordance with this Chapter herein.

220.2 Commercial District Boundaries. The strip of land contained within the R-2 Residential Zoning District consisting of one-thousand-three-hundred-twenty (1,320) feet on either side of the center points of Highway 65, Highway 24 and Highway 27 as indicated on the Zoning Map may be re-zoned as C-1 Commercial Zoning District as provided in this Ordinance.

220.3 C-1 Commercial Zoning District Uses Allowed by a Conditional Use Permit.

- a) Any and all Uses that may be permitted within the C-1 Commercial Zoning District shall specifically be limited to the following Uses, which shall only be allowed by issuance of a Conditional Use Permit:
- 1) Residential Dwellings;
  - 2) Daycare;
  - 3) Commercial Storage Building;
  - 4) Common Area Storage Building;
  - 5) Cabinet Manufacturer;
  - 6) General Office Purposes;
  - 7) Outdoor Recreational Area;
  - 8) Antique and Collectible Store;
  - 9) Bank;
  - 10) Financial Institution;

- 11) Bookstore;
- 12) Funeral Home;
- 13) Greenhouse;
- 14) Veterinary Clinic;
- 15) Automobile Repair;
- 16) Catering;
- 17) Coffee Shop;
- 18) Outdoor Recreation Area;
- 19) Hospice;
- 20) Convent;
- 21) Monastery;
- 22) Religious Retreat Center;
- 23) Barber Shop;
- 24) Beauty Salon;
- 25) Bicycle Sales and Repair;
- 26) Electronics Sales;
- 27) Electronics Manufacturing;
- 28) Interior Decorating;
- 29) Locksmith;
- 30) Radio and Television Service and Repair;
- 31) Picture Framing;
- 32) Shoe Repair;
- 33) Apparel Manufacturing;



- 34) Apparel Sales/Repair
- 35) Tailor;
- 36) Electronics Components and Accessories;
- 37) Film Video and Audio Production;
- 38) Watches and Clocks Manufacturing;
- 39) Watches and Clocks Sales/Repair;
- 40) Wood Crafting and Carving;
- 41) Wood Furniture and Upholstery Manufacturing;
- 42) Wood Furniture and Upholstery Sales/Repair;
- 43) Art Studio;
- 44) Bed and Breakfast Home;
- 45) Contracting Business;
- 46) Exterminating Business;
- 47) Firearms Dealer;
- 48) Small Engine Repair;
- 49) Limousine Service;
- 50) Taxicab Service; and
- 51) Board and Care Home.

220.4 C-1 Commercial Zoning District Re-Zoning Petition. Any Lot or Parcel to be utilized for Commercial Use may be re-zoned as C-1 Commercial Zoning District by the submission of a Re-Zoning Petition in accordance with the provisions Chapter 720.

220.5 C-1 Commercial Zoning District Conditional Use Permit. Contemporaneous with the submission of a Re-Zoning Petition as described in Section 220.4 above, the Owner or Petitioner shall submit a Conditional Use Permit Application in accordance with the provisions of

Chapter 710 for any Conditional Use allowed in accordance with Section 220.3 herein.

220.6 C-1 Commercial Zoning District Lot Regulations, Requirements, Access and Setbacks.

- a) Lot Area Regulations.
  - 1) The minimum Lot Area in the C-1 Commercial Zoning District shall be Five (5) Acres provided said minimum Lot Area is sufficient to meet the requirements as determined pursuant to Sections 220.4 and 220.5 above as determined by the Planning Commission and Town Board;
  - 2) The total gross area of all Commercial Buildings shall not exceed thirty thousand (30,000) square feet on a given Lot and/or Parcel; and
  - 3) The total aggregate gross area of all Commercial Buildings, Commercial Parking Lots, Commercial Driveways and other areas of a Lot and/or Parcel used for Commercial Uses and/or Commercial Purposes shall not exceed sixty thousand (60,000) square feet.
- b) Lot Width Regulations. The minimum Lot Width in the C-1 Commercial Zoning District shall be three hundred (300) feet.
- c) Buildable Area Requirements.
  - 1) Each Lot and/or Parcel upon which a Building is to be constructed shall have a minimum Buildable Area;
  - 2) No Building may be located upon soil if erosion problems result therefrom;
  - 3) Each Lot and/or Parcel shall be of sufficient size and shall contain soils to support an on-site sewer system in accordance with the regulations of the Kanabec County Ordinances and Minnesota Pollution Control Agency;
  - 4) Subdivision of any Lot of Record shall comply with the requirements of Chapters 500 through 599 of this Ordinance as enacted and amended from time to time; and
  - 5) Each Building, including the entire perimeter thereof, shall be constructed or erected upon a permanent foundation.

- d) Service Roads. The Person developing any Lot and/or Parcel shall obtain access that meets standard Town requirements and Setbacks. A typical section for service road construction will be provided by the Zoning Administrator or the Township Engineer.
- e) Setbacks.
  - 1) Front Setback Space. Not less than one hundred fifty (150) feet from the centerline Right-of-Way of a state highway; not less than one hundred ten (110) feet from the centerline of any Town road or county road, however established.
  - 2) Side Setback Space. If the Lot and/or Parcel has not been surveyed by a Licensed Land Surveyor, no less than fifty (50) feet from the non-surveyed Lot Line. If the Lot and/or Parcel has been surveyed by a Licensed Land Surveyor, than not less than ten (10) feet from surveyed Lot Line.
  - 3) Rear Setback Space. If the Lot and/or Parcel has not been surveyed by a Licensed Land Surveyor, no less than fifty (50) feet from the non-surveyed Lot Line. If the Lot and/or Parcel has been surveyed by a Licensed Land Surveyor, than not less than thirty (30) feet from the surveyed Lot Line.

220.7 Uses Not Permitted within the C-1 Commercial Zoning District. In addition to any Uses not specifically stated in Section 220.3 above, the following Uses shall not be allowed in the C-1 Commercial Zoning District:

- a) Feedlots and/or more than one (1) Animal Unit per Acre, except however, nothing herein shall be construed as preventing Owners from maintaining Agricultural Animals at a concentration that would otherwise be prohibited pursuant to this Section 220.7(a) during the period of time commencing November 1<sup>st</sup> and concluding May 15<sup>th</sup> (“Off-Pasture Months”) of each year provided the Animal Units do not exceed the allowable Animal Units per Useable Acre for that Person who owns the Agricultural Animals during the previous On-Pasture Months (May 16<sup>th</sup> through October 31<sup>st</sup>). If the Person who owns the Agricultural Animals is not the Owner of the Lot(s) and/or Parcel(s) used to calculate the Useable Acres as provided in this Section for the previous On-Pasture Months, the Person shall have a written lease for any such Lot and/or Parcel. Any new offspring born to the

Agricultural Animals on the Lot and/or Parcel during the Off-Pasture Months shall be specifically excluded from the calculation of Animal Units as provided in this Section for the Off-Pasture Months for which the offspring was born;

- b) Auto Reduction Yards;
- c) Auto and Vehicle Storage Yards;
- d) Hazardous Waste Facility;
- e) Chemical Storage Facility; and
- f) Junkyards.

**[END OF CHAPTER 220]**

**Chapter 221. C-2 Commercial Zoning District.**

221.1 Purpose. The purpose of the C-2 Commercial Zoning District is to establish minimum standards permitting Heavy Commercial Uses in the area as designated in Section 221.2 below and as otherwise regulated herein. The area so designated shall permit Heavy Commercial Uses and Development in an orderly manner so as to ensure a pleasant and suitable environment consistent with the goals as set forth in the Comprehensive Plan. Residential Land Use shall be PROHIBITED on any Lot and/or Parcel rezoned as a C-2 Commercial Zoning District.

221.2 Commercial District Boundaries. The strip of land contained within the R-2 Residential Zoning District consisting of one-thousand-three-hundred-twenty (1,320) feet on either side of the center points of Highway 65, Highway 24 and Highway 27 as indicated on the Zoning Map may be rezoned as C-2 Commercial Zoning District as provided in this Ordinance.

221.3 C-2 Commercial Zoning District Uses Allowed by a Conditional Use Permit.

- a) Any and all Uses that may be permitted within the C-2 Commercial Zoning District shall specifically be limited to following Uses, which shall only be allowed by issuance of a Conditional Use Permit:
- 1) Daycare;
  - 2) Cabinet Manufacturer;
  - 3) General Office Purposes;
  - 4) Outdoor Recreational Area;
  - 5) Commercial Storage Building;
  - 6) Common Area Storage Building;
  - 7) Antique and Collectible Store;
  - 8) Bank;
  - 9) Financial Institution;
  - 10) Bookstore;
  - 11) Funeral Home;

- 12) Greenhouse;
- 13) Veterinary Clinic;
- 14) Automobile Repair;
- 15) Catering;
- 16) Coffee Shop;
- 17) Outdoor Recreation Area;
- 18) Hospice;
- 19) Convent;
- 20) Monastery;
- 21) Religious Retreat Center;
- 22) Barber Shop;
- 23) Beauty Salon;
- 24) Bicycle Sales and Repair;
- 25) Electronics Sales;
- 26) Electronic Manufacturing;
- 27) Interior Decorating;
- 28) Upholstery;
- 29) Locksmith;
- 30) Radio and Television Service and Repair;
- 31) Picture Framing;
- 32) Shoe Repair;
- 33) Tailor;
- 34) Apparel Sales;

- 35) Apparel Manufacturing;
- 36) Electronics Components and Accessories;
- 37) Film Video and Audio Production;
- 38) Watches and Clocks Manufacturing;
- 39) Watches and Clocks/Repair;
- 40) Wood Crafting and Carving;
- 41) Wood Furniture and Upholstery Manufacturing;
- 42) Wood Furniture and Upholstery Sales/Repair;
- 43) Art Studio;
- 44) Bed and Breakfast Home;
- 45) Contracting Business;
- 46) Exterminating Business;
- 47) Firearms Dealer;
- 48) Small Engine Repair;
- 49) Limousine Service;
- 50) Taxicab Service;
- 51) Board and Care Home;
- 52) Bakery;
- 53) Drug Store;
- 54) Dry Cleaning Pick-up Station;
- 55) Film Developing;
- 56) Furniture Store;
- 57) Jewelry Store;

- 58) Computer and Accessories;
- 59) Food and Beverage Products;
- 60) Medical Goods and Equipment Manufacturer;
- 61) Medical Goods and Equipment Sales;
- 62) Printing and Publishing;
- 63) Signs;
- 64) Art Gallery;
- 65) Building Material Sales;
- 66) Child Care Center;
- 67) Consignment Clothing Store;
- 68) Day Labor Industry;
- 69) Grocery Store;
- 70) Laundromat;
- 71) Memorial Monuments;
- 72) Office Supplies Sales and Service;
- 73) Performing Arts;
- 74) Visual Arts;
- 75) Pet Store;
- 76) Photocopying;
- 77) Rental of Household Goods and Equipment;
- 78) Secondhand Goods Store;
- 79) Shopping Center;
- 80) Tobacco Shop;



- 81) Video Store;
- 82) Office Building;
- 83) Convenience Store;
- 84) Automobile Rental;
- 85) Automobile Sales;
- 86) Car Wash;
- 87) Liquor Store;
- 88) Nightclub;
- 89) Delicatessen;
- 90) Restaurant, Fast Food;
- 91) Restaurant, Sit Down;
- 92) Hotel;
- 93) Indoor recreation;
- 94) Radio or Television Station;
- 95) Reception or meeting hall;
- 96) Regional Sports Arena;
- 97) Sports Facility;
- 98) Health Facility;
- 99) Movie Theater;
- 100) Theater;
- 101) Blood/Plasma Collection Facility;
- 102) Clinic;
- 103) Laboratory, Medical or Dental;

- 104) Ambulance Service;
- 105) Bus Garage/ Bus Maintenance Facility;
- 106) Package Delivery Service;
- 107) Recreational Vehicle or RV Rental Facility;
- 108) Parking Facility;
- 109) Nursing Home/Assisted Living;
- 110) Inebriate Housing;
- 111) Crisis Center/Supportive Housing;
- 112) Early Childhood Learning Center;
- 113) Preschool;
- 114) School, K-12;
- 115) Vocational School;
- 116) Business School;
- 117) Athletic Field;
- 118) Club/Lodge;
- 119) Community Center;
- 120) Developmental Achievement Center;
- 121) Library;
- 122) Mission;
- 123) Museum;
- 124) Production and Processing;
- 125) Dry Cleaning Establishment;
- 126) Furniture Moving and Storage;

- 127) Industrial Machinery and Equipment Sales, Service and Repair;
- 128) Commercial Laundry;
- 129) Packaging of Finished Goods;
- 130) Wholesaling, Warehousing and Distribution;
- 131) Electric Substation;
- 132) Fire station;
- 133) Garage for Public Vehicles;
- 134) Passenger Transit Station;
- 135) Police Station;
- 136) Post Office;
- 137) Regional Financial Service Center;
- 138) Street and Equipment Maintenance Facility;
- 139) Telephone Exchange;
- 140) Water Pumping and Filtration Facility;

221.4 C-2 Commercial Zoning District Re-Zoning Petition. Any Lot and/or Parcel to be utilized for Commercial Use may be re-zoned as C-2 Commercial Zoning District by the submission of a Re-Zoning Petition in accordance with the provisions Chapter 720.

221.5 C-2 Commercial Zoning District Conditional Use Permit. Contemporaneous with the submission of a Re-Zoning Petition as described in Section 221.4 above, the Owner or Petitioner shall submit a Conditional Use Permit Application in accordance with the provisions of Chapter 710 for any Conditional Use allowed in accordance with Section 221.3 herein.

221.6 C-2 Commercial Zoning District Lot Regulations, Requirements, Access and Setbacks.

- a) Lot Area Regulations.

- 1) The minimum Lot Area in the C-2 Commercial Zoning District shall be two and one-half (2 ½) Acres provided said minimum Lot Area is sufficient to meet the requirements of Sections 221.4 and 221.5 above as determined by the Planning Commission and Town Board.
- 2) Lot Width Regulations. The minimum Lot Width in the C-2 Commercial Zoning District shall be three hundred (300) feet.
- 3) Buildable Area Requirements.
  - i) Each Lot and/or Parcel upon which a Building is to be constructed shall have a minimum Buildable Area;
  - ii) No Building may be located upon soil if erosion problems result therefrom;
  - iii) Each Lot and/or Parcel shall be of sufficient size and shall contain soils to support an on-site sewer system in accordance with the regulations of the Kanabec County Ordinances and Minnesota Pollution Control Agency;
  - iv) Subdivision of any Lot of Record shall comply with the requirements of Chapters 500 – 599 of this Ordinance as enacted and amended from time to time; and
  - v) Each Building, including the entire perimeter thereof, shall be constructed or erected upon a permanent foundation.
- 4) Service Roads. The Person developing any Lot or Parcel shall obtain access that meets standard Town requirements and Setbacks. A typical section for service road construction will be provided by the Zoning Administrator or the Township Engineer
- 5) Setbacks.
  - i) Front Setback Space. Not less than one hundred fifty (150) feet from the centerline Right-of-Way of a state highway, or not less than one hundred ten

(110) feet from the centerline of any Town road or county road, however established.

- ii) Side Setback Space. If the Lot and/or Parcel has not been surveyed by a Licensed Land Surveyor, no less than fifty (50) feet from the non-surveyed Lot Line. If the Lot and/or Parcel has been surveyed by a Licensed Land Surveyor, than not less than ten (10) feet from surveyed Lot Line.
- iii) Rear Setback Space. If the Lot and/or Parcel has not been surveyed by a Licensed Land Surveyor, no less than fifty (50) feet from the non-surveyed Lot Line. If the Lot and/or Parcel has been surveyed by a Licensed Land Surveyor, than not less than thirty (30) feet from the surveyed Lot Line.

221.7 Uses Not Permitted within the C-2 Commercial Zoning District. In addition to any Uses not specifically stated and allowed pursuant to Section 221.3 above, the following Uses shall not be allowed in the C-2 Commercial Zoning District:

- a) Feedlots and/or more than one (1) Animal Unit per Acre, except however, nothing herein shall be construed as preventing Owners from maintaining Agricultural Animals at a concentration that would otherwise be prohibited pursuant to this Section 221.7(a) during the period of time commencing November 1<sup>st</sup> and concluding May 15<sup>th</sup> (“Off-Pasture Months”) of each year provided the Animal Units do not exceed the allowable Animal Units per Useable Acre for that Person who owns the Agricultural Animals during the previous On-Pasture Months (May 16<sup>th</sup> through October 31<sup>st</sup>). If the Person who owns the Agricultural Animals is not the Owner of the Lot(s) and/or Parcel(s) used to calculate the Useable Acres as provided in this Section for the previous On-Pasture Months, the Person shall have a written lease for any such Lot and/or Parcel. Any new offspring born to the Agricultural Animals on the Lot and/or Parcel during the Off-Pasture Months shall be specifically excluded from the calculation of Animal Units as provided in this Section for the Off-Pasture Months for which the offspring was born;
- b) Auto Reduction Yards;
- c) Auto and Vehicle Storage Yards;
- d) Hazardous Waste Facility;

- e) Chemical Storage Facility;
- f) Junkyards; and
- g) Residential Dwellings.

**[END OF CHAPTER 221]**

## **Chapter 300. Performance Standards.**

- 300.1 Introduction. In order to ensure the compatibility of land Use and Development goals, certain uniform standards must be maintained. In the various Zoning Use Districts, Permitted Uses, Accessory Uses and Conditional Uses shall conform to the following standards as provided in this Chapter.
- 300.2 District Regulations. The requirements set forth in this Ordinance within each Zoning District shall apply uniformly to all Lots and/or Parcels and Buildings and/or Structures in said Zoning District as follows:
- a) No Building, Structure or Lot and/or Parcel shall hereafter be Used or occupied and no Building, Structure or part thereof shall hereafter be erected, constructed, reconstructed, moved or structurally altered except in conformity with all of the regulations herein specified for the Zoning District in which said Building, Structure, Lot and/or Parcel is located.
  - b) No Building or other Structure shall hereafter be erected or altered in any manner contrary to the provisions of this Ordinance.
  - c) No Yard, Lot and/or Parcel existing at the time of passage of this Ordinance shall be reduced in dimension or area below the minimum Lot Area requirements set forth herein. Yards, Lots, and or Parcels created after the effective date of this Ordinance shall meet at least the minimum Lot Area and Lot Width requirements established by this Ordinance.

**[END OF CHAPTER 300]**

**Chapter 301. Public Nuisance Standards.**

301.1 Findings and Purpose. It is in the best interests of the citizens of the Township to protect the public health, safety and general welfare of its citizens. Accordingly, these Public Nuisance Standards will further the following objectives:

- a) To preserve the value of the Lots and/or Parcels as located within the Town;
- b) To protect the character and stability of the Town;
- c) To provide for minimum standards of maintenance for the care of the Lots and/or Parcels within the Town and ensure compliance;
- d) To cause correction to conditions on Lots and/or Parcels that do not comply with the standards of maintenance established herein;
- e) Assist in identification and correction of conditions which unreasonably annoy, injure or endanger the safety, health, comfort or repose of the members of the public; and
- f) Provide a mechanism to mitigate potential issues as identified within the Town.

301.2 Public Nuisance Defined. Whoever, by an act or failure to perform a legal duty, intentionally does any of the following is guilty of maintaining a Public Nuisance:

- a) Maintains or permits a condition which unreasonably annoys, injures, or endangers the safety, health, comfort, or repose of any considerable number of members of the public; or
- b) Interferes with, obstructs, or renders dangerous for passage any public highway or Right-of-Way or waters used by the public; or
- c) Any other act or omission declared by law or this Ordinance to be a Public Nuisance and for which no penalty is specifically provided.

301.3 Public Nuisances Affecting Health. The following are hereby declared to be Public Nuisances affecting health:

- a) Exposed accumulation of decayed or unwholesome food or vegetable matter, except for such matter placed in permitted compost heaps.



- b) All Pleasure Animals and/or Agricultural Animals running at large and/or animals that escape repeatedly because of insufficient Fences, containment or failure to properly maintain the Fence.
- c) Carcasses of Pleasure Animals and/or Agricultural Animals not buried or destroyed within twenty-four (24) hours after death.
- d) Accumulations of refuse, garbage, or other debris not contained in tight-covered receptacles.
- e) Accumulations of manure not in compliance with state, county, or local regulations.
- f) Privy vaults and garbage cans which are not rodent-free or fly-tight, or which are so maintained as to constitute a health hazard or to emit foul or disagreeable odors.
- g) The pollution of any public well or cistern, stream, lake, canal, or other body of water by sewage, industrial waste, or other substances.
- h) All noxious weeds as defined in Minnesota Rules 1505.0730 and other rank growths of vegetation upon any Lot and/or Parcel.
- i) Dense smoke, noxious fumes, gas and soot, or cinders, in unreasonable quantities.
- j) All public exposure of Persons knowingly having a contagious disease.
- k) Any offensive trade or Business as defined by statute not operating under local license, or such trade or Business whose operation constitutes a clear and present danger to the health of the public in general.
- l) Sewage, septic system effluent or seepage from a soil treatment system which may constitute a health hazard, emit foul and disagreeable odors, or otherwise threaten or damage real or personal property of others.
- m) Burning in violation of state, county or local ordinance.

301.4 Public Nuisance Affecting Peace and Safety. The following are declared to be Public Nuisances affecting public peace and safety:

- a) All trees, Hedges, billboards, or other obstructions which prevent Persons from having a clear view of all traffic approaching at an intersection.
- b) All Structures, wires, and limbs of trees which are less than eight (8) feet above the surface of the ground over any road Right-of-Way.
- c) Any distinctly and loudly audible noise that unreasonably annoys, disturbs, injures, or endangers the comfort, repose, health, peace, safety, or welfare of any Person, precludes the enjoyment of property, or affects a property's value.
- d) Obstructions and excavations affecting the ordinary Use by the public of public Rights-of-Way, trails, or other public grounds except under such conditions as are permitted by this Ordinance or other applicable law.
- e) Lack of appropriate vegetation which results in erosion of silt, sand, or gravel onto Public Road Right-of-Way or adjacent Lots and/or Parcels.
- f) Radio aerials or television antennae erected or maintained in a dangerous manner.
- g) All interference and disturbance of radios, telephones, and television sets caused by electrical appliances and equipment or improper operation thereof.
- h) All use or display of fireworks and use of explosives except as permitted by law.
- i) Any Use of a Lot and/or Parcel abutting on a public Right-of-Way or trail or any use of a public Right-of-Way or trail which causes large crowds to gather, obstructing traffic or the free Use of the Right-of-Way or trail.
- j) All hanging Signs, awnings, or other similar Structures over public Rights-of-Way and trails, or so situated as to endanger public safety, or not constructed and maintained as provided by this Ordinance.
- k) All dangerous, unguarded machinery in any public place, or so situated or operated on a given Lot and/or Parcel as to attract the public.

- l) Waste water, waste automobile crankcase or transmission oil, or any hazardous substance as defined by state or local law or rule cast upon or permitted to flow upon public Rights-of-Way or other Lot and/or Parcel.
- m) Accumulations in the open of discarded or disused machinery, household appliances, automobile bodies, or other material in a manner conducive to the harboring of rats, mice, snakes, or vermin, or the rank growth of vegetation among the items so accumulated, or in a manner creating fire, health, or other safety hazards from such accumulation.
- n) To store in any area open to the public any unlocked icebox, refrigerator, freezer, or other box with a door attached thereto which will effectively exclude air when shut.
- o) Any well, hole, Basement, or other excavation which is left uncovered or in such other condition as to constitute a hazard to any child or other Person coming on the Lot and/or Parcel where it is located.
- p) Obstruction to the free flow of water in a natural waterway or a public Right-of-Way drain, gutter, or ditch with trash, debris, silt, or other materials.
- q) The placing or throwing on any public Right-of-Way, trail, or other public property of any glass, tacks, nails, bottles, or any other substance which may injure any Person or animal or damage any vehicle tire when passing over such substance.
- r) The depositing of garbage or refuse on a public Right-of-Way, public property, or on any adjacent Lots and/or Parcels, except if placed inside tightly sealed containers which are placed specifically for garbage or refuse pickup by an authorized public or private contractor.
- s) Constructing and maintaining Fences or other Structures within the public Right-of-Way;
- t) Failure to properly maintain a Screening Fence so that it does not become in a state of disrepair.
- u) Any unattended vehicle which constitutes an obstruction to traffic or hinders snow removal or road improvement.
- v) Any abandoned or junk vehicles as defined in Minnesota Statutes.

- w) Any Use creating periodic earth-shaking vibration if undue vibrations are perceptible beyond the boundaries of the Lot and/or Parcel on which the Use is located. This standard shall not apply to vibrations created during periods of construction unless any such vibrations continue for a period in excess of thirty (30) cumulative days.
- x) Any Use producing intense heat or light transmission performed without the necessary shielding to prevent such heat or light from being detectable at or beyond the Lot Line of the Lot and/or Parcel on which the Use is located.
- y) Any Use discharging any toxic or noxious matter into the atmosphere, water or subsoil. All discharges shall be in conformity to the regulations and standards adopted by the Minnesota Pollution Control Agency.
- z) All other conditions or things which are likely to cause injury to the Person or property of anyone.

301.5 Nuisances Relating to Buildings.

- a) Appearance and Maintenance Requirements.
  - 1) Any Building, including an Accessory Structure, is a public nuisance if its exterior does not comply with the following requirements:
    - i) Does not have complete siding;
    - ii) No part of the exterior surface shall have significant deterioration including, but not limited to, holes, breaks, gaps or loose or rotting siding;
    - iii) All surfaces of the Building or Structure including, but not limited to, doors, door and window frames, cornices, porches and trim, shall be maintained in a good and safe condition; and
    - iv) Wood surfaces on the Building or Structure, other than decay-resistant woods, stucco or other materials that do not normally require protection from the elements and decay by staining, painting or other protective covering or treatment or other

appropriate method as approved by the Zoning Administrator.

b) Public Health and Safety Requirements.

- 1) Any Building or Structure that is found by the Zoning Administrator to be dangerous to the public safety or health by reason of the following is hereby declared to be a public nuisance and a hazardous Building or Structure or condition:
  - i) Damaged by fire, storm or vandalism;
  - ii) Defective Chimneys or stovepipes;
  - iii) Dilapidated condition or decay; or
  - iv) Any other defect endangering the public safety or health.
- 2) Any Building or Structure which is damaged, decayed, dilapidated, unsanitary, unsafe, vermin or rodent-infested, presents environmental health risks or which lacks provisions for safe ventilation or sanitary facilities to the extent that the defects create a hazard to the health, safety or welfare of the occupants or of the public, may be declared unfit for human habitation or unsafe to the public.
- 3) Whenever any Building or Structure has been declared unfit for human habitation or unsafe to the public, the Town may proceed to declare the Building or Structure a hazardous Building, Structure or Lot and/or Parcel and may seek to correct or remove the hazardous condition as authorized by Minnesota law.

301.6 Enforcement Duties of Zoning Administrator. The Zoning Administrator shall enforce the provisions of this Ordinance relating to Public Nuisances affecting health, and duly authorized county or state health officers may enforce such provisions. The Zoning Administrator shall enforce the provisions of this Ordinance relating to Public Nuisances affecting public safety, and such officers have the power to inspect public and private Lots and/or Parcels and take all reasonable precautions to prevent the commission and maintenance of Public Nuisances; however, except in cases of emergency imminently dangerous to the public health, safety or welfare, such inspections must be done pursuant to a search warrant issued

by a court of competent jurisdiction if access to private Lots and/or Parcels for such inspection is denied by the Owner or occupant.

301.7 Abatement.

- a) Whenever the officer charged with enforcement determines that a Public Nuisance is being maintained or exists on a given Lot and/or Parcel in the Town, the officer shall notify in writing the Owner or occupant of the Lot and/or Parcel of such fact and order that such Public Nuisance be terminated and abated. The notice shall be served in person or by certified mail. If the Lot and/or Parcel are not occupied and the Owner is unknown, the notice may be served by posting it on the Lot and/or Parcel. The notice shall specify the steps to be taken to abate the Public Nuisance and the time, not exceeding thirty (30) days within which the Public Nuisance is to be abated. The notice shall also specify that the Owner or occupant upon whom the notice is served may request, in writing to the Town Clerk, a hearing before the Board of Adjustment and Appeals pursuant to Chapter 740 of this Ordinance. Such hearing must be requested before the deadline for abatement stated in the notice or within ten (10) days after service of the notice, whichever date is longer. If the notice is served by posting, thirty (30) days must elapse between the day of posting and the deadline for abatement. If the notice is not complied with within the time specified, and a hearing has not been requested, the enforcing officer may take immediate steps to abate the Public Nuisance or proceed in accordance with Chapter 910 of this Ordinance. If a hearing has been requested, such action may not take place until after the hearing and the Board of Adjustment and Appeals has rendered a decision.
- b) Whenever a situation exists that immediately endangers the lives or health of the public and under which the above notification procedures would be impractical, the enforcing officer may take immediate steps to abate the Public Nuisance, and such action shall be immediately reported to the Town Board.

301.8 Recovery of Cost.

- a) Personal Liability. The Owner of the Lot and/or Parcel on which a Public Nuisance has been abated by the Town shall be personally liable for the cost to the Town of the abatement, including administrative, engineering, attorney, and any other costs associated therewith. As soon as the work has been completed and the cost determined, the Town Clerk shall prepare a bill for the

cost and mail it to the Owner. Thereupon, the amount shall be immediately due and payable at the office of the Town Clerk.

- b) Assessment. On or before October 1 following abatement of a Public Nuisance by the Town, the Town Clerk shall list the total unpaid charges along with all other such charges, as well as other charges for current services to be assessed against such separate Lot and/or Parcel to which the Public Nuisance abatement charges are attributable. A notice of an assessment hearing shall be sent to the affected Owner and a Public Hearing on the assessment shall be conducted in accordance with state statute. The Town Board may then spread the charges against such Lots and/or Parcels for certification to the County Auditor for collection by the County Treasurer and paid to the Town as other taxes are collected and paid.

301.9 Penalty. Any Person who violates any provision of this Ordinance is guilty of a misdemeanor and shall be punished by a fine not to exceed the maximum allowed by state law. Every day that the offense occurs shall be deemed a separate violation of the Ordinance. Alternatively, the Town may proceed with any civil action available to it under law or equity. In the event that the Town adopts administrative enforcement procedures for ordinances, these procedures may be utilized to enforce this Ordinance.

**[END OF CHAPTER 301]**

**Chapter 302. Buildability and Lot Area Standards.**

- 302.1 Minimum Lot Standard. Every Lot and/or Parcel created after the effective date of this Ordinance must adhere to the Minimum Lot Standard. As such, any and all Lots and/or Parcels must have an area of no less than three-hundred (300) feet by three-hundred (300) feet, measured at right angles.
- 302.2 Buildable Area Requirement. In order for a given Lot and/or Parcel to be deemed Buildable, said Lot and/or Parcel must meet all Buildable Area requirements. As such, in addition to adhering to the Minimum Lot Standard, in order for a Lot and/or Parcel to be deemed Buildable, at least forty-thousand (40,000) contiguous square feet of the Lot and/or Parcel as located within the Minimum Lot Standard area must be at least three (3) feet above the highest known water table. Twenty-thousand (20,000) square feet of the Buildable Area as provided herein may be approved fill material. Any Public Right-of-Way shall not be included in said Buildable Area computation. Any Structure or Building shall be built or constructed within the Buildable Area as provided herein.
- 302.3 Exemptions. Notwithstanding anything in this Chapter 302 to the contrary, Lots and/or Parcels to be used solely for Agricultural Land Uses or Recreational Uses may be exempt from the Buildable Area requirements as set forth herein, provided that a deed restriction is recorded against said Lot and/or Parcel containing the following language:

“The parties to this conveyance understand and acknowledge that the lots and/or parcels subject hereto do not conform to the buildable area requirements as required under the Ford Township Land Use Ordinance. The parties further acknowledge that the lots and/or parcels subject hereto shall be used for agricultural or recreational uses only, as further defined in the Ford Township Land Use Ordinance. As such, no Structures or Buildings shall be erected and/or constructed thereon.”

Nothing herein shall be construed as exempting any Lot and/or Parcel from meeting the Minimum Lot Standard.

- 302.4 Lot Size Requirements.
- a) No Subdivision shall be made which results in one (1) or more Lot and/or Parcel smaller in size or dimension than required in the Zoning District in which the Lot and/or Parcel is situated. No Use shall be established or maintained on a Lot and/or Parcel which is substandard in size for the Zoning District in which it is located, except as hereinafter provided. In addition to other remedies under



the law and this Ordinance, no Land Use Permit shall be issued for any Use or Structure on any Lot and/or Parcel which was illegally created and/or an illegal Subdivision that became a Nonconforming Use after the effective date of this Ordinance. Subdivisions in all Zoning Districts must have written certification from the Zoning Administrator before the newly created Lots and/or Parcels can be recorded at Kanabec County Recorders Office or with the Registrar of Titles.

- b) A Nonconforming Lot now owned by, or hereafter acquired by, the Owner of an abutting Lot and/or Parcel, shall be deemed to be a part of the abutting Lot and/or Parcel to the extent necessary to reduce the nonconforming features of the Lot and/or Parcel for the Zoning District in which it is situated. Lots and/or Parcels separated by a Public Street shall be deemed to be separate and individual Lots of Record and shall not be considered abutting for purposes of this Section.
- c) A Building and/or Structure may be constructed on any Nonconforming Lot provided the following conditions are met:
  - 1) Such Use is a Permitted Use in the Zoning District in which the Nonconforming Lot is situated ;
  - 2) The Nonconforming Lot is in separate ownership from abutting Lots and/or Parcels; and
  - 3) All sanitary sewer, Front Lot Lines, Setbacks, and Buildable Area requirements of this Ordinance are complied with.
- d) Public Right-of-Ways shall not be included in the Buildable Area calculation, and, therefore, shall not be included as part of the minimum Lot Area required.
- e) There shall be no more than one (1) Principal Building on a Lot and/or Parcel.

### 302.5 Yard Requirements.

- a) Through Lots shall have a Front Yard as designated in the Developer's Agreement as entered into by and between the Town and Subdivider.
- b) Permitted Encroachments on Setback Space.

- 1) Belt courses, sills, lintels, and pilasters may project eighteen (18) inches into the Front, Rear and Side Setback Spaces.
- 2) Cornices, eaves and gutters may project three (3) feet into Front and Side Setback Space and five (5) feet into Rear Setback Space.
- 3) Outside stairways may project five (5) feet into Front Setback Space, ten (10) feet into Rear Setback Space and three (3) feet into Side Setback Space.

302.6 Height Restrictions.

- a) Except as specifically provided in Section 302.6(b) below, no Building, Structure, Accessory Building, Antenna or tower may be erected or constructed more than 35 feet in height as measured from the lowest grade except as allowed pursuant to an Exemption Permit in accordance with Chapter 751 of this Ordinance.
- b) Subject, where applicable, to approval by the Federal Aeronautics Administration (FAA) and/or the Minnesota Department of Transportation (MnDOT), height limitations shall not apply to the following:
  - 1) Barns and/or silos;
  - 2) Church spires, belfries, cupolas and/or domes;
  - 3) Monuments, chimneys and smokestacks;
  - 4) Flag poles;
  - 5) Public utility facilities;
  - 6) Television antennae serving one Residential Dwelling; and
  - 7) Parapet walls extending not more than four (4) feet above the limiting height of any Building and/or Structure.

302.7 Additional Residential Zoning District Restrictions. In no event shall the combination of Off-Street Parking Spaces, Buildings and/or Structures of any type, or other features cover more than sixty (60) percent of the Lot Area, resulting in less than forty (40) percent Landscaped area in either the R-1 Residential Zoning District or the R-2 Residential Zoning District.

**[END OF CHAPTER 302]**

## **Chapter 303. Visual Standards.**

303.1 Commercial Screening Standards. Where any Commercial Use is adjacent to a Lot and/or Parcel zoned or developed in the R-1 Residential Zoning District or R-2 Residential Zoning District, that Commercial Use shall be Screened from said adjacent R-1 Residential Zoning District and/or R-2 Residential Zoning District Lots and/or Parcels by the erection and/or installation of an appropriate Screening mechanism to Screen the affected R-1 Residential Zoning District or R-2 Residential Zoning District Lot and/or Parcel. The Screening required herein shall consist of Fencing, Hedging or Berms. For Screening that is required to meet the requirements of this Chapter 303 herein, an Owner and/or Applicant shall submit a site plan to the Zoning Administrator, in accordance with Chapter 750, demonstrating compliance with the requirements of this Chapter 303 before such Screening measures are planted, erected and/or otherwise installed.

303.2 Fencing Requirements. Except as otherwise stated herein, the following requirements apply to any and all Fences erected and/or otherwise installed in the Town:

a) General Fencing Requirements:

- 1) Any Fencing over six (6) feet in height shall require a Conditional Use Permit. The height of Fences will be measured from the ground level at the base of the Fence;
- 2) Public Road Right-of-Ways. No Fences shall be placed on or extend into Public Road Right-of-Ways;
- 3) Both sides of any Fence shall be maintained in a condition of reasonable repair and appearance by the Owner of the Lot and/or Parcel upon which the Fence is situated. No Fence shall be allowed to exist in a state of disrepair or in any manner presenting or creating a danger to any Person or constituting a Nuisance pursuant to Chapter 301 of this Ordinance;
- 4) All Fences must be constructed in a professional manner. No physical damage of any kind shall occur to abutting Lots and/or Parcels during the process of constructing any Fencing;
- 5) All man-made Fences shall consist of materials comparable in grade and quality to the following:

- i) Decorative masonry;
  - ii) Wrought iron;
  - iii) Wood, provided that such wood is of a proven durability such as cedar or redwood;
  - iv) Metal specifically manufactured for Fencing purposes;
  - v) Brick;
  - vi) Chain links, provided said Fencing is not intended for Screening purposes; or
  - vii) Plastic or vinyl manufactured specifically for Fencing purposes; and
- 6) All Fencing must be aesthetically comparable to any surrounding or adjacent Buildings and/or Structures, and shall be comprised of inconspicuous, neutral and/or earth-tone color-schemes;
- 7) Except for a Screening Fence as specifically provided in 303.2(b) below, there shall be no minimum Setback for a Fence.
- b) Fences Constructed for Screening. In addition to the General Fencing requirements as provided in Section 303.2(a) above, any Screening Fence shall meet the following requirements:
- 1) If the Lot and/or Parcel upon which said Screening Fence is located has not been surveyed by a Licensed Land Surveyor, the Screening Fence shall be constructed no less than ten (10) feet from the non-surveyed Lot Line;
  - 2) If the Lot and/or Parcel upon which said Screening Fence is located has been surveyed by a Licensed Land Surveyor, the Screening Fence may be constructed directly adjacent to the surveyed Lot Line;
  - 3) The finished side of any Screening Fence, having no structural supports, shall be the side of said Screening Fence to face adjacent Lots and/or Parcels or Public Road Right-of-Ways.

303.3 Hedging Requirements. The following requirements apply to any and all Hedging barriers planted in the Town:

- a) There shall be no height restrictions on Hedging or plants utilized for barrier purposes;
- b) Hedging or plant material centers shall not be located closer than ten (10) feet from the Lot Line along which they are planted;
- c) Where Hedging and/or plants used as a barrier are planted in two (2) or more rows, such rows must be staggered unless otherwise permitted by the Zoning Administrator; and
- d) Any and all plants and/or vegetation comprising any Hedging must be indigenous to, or be otherwise capable of naturally occurring in, the Town.

303.4 Berm Requirements. The following requirements apply to any and all Berms constructed in the Town:

- a) Berms shall not exceed a four to one (4:1) slope unless approved by the Zoning Administrator; and
- b) Berms shall contain no less than four (4) inches of topsoil.

303.5 Commercial Trash Containers. Garbage and/or trash containers as located in the C-1 Commercial Zoning District and C-2 Commercial Zoning District shall be enclosed or so located so as not to be visible to Persons standing at ground level on Public Streets or on adjacent Lots and/or Parcels. Garbage and/or trash containers shall be Screened by a Fence or Hedge in compliance with Setback and Fencing requirements as set forth in this Ordinance.

303.6 Screened Personal Property. All personal property stored on any Lot and/or Parcel shall be stored within a Building or Structure, or shall be otherwise Screened from view of adjoining Lots, Parcels and/or Public Roads, except for the following:

- a) Wood piles within the R-1 and/or R-2 Residential Zoning Districts;
- b) Recreational Equipment;
- c) Construction and Landscaping materials and equipment being Used for current construction on the Lot and/or Parcel upon which such materials and equipment are being stored;

- d) Agricultural Equipment and Agricultural Materials if these are Used or intended for Use on the Lot and/or Parcel;
- e) Off-Street Parking Spaces except as otherwise regulated by this Ordinance;
- f) Operable Boats, Trailers, Recreational Vehicles, Travel Trailers, Campers, ATVs, cars, trucks or any other motorized vehicle, with up-to-date licenses are permissible provided any combination of the items as identified in this paragraph does not exceed five (5) total items; and
- g) Bulk Liquid Storage for the bulk storage of oil, propane, fuel oil, gasoline or liquid fertilizer for personal Use in conjunction with any Agricultural Land Use and/or Residential Land Use provided the total, aggregate volume of any and all liquid stored does not exceed one thousand (1,000) gallons.

303.7 Storage of Vehicles, Boats and Trailers.

- a) Any and all motor vehicles, Boats, Trailers, Recreational Vehicles, Travel Trailers, Campers, ATVs, cars, trucks or any other motorized vehicles, whether operable or inoperable that are in that are in addition to those vehicles allowed pursuant to Section 303.6(f) above, shall be Screened in accordance with this Chapter 303.
- b) Except as may be specifically allowed pursuant to this Ordinance, a Person may not store or park on any Lot and/or Parcel four (4) or more motor vehicles, Boats, Trailers, Recreational Vehicles, Travel Trailers, Campers, ATVs, cars, trucks or any other motorized vehicles, whether operable or inoperable, or any combination of the items as identified in this paragraph that are in addition to those vehicles allowed pursuant to Section 303.6(f) above, unless said additional vehicles, Boats, Trailers, Recreational Vehicles, Travel Trailers, Campers, ATVs, cars, trucks or any other motorized vehicles, whether operable or inoperable, are stored within an Accessory Building.

303.8 Wood Piles.

- a) In the R-1 Residential Zoning District and R-2 Residential Zoning District, wood piles shall be neatly stacked, neatly piled or otherwise organized and shall not take up more than ten percent (10%) of the Yard.

- b) In the C-1 Commercial Zoning District and C-2 Commercial Zoning District, wood piles shall be allowed by Conditional Use Permit only.

303.9 Existing Uses. Existing Uses shall comply with this Chapter within twelve (12) months of the effective date of this Ordinance.

303.10 Exemption Permit. An Applicant and/or Owner of a Lot and/or Parcel may apply for an Exemption Permit in accordance with Chapter 751 hereof to request consent to continue any storage that would otherwise be prohibited under this Ordinance or request an exemption to the Screening requirements as provided in this Chapter. The requisite filing fee associated therewith shall be waived for any Owner and/or Applicant applying for an Exemption Permit for an Existing Noncompliant Use.

303.11 Violation for Failure to Comply. Any Owner and/or Applicant who fails to come into conformance with this Chapter 303 within the requisite twelve (12) month timeframe as herein described, or who otherwise fails to procure an Exemption Permit and nonetheless Uses any Lot and/or Parcel for prohibited storage purposes or does not construct, erect or plant the appropriate Screening, shall be deemed in violation of this Ordinance pursuant to Chapter 900 hereof.

**[END OF CHAPTER 303]**

**Chapter 304. Bulk Liquid Storage.**

304.1 Bulk Liquid Storage. Any and all Uses associated with the Bulk Liquid Storage of oil, propane, gasoline, and/or liquid fertilizer, shall comply with the requirements of this Chapter as follows:

- a) Any such Use shall comply with the requirements of any applicable federal and/or state laws and/or regulations;
- b) The Owner of any Lot and/or Parcel upon which Bulk Liquid Storage occurs shall maintain up-to-date documentation from the appropriate government agencies and/or offices confirming that such Bulk Liquid Storage complies with all applicable federal and/or state laws and/or regulations;
- c) The Owner shall provide to the Zoning Administrator copies of any and all documentation from the appropriate government agency and/or office confirming that the Owner is in compliance with the requirements of this Chapter within fifteen (15) business days of any written request from the Zoning Administrator to the Owner of any Lot and/or Parcel containing Bulk Liquid Storage;
- d) Any Bulk Liquid Storage on any Lot and/or Parcel in which the total aggregate volume of any and all liquids stored exceeds two-thousand (2,000) gallons shall require the issuance of a Conditional Use Permit;
- e) All existing, above-ground Bulk Liquid Storage tanks which have a capacity in excess of two-thousand (2,000) gallons, shall comply with the requirements of Minnesota's State Fire Marshall's office and
- f) Except for a Fuel Station or Retail Sale of Propane, no Bulk Liquid Storage in which the total volume exceeds five-thousand (5,000) gallons shall be allowed.

**[END OF CHAPTER 304]**



**Chapter 305. Residential Driveways and Culverts.**

- 305.1 Purpose of this Chapter. The purpose of this Chapter is to restrict and regulate private residential access onto Public Roads in order to promote the public safety by providing for safe and efficient private ingress and egress to Public Roads, ensure proper drainage and minimize disruption to adjacent Lots and/or Parcels.
- 305.2 Site Permit Required. No Person shall locate, establish, construct or replace a Culvert, modify a Culvert, install a Culvert or substantially reconstruct a Residential Driveway without first filing a Site Permit Application with the Zoning Administrator in accordance with Chapter 750 of this Ordinance together with all required fees.
- 305.3 Residential Driveway Access. Residential Driveway Access shall conform to the following requirements and regulations:
- a) The distance from a Residential Driveway to the intersection of two (2) Streets shall be no less than fifty (50) feet measured along the Public Road Right-of-Way to the nearest edge of the Residential Driveway. However, greater distances may be required if determined necessary by the Zoning Administrator as a result of changes in present and/or future traffic conditions and/or topography;
  - b) The distance between Residential Driveways shall be the greatest practical distance possible, as measured along the Public Road Right-of-Way to the nearest edges of each respective Residential Driveway, provided, however, that Residential Driveways shall not be less than fifty (50) feet from the nearest edge of other Residential Driveways;
  - c) The Residential Driveway angle at the point at which the Residential Driveway connects to the Street shall be ninety (90) degrees unless otherwise recommended by the Zoning Administrator;
  - d) The distance from a Residential Driveway to the Lot Line of an adjacent Lot and/or Parcel shall not be less than fifteen (15) feet from the Lot Line; and
  - e) Residential Driveway Access for Single Family Dwellings shall be not less than twelve (12) feet wide nor more than (24) feet wide as measured along the edge of the Public Road Right-of-Way or more than thirty-five (35) feet wide at the Shoulder of the Public Road.

305.4 Culvert Construction Standards.

- a) Culverts Required. Culverts shall be installed prior to construction of a Residential Driveway. The Zoning Administrator or Town Engineer may waive the requirement of a Culvert if the Zoning Administrator or Town Engineer determine that unique physical characteristics of the Lot and/or Parcel render a Culvert unnecessary.
- b) Size. The size of all required Culverts shall be determined by the Zoning Administrator and/or Town Engineer. No pipe smaller than fifteen (15) inches in diameter (or equivalent elliptical or arch pipe) shall be allowed. All Culverts shall be constructed of a minimum of sixteen (16) gauge corrugated metal or concrete and shall be of new manufacture.
- c) Drainage. All Culverts shall be placed in the ditchline at elevations that will assure proper drainage.
- d) Endwalls. Unless determined unnecessary by the Zoning Administrator or Town Engineer, all Culverts shall be provided with concrete or metal apron endwalls as directed by the Zoning Administrator or Town Engineer.
- e) Backfill Material. Material used for backfill shall be of a quality acceptable to the Zoning Administrator or Town Engineer and shall be free from frozen lumps, wood, or other extraneous or perishable materials. The minimum cover, measured from the top of the pipe to the top of the subgrade, shall be six (6) inches.
- f) Erosion Control. Erosion control measures shall be implemented as necessary to control erosion or as directed by the Zoning Administrator or Town Engineer.

305.5 Cost. The Owner of the Lot and/or Parcel shall install the Culvert and be responsible for the cost thereof.

**[END OF CHAPTER 305]**

**Chapter 306. Commercial Driveways, Off-Street Parking, Culverts and Loading Areas.**

- 306.1 Purpose of this Chapter. The purpose of this Chapter is to restrict and regulate Commercial Access onto Public Roads in order to promote the public safety by providing for safe and efficient private ingress and egress to Public Roads, ensure proper drainage and minimize disruption to adjacent Lots and/or Parcels.
- 306.2 Site Permit Required. No Person shall locate, establish, construct or replace a Culvert, modify a Culvert, install a Culvert or substantially reconstruct a Commercial Driveway or Off-Street Parking Areas without first filing a Conditional Use Permit Application and Site Permit Application with the Zoning Administrator in accordance with Chapter 750 of this Ordinance together with all required fees.
- 306.3 Commercial Driveway Access. Commercial Driveway Access shall conform to the following requirements and regulations:
- a) The distance from a Commercial Driveway to the intersection of two (2) Streets shall be no less than fifty (50) feet measured along the Public Road Right-of-Way to the nearest edge of the Commercial Driveway. However, greater distances may be required if determined necessary by the Zoning Administrator as a result of changes in present and/or future traffic conditions and/or topography;
  - b) The distance between Commercial Driveways shall be the greatest practical distance possible, as measured along the Public Road Right-of-Way to the nearest edges of each respective Commercial Driveway, provided, however, that Commercial Driveways shall not be less than fifty (50) feet from the nearest edge of other Commercial Driveways;
  - c) The Commercial Driveway angle at the point at which the Commercial Driveway connects to the Street shall be ninety (90) degrees unless otherwise recommended by the Zoning Administrator;
  - d) The distance from a Commercial Driveway to the Lot Line of an adjacent Lot and/or Parcel shall not be less than fifteen (15) feet from the Lot Line; and
  - e) A Commercial Driveway Access shall be not less than twenty-four (24) feet wide nor more than thirty (30) feet wide, as measured

along the edge of the Public Road Right-of-Way or more than a width of sixty (60) feet at the Shoulder of the Public Road.

306.4 Off-Street Parking.

- a) General Provisions.
  - 1) Under no circumstances shall Parking Spaces accessory to Residential Structures be used for the parking of automobiles belonging to the employees, owners, tenants, or customers of any nearby businesses.
  - 2) Required Off-Street Parking Spaces shall not be utilized for storage of personal property or for the storage of vehicles which are inoperable or for sale or for rent.
- b) Location Requirements. All Off-Street Parking facilities required for Commercial Uses herein shall be located in respect to the following:
  - 1) There shall be no Off-Street Parking Space within five (5) feet of any Street Right-of-Way and/or within fifteen (15) feet from Side Lot Lines.
  - 2) Off-Street Parking Spaces located on a Lot and/or Parcel within the C-1 Commercial Zoning District and/or C-2 Commercial Zoning District shall be located no less than fifteen (15) feet from adjacent Lots and/or Parcels.

306.5 Commercial Driveway and Off-Street Parking Design Requirements.

- a) Each Parking Space shall be no less than ten (10) feet wide and no less than twenty (20) feet in length, exclusive of the Commercial Driveway Access;
- b) Parking Spaces shall be designed so as to provide adequate means of access to Public Streets;
- c) All of the area intended to be utilized for Parking Spaces and Commercial Driveways shall be surfaced with a material which controls dust and drainage. All Commercial Parking Spaces and Commercial Driveways shall require the issuance of a Conditional Use Permit in accordance with Chapter 710 prior to construction and/or operation thereof;

- d) All lighting used to illuminate an Off-Street Parking area shall be so arranged as to direct the light away from the adjoining Lots, Parcels and/or Public Streets;
- e) All Off-Street Parking Spaces shall have access off Commercial Driveways and not directly from the Public Street; and
- f) All Commercial Driveway Lanes and Commercial Driveways shall have a minimum width of twenty (24) feet and a maximum width of twenty-eight (28) feet.

306.6 Culvert Construction Standards.

- a) Culverts Required. Culverts shall be installed prior to construction of a Commercial Driveway. The Zoning Administrator or Town Engineer may waive the requirement of a Culvert if the Zoning Administrator or Town Engineer determine that unique physical characteristics of the Lot and/or Parcel render a Culvert unnecessary.
- b) Size. The size of all required Culverts shall be determined by the Zoning Administrator and/or Town Engineer. No pipe smaller than fifteen (15) inches in diameter (or equivalent elliptical or arch pipe) shall be allowed. All Culverts shall be constructed of a minimum of sixteen (16) gauge corrugated metal or concrete and shall be of new manufacture.
- c) Drainage. All Culverts shall be placed in the ditchline at elevations that will assure proper drainage.
- d) Endwalls. Unless determined unnecessary by the Zoning Administrator or Town Engineer, all Culverts shall be provided with concrete or metal apron endwalls as directed by the Zoning Administrator or Town Engineer.
- e) Backfill Material. Material used for backfill shall be of a quality acceptable to the Zoning Administrator or Town Engineer and shall be free from frozen lumps, wood, or other extraneous or perishable materials. The minimum cover, measured from the top of the pipe to the top of the subgrade, shall be six (6) inches.
- f) Erosion Control. Erosion control measures shall be implemented as necessary to control erosion or as directed by the Zoning Administrator or Town Engineer.

g) Cost. The Owner of the Lot and/or Parcel shall install the Culvert and be responsible for the cost thereof.

306.7 Loading Areas. The location and/or Use of Loading Areas shall be conditioned on the issuance of a Conditional Use Permit in accordance with Chapter 710.

**[END OF CHAPTER 306]**

**Chapter 307. Preservation of Survey Monuments.**

307.1 Preservation of Survey Monuments. All international, federal, state, county and other official monuments, benchmarks, triangulation points, and stations shall be preserved in their precise locations on a given Lot and/or Parcel. It shall be the responsibility of any Applicant, Petitioner and/or Owner to insure that these markers and/or monuments are maintained in good condition during and following any construction, Development, Subdivision and/or other Use occurring on said Lot and/or Parcel.

**[END OF CHAPTER 307]**

**Chapter 308. Accessory Buildings.**

308.1 Introduction. The purpose of this Chapter is to restrict and regulate the Use, erection, alteration, construction or relocation of Accessory Buildings in conformity with this Chapter and the requirements of this Ordinance.

308.2 Accessory Building Standards. Any and all Accessory Buildings shall comply with the following standards:

- a) No Accessory Building shall be located nearer the Front Lot Line than the existing or any proposed Principal Structure on that Lot and/or Parcel as shown on the Site Permit Application unless allowed pursuant to an Exemption Permit in accordance with Chapter 751 of this Ordinance;
- b) An Accessory Building shall be construed as an integral part of the Principal Building if it is located less than six (6) feet from the Principal Building;
- c) All Accessory Buildings shall comply with all required Setbacks as provided for in the specific Zoning District for which the Accessory Building is to be located;
- d) No Person shall create any Livable Space within an Accessory Building;
- e) An Accessory Buildings shall not be used as a Residential Dwelling; and
- f) All Accessory Buildings shall be aesthetically comparable to any surrounding or adjacent Buildings and/or Structures, and shall be comprised of inconspicuous, neutral and/or earth-tone color-schemes or traditional color schemes unless other color schemes are allowed pursuant to the issuance of an Exemption Permit in accordance with Chapter 751.

308.3 Site Permit Required. No Person may erect, construct, alter, or relocate any Accessory Building without an approved Site Permit Application submitted pursuant to Chapter 750 of these Ordinances. In addition to the information required pursuant to Chapter 750, the Applicant shall be required to provide the following information with the Site Permit Application:

- a) The location of any existing Principal Structure or the proposed location(s) of any proposed Principal Structure if the Accessory



Building is to be erected, constructed, altered or relocated prior to the existence of a Principal Structure on the Lot and/or Parcel;

- b) If a Principal Structure does not exist on the Lot and/or Parcel for which the Accessory Building is to be erected, constructed, altered or relocated, evidence acceptable to the Zoning Administrator, including but not limited to soil borings, demonstrating that the proposed location(s) for which the Applicant intends to erect, construct or relocate a Principal Structure conform to Buildable Area Requirement;
- c) If a Principal Structure does not exist on the Lot and/or Parcel for which the Accessory Building is to be erected, constructed, altered or relocated, evidence acceptable to the Zoning Administrator, that, in addition to the location of a proposed Principal Structure, a septic system may be constructed on the Lot and/or Parcel. The Applicant shall also include a proposed septic system layout;
- d) The existing location of any existing Driveway or the proposed location(s) of any proposed Driveway if the Accessory Building is to be erected, constructed, altered or relocated prior to the existence of a Driveway on the Lot and/or Parcel;

If the Accessory Building is to be erected, constructed, altered or relocated at or to a location more than 300 feet from the Front Lot Line, the additional Site Permit Application requirements provided in 308.3(b)-(d) above shall not be required to be submitted with the Site Permit Application.

308.4 Refusal to Issue Permits. In addition to the provisions of Chapter 750.3(e), the Zoning Administrator shall refuse to approve any Site Permit Application for the erection, construction, alteration or relocation of any Accessory Building for which:

- a) The erection, construction, alteration or relocation of an Accessory Building or Principal Structure will result in either the Accessory Building or Principal Structure becoming a Non-conforming Structure;
- b) The proposed location of the Accessory Building does not meet the required Setbacks of the Zoning District for which the Accessory Building is located;
- c) The available Buildable Areas, Setbacks and location of the proposed Accessory Building prevent a Principal Structure from

being erected, constructed or relocated to a proposed location nearer the Front Lot Line than the proposed Accessory Building.

The Zoning Administrator shall provide written findings of fact to the Applicant for any Site Permits that the Zoning Administrator refuses to approve.

**[END OF CHAPTER 308]**

## **Chapter 309. Home Occupations.**

- 309.1 Introduction. The purpose of this Chapter is to restrict and regulate the existence and operation of Home Occupations in the Town.
- 309.2 Conditional Use Permit. A Conditional Use Permit shall be required prior to the commencement of any Home Occupation in accordance with this Chapter 309.
- 309.3 Useable Space Restrictions and Setbacks. Except for Agricultural and Horticultural Home Occupations as specifically provided pursuant to Section 309.7 below, the following useable space restrictions shall apply to any and all Home Occupations within the Town.
- a) Residential Dwellings. In no event shall a Home Occupation exclusively occupy more than twenty-five percent (25%) of the Livable Space in a Residential Dwelling.
  - b) Non-Livable Space and Accessory Buildings. In no event shall a Home Occupation collectively occupy more than one-thousand (1,000) square feet of an Accessory Building and the Non-Livable Space of a Residential Dwelling.
  - c) Lot and/or Parcel Useable Acreage. In no event shall a Home Occupation occupy more than ten percent (10%) of the Lot and/or Parcel upon which said Home Occupation occurs, unless otherwise permitted pursuant to an Exemption Permit in accordance with Chapter 751 of this Ordinance.
  - d) Setbacks. Unless otherwise specifically set forth herein, all Home Occupations, and any operations thereof, must adhere to the Setback requirements as set forth in this Ordinance.
- 309.4 Screening Requirements. Home Occupation Uses occurring upon any Lot and/or Parcel shall be Screened in accordance with Section 303.1 of this Ordinance, unless an Exemption Permit is approved in accordance with Chapter 751 of this Ordinance.
- 309.5 Non-Familial Employees. Except for Agricultural and Horticultural Home Occupations as specifically provided pursuant to Section 309.7 below, a Home Occupation is not allowed to employ any non-familial employees.
- 309.6 Home Occupations: R-1 Residential Zoning District.
- a) The following Uses may be allowed in the R-1 Residential Zoning District as a Home Occupation by submission and issuance of a

Conditional Use Permit pursuant to Chapter 710 of these Ordinances provided that, unless otherwise specifically set forth herein, there are no unrelated individuals employed as an employee:

- 1) Daycare;
- 2) Barber Shop;
- 3) Beauty Salon;
- 4) Bicycle Sales and Repair;
- 5) Electronics Sales;
- 6) Interior Decorating;
- 7) Locksmith;
- 8) Radio and Television Service and Repair;
- 9) Picture Framing;
- 10) Shoe Repair;
- 11) Apparel Sales;
- 12) Tailor;
- 13) Electronics Components and Accessories;
- 14) Film Video and Audio Production;
- 15) Watches and Clocks Sales/Repair;
- 16) Wood Crafting and Carving;
- 17) Wood Furniture and Upholstery Sales/Repair;
- 18) Art Studio;
- 19) Bed and Breakfast Home;
- 20) Contracting Business;
- 21) Exterminating Business;

- 22) Firearms Dealer;
- 23) Small Engine Repair;
- 24) Limousine Service;
- 25) Taxicab Service;
- 26) Board and Care Home;

309.7 Home Occupations: R-2 Residential Zoning District.

- a) The following Uses may be allowed in the R-2 Residential Zoning District as a Home Occupation by submission and issuance of a Conditional Use Permit pursuant to Chapter 710 of these Ordinances, provided that, unless otherwise specifically set forth herein, there are no unrelated individuals employed as an employee:

- 1) Daycare;
- 2) Barber Shop;
- 3) Beauty Salon;
- 1) Bicycle Sales and Repair;
- 2) Electronics Sales;
- 3) Interior Decorating;
- 4) Locksmith;
- 5) Radio and Television Service and Repair;
- 6) Picture Framing;
- 7) Shoe Repair;
- 8) Apparel Sales;
- 9) Tailor;
- 10) Electronics Components and Accessories;

- 11) Film Video and Audio Production;
- 12) Watches and Clocks Sales/Repair;
- 13) Wood Crafting and Carving;
- 14) Wood Furniture and Upholstery Sales/Repair;
- 15) Art Studio;
- 16) Bed and Breakfast Home;
- 17) Contracting Business;
- 18) Exterminating Business;
- 19) Firearms Dealer;
- 20) Small Engine Repair;
- 21) Limousine Service;
- 22) Taxicab Service;
- 23) Board and Care Home;

309.8 Agricultural and Horticultural Home Occupations. Agricultural and Horticultural Home Occupations shall be allowed pursuant to the issuance of a Conditional Use Permit pursuant to Chapter 710 of this Ordinance provided any such Agricultural and Horticultural Home Occupations comply with the following provisions:

- a) Employees. Agricultural and Horticultural Home Occupations may employ up to, but not exceeding, ten (10) non-familial employees. There shall be no limit on the number of familial employees employed. Said non-familial employees shall only be hired on a seasonal basis, and said employment may not exceed more than 120 aggregate days per 365 day period;
- b) Residential Dwellings. In no event shall an Agricultural and Horticultural Home Occupation occupy more than twenty-five percent (25%) of the Livable Space in a Residential Dwelling;
- c) Non-Livable Space. In no event shall an Agricultural and Horticultural Home Occupation occupy more than One Thousand

(1,000) square feet of a the Non-Livable Space of a Residential Dwelling;

- d) Accessory Buildings. In no event shall an Agricultural and Horticultural Home Occupation occupy more than Five Thousand (5,000) square feet of an Accessory Building;
- e) Lot and/or Parcel Useable Acreage. In no event shall an Agricultural or Horticultural Home Occupation occupy more than Ninety percent (90%) of the Lot and/or Parcel upon which said Agricultural and Horticultural Home Occupation occurs, unless otherwise permitted pursuant to an Exemption Permit in accordance with Chapter 751 of this Ordinance;
- f) Setbacks. Except for Agricultural and Horticultural Products produced on the Lot and/or Parcel as well as any personal property or equipment used in production of the Agricultural and Horticultural Products, all other personal property, Structures, Buildings, Driveways, Parking Lots, septic systems and/or wells associated with the Agricultural and Horticultural Home Occupation or any operation thereof, shall adhere to the Setback requirements as set forth in this Ordinance;
- g) Screening Requirements. Agricultural and Horticultural Home Occupation Uses occurring upon any Lot and/or Parcel may be Screened in accordance with Section 303.1 of this Ordinance if the Planning Commission and/or Town Board deem that it is necessary;
- h) Prohibited Agricultural and Horticultural Home Occupations. Livestock Sales shall not be allowed as an Agricultural and Horticultural Home Occupation; and
- i) Residential Dwellings. No Residential Dwelling shall be required on any given Lot and/or Parcel for the operation of an Agricultural and Horticultural Home Occupation.

309.9 Hay Sales. Any Business consisting entirely of hay sales that would otherwise qualify as a Home Occupation and require compliance with this Chapter 309 is hereby exempt from the requirements set forth herein.

**[END OF CHAPTER 309]**

**Chapter 350. Recreational Land Use.**

350.1 Short-Term Recreational Land Use. Any Owner of a Lot and/or Parcel may cause to be parked or otherwise situated on said Lot and/or Parcel an unlimited number of Recreational Shelters for a period of time not to exceed twenty-one (21) aggregate days in any calendar year.

350.2 Long-Term Recreational Use With Permanent Structures.

- a) Except as otherwise specifically provided in this Ordinance, no Owner may cause to be erected, parked, constructed or otherwise situated any Lot and/or Parcel a Recreational Structure.

**[END OF CHAPTER 350]**



**Chapter 351. Kennel Standards.**

351.1 Kennel Standards. Any and all Recreational and/or Commercial Kennels shall be prohibited.

**[END OF CHAPTER 351]**

**Chapter 500. Subdivisions (Purpose, Intent & Authority).**

500.1 Purpose and Intent. It is the purpose and intent of these Subdivision Regulations to:

- a) Safeguard the best interests of the Town and all of its citizens;
- b) To assist a Subdivider in harmonizing his/her interests with those of the Town;
- c) To promote comprehensive planning of Subdivisions and desirable circulation of traffic;
- d) To correlate Lot and/or Parcel Subdivisions with the Town Comprehensive Plan;
- e) To secure the rights of the public in and to Public Lands and waters;
- f) To improve land records by establishing standards for Lot and/or Parcel Subdivisions, Surveys and Plats; and
- g) To manage Development.

500.2 Authority. Authority to regulate the Subdivision of Lots and/or Parcels within the Town is granted by Minnesota Statutes Chapter 394, as amended from time to time.

**[END OF CHAPTER 500]**

**Chapter 510. Subdivision Types.**

510.1 Subdivision Types. This Ordinance allows for the types of subdivisions as defined in this Chapter.

510.2 Exemption Certificates.

- a) Exemption Certificates are administratively approved by the Zoning Administrator without review by the Planning Commission and Town Board. An Exemption Certificate may only be allowed if:
  - 1) a Quarter-Quarter is divided into four or fewer Lots and/or Parcels; and
  - 2) all new Lots and/or Parcels have the minimum Lot Width on an existing public Street;
  - 3) all new Lots and/or Parcels adhere to the Minimum Lot Standard;
  - 4) all new Lots and/or Parcels have access to the Public Road Right-of-Way;
  - 5) all new Lots and/or Parcels to be subdivided will not require the creation of a new Street for purposes of gaining access to the subdivided Lot and/or Parcel or adhering to the Lot Width;
  - 6) no additional Public Roads are constructed; and
  - 7) all Lots and/or Parcels created conform to the requirements of this Ordinance.
  
- b) In addition to Subdivisions that are allowed pursuant to Section 510.2(a) above, Exemptions Certificates may also be used for the following subdivisions:
  - 1) Boundary Line Adjustments. Procedure for changes in Lot Lines through the attachment of a Lot and/or Parcel to a contiguous Lot and/or Parcel. A Lot Line Adjustment is intended to modify or correct the location of a Lot Line, to remedy adverse topographical features or encroachments of Buildings or Structures. A Lot Line Adjustment may be allowed provided the Lot and/or Parcel or any existing Structure does not become non-compliant with the

provisions of this Ordinance or any such Lot Line Adjustment as provided herein does not result in the creation of a new Lot and/or Parcel.

- 2) Deed Language Corrections. This exemption pertains to procedures to correct Legal Descriptions on deeds that have been previously recorded. This procedure will not result in the creation of new Lots and/or Parcels or any adjusted Lot and/or Parcel and should be used in the correction of title conflicts or similar situations.
- 3) Agricultural or Recreational Subdivisions. Lots and/or Parcels that are sold for Agricultural Uses or Recreational Uses provided that the intended Use of the conveyance is stated as a deed restriction and that the conveyance is not intended as a building site, in accordance with this Ordinance for Minimum Lot Standard.
- 4) Enlargement of Pre-Existing Parcels. The Zoning Administrator may approve a conveyance of a part of a Lot to an Owner of an adjacent Lot, where the reduced Lot remains in compliance with the provisions of this Ordinance. This procedure will not result in the creation of new Lots and/or Parcels. The conveyance (deed) shall contain the following language:

“This conveyance is made for the purpose of enlarging a Pre-existing parcel; the parcel here conveyed shall not be deemed a buildable lot under Ford Town Ordinance.”
- 5) Conveyance to Government Entity. The subdivision regulations herein shall not apply to conveyances to the state, the county or the Town made for the purpose of widening, altering or creating new roads, or to conveyances of land upon which no Building or Structure will be erected.

510.3 Simple Plats. Subdivision by simple plat procedure for processing applications for the division of land is intended to provide an expedited procedure in those limited cases where strict adherence to the standard platting process is not required. The subdivision by simple plat procedure is not intended to be a substitute for the standard platting process set forth in this Ordinance. Subdivision by simple plat procedures may be utilized where the following circumstances exist:

- a) all new Lots and/or Parcels have the minimum Lot Width on an existing public Street;
- b) all new Lots and/or Parcels adhere to the Minimum Lot Standard;
- c) all new Lots and/or Parcels have access to the Public Road Right-of-Way;
- d) all new Lots and/or Parcels created conform to the requirements of this Ordinance;
- e) all new Lots and/or Parcels to be subdivided will not require the creation of a new Street for purposes of gaining access to the subdivided Lot and/or Parcel or adhering to the Lot Width;
- f) all new Lot and/or Parcel no longer qualify for subdivision by an Exemption Certificate; and
- g) no additional Public Roads are constructed.

510.4 Standard Plats. Subdivision by standard plat shall be used for the creation of a new Public Road or subdivision of a previously platted Lot.

**[END OF CHAPTER 510]**

**Chapter 520. Subdivision Procedure (Exemption Certificates).**

520.1 Introduction. An Owner and/or Applicant may subdivide a Lot and/or Parcel by Exemption Certificate under the terms and conditions set forth in Chapter 510 of this Ordinance and in accordance with the Exemption Certificate procedure described in this Chapter 520 below. Exemption Certificates shall be administratively approved by the Zoning Administrator in instances where the Exemption Certificate Application meets all the requirements of this Ordinance.

520.2 Applications. An Exemption Certificate Application shall be made to the Zoning Administrator together with all required fees. The following items shall be included with an Exemption Certificate Application:

- a) Street location of the Lot and/or Parcel;
- b) Address of the Lot and/or Parcel;
- c) Name, address, phone number of the Owner and Applicant;
- d) Legal Description of the Lot and/or Parcel;
- e) Existing and proposed easements;
- f) Gross Acreage of the Lot and/or Parcel;
- g) Site plan drawn to a minimum scale of 1" = 100 feet or other scale to be approved by the Zoning Administrator showing the Lot and/or Parcel and Building dimensions, including square footage, with accurate measurements and location of all existing and proposed Buildings and improvements on the Lot and/or Parcel, together with all Setbacks from the Lot Lines and Public Road Right-of-Way;
- h) Driveways, Access Roads, Parking Spaces, Off-Street Parking and Loading Areas;
- i) Unless a Certificate of Survey is required by the Zoning Administrator, the Applicant shall provide a dimensioned map or sketch showing:
  - 1) Existing Legal Description of the Lot and/or Parcel to be subdivided;
  - 2) All contiguous Lots and/or Parcel and all nearby Streets and their proper names;

- 3) Proposed new Lot Lines with dimensions noted;
  - 4) Proposed Driveway location and location of existing Driveways on the same side of the Street as the Lot and/or Parcel to be subdivided;
  - 5) Proposed Legal Description of the Lots and/or Parcels to be created;
  - 6) General location, purpose and dimensions of all existing Buildings, Structures and Fences on the Lot and/or Parcel. Location shall note distance of those Buildings, Structures and Fences closest to Lot Lines from the existing and proposed Lot Lines;
  - 7) General location of any existing tile lines, abandoned wells or drainage ways.
  - 8) Location of existing septic tank(s), drain field(s) and mound systems.
- j) If the Legal Description is to be described by a Metes and Bounds Description, a Certificate of Description of the proposed Lot and/or Parcel is required to be prepared by a Licensed Land Surveyor.
- k) Legal Descriptions of Street easements to be granted to either the Town or Kanabec County for Streets abutting the Lot and/or Parcel.

### 520.3 Procedure.

- a) The person applying for an Exemption Certificate shall fill out and submit to the Zoning Administrator an Exemption Certificate Application form and filing fee;
- b) Exemption Certificate Applications shall be executed by the Owner of the affected Lot and/or Parcel and the Applicant;
- c) Upon submission, the Zoning Administrator shall review the Exemption Certificate Application with the Applicant to determine if the Exemption Certificate Application is complete. If said Exemption Certificate Application is not complete, the Zoning Administrator shall, within fifteen (15) business days of the submission of the Exemption Certificate Application, request any and all missing information from the Applicant. For purposes of

this Chapter 520, an Exemption Certificate Application shall be considered complete if:

- 1) said Exemption Certificate Application contains all information as required pursuant to Section 520.2 above; or
- 2) said Exemption Certificate Application contains less than all information as required pursuant to Section 520.2 above, but the Zoning Administrator determines that certain requirements as contained in Section 520.2 are inapplicable and/or unnecessary, and deems the Exemption Certificate Application complete nonetheless; or
- 3) the fifteen (15) day review period as described in Section 520.3(c) above expires without the Zoning Administrator submitting to Applicant a request for additional and/or missing information.

The above notwithstanding, no Exemption Certificate Application shall be deemed complete unless and until the Applicant has provided the Zoning Administrator with three (3) copies of said complete Exemption Certificate Application, inclusive of any and all site plans and any other supporting documentation.

- d) Within sixty (60) days of the submission of a completed Exemption Certificate Application, or within sixty (60) days of resubmission of an Exemption Certificate Application by the Applicant to the Zoning Administrator if further information was requested by the Zoning Administrator as provided in Section 520.3(c), the Zoning Administrator shall determine whether:
  - 1) The proposed Subdivision complies with all of the objectives and provisions of the Comprehensive Plan and Ordinance;
  - 2) The Lot and/or Parcel to be divided will result in four (4) or fewer Lots and/or Parcels per Quarter Quarter;
  - 3) The Lot and/or Parcel to be divided will not require creation of a Public Road for purposes of gaining access to the subdivided Lot and/or Parcel;
  - 4) The Lot and/or Parcel complies with the required Lot Width and Buildable Area requirements and Minimum Lot Standard;



- 5) all new Lots and/or Parcels to be subdivided will not require the creation of a new Public Road for purposes of gaining access to the subdivided Lot and/or Parcel or adhering to the Lot Width;
  - 6) no additional Public Roads are constructed;
  - 7) A Licensed Surveyor's Description or Certificate of Survey is required pursuant to this Ordinance;
  - 8) An inspection of the Lot(s) and/or Parcel(s) is required to ensure compliance with the provisions of this Ordinance; and
  - 9) Additional information is necessary to properly consider the Exemption Certificate Application as may be requested of the Applicant by the Zoning Administrator.
- e) The Zoning Administrator may extend the time limit as provided in 520.3(d) if, before the end of the initial sixty (60) day period, the Zoning Administrator provides Written Notice of the extension to the Applicant stating the reasons for the extension and its anticipated length, which may not exceed an additional sixty (60) days unless approved by the Applicant.

520.4 Zoning Administrator's Decision.

- a) Approval of Exemption Certificate by Zoning Administrator.
  - 1) The Zoning Administrator shall grant an Exemption Certificate if all objectives of this Chapter are met.
  - 2) If the Exemption Certificate Application is granted, the Zoning Administrator shall cause to be prepared a document to be executed by the Owner conveying Street easements to the Town and/or to Kanabec County utilizing the Legal Descriptions provided by the Applicant and approved by the Zoning Administrator. The Owner shall execute said document prior to, and as a condition of, the issuance of the Exemption Certificate. The Town shall record such easements on behalf of the Town or Kanabec County as appropriate.
- b) Denial of Exemption Certificate by Zoning Administrator.

- 1) If the Zoning Administrator denies an Exemption Certificate Application, the Zoning Administrator shall provide Written Notice to the Applicant of the reasons for the denial.
- 2) In the event an Exemption Certificate is denied, no Exemption Certificate Application affecting the same Lot and/or Parcel and proposing a Subdivision of a substantially same or similar nature as that which was initially proposed in the denied Exemption Certificate Application may be resubmitted by any Applicant for a period of six (6) months from the date of said denial by Zoning Administrator, unless:
  - i) said Applicant can demonstrate a clear showing to the Zoning Administrator of new evidence and/or change in circumstances impacting said Exemption Certificate Application; or
  - ii) the Applicant appeals the denial of the Exemption Certificate Application within thirty (30) days of the denial of the same by submission of a Petition for Administrative Appeal to the Board of Adjustment and Appeals in accordance with the procedure set forth in Chapter 740 of this Ordinance herein.

520.5 Recording the Exemption Certificate. Exemption Certificates approved and issued by the Zoning Administrator shall be recorded by the Applicant at the County Recorder's Office within sixty (60) days of issuance thereof. Failure to record an Exemption Certificate within the timeframe provided herein shall render said Exemption Certificate null and void and the Applicant shall be required to reapply and resubmit the required fee before a replacement Exemption Certificate may be issued.

**[END OF CHAPTER 520]**

**Chapter 530. Subdivision Procedure (Simple Plats).**

530.1 Simple Plats. Any and all Subdivision by Simple Plat shall be prohibited.

**[END OF CHAPTER 530]**

**Chapter 540. Subdivision Procedure (Standard Plats).**

540.1 Standard Plats. Any and all Subdivisions by Standard Plat shall be prohibited.

**[END OF CHAPTER 540]**

## **Chapter 700. Variances.**

700.1 Introduction to Chapter. Variances may be granted to allow certain departures from the requirements of this Ordinance to include, but not be limited to, Setbacks, Lot Width and Lot depth, Lot Area, height of a Building, Structure or Antenna, Parking Spaces and Use, in accordance with the provisions of this Chapter.

700.2 Application. A Variance Application, which shall not be deemed properly submitted unless executed by the Owner and Applicant, shall be made to the Zoning Administrator together with all required filing fees. The Variance Application shall be accompanied by a site plan providing such information as necessary to demonstrate compliance with this Ordinance, including but not limited to the following, if deemed applicable by the Zoning Administrator:

- a) Street location of the Lot and/or Parcel;
- b) Address of the Lot and/or Parcel;
- c) Name, address, phone number of the Owner and Applicant;
- d) Legal Description of the Lot and/or Parcel;
- e) Existing and proposed easements;
- f) Gross Acreage of the Lot and/or Parcel;
- g) Detailed description as to the number of labor hours which it is reasonably estimated will be necessary for completion of the project giving rise to the proposed Variance;
- h) Detailed description of the request and reason for the request for a Variance;
- i) Site plan drawn to a minimum scale of 1" = 100 feet or other scale to be approved by the Zoning Administrator showing the Lot and/or Parcel and Building dimensions, including square footage, with accurate measurements and location of all existing and proposed Buildings and improvements on the Lot and/or Parcel together with all Setbacks from the Lot Lines and Public Road Right-of-Way;
- j) Driveways, Access Roads, Parking Spaces, Off-Street Parking and Loading Areas;

- k) Landscaping, Fences and screening plans;
- l) Drainage Plan, including a written statement as to the potential effect on adjacent Lots and/or Parcels, and SWPPP;
- m) Septic system and well location with estimated use per day;
- n) Soil type; and
- o) Any additional written or graphic data reasonably required by the Zoning Administrator, Town Board or Planning Commission.

700.3 Demonstration of Hardship. The Owner or Applicant must demonstrate that the Hardship for which the Variance is based is caused by the application and enforcement of this Ordinance and not by any Person having an interest in the Lot and/or Parcel. “Hardship” for purposes of this Chapter of this Ordinance shall mean:

- a) The Lot and/or Parcel in question cannot be put to a reasonable Use, as determined by the Board of Adjustment and Appeals, if used under the conditions allowed by this Ordinance;
- b) The conditions upon which the request for a Variance is based are unique and not generally applicable to other Lots and/or Parcels within the Town;
- c) The plight of the Owner is due to circumstances not created by the Owner; and
- d) The Variance, if granted, will not alter the essential character of the locality.

Only if the Variance Application meets all of the conditions as provided in Section 700.3(a)-(b) above may a Variance be granted. Economic considerations alone shall not constitute a Hardship if a reasonable Use for the Lot and/or Parcel exists under the terms of this Ordinance. Access to direct sunlight in the case of solar energy systems shall constitute grounds for granting a Variance.

700.4 Criteria for Granting Variances. In recommending approval of a Variance Application, the Zoning Administrator and the Planning Commission shall consider the effect of the proposed Variance upon the health, safety, morals, and general welfare of occupants of surrounding Lots and/or Parcels and water bodies. In addition to the required conditions as provided in Section 700.3 above, the following criteria shall be considered (1) by the Zoning Administrator in making its Variance Report and

Recommendations; and (2) by the Planning Commission at the Public hearing and in making its Variance Report and Recommendation and findings of fact provided to the Board of Adjustment and Appeals and; (3) by the Board of Adjustment and Appeals in its findings of fact when determining the issuance of a Variance:

- a) The proposed variant Use must not be prohibited in the Zoning District in which the relevant Lot and/or Parcel is located;
- b) The Variance must be in harmony with the general purpose and intent of this Ordinance;
- c) The Variance must be consistent with the general purpose of the Comprehensive Plan;
- d) The Variance must not be substantially detrimental to the public welfare or to other adjacent Lots and/or Parcels;
- e) The Variance will not create an excessive burden on existing Public Roads and other public facilities and/or Essential Services which serve or are proposed to serve the affected Lot and/or Parcel and other Lots and/or Parcels adjacent thereto;
- f) The Variance will be sufficiently compatible or separated by distance or screening from adjacent Agricultural Land Uses or Residential Land Uses so that existing Residential Dwellings will not be depreciated in value and there will be no deterrence to development of vacant land;
- g) The Structures and the Lot and/or Parcel shall have an appearance that will not have an adverse effect upon or be injurious to the Use and enjoyment of the adjacent Lots and/or Parcels;
- h) The Variance, in the opinion of the Planning Commission, is reasonably related to the Existing Use of the Lot and/or Parcel upon which the proposed Variance will occur;
- i) The Variance is consistent with the purpose of this Ordinance and the purpose of the Zoning District in which the Applicant intends to locate the proposed Variance;
- j) Adequate utilities, Access Roads, drainage and other necessary facilities have been or will be provided;

- k) Adequate measures have been or will be taken to provide sufficient Off-Street Parking and Loading Area to serve the Lot and/or Parcel subject to the Variance;
- l) Adequate measures have been or will be taken to prevent or control offensive odor, fumes, dust, noise, and vibration, so that none of these will constitute a Nuisance, and to control lighted Signs and other lights in such a manner that no disturbance to neighboring Lots and/or Parcels will result;
- m) Proper facilities are provided which would substantially mitigate any traffic congestion and/or traffic hazard which may result from the Variance;
- n) A demonstrated need for the Variance can be shown;
- o) Whether the Variance effects the health, safety and/or general welfare of the citizens of the Town;
- p) Whether the Variance may cause any soil erosion or other possible pollution of public waters, both during and after construction;
- q) Whether the subject Lot and/or Parcel will adequately support water supply and on-site sewage treatment.

700.5 Procedure.

- a) The Applicant applying for a Variance shall fill out and submit to the Zoning Administrator a Variance Application and shall schedule an appointment to review said Variance Application with the Zoning Administration upon submission thereof. The Variance Application shall include a statement of the difficulties or particular Hardships claimed, along with the filing fee.
- b) Upon submission, the Zoning Administrator shall review the Variance Application with the Applicant to determine if the Variance Application is complete. If said Variance Application is not complete, the Zoning Administrator shall, within fifteen (15) business days of the submission of the Variance Application, request any and all missing information from the Applicant. For purposes of this Chapter 700, a Variance Application shall be considered complete if:
  - 1) said Variance Application contains all information as required pursuant to Section 700.2 above; or



- 2) said Variance Application contains less than all information as required pursuant to Section 700.2 above, but the Zoning Administrator determines that certain requirements as contained in Section 700.2 are inapplicable and/or unnecessary, and deems the Variance Application complete nonetheless; or
- 3) the fifteen (15) day review period as described in Section 700.5(b) above expires without the Zoning Administrator submitting to Applicant a request for additional and/or missing information.

The above notwithstanding, no Variance Application shall be deemed complete unless and until the Applicant has provided the Zoning Administrator with fifteen (15) copies of said complete Variance Application, inclusive of any and all site plans and any other supporting documentation. The Applicant shall provide any oversized plans to the Zoning Administrator in a folded form and submit fifteen (15) additional copies of any such oversized plans in a size not to exceed 11 x 17.

- c) Upon submission of a complete Variance Application, the Zoning Administrator shall refer the completed Variance Application, along with all related information, including the Zoning Administrator's Variance Report and Recommendation and findings of fact evaluating the Applicant's compliance with Sections 700.3 and 700.4 of this Chapter, to the Planning Commission acting in an advisory role to the Board of Adjustment and Appeals. The Zoning Administrator shall cause the Town Clerk to add the Public Hearing for said completed Variance Application to the Planning Commission's Agenda no later than the date by which said completed Variance Application is submitted to the Planning Commission for review. No Variance Application may be acted upon by the Board of Adjustment and Appeals until the Board of Adjustment and Appeals has received the Planning Commission's recommendations thereon
- d) Written Notice of a Public Hearing on any complete Variance Application shall be sent by the Town Clerk to all members of the Board of Adjustment and Appeals and to all members of the Planning Commission not less than ten (10) days prior to the date of the Public Hearing, as well as to the Applicant and/or Owner of the affected Lot and/or Parcel. Such Written Notice shall be accompanied by copies of the completed Variance Application.

- e) Written Notice of a Public Hearing shall be provided by the Town Clerk to Owners of Record within one quarter (¼) mile of the affected Lot and/or Parcel, or to the ten Owners of Lots and/Parcels nearest to the affected Lot and/or Parcel, whichever would provide Written Notice to the greatest number of Owners of Record as well as the Owner and Applicant of the affected Lot and/or Parcel, not less than ten (10) days nor more than thirty (30) days prior to the date of the Public Hearing. Failure of an Owner of Record to receive Written Notice shall not invalidate such proceedings;
- f) A Public Hearing on a complete Variance Application shall be held by the Planning Commission within thirty (30) days after the submission of the complete Variance Application to the Zoning Administrator. Notice of the Public Hearing shall be Published in the Official Newspaper designated by the Town Board at least ten (10) days prior to the Public Hearing.
- g) The Owner, Applicant or representative thereof shall appear before the Planning Commission at the Public Hearing in order to present evidence concerning the Variance Application.
- h) The Planning Commission may recommend the imposing of conditions on the granting of any Variance to insure compliance with the Variance and this Ordinance, and to protect adjacent Lots and/or Parcels and the public interest. The Board of Adjustment and Appeals may place additional conditions upon the issuance of a Variance above and beyond those conditions, if any, suggested by the Planning Commission.
- i) The Planning Commission and/or Zoning Administrator shall have the authority to request additional information from the Applicant, above and beyond the information required to be provided pursuant to Section 700.2 above, concerning the proposed variant Use as may be necessary in making any determination thereon. In addition, if in the discretion of the Planning Commission and/or the Zoning Administrator, further information is required in making any determination with respect to any Variance Application, either the Planning Commission and/or the Zoning Administrator shall have the authority to retain third-party expert testimony at the expense of the Applicant concerning the impact of the proposed variant Use and/or regarding any other factors relating thereto.
- j) After the Public Hearing, the Planning Commission shall make a Variance Report and Recommendation, along with findings of fact,

to the Board of Adjustment and Appeals including any additional conditions it considers necessary to protect the public health, safety and welfare of the Town. The Town Board, acting as the Board of Adjustment and Appeals, shall place the Variance Report and Recommendation and findings of fact on the Town Board Agenda for the next Regular Meeting of the Town Board, sitting as the Board of Adjustment and Appeals, following the Public Hearing recommending approval, disapproval, or modified approval of the request as provided in the Variance Application. Variance Report and Recommendation and corresponding findings of fact shall be entered in and made a part of the written record of the Board of Adjustment and Appeals' meeting at which said Variance Application is discussed and reviewed.

- k) Within sixty (60) days after the submission of the completed Variance Application by the Applicant to the Zoning Administrator or within sixty (60) days of resubmission of the Variance Application by the Applicant to the Zoning Administrator if further information was requested by the Zoning Administrator as provided in Section 700.5(b), the Board of Adjustment and Appeals shall:
  - 1) Approve or disapprove the request pursuant to the Variance Report and Recommendation and findings of fact submitted to it by the Planning Commission; or
  - 2) Approve or disapprove the Variance Report and Recommendation and findings of fact of the Planning Commission with modifications, alterations or differing conditions. Such modifications or differing conditions shall be in writing and made part of the Board of Adjustment and Appeals' records; or
  - 3) Refer the Variance Report and Recommendation and findings of fact back to the Planning Commission for further consideration. This procedure shall be followed only one time on a singular action.
- l) The Board of Adjustment and Appeals, Planning Commission or Zoning Administrator may extend the time limit as provided in 700.5(k) if before the end of the initial sixty (60) day period the Board of Adjustment and Appeals, Planning Commission or Zoning Administrator provides Written Notice of the extension to the Applicant stating the reasons for the extension and its anticipated length, which may not exceed an additional sixty (60) days unless approved by the Applicant.

- m) Approval of completed Variance Applications shall require passage by a 2/3rds vote of the full Board of Adjustment and Appeals. The Town Clerk shall notify the Applicant of the Board of Adjustment and Appeals' action in accordance with the time frame as provided in Section 700.5 herein.
- n) Variance Report and Recommendations and findings of fact of the Planning Commission shall be advisory to the Board of Adjustment and Appeals. The decisions of the Board of Adjustment and Appeals shall be subject to judicial review.
- o) In the event a Variance Application is denied, no Variance Application affecting the same Lot and/or Parcel and proposing a variant Use of a substantially same or similar nature as that which was initially proposed in the denied Variance Application may be resubmitted by any Applicant for a period of six (6) months from the date of said order of denial, unless said Applicant can demonstrate a clear showing to the Zoning Administrator of new evidence and/or change in circumstances impacting said Variance Application.
- p) Variances that are approved by the Board of Adjustment and Appeals become void if the Applicant does not proceed substantially on the work permitted pursuant to said Variance within six (6) months after approval of the Variance Application. To proceed substantially means to make visible improvements to the Lot and/or Parcel and to have had applied to the Lot and/or Parcel at least 40% of the labor hours which it was reasonable estimated would be necessary for completion of the project. One or more extensions of not more than six (6) months each may be granted by the Board of Adjustment and Appeals for good cause, as determined thereby.

700.6 Recording. A certified copy of any Variance shall be filed with the Kanabec County Recorder by the Town Clerk within thirty (30) days of approval thereof. The Variance shall include the Legal Description of the Lot and/or Parcel for which said Variance was granted.

700.7 Compliance. Any variant Use permitted under the terms of any Variance shall be established and conducted in conformity with the terms of such Variance and any conditions connected to such Variance. If the actual Use of the Lot and/or Parcel does not conform to the conditions as set forth in the Variance, the Variance may be revoked in accordance with Section 700.8 below.

700.8 Revocation. Upon learning of a circumstance whereby the actual Use of a Lot and/or Parcel is not in conformance with the conditions set forth in a Variance affecting said Lot and/or Parcel, the Zoning Administrator shall refer said Variance, along with any and all information relating thereto, including, but not limited to, any information purporting to show that the Use of the Lot and/Parcel affected by said Variance is not being carried out in accordance therewith, to the Planning Commission for review and shall set the same for Public Hearing before the Planning Commission. A Public Hearing regarding said Variance shall be held by the Planning Commission within thirty (30) days of receipt of the same from the Zoning Administrator. Notice of the Public Hearing shall be Published in the Official Newspaper and Written Notice shall be provided to the Owner and Applicant at least ten (10) days prior to the Public Hearing. Subsequent to the Public Hearing, the Planning Commission shall place the Variance Revocation matter on the Town Board Agenda for the next Regular Meeting of the Town Board, sitting as the Board of Adjustment and Appeals. The Board of Adjustment and Appeals shall make its decision regarding said Variance Revocation matter within sixty (60) days from the date of the Public Hearing discussed in this Section 700.8. A decision to revoke a Variance shall require passage by a 2/3rds vote of the full Board of Adjustment and Appeals. The Zoning Administrator or Town Clerk shall notify the Variance Applicant of the Board of Adjustment and Appeals' action accordingly. A certified copy of any Variance Revocation shall be filed with the Kanabec County Recorder by the Town Clerk within thirty (30) days of revocation thereof. The Variance Revocation shall include the Legal Description of the Lot and/or Parcel for which said Variance was revoked.

**[END OF CHAPTER 700]**

## **Chapter 710. Conditional Use Permits.**

710.1 Introduction to Chapter. Conditional Use Permits may be granted to allow certain Uses within a Zoning District designated as Conditional Uses where the proposed Conditional Use meets all of the requirements of this Ordinance or can, with appropriate conditions attached, meet the requirements of this Ordinance.

710.2 Application. A Conditional Use Permit Application, which shall not be deemed properly submitted unless executed by both the Owner and Applicant, shall be made to the Zoning Administrator together with all required fees. The Conditional Use Application shall be accompanied by a site plan providing such information as is necessary to demonstrate compliance with this Ordinance, including but not limited to:

- a) Street location of the Lot and/or Parcel;
- b) Name, address, phone number of the Owner and Applicant;
- c) Legal Description of the Lot and/or Parcel;
- d) Existing and proposed easements;
- e) Gross Acreage of the Lot and/or Parcel;
- f) Detailed description as to the number of man hours which it is reasonably estimated will be necessary for completion of the project giving rise to the proposed Conditional Use;
- g) A statement and explanation as to how the Conditional Use Application is consistent with the Town's Comprehensive Plan;
- h) Detailed description of the request and reason for the request for a Conditional Use;
- i) Site plan drawn to a minimum scale of 1" = 100 feet, or other scale to be approved by the Zoning Administrator, showing the Lot and/or Parcel and Building dimensions, including square footage, with accurate measurements and location of all existing and proposed Buildings and improvements on the subject Lot and/or Parcel, together with all Setbacks from the Lot Lines and Public Road Right-of-Way;
- j) Driveways, Access Roads, Parking Spaces, Off-Street Parking and Loading Areas;

- k) A parking plan describing the number of Parking Spaces, traffic patterns and parking access;
- l) Landscaping, Fences and screening plans;
- m) Drainage Plan, including a written statement as to the potential effect on adjacent Lots and/or Parcels and SWPPP;
- n) Description of the material proposed to complete the exterior of the Building and/or Structure;
- o) Description of any proposed lighting to be used, and the potential effect of said lighting on adjacent Lots and Parcels;
- p) Septic system and well location with estimated use per day;
- q) Utility plan, including, but not limited to, the types of utilities existing and/or proposed (telephone lines, power lines, DSL lines, cable, gas lines, outdoor propane tanks, garbage/refuse receptacles, etc) and the location and/or proposed location of said utility lines;
- r) Description of any Signage;
- s) Soil type; and
- t) Any additional written or graphic data reasonably required by the Zoning Administrator, Town Board or Planning Commission.

710.3 Criteria for Granting Conditional Use Permits. In recommending approval of a Conditional Use Permit Application, the Zoning Administrator and the Planning Commission shall consider the effect of the proposed Conditional Use upon the health, safety, morals, and general welfare of occupants of surrounding Lots and/or Parcels and water bodies. The following criteria shall be considered by (1) the Zoning Administrator in making its Conditional Use Permit Report and Recommendations; and (2) by the Planning Commission at the Public Hearing and in making its Conditional Use Permit Report and Recommendation and findings of fact provided to the Town Board; and (3) by the Town Board in its findings of fact when determining the issuance of a Conditional Use Permit:

- a) The proposed Conditional Use is not prohibited in the Zoning District in which the relevant Lot and/or Parcel is located;
- b) The proposed Conditional Use must be in harmony with the general purpose and intent of this Ordinance;

- c) The proposed Conditional Use must not be substantially detrimental to the public welfare or to other adjacent Lots and/or Parcels;
- d) The proposed Conditional Use will not create an excessive burden on existing Public Roads and other public facilities and/or Essential Services which serve or are proposed to serve the affected Lot and/or Parcel and other Lots and/or Parcels adjacent thereto;
- e) The proposed Conditional Use will be sufficiently compatible or separated by distance or screening from adjacent Agricultural Land Uses or Residential Land Uses so that existing Residential Dwellings will not be depreciated in value and there will be no deterrence to development of vacant land;
- f) The Structures and the Lot and/or Parcel shall have an appearance that will not have an adverse effect upon or be injurious to the Use and enjoyment of the adjacent Lots and/or Parcels;
- g) The proposed Conditional Use, in the opinion of the Planning Commission, is reasonably related to the Existing Use of the Lot and/or Parcel upon which the proposed Conditional Use will occur;
- h) The proposed Conditional Use is consistent with the purpose of this Ordinance and the purpose of the Zoning District in which the Applicant intends to locate the proposed Conditional Use;
- i) The proposed Conditional Use is not in conflict with the Comprehensive Plan of the Town;
- j) Adequate utilities, Access Roads, drainage and other necessary facilities have been or will be provided;
- k) Adequate measures have been or will be taken to provide sufficient Off-Street Parking and Loading Area to serve the proposed Conditional Use;
- l) Adequate measures have been or will be taken to prevent or control offensive odor, fumes, dust, noise, and vibration, so that none of these will constitute a nuisance, and to control lighted Signs and other lights in such a manner that no disturbance to neighboring Lots and/or Parcels will result;



- m) Proper facilities are provided which would substantially mitigate any traffic congestion and/or traffic hazard which may result from the proposed Conditional Use;
- n) A demonstrated need for the proposed Conditional Use can be shown;
- o) Whether the proposed Conditional Use effects the health, safety and/or general welfare of the citizens of the Town;
- p) Whether the Proposed Conditional Use may cause any soil erosion or other possible pollution of public waters, both during and after construction; and
- q) Whether the subject Lot and/or Parcel will adequately support water supply and on-site sewage treatment.

710.4 Conditions. In reviewing an application for a new Conditional Use or for the alteration of an existing Conditional Use, the Planning Commission may recommend the imposition, in addition to the standards and requirements expressly specified by this Ordinance, of additional conditions which the Planning Commission considers necessary to protect the best interest of the surrounding Lots and/or Parcels or the Town as a whole. These conditions may include, but are not limited to, the following:

- a) Increasing the required Lot Area or Lot dimensions;
- b) Limiting the height, size or location of Buildings;
- c) Controlling the location and number of vehicle access points;
- d) Increasing the Street Width;
- e) Increasing the number of required Off-Street Parking Spaces;
- f) Limiting the number, size location or lighting of Signs;
- g) Requiring diking, fencing, screening, Landscaping or other facilities to protect adjacent or nearby Lots and/or Parcels;
- h) Designating sites for open space; and/or
- i) Limiting the hours of operation.

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 Conditional Use Permit were being issued. The Zoning Administrator shall maintain a record of all Conditional Use Permits issued including information on the Use, location, and conditions imposed by the Planning Commission, time limits, review dates, and such other information as may be appropriate.

710.5 Procedure.

- a) The person applying for a Conditional Use Permit shall complete and submit to the Zoning Administrator a Conditional Use Permit Application and filing fee;
- b) Conditional Use Permit Applications shall be executed by the Owner of the affected Lot and/or Parcel and Applicant;
- c) Upon submission, the Zoning Administrator shall review the Conditional Use Permit Application with the Applicant to determine if the Conditional Use Permit Application is complete. If said Conditional Use Permit Application is not complete, the Zoning Administrator shall, within fifteen (15) business days of the submission of the Conditional Use Permit Application, request any and all missing information from the Applicant. For purposes of this Chapter 710, a Conditional Use Permit Application shall be considered complete if:
  - 1) said Conditional Use Permit Application contains all information as required pursuant to Section 710.2 above; or
  - 2) said Conditional Use Permit Application contains less than all information as required pursuant to Section 710.2 above, but the Zoning Administrator determines that certain requirements as contained in Section 710.2 are inapplicable and/or unnecessary, and deems the Conditional Use Permit Application complete nonetheless; or
  - 3) the fifteen (15) day review period as described in Section 710.5(c) above expires without the Zoning Administrator submitting to Applicant a request for additional and/or missing information.

The above notwithstanding, no Conditional Use Permit Application shall be deemed complete unless and until the Applicant has provided the Zoning Administrator with fifteen (15)

copies of said complete Conditional Use Permit Application, inclusive of any and all site plans and any other supporting documentation. The Applicant shall provide any oversized plans to the Zoning Administrator in a folded form and submit fifteen (15) additional copies of any such oversized plans in a size not to exceed 11 x 17.

- d) Any completed Conditional Use Permit Application shall be referred to the Planning Commission by the Zoning Administrator for review and a Public Hearing, along with all related information relating thereto, including the Zoning Administrator's Conditional Use Permit Report and Recommendation and findings of fact evaluating the Applicant's compliance with Sections 710.3 of this Chapter. The Zoning Administrator shall cause the Town Clerk to add the Public Hearing to the Planning Commission's Agenda no later than the date by which said completed Conditional Use Permit Application is submitted to the Planning Commission for review. No Conditional Use Permit Application may be acted upon by the Town Board until the Town Board has received the Planning Commission's recommendations thereon.
- e) Written Notice of a Public Hearing on any complete Conditional Use Permit Application shall be sent by the Town Clerk to all members of the Town Board and all members of the Planning Commission not less than ten (10) days prior to the date of the Public Hearing. Such Written Notice shall be accompanied by copies of the completed Conditional Use Permit Application.
- f) Written Notice of a Public Hearing shall be provided by the Town Clerk to Owners of Record within one quarter ( $\frac{1}{4}$ ) mile of the affected Lot and/or Parcel, or to the ten Owners of Lots and/Parcels nearest to the affected Lot and/or Parcel, whichever would provide Written Notice to the greatest number of Owners of Record as well as the Owner and Applicant of the affected Lot and/or Parcel, not less than ten (10) days nor more than thirty (30) days prior to the date of the Public Hearing. Failure of an Owner of Record to receive Written Notice shall not invalidate such proceedings;
- g) A Public Hearing on a complete Conditional Use Permit Application shall be held by the Planning Commission within thirty (30) days after the submission of the complete Conditional Use Permit Application to the Zoning Administrator. Notice of the Public Hearing shall be Published in the Official Newspaper

designated by the Town Board at least ten (10) days prior to the Public Hearing;

- h) The Applicant or his representative shall appear at the Public Hearing to present evidence concerning the Conditional Use Permit Application;
- i) Following the Public Hearing, the Planning Commission shall submit a Conditional Use Permit Report and Recommendation, together with findings of fact, to the Town Board including any additional conditions it considers necessary to protect the public health, safety and welfare. The Town Clerk shall place the Conditional Use Permit Report and Recommendation and findings of fact on the Town Board Agenda for the next Regular Meeting of the Town Board following the Public Hearing recommending approval, disapproval, or modified approval of the request as provided in the Conditional Use Permit Application.
- j) Within sixty (60) days after the submission of the complete Conditional Use Permit Application by the Applicant to the Zoning Administrator, or within sixty (60) days of resubmission of the Conditional Use Permit Application by the Applicant to the Zoning Administrator if further information was requested by the Zoning Administrator as provided in Section 710.5(c), the Town Board shall either:
  - 1) Approve or disapprove the request pursuant to the Conditional Use Permit Report and Recommendation and findings of fact submitted to it by the Planning Commission; or
  - 2) Approve or disapprove the Conditional Use Permit Report and Recommendation and findings of fact of the Planning Commission with modifications, alterations or differing conditions. Such modifications or differing conditions shall be in writing and made part of the Town Board's records; or
  - 3) Refer the Conditional Use Permit Report and Recommendation findings of fact back to the Planning Commission for further consideration. This procedure shall be followed only one time on a singular action.
- k) The Town Board, Planning Commission or Zoning Administrator may extend the time limit as provided in 710.5(j) if, before the end of the initial sixty (60) day period, the Town Board, Planning

Commission or Zoning Administrator provides Written Notice of the extension to the Applicant stating the reasons for the extension and its anticipated length, which may not exceed an additional sixty (60) days unless approved by the Applicant.

- l) Approval of a complete Conditional Use Permit Application shall require passage by a 2/3rds vote of the full Town Board. The Town Clerk shall notify the Applicant of the Town Board's action in accordance with the time frame as provided in Section 710.5 herein.
- m) If the Town Board grants the Conditional Use Permit, it may impose conditions it considers necessary to protect the public health, safety and welfare of the Town. Such conditions may include a time limit for the Conditional Use to exist or operate;
- n) An amended Conditional Use Permit Application shall be administered in a manner similar to that required for a new Conditional Use Permit. The fee shall be as set by separate action of the Town Board. Amended Conditional Use Permit Applications shall include requests for changes in conditions and as otherwise described in this Ordinance;
- o) In the event a Conditional Use Permit Application is denied, no Conditional Use Permit Application affecting the same Lot and/or Parcel and proposing a Conditional Use of a substantially same or similar nature as that which was initially proposed in the denied Conditional Use Permit Application may be resubmitted by any Applicant for a period of six (6) months from the date of said order of denial, unless said Applicant can demonstrate a clear showing to the Zoning Administrator of new evidence and/or change in circumstances impacting said Conditional Use Permit Application.
- p) If a time limit or period review is included as a condition by which a Conditional Use Permit is granted, the Conditional Use Permit may be reviewed at a Public Hearing before the Planning Commission with Written Notice of said Public Hearing Published at least the ten (10) days prior to review; it shall be the responsibility of the Zoning Administrator to schedule such Public Hearings before the Planning Commission and neither the Applicant nor the Owner of the Lot and/or Parcel having a Conditional Use Permit shall be required to pay a fee for said review.
- q) A Public Hearing for annual review of any granted Conditional Use Permit may be required at the discretion of the Planning

Commission or Town Board, even if said granted Conditional Use Permits does not explicitly require the performance of an annual review as a condition thereof;

- r) Granted Conditional Use Permits shall become void if Applicant does not proceed substantially on the work contemplated pursuant to the Conditional Use Permit Application within six (6) months of the granting of said Conditional Use Permit. To proceed substantially means to make visible improvements to the Lot and/or Parcel and to have had applied to the Lot and/or Parcel at least 40% of the labor hours which it was reasonably estimated would be necessary for completion of the project. One or more extensions for not more than six (6) months each may be granted by the Planning Commission for good cause, as determined thereby;
- s) If the actual Use of the Lot and/or Parcel does not conform to the conditions of the Conditional Use Permit, the Conditional Use Permit may be revoked.

710.6 Recording. A certified copy of any Conditional Use Permit shall be filed with the Kanabec County Recorder by the Town Clerk within thirty (30) days of approval thereof. The Conditional Use Permit shall include the Legal Description of the Lot and/or Parcel for which said Conditional Use is permitted.

710.7 Compliance. Any Use permitted under the terms of any Conditional Use Permit shall be established and conducted in conformity with the terms of such Conditional Use Permit as well as with any and all conditions connected to such Conditional Use Permit. If the actual Use of the Lot and/or Parcel does not conform to the conditions as set forth in the Conditional Use Permit, the Conditional Use Permit may be revoked in accordance with Section 710.8 below.

710.8 Revocation. Upon learning of a circumstance whereby the actual Use of a Lot and/or Parcel is not in conformance with the conditions set forth in a Conditional Use Permit affecting said Lot and/or Parcel, the Zoning Administrator shall refer said Conditional Use Permit, along with any and all information relating thereto, including, but not limited to, any information purporting to show that the Use of the Lot and/or Parcel affected by said Conditional Use Permit is not being carried out in accordance therewith, to the Planning Commission for review and shall set the same for Public Hearing before the Planning Commission. A Public Hearing regarding said Conditional Use Permit shall be held by the Planning Commission within thirty (30) days of receipt of the same from the Zoning Administrator. Notice of the Public Hearing shall be Published

in the Official Newspaper and Written Notice shall be provided to the Owner and Applicant at least ten (10) days prior to the Public Hearing. Subsequent to the Public Hearing, the Planning Commission shall place the Conditional Use Permit Revocation matter on the Town Board Agenda for the next Regular Meeting of the Town Board. The Town Board shall make its decision regarding said Conditional Use Permit Revocation matter within sixty (60) days from the date of the Public Hearing discussed in this Section 710.8. A decision to revoke a Conditional Use Permit shall require passage by a 2/3rds vote of the full Town Board. The Zoning Administrator or Town Clerk shall notify the Conditional Use Permit Applicant of Town Board's action accordingly. A certified copy of any Conditional Use Permit Revocation shall be filed with the Kanabec County Recorder by the Town Clerk within thirty (30) days of revocation thereof. The Conditional Use Permit Revocation shall include the Legal Description of the Lot and/or Parcel for which said Conditional Use Permit was revoked.

- 710.9 Lapse of Conditional Use Permit by Non-Use. If at any time after the grant of a Conditional Use Permit the Zoning Administrator determines that the permitted Conditional Use has lapsed for a period of time in excess of one year, then such Conditional Use Permit shall become null and void.

**[END OF CHAPTER 710]**

**Chapter 720. Petition for Amendment of the Zoning Classification of a Specific Lot and/or Parcel.**

720.1 Introduction to Chapter. A petition to amend the zoning classification of a specific Lot and/or Parcel as provided under Chapters 200 through 299 of this Ordinance, as may be established from time to time, or to the Zoning Map shall be initiated by an Owner of said Lot and/or Parcel in the Town, or the Owner's agent, by submission of a Re-Zoning Petition and filing fee to the Zoning Administrator.

720.2 Petition. A Re-Zoning Petition, which shall not be deemed properly submitted unless executed by both the Owner and Petitioner, shall be made to the Zoning Administrator together with all required filing fees. The Re-Zoning Petition shall be accompanied by a site plan providing such information necessary to demonstrate to the Zoning Administrator compliance with this Ordinance, including but not limited to the following, if applicable:

- a) Street location of the Lot and/or Parcel;
- b) Address of the Lot and/or Parcel;
- c) Name, address, phone number of the Owner and Petitioner;
- d) Legal Description of the Lot and/or Parcel;
- e) Existing and proposed easements;
- f) Gross Acreage of the Lot and/or Parcel;
- g) A statement and explanation as to how the Re-Zoning Petition and Use is consistent with the Town's Comprehensive Plan;
- h) Detailed description of the request and reason for the request for a Re-Zoning Petition;
- i) Site plan drawn to a minimum scale of 1" = 100 feet or other scale to be approved by the Zoning Administrator showing the Lot and/or Parcel and Building dimensions, including square footage, with accurate measurements and location of all existing and proposed Buildings and improvements on the subject Lot and/or Parcel, together with all Setbacks from the Lot Lines and Public Road Right-of-Way;
- j) Driveways, Access Roads, Parking Spaces, Off-Street Parking and Loading Areas;



- k) A parking plan describing the number of Parking Spaces, traffic patterns and parking access;
- l) Landscaping, Fences and screening plans;
- m) Drainage Plan, including a written statement as to the potential effect on adjacent Lots and/or Parcels and SWPPP;
- n) Description of the material proposed to complete the exterior of the Building and/or Structure;
- o) Description of any proposed lighting to be used, and the potential effect of said lighting on adjacent Lots and Parcels;
- p) Septic system and well location with estimated use per day;
- q) Utility plan, including, but not limited to, the types of utilities existing and/or proposed (telephone lines, power lines, DSL lines, cable, gas lines, outdoor propane tanks, garbage/refuse receptacles, etc) and the location and/or proposed location of said utility lines;
- r) Description of any Signage;
- s) Soil type; and
- t) Any additional written or graphic data reasonably required by the Zoning Administrator, Town Board or Planning Commission.

720.3 Criteria for Granting Re-Zoning Petition. In recommending approval of a Re-Zoning Petition, the Zoning Administrator and the Planning Commission shall consider the effect of the proposed Re-Zoning Petition upon the health, safety, morals, and general welfare of occupants of surrounding Lots and/or Parcels and water bodies. The following criteria shall be considered (1) by the Zoning Administrator in making its Re-Zoning Petition Report and Recommendation; and (2) by the Planning Commission at the Public Hearing and in making its Re-Zoning Report and Recommendation and findings of fact provided to the Town Board; and by the Town Board in its findings of fact when determining the whether to approve or deny a Re-Zoning Petition:

- a) The Use is not prohibited in the Zoning District in which the relevant Lot and/or Parcel is located;
- b) The Re-Zoning Petition and Use will not create an excessive burden on existing Public Roads and other public facilities and/or

Essential Services which serve or are proposed to serve the affected Lot and/or Parcel and other Lots and/or Parcels adjacent thereto;

- c) The Re-Zoning Petition and Use will be sufficiently compatible or separated by distance or screening from adjacent Agricultural Land Uses or Residential Land Uses so that existing Residential Dwellings will not be depreciated in value and there will be no deterrence to development of vacant land;
- d) The Structure and the Lot and/or Parcel shall have an appearance that will not have an adverse effect upon or be injurious to the Use and enjoyment of the adjacent Lots and/or Parcels;
- e) The Re-Zoning Petition and Use, in the opinion of the Planning Commission, are reasonably related to the Existing Use of the Lot and/or Parcel upon which the proposed Re-Zoning Petition will occur;
- f) The Re-Zoning Petition and Use are consistent with the purpose of this Ordinance and the purpose of the Zoning District in which the Petitioner intends to locate the proposed Re-Zoning Petition;
- g) The Re-Zoning Petition and Use are not in conflict with the Comprehensive Plan of the Town;
- h) Adequate utilities, Access Roads, drainage and other necessary facilities have been or will be provided;
- i) Adequate measures have been or will be taken to provide sufficient Off-Street Parking and Loading Area to serve the Lot and/or Parcel subject to the Re-Zoning Petition;
- j) Adequate measures have been or will be taken to prevent or control offensive odor, fumes, dust, noise, and vibration, so that none of these will constitute a Nuisance, and to control lighted Signs and other lights in such a manner that no disturbance to neighboring Lots and/or Parcels will result;
- k) Proper facilities are provided which would substantially mitigate any traffic congestion and/or traffic hazard which may result from the Re-Zoning Petition;
- l) A demonstrated need for the Re-Zoning Petition and Use can be shown;

- m) Whether the Re-Zoning Petition and Use effects the health, safety and/or general welfare of the citizens of the Town;
- n) Whether the Re-Zoning Petition and Use may cause any soil erosion or other possible pollution of public waters, both during and after construction;
- o) Whether the subject Lot and/or Parcel will adequately support water supply and on-site sewage treatment;

720.4 Procedure.

- a) A Re-Zoning Petition shall not be accepted unless executed by the Owner and Petitioner of the Lot and/or Parcel for which the Re-Zoning Petition is made.
- b) The Zoning Administrator shall review any Re-Zoning Petition to determine if the Re-Zoning Petition is complete. If said Re-Zoning Petition is not complete, the Zoning Administrator shall, within fifteen (15) business days of the submission of the Re-Zoning Petition, request any and all missing information from the Petitioner. For purposes of this Chapter 720, a Re-Zoning Petition shall be considered complete if:
  - 1) said Re-Zoning Petition contains all information as required pursuant to Section 720.2 above; or
  - 2) said Re-Zoning Petition contains less than all information as required pursuant to Section 720.2 above, but the Zoning Administrator determines that certain requirements as contained in Section 720.2 are inapplicable and/or unnecessary, and deems the Re-Zoning Petition complete nonetheless; or
  - 3) the fifteen (15) day review period as described in Section 720.4(b) above expires without the Zoning Administrator submitting to Petitioner a request for additional and/or missing information.

The above notwithstanding, no Re-Zoning Petition shall be deemed complete unless and until the Petitioner has provided the Zoning Administrator with fifteen (15) copies of said complete Re-Zoning Petition, inclusive of any and all site plans and any other supporting documentation. The Petitioner shall provide any oversized plans to the Zoning Administrator in a folded form and

submit fifteen (15) additional copies of any such oversized plans in a size not to exceed 11 x 17.

- c) All Re-Zoning Petitions shall be referred to the Planning Commission by the Zoning Administrator for review and a Public Hearing, along with all information relating thereto, including the Zoning Administrator's Re-Zoning Petition Report and Recommendation and findings of fact evaluating the Petitioner's compliance with Section 720.3 of this Chapter, and may not be acted upon by the Town Board until it has received the Planning Commission's recommendations.
- d) Written Notice of a Public Hearing on any proposed Re-Zoning Petition shall be sent by the Town Clerk to all members of the Town Board and all members of the Planning Commission, as well as to the Owner of the subject Lot and/or Parcel and to the Petitioner.
- e) If a Re-Zoning Petition involves changes in Zoning District boundaries affecting an area of five (5) Acres or less, a Written Notice shall be mailed by the Town Clerk at least ten (10) days in advance of the date of the Public Hearing to each Owner of Record of any affected Lot and/or Parcel as well as to the Owner of Record of any Lot and/or Parcel situated wholly or partly within three-hundred-fifty (350) feet of the Lot and/or Parcel to which the Re-Zoning Petition relates. Written Notice by the Town Clerk shall also be provided to the governing body of any jurisdiction within two miles of the specific Lot and/or Parcel to be affected by the proposed Re-Zoning Petition. Failure of an Owner or neighboring jurisdiction to receive Written Notice as herein described shall not invalidate such proceedings.
- f) The Petitioner or his representative shall appear at the Public Hearing to present evidence concerning the Re-Zoning Petition;
- g) A Public Hearing on a Re-Zoning Petition shall be held by the Planning Commission within thirty (30) days after the submission of the completed Re-Zoning Petition to the Zoning Administrator. Notice of the Public Hearing shall be Published in the Official Newspaper not less than ten (10) days nor more than thirty (30) days prior to the date of the Public Hearing.
- h) The Planning Commission shall submit a Re-Zoning Petition Report and Recommendation, along with findings of fact, to the Town Board, at the next Regular Meeting of the Town Board following the Public Hearing recommending approval,

disapproval, or modified approval of the request as provided in the Re-Zoning Petition;

- i) Within sixty (60) days after the submission of the complete Re-Zoning Petition by the Petitioner to the Zoning Administrator or within sixty (60) days of resubmission of the Re-Zoning Petition by the Petitioner to the Zoning Administrator if further information was requested by the Zoning Administrator as provided in Section 720.4(b), the Town Board shall:
  - 1) Approve or disapprove the request pursuant to the Re-Zoning Petition Report and Recommendation and findings of fact submitted by the Planning Commission; or
  - 2) Approve or disapprove the Re-Zoning Petition Report and Recommendation and findings of fact of the Planning Commission with modifications, alterations or differing conditions. Such modifications or differing conditions shall be in writing and made part of the Town Board's records; or
  - 3) Refer the Re-Zoning Petition Report and Recommendation and findings of fact back to the Planning Commission for further consideration. This procedure shall be followed only one time on a singular action.
  
- j) The Town Board, Planning Commission or Zoning Administrator may extend the time limit as provided in 720.4(i) if before the end of the initial sixty (60) day period the Town Board, Planning Commission or Zoning Administrator provides Written Notice of the extension to the Petitioner stating the reasons for the extension and its anticipated length, which may not exceed an additional sixty (60) days unless approved by the Petitioner.
  
- k) Approval of any Re-Zoning Petition shall require passage by a 2/3rds vote of the full Town Board. The Town Clerk shall notify the Petitioner and the Owner of the Town Board's action in accordance with the time frame as provided in Section 720.4 herein.
  
- l) In the event a Re-Zoning Petition is denied, no Re-Zoning Petition affecting the same Lots and/or Parcels and proposing a Re-Zoning of a substantially same or similar nature as that which was initially proposed in the denied Re-Zoning Petition may be resubmitted by any Petitioner for a period of six (6) months from the date of said order of denial, unless said Petitioner can demonstrate a clear

showing of new evidence and/or change in circumstances impacting said Re-Zoning Petition.

720.5 Title and Execution. The approval of the Re-Zoning Petition shall result in an Ordinance Amendment that shall be executed by the Chair of the Town Board and attested by the Town Clerk. The Ordinance Amendment shall have a title and be numbered in accordance with Chapter 140 of this Ordinance and shall begin with “The Board of Supervisors of the Town of Ford ordains:”.

720.6 Publication. The Ordinance Amendment resulting from any approved Re-Zoning Petition shall be Published by the Town Clerk once in the Official Newspaper in accordance with the provisions of this Section:

- a) The text of the Ordinance Amendment shall be in body type no smaller than brevier or 8-point type.
- b) The whole Ordinance Amendment shall be Published unless the Board decides that Publishing the Re-Zoning Petition’s title and a summary of it clearly tells the public of its intent and effect.
- c) If a summary of the Ordinance Amendment is to be Published, the Board must approve Publishing only the title and a summary as well as approve the words in the summary by a two-thirds vote. A notice must be Published with the summary stating that a printed copy of the whole Ordinance Amendment is available for inspection by any Person during the Town Clerk's regular office hours and at another named place. The Publishing of the title and summary is legally the same as Publishing the Ordinance Amendment. The Board shall not approve the Publication of the title and summary as provided in this Section unless the Town Clerk maintains regular office hours.

720.7 Posting. A copy of the whole Ordinance Amendment resulting from any approved Re-Zoning Petition shall be posted by the Town Clerk in the East Central Regional Library (Mora Public Library) and Kanabec County Law Library in accordance with Minn. Stat. §§365.125 and 415.021.

720.8 Recording in Town’s Ordinance Book. Any Ordinance Amendment resulting from an approved Re-Zoning Petition shall be recorded in the Town’s Ordinance Book by the Town Clerk within twenty (20) days after the Ordinance Amendment, or its title and summary, is Published. Proof of Publication shall be attached to the recorded Ordinance Amendment.

720.9 Recording with County Recorder. A certified copy of any Ordinance Amendment resulting from an approved Re-Zoning Petition shall be filed

by the Town Clerk with the Kanabec County Recorder within twenty (20) days after the Ordinance Amendment, or its title and summary, is Published. Proof of Publication shall be attached to the recorded Ordinance Amendment and accompanying Re-Zoning Petition.

**[END OF CHAPTER 720]**

## **Chapter 730. Ordinance Amendments.**

730.1 Introduction to Chapter. An Ordinance Amendment Petition may be initiated by the Town Board, the Planning Commission or by any Owner of any Lot and/or Parcel in the Town. An amendment to the Zoning Map may be initiated by the Town Board or the Planning Commission pursuant to this Chapter. An amendment to the Zoning Map may be initiated by an Owner of any Lot and/or Parcel in the Town by filing with the Zoning Administrator a Re-Zoning Petition and filing fee in accordance with the provisions of Chapter 720 of this Ordinance.

730.2 Petition. An Ordinance Amendment Petition submitted by an Owner, which shall not be deemed properly submitted unless executed by both the Owner and Petitioner, shall be made to the Zoning Administrator together with all required filing fees. The Ordinance Amendment Petition shall be accompanied by such information necessary to demonstrate to the Zoning Administrator compliance with this Ordinance, including but not limited to the following, if applicable:

- a) Street location of the Lot and/or Parcel;
- b) Address of the Lot and/or Parcel;
- c) Name, address, phone number of the Owner and Petitioner;
- d) Legal Description of the Lot and/or Parcel;
- e) Existing and proposed easements;
- f) Gross Acreage of the Lot and/or Parcel;
- g) Detailed description of the request and reason for the request for an Ordinance Amendment;
- h) A statement and explanation as to how the Ordinance Amendment Petition is consistent with the Town's Comprehensive Plan;
- i) Site plan drawn to a minimum scale of 1" = 100 feet or other scale to be approved by the Zoning Administrator showing the Lot and/or Parcel and Building dimensions, including square footage, with accurate measurements and location of all existing and proposed Buildings and improvements on the subject Lot and/or Parcel, together with all Setbacks from the Lot Lines and Public Road Right-of-Way;



- j) Driveways, Access Roads, Parking Spaces, Off-Street Parking and Loading Areas;
- k) A parking plan describing the number of Parking Spaces, traffic patterns and parking access;
- l) Landscaping, Fencing and screening plans;
- m) Drainage Plan, including a written statement as to the potential effect on adjacent Lots and/or Parcels and SWPPP;
- n) Description of the material proposed to complete the exterior of the Building and/or Structure;
- o) Description of any proposed lighting to be used, and the potential effect of said lighting on adjacent Lots and Parcels;
- p) Septic system and well location with estimated use per day;
- q) Utility plan, including, but not limited to, the types of utilities existing and/or proposed (telephone lines, power lines, DSL lines, cable, gas lines, outdoor propane tanks, garbage/refuse receptacles, etc) and the location and/or proposed location of said utility lines;
- r) Description of any Signage;
- s) Soil type; and
- t) Any additional written or graphic data reasonably required by the Zoning Administrator, Town Board or Planning Commission.

730.3 Criteria for Granting Ordinance Amendment Petition. In recommending approval of an Ordinance Amendment Petition, the Zoning Administrator and the Planning Commission shall consider the effect of the proposed Ordinance Amendment Petition upon the health, safety, morals, and general welfare of occupants of surrounding Lots and/or Parcels and water bodies. The following criteria shall be considered (1) by the Zoning Administrator in making its Ordinance Amendment Report and Recommendations; and (2) by the Planning Commission at the Public Hearing and in making its Ordinance Amendment Report and Recommendation and findings of fact provided to the Town Board; and (3) by the Town Board in its findings of fact when determining the whether to approve or deny an Ordinance Amendment Petition :

- a) The Ordinance Amendment will not create an excessive burden on existing Public Roads and other public facilities and/or Essential

Services which serve or are proposed to serve the affected Lots and/or Parcels;

- b) The Lots affected by the Ordinance Amendment Petition will be sufficiently compatible or separated by distance or screening from adjacent Agricultural Land Uses or Residential Land Uses so that existing Residential Dwellings will not be depreciated in value and there will be no deterrence to development of vacant land;
- c) Any allowed Structure and Use will not have an adverse effect upon or be injurious to the Use and enjoyment of adjacent Lots and/or Parcels;
- d) The Ordinance Amendment Petition is consistent with the purpose of this Ordinance and with the purpose of the Zoning District to which said Ordinance Amendment Petition applies;
- e) The Ordinance Amendment Petition is not in conflict with the Comprehensive Plan of the Town;
- f) Adequate utilities, Access Roads, drainage and other necessary facilities have been or will be sufficient;
- g) Adequate measures have been or will be taken to provide sufficient Off-Street Parking and Loading Area to serve any Lot and/or Parcel affected by the Ordinance Amendment Petition;
- h) The Ordinance Amendment will not result in the omission of offensive odor, fumes, dust, noise, and vibration, and allowed control lighted Signs and other lights will not disturb adjacent or neighboring Lots and/or Parcels;
- i) Proper facilities are available to mitigate any traffic congestion and/or traffic hazard which may result from the Ordinance Amendment;
- j) A demonstrated need for the Ordinance Amendment Petition can be shown;
- k) The Ordinance Amendment does not effect the health, safety and/or general welfare of the citizens of the Town; and
- l) The Ordinance Amendment will not result in any soil erosion or other possible pollution of public waters, both during and after construction.

730.4 Procedure.

- a) Except for an Ordinance Amendment Petition initiated by the Planning Commission or Town Board, an Ordinance Amendment Petition will not be accepted unless executed by both the Owner and the Petitioner of the Lot and/or Parcel for which the Ordinance Amendment Petition is made.
- b) The Zoning Administrator shall review any Ordinance Amendment Petition to determine if the Ordinance Amendment Petition is complete. If said Ordinance Amendment Petition is not complete, the Zoning Administrator shall, within fifteen (15) business days of the submission of the Ordinance Amendment Petition, request any and all missing information from the Petitioner. For purposes of this Chapter 730, an Ordinance Amendment Petition shall be considered complete if:
  - 1) said Ordinance Amendment Petition contains all information as required pursuant to Section 730.2 above; or
  - 2) said Ordinance Amendment Petition contains less than all information as required pursuant to Section 730.2 above, but the Zoning Administrator determines that certain requirements as contained in Section 730.2 are inapplicable and/or unnecessary, and deems the Ordinance Amendment Petition complete nonetheless; or
  - 3) the fifteen (15) day review period as described in Section 720.4(b) above expires without the Zoning Administrator submitting to Petitioner a request for additional and/or missing information.

The above notwithstanding, no Ordinance Amendment Petition shall be deemed complete unless and until the Petitioner has provided the Zoning Administrator with fifteen (15) copies of said complete Ordinance Amendment Petition, inclusive of any and all site plans and any other supporting documentation. The Petitioner shall provide any oversized plans to the Zoning Administrator in a folded form and submit fifteen (15) additional copies of any such oversized plans in a size not to exceed 11 x 17.

- c) Any Ordinance Amendment Petition not initiated by the Planning Commission, including those Ordinance Amendment Petitions initiated by the Town Board, shall be referred to the Planning Commission by the Zoning Administrator for review and a Public Hearing along with all information relating thereto, including the

Zoning Administrator's Ordinance Amendment Report and Recommendation and findings of fact evaluating the Petitioner's compliance with Section 730.3 of this Chapter, and may not be acted upon by the Town Board until it has received the Planning Commission's recommendations.

- d) Written Notice of a Public Hearing on any proposed Ordinance Amendment Petition shall be sent by the Town Clerk to all members of the Town Board and all members of the Planning Commission, as well as to the Owner of the subject Lot and/or Parcel and to the Petitioner.
- e) If the Ordinance Amendment Petition involves changes in Zoning District boundaries affecting an area of five (5) Acres or less, a Written Notice shall be mailed at least ten (10) days in advance of the date of the Public Hearing by the Town Clerk to each Owner of Record of any affected Lot and/or Parcel as well as to the Owner of Record of any Lot and/or Parcel situated wholly or partly within three-hundred-fifty (350) feet of the Lot and/or Parcel to which the Ordinance Amendment relates. Written Notice by the Town Clerk shall also be provided to the governing body of any jurisdiction within two miles of the specific Lot and/or Parcel to be affected by the proposed Ordinance Amendment. Failure of an Owner or neighboring jurisdiction to receive Written Notice as herein described shall not invalidate such proceedings.
- f) The Petitioner or his representative shall appear at the Public Hearing to present evidence concerning the Ordinance Amendment Petition;
- g) A Public Hearing on an Ordinance Amendment Petition shall be held by the Planning Commission within thirty (30) days after the submission of the completed Ordinance Amendment Petition to the Zoning Administrator. Notice of the Public Hearing shall be Published in the Official Newspaper by the Town Clerk not less than ten (10) days nor more than thirty (30) days prior to the date of the Public Hearing.
- h) The Planning Commission shall make an Ordinance Amendment Report and Recommendation to the Town Board, along with findings of fact, at the next Regular Meeting of the Town Board following the Public Hearing recommending approval, disapproval, or modified approval of the request as provided in the Ordinance Amendment Petition;

- i) Within sixty (60) days after the submission of the complete Ordinance Amendment Petition by the Petitioner to the Zoning Administrator or within sixty (60) days of resubmission of the Ordinance Amendment Petition by the Petitioner to the Zoning Administrator if further information was requested by the Zoning Administrator as provided in Section 730.4(b), the Town Board shall:
  - 1) Approve or disapprove the request pursuant to the Ordinance Amendment Report and Recommendation and findings of fact submitted by the Planning Commission; or
  - 2) Approve or disapprove the Ordinance Amendment Report and Recommendation and findings of fact of the Planning Commission with modifications, alterations or differing conditions. Such modifications or differing conditions shall be in writing and made part of the Town Board's records; or
  - 3) Refer the Ordinance Amendment Report and Recommendation and findings of fact back to the Planning Commission for further consideration. This procedure shall be followed only one time on a singular action.
- j) The Town Board, Planning Commission or Zoning Administrator may extend the time limit as provided in 730.4(i) if before the end of the initial sixty (60) day period the Town Board, Planning Commission or Zoning Administrator provides Written Notice of the extension to the Petitioner stating the reasons for the extension and its anticipated length, which may not exceed an additional sixty (60) days unless approved by the Petitioner.
- k) Approval of any Ordinance Amendment shall require passage by a 2/3rds vote of the full Town Board.
- l) The Town Clerk shall notify the Petitioner and Owner of the Town Board's action in accordance with the time frame as provided in Section 730.4 herein.
- m) In the event a Ordinance Amendment Petition is denied, no Ordinance Amendment Petition of a substantially same or similar nature as that which was initially proposed in the denied Ordinance Amendment Petition may be resubmitted by any Petitioner for a period of six (6) months from the date of said order of denial, unless said Petitioner can demonstrate a clear showing of new

evidence and/or change in circumstances impacting said Ordinance Amendment Petition.

- 730.5 Title and Execution. The Ordinance Amendment shall be executed by the Chair of the Town Board and attested by the Town Clerk. The Ordinance Amendment shall have a title and be numbered in accordance with Chapter 140 of this Ordinance and shall begin with “The Board of Supervisors of the Town of Ford ordains:”.
- 730.6 Publication. The Ordinance Amendment shall be Published by the Town Clerk once in the Official Newspaper in accordance with the provisions of this Section:
- a) The text of the Ordinance Amendment shall be in body type no smaller than brevier or 8-point type.
  - b) The whole Ordinance Amendment shall be Published unless the Board decides that Publishing the Ordinance Amendment’s title and a summary of it clearly tells the public of its intent and effect.
  - c) If a summary of the Ordinance Amendment is to be Published, the Board must approve Publishing only the title and a summary as well as approve the words in the summary by a two-thirds vote. A notice must be Published with the summary stating that a printed copy of the whole Ordinance Amendment is available for inspection by any Person during the Town Clerk's regular office hours and at another named place. The Publishing of the title and summary is legally the same as Publishing the Ordinance Amendment. The Board shall not approve the Publication of the title and summary as provided in this Section unless the Town Clerk maintains regular office hours.
- 730.7 Posting. A copy of the whole Ordinance Amendment shall be posted by the Town Clerk in the East Central Regional Library (Mora Public Library) and Kanabec County Law Library in accordance with Minn. Stat. §§365.125 and 415.021.
- 730.8 Recording in Town’s Ordinance Book. An Ordinance Amendment shall be recorded in the Town’s Ordinance Book by the Town Clerk within twenty (20) days after the Ordinance Amendment, or its title and summary, is Published. Proof of Publication shall be attached to the recorded Ordinance Amendment.
- 730.9 Recording with County Recorder. A certified copy of any Ordinance Amendment shall be filed with the Kanabec County Recorder by the Town Clerk within twenty (20) days after the Ordinance Amendment, or

its title and summary, is Published. Proof of Publication shall be attached to the recorded Ordinance Amendment.

**[END OF CHAPTER 730]**

## **Chapter 740. Administrative Appeals.**

740.1 Introduction to Chapter. Except for decisions issued by the Planning Commission and/or the Town Board, a Petitioner or an Applicant may appeal any administrative denial of a permit, submission, Subdivision, or Use of a Lot and/or Parcel, including, but not limited to, any denial by the Zoning Administrator to accept as complete any submissions and/or resubmissions of a Conditional Use Permit Application, Variance Application, Re-Zoning Petition, Ordinance Amendment Petition and/or a Petition for Administrative Appeal, denial of an Exemption Certificate Application, and/or any decision by the Township Engineer, by the submission to the Zoning Administrator of a Petition for Administrative Appeal in accordance with the provisions of this Chapter.

740.2 Petition. A Petition for Administrative Appeal, which shall not be deemed properly submitted unless executed by the Owner and Petitioner, shall be made to the Zoning Administrator together with all required filing fees within thirty (30) days after the denial, order, requirement, decision or determination appealed from is issued. The Petition for Administrative Appeal shall be accompanied by a copy of the original petition and/or application from which the denial, order, requirement, decision and/or determination arose, together with any and all information setting forth, with specificity, the Applicant and/or Petitioner's grounds for an Administrative Appeal.

740.3 Procedure.

- a) The Petitioner submitting a Petition for Administrative Appeal shall fill out and submit to the Zoning Administrator a Petition for Administrative Appeal and shall schedule an appointment to review said Petition for Administrative Appeal with the Zoning Administrator upon submission thereof.
- b) Upon submission, the Zoning Administrator shall review the Petition for Administrative Appeal with the Petitioner to determine if the Petition for Administrative Appeal is complete. If said Petition for Administrative Appeal is not complete, the Zoning Administrator shall, within fifteen (15) business days of the submission of the Petition for Administrative Appeal, request any and all missing information from the Petitioner. For purposes of this Chapter 740, a Petition for Administrative Appeal shall be considered complete if:
  - 1) said Petition for Administrative Appeal contains all information as required pursuant to Section 740.2 above; or



- 2) said Petition for Administrative Appeal contains less than all information as required pursuant to Section 740.2 above, but the Zoning Administrator determines that certain requirements as contained in Section 740.2 are inapplicable and/or unnecessary, and deems the Petition for Administrative Appeal complete nonetheless; or
- 3) the fifteen (15) day review period as described in Section 740.3(b) above expires without the Zoning Administrator submitting to Petitioner a request for additional and/or missing information.

The above notwithstanding, no Petition for Administrative Appeal shall be deemed complete unless and until the Petitioner has provided the Zoning Administrator with fifteen (15) copies of said complete Petition for Administrative Appeal, inclusive of any and all supporting documentation. The Petitioner shall provide any oversized plans to the Zoning Administrator in a folded form and submit fifteen (15) additional copies of any such oversized plans in a size not to exceed 11 x 17.

- c) Upon submission of a complete Petition for Administrative Appeal, the Zoning Administrator shall refer the completed Petition for Administrative Appeal, along with all related information, including findings of fact as determined by said Zoning Administrator, to the Planning Commission acting in an advisory role to the Board of Adjustment and Appeals. The Zoning Administrator shall cause the Town Clerk to add the Public Hearing for said completed Petition for Administrative Appeal to the Planning Commission's agenda no later than the date by which said completed Petition for Administrative Appeal is submitted to the Planning Commission for review.
- d) No Petition for Administrative Appeal may be acted upon by the Board of Adjustment and Appeals until the Board of Adjustment and Appeals has received the Planning Commission's recommendations thereon.
- e) Written Notice of a Public Hearing on any complete Petition for Administrative Appeal shall be sent by the Town Clerk to the all members of the Board of Adjustment and Appeals and to all members of the Planning Commission not less than ten (10) days prior to the date of the Public Hearing, as well as to the Petitioner and/or the Owner of the affected Lot and/or Parcel. Such Written Notice shall be accompanied by copies of the completed Petition for Administrative Appeal.

- f) Written Notice of a Public Hearing shall be provided by the Town Clerk to Owners of Record within one quarter ( $\frac{1}{4}$ ) mile of the affected Lot and/or Parcel, or to the ten Owners of Lots and/Parcels nearest to the affected Lot and/or Parcel, whichever would provide Written Notice to the greatest number of Owners of Record as well as the Owner and Petitioner of the affected Lot and/or Parcel, not less than ten (10) days nor more than thirty (30) days prior to the date of the Public Hearing. Failure of an Owner of Record to receive Written Notice shall not invalidate such proceedings.
- g) A Public Hearing on a complete Petition for Administrative Appeal shall be held by the Planning Commission within thirty (30) days after the submission of the complete Petition for Administrative Appeal to the Zoning Administrator. Notice of the Public Hearing shall be Published by the Town Clerk in the Official Newspaper designated by the Town Board at least ten (10) days prior to the Public Hearing.
- h) In accordance with Minnesota Statute § 462.354, subd. 2, the Board of Adjustment and Appeals grants the Planning Commission the authority to provide for the giving of oaths to witnesses and for the filing of written briefs by the relevant parties for purposes of conducting Petition for Administrative Appeal Public Hearings. As such, the Planning Commission shall require that each Petitioner in such a proceeding, in addition to the information required to be included in the completed Petition for Administrative Appeal documents, submit a detailed explanation further outlining and defending his and/or her position that the denial, order, requirement, decision or determination from which the Petitioner is appealing was decided in error. The Planning Commission shall allow, but shall not require, the Administrative Officer responsible for issuing said denial, order, requirement, decision or determination to submit a detailed explanation setting forth his and/or her justification for said denial, order, requirement, decision or determination from which Petitioner is appealing.
- i) The Owner, Petitioner or representative thereof shall appear before the Planning Commission at the Public Hearing in order to present evidence concerning the Petition for Administrative Appeal.
- j) The Planning Commission may recommend the imposing of conditions on the granting of any Petition for Administrative Appeal to insure compliance with this Ordinance, and to protect adjacent Lots and/or Parcels and the public interest. The Board of

Adjustment and Appeals may place additional conditions upon the issuance of a Petition for Administrative Appeal above and beyond those conditions, if any, suggested by the Planning Commission.

- k) The Planning Commission and/or Zoning Administrator shall have the authority to request additional information from the Petitioner, above and beyond the information required to be provided pursuant to Section 740.2 above, concerning the Petitioner for Administrative Appeal as may be necessary in making any determination thereon. In addition, if in the discretion of the Planning Commission and/or the Board of Adjustment and Appeals, further information is required in making any determination with respect to any Petition for Administrative Appeal, either the Planning Commission and/or the Board of Adjustment and Appeals shall have the authority to retain third-party expert testimony at the expense of the Petitioner concerning the impact of the Petition for Administrative Appeal and/or regarding any other factors relating thereto.
  
- l) Following the Public Hearing, the Planning Commission shall submit a Petition for Administrative Appeal Report and Recommendation, along with findings of fact, to the Board of Adjustment and Appeals including any additional conditions it considers necessary to protect the public health, safety and welfare. The Town Board, acting as the Board of Adjustment and Appeals, shall place the Administrative Appeal Report and Recommendation and the Planning Commission's findings of fact on the Town Board Agenda for the next Regular Meeting of the Town Board, sitting as the Board of Adjustment and Appeals, following the Public Hearing recommending approval, disapproval, or modified approval of the request as provided in the Petition for Administrative Appeal. Such Petition for Administrative Appeal Report and Recommendation and the corresponding findings of fact submitted by the Planning Commission shall be entered in and made a part of the written record of the Board of Adjustment and Appeals' meeting at which said Petition for Administrative Appeal is discussed and reviewed.
  
- m) Within sixty (60) days after the submission of the completed Petition for Administrative Appeal by the Petitioner to the Zoning Administrator or within sixty (60) days of resubmission of the Petition for Administrative Appeal by the Petitioner to the Zoning Administrator if further information was requested by the Zoning Administrator as provided in Section 740.3(b), the Board of Adjustment and Appeals shall:

- 1) Approve or disapprove the request pursuant to the Petition for Administrative Appeal Report and Recommendation and findings of fact submitted to it by the Planning Commission; or
  - 2) Approve or disapprove the Petition for Administrative Appeal Report and Recommendation and findings of fact of the Planning Commission with modifications, alterations or differing conditions. Such modifications or differing conditions shall be in writing and made part of the Board of Adjustment and Appeals' records; or
  - 3) Refer the Petition for Administrative Appeal Report and Recommendation and findings of fact back to the Planning Commission for further consideration. This procedure shall be followed only one time on a singular action.
- n) The Board of Adjustment and Appeals, Planning Commission or Zoning Administrator may extend the time limit as provided in 740.3(m) if before the end of the initial sixty (60) day period the Board of Adjustment and Appeals, Planning Commission or Zoning Administrator provides Written Notice of the extension to the Petitioner stating the reasons for the extension and its anticipated length, which may not exceed an additional sixty (60) days unless approved by the Petitioner.
- o) Approval of completed Petition for Administrative Appeals shall require passage by a 2/3rds vote of the full Board of Adjustment and Appeals. The Town Clerk shall notify the Petitioner and/or Owner of the Board of Adjustment and Appeals' action in accordance with the time frame as provided in Section 740.3 herein.
- p) The decisions of the Board of Adjustment and Appeals shall be subject to judicial review.
- 740.4 Criteria for Review. In determining whether or not to affirm or reject a denial, order, requirement, decision or determination in accordance with this Chapter 740, the Board of Adjustment and Appeals shall seek to ensure that any such affirmation or rejection ensures continued adherence and compliance with and to all aspects and requirements set forth in this Ordinance.

**[END OF CHAPTER 740)**

**Chapter 750. Site Permits.**

750.1 Introduction. No Person may erect, construct, alter, or relocate any Building or Structure without obtaining approval of a Site Permit Application from the Zoning Administrator.

750.2 Application. A Site Permit Application, which shall not be deemed properly submitted unless executed by both the Owner of the subject Lot and/or Parcel and the Applicant, shall be made to the Zoning Administrator together with all required fees. The Site Permit Application shall be accompanied by a site plan providing information as is necessary to demonstrate compliance with this Ordinance, including but not limited to:

- a) Street location of the Lot and/or Parcel;
- b) Name, address, phone number of the Owner and Applicant;
- c) Legal Description of the Lot and/or Parcel;
- d) Existing and proposed easements;
- e) Gross Acreage of the Lot and/or Parcel;
- f) Detailed description as to the number of man hours reasonably estimated as necessary for completion of the project giving rise to the proposed Site Permit Application;
- g) Site plan drawn to a minimum scale of 1" = 100 feet, or other scale to be approved by the Zoning Administrator, showing the Lot and/or Parcel and Building dimensions, including square footage, with accurate measurements and location of all existing and proposed Buildings and improvements on the subject Lot and/or Parcel, together with all Setbacks from the Lot Lines and Public Road Right-of-Way;
- h) Driveways, Access Roads, Parking Spaces, Off-Street Parking and Loading Areas;
- i) A parking plan describing the number of Parking Spaces, traffic patterns and parking access;
- j) Landscaping, Fences and screening plans;

- k) Drainage Plan, including a written statement as to the potential effect on adjacent Lots and/or Parcels and SWPPP;
- l) Description of the material proposed to complete the exterior of the Building and/or Structure;
- m) Description of any proposed lighting to be used, and the potential effect of said lighting on adjacent Lots and/or Parcels;
- n) Septic system and well location with estimated use per day;
- o) Utility plan, including, but not limited to, the types of utilities existing and/or proposed (telephone lines, power lines, DSL lines, cable, gas lines, outdoor propane tanks, garbage/refuse receptacles, etc.) and the location and/or proposed location of said utility lines;
- p) Description of any Signage;
- q) Soil type; and
- r) Any additional written or graphic data reasonably required by the Zoning Administrator.

750.3 Procedure.

- a) The Person applying for a Site Permit shall fill out and submit to the Zoning Administrator a Site Permit Application form and filing fee;
- b) Site Permit Applications shall be executed by the Owner of the affected Lot and/or Parcel and the Applicant;
- c) Upon submission, the Zoning Administrator shall review the Site Permit Application with the Applicant to determine if the Site Permit Application is complete. If said Site Permit Application is not complete, the Zoning Administrator shall, within fifteen (15) business days of the submission of the Site Permit Application, request any and all missing information from the Applicant. For purposes of this Chapter 750, a Site Permit Application shall be considered complete if:
  - 1) said Site Permit Application contains all information as required pursuant to Section 750.2 above; or
  - 2) said Site Permit Application contains less than all information as required pursuant to Section 750.2 above,

but the Zoning Administrator determines that certain requirements as contained in Section 750.2 are inapplicable and/or unnecessary, and deems the Site Permit Application complete nonetheless; or

- 3) the fifteen (15) day review period as described in Section 750.3(c) above expires without the Zoning Administrator submitting to Applicant a request for additional and/or missing information.

The above notwithstanding, no Site Permit Application shall be deemed complete unless and until the Applicant has provided the Zoning Administrator with five (5) copies of said complete Site Permit Application, inclusive of any and all site plans and any other supporting documentation. The Applicant shall provide any oversized plans to the Zoning Administrator in a folded form and submit five (5) additional copies of any such oversized plans in a size not to exceed 11 x 17.

- d) Approval of Site Permit. The Zoning Administrator shall examine and approve the Site Permit Application and issue a Site Permit, if any only if, the proposed plans, as provided in the Site Permit Application, comply with all the provisions of this Ordinance. The Zoning Administrator's determination as provided herein shall be made within sixty (60) days of the submission of the Site Permit Application to the Zoning Administrator. The Zoning Administrator may extend the time limit as provided herein if, before the end of the initial sixty (60) day period, the Zoning Administrator provides Written Notice of the extension to the Applicant stating the reasons for the extension and its anticipated length, which may not exceed an additional sixty (60) days unless approved by the Applicant. One (1) copy of the Site Permit Application, together with any and all site plans and other supporting documentation shall be retained by the Zoning Administrator and one (1) copy shall be retained by the Town Clerk in the Town's Permit Book as public information. The Zoning Administrator shall sign all Site Permits.
- e) Refusal to Issue Permits. The Zoning Administrator shall refuse to approve any Site Permit Application or issue a Site Permit in the following cases:
  - 1) Where the Site Permit Application and other submitted information as required pursuant to Section 750.2 indicate that the proposed work is not in accordance with the provisions of this Ordinance; or

- 2) Where necessary grading incidental to the proposed construction will obstruct any natural drainage waterway; or
- 3) Where the relative elevations of the proposed building grade and the established road grade conflict in a manner likely to cause damage to the subject Lot and/or Parcel or to any other Lots and/or Parcels in the Town; or
- 4) Where the proposed construction is too low for proper drainage.

The Zoning Administrator shall provide written findings of fact to the Applicant for any Site Permits that the Zoning Administrator refuses to approve.

- f) Inspection. Prior to the commencement of the erection, construction, alteration, or relocation of any Building or Structure, the Applicant shall stake the location of any and all proposed improvements to the Lot and/or Parcel as well as any and all Lot Lines so that the Zoning Administrator may inspect the Lot and/or Parcel to determine whether the proposed erection, construction, alteration or relocation of the proposed Building and/or Structure complies with the requirements of this Ordinance.
- g) Granted Site Permits shall become void if Applicant does not proceed substantially on the work contemplated pursuant to the Site Permit Application within six (6) months of the granting of said Site Permit. To proceed substantially means to make visible improvements to the Lot and/or Parcel and to have had applied to the Lot and/or Parcel at least forty percent (40%) of the labor hours which it was reasonably estimated would be necessary for completion of the project. One or more extensions for not more than six (6) months each may be granted by the Town Board for good cause, as determined after a review and recommendation by the Planning Commission to the Town Board.

**[END OF CHAPTER 750]**



## **Chapter 751. Exemption Permits.**

751.1 Introduction to Chapter. Exemption Permits may be granted to exempt certain Uses within a Zoning District where the proposed Exempted Use meets all of the requirements of this Ordinance or can, with appropriate conditions attached, meet the requirements of this Ordinance.

751.2 Application. An Exemption Permit Application, which shall not be deemed properly submitted unless executed by both the Owner of the subject Lot and/or Parcel and the Applicant, shall be made to the Zoning Administrator together with all required fees. The Exemption Permit Application shall be accompanied by a site plan providing such information as is necessary to demonstrate compliance with this Ordinance, including but not limited to:

- a) Street location of the Lot and/or Parcel;
- b) Name, address, phone number of the Owner and Applicant;
- c) Legal Description of the Lot and/or Parcel;
- d) Existing and proposed easements;
- e) Gross Acreage of the Lot and/or Parcel;
- f) A statement and explanation as to how the Exemption Permit Application is consistent with the Town's Comprehensive Plan;
- g) Detailed description of the request and reason for the request for an Exempted Use;
- h) Site plan drawn to a minimum scale of 1" = 100 feet, or other scale to be approved by the Zoning Administrator, showing the Lot and/or Parcel and Building dimensions, including square footage, with accurate measurements and location of all existing and proposed Buildings and improvements on the subject Lot and/or Parcel, together with all Setbacks from the Lot Lines and Public Road Right-of-Way;
- i) Driveways, Access Roads, Parking Spaces, Off-Street Parking and Loading Areas;
- j) A parking plan describing the number of Parking Spaces, traffic patterns and parking access;
- k) Landscaping, Fencing and Screening plans;

- l) Drainage Plan, including a written statement as to the potential effect on adjacent Lots and Parcels and SWPPP;
- m) Description of any Buildings and/or Structures, including the lighting used thereon, and the potential effect of said lighting on adjacent Lots and Parcels;
- n) Septic system and well location with estimated use per day;
- o) Utility plan, including, but not limited to, the types of utilities existing and/or proposed (telephone lines, power lines, DSL lines, cable, gas lines, outdoor propane tanks, garbage/refuse receptacles, etc) and the location and/or proposed location of said utility lines;
- p) Description of any Signage;
- q) Soil type; and
- r) Any additional written or graphic data reasonably required by the Zoning Administrator, Town Board or Planning Commission.

751.3 Criteria for Granting Exemption Permits. In recommending approval of an Exemption Permit Application, the Zoning Administrator and the Planning Commission shall consider the effect of the proposed Exempted Use upon the health, safety, morals, property values, and general welfare of occupants of surrounding Lots and/or Parcels and water bodies. The following criteria shall be considered (1) by the Zoning Administrator in making its Exemption Permit Report and Recommendations; and (2) by the Planning Commission at the Public Hearing and in making its Exemption Permit Report and Recommendation and findings of fact provided to the Town Board; and (3) by the Town Board in its findings of fact when determining the issuance of a Exemption Permit:

- a) The proposed Exempted Use is not prohibited in the Zoning District in which the relevant Lot and/or Parcel is located;
- b) The Exemption Permit must be in harmony with the general purpose and intent of this Ordinance;
- c) The Exemption Permit must not be substantially detrimental to the public welfare or to other adjacent Lots and/or Parcels;
- d) The Exemption Permit will not create an excessive burden on existing Public Roads and other public facilities and/or Essential

Services which serve or are proposed to serve the affected Lot and/or Parcel and other Lots and/or Parcels adjacent thereto;

- e) The proposed Exempted Use will be sufficiently compatible with adjacent Agricultural Land Uses or Residential Land Uses so that existing Residential Dwellings will not be depreciated in value and there will be no deterrence to Development of vacant land;
- f) The Exemption Permit is necessary because Screening is impossible or impractical, given the totality of the circumstances and due the nature of the Lot and/or Parcel itself and the Uses performed thereon;
- g) The Structures and the Lot and/or Parcel shall have an appearance that will not have an adverse effect upon or be injurious to the Use and enjoyment of the adjacent Lots and/or Parcels;
- h) The proposed Exempted Use, in the opinion of the Planning Commission, is reasonably related to the Existing Use of the Lot and/or Parcel upon which the proposed Exempted Use will occur;
- i) The Exemption Permit is consistent with the purpose of this Ordinance and the purpose of the Zoning District in which the Applicant intends to locate the proposed Exempted Use;
- j) The Exemption Permit is not in conflict with the Comprehensive Plan of the Town;
- k) Adequate measures have been or will be taken to prevent or control offensive odor, fumes, dust, noise, and vibration, so that none of these will constitute a nuisance, and to control lighted Signs and other lights in such a manner that no undue disturbance to neighboring Lots and/or Parcels will result;
- l) A demonstrated need for the proposed Exemption Permit can be shown; and
- m) Whether the proposed Exempted Use effects the health, safety and/or general welfare of the citizens of the Town.

#### 751.4 Procedure.

- a) The person applying for a Exemption Permit shall fill out and submit to the Zoning Administrator a Exemption Permit Application form and filing fee;

- b) Exemption Permit Applications shall be executed by the Owner of the subject Lot and/or Parcel and the Applicant;
- c) Upon submission, the Zoning Administrator shall review the Exemption Permit Application with the Applicant to determine if the Exemption Permit Application is complete. If said Exemption Permit Application is not complete, the Zoning Administrator shall, within fifteen (15) business days of the submission of the Exemption Permit Application, request any and all missing information from the Applicant. For purposes of this Chapter 751, a Exemption Permit Application shall be considered complete if:
  - 1) said Exemption Permit Application contains all information as required pursuant to Section 751.2 above; or
  - 2) said Exemption Permit Application contains less than all information as required pursuant to Section 751.2 above, but the Zoning Administrator determines that certain requirements as contained in Section 751.2 are inapplicable and/or unnecessary, and deems the Exemption Permit Application complete nonetheless; or
  - 3) the fifteen (15) day review period as described in Section 751.4(c) above expires without the Zoning Administrator submitting to Applicant a request for additional and/or missing information.

The above notwithstanding, no Exemption Permit Application shall be deemed complete unless and until the Applicant has provided the Zoning Administrator with fifteen (15) copies of said complete Exemption Permit Application, inclusive of any and all site plans and any other supporting documentation. The Applicant shall provide any oversized plans to the Zoning Administrator in a folded form and submit fifteen (15) additional copies of any such oversized plans in a size not to exceed 11 x 17.

- d) Any completed Exemption Permit Application shall be referred to the Planning Commission by the Zoning Administrator for review and a Public Hearing, along with all related information relating thereto, including the Zoning Administrator's Exemption Permit Report and Recommendation and findings of fact evaluating the Applicant's compliance with Section 751.3 of this Chapter. The Zoning Administrator shall cause the Town Clerk to add the Public Hearing to the Planning Commission's Agenda no later than the date by which said completed Exemption Permit Application is submitted to the Planning Commission for review. No Exemption

Permit Application may be acted upon by the Town Board until the Town Board has received the Planning Commission's recommendations thereon.

- e) Written Notice of a Public Hearing on any complete Exemption Permit Application shall be sent by the Town Clerk to all members of the Town Board and all members of the Planning Commission not less than ten (10) days prior to the date of the Public Hearing. Such Written Notice shall be accompanied by copies of the completed Exemption Permit Application.
- f) Written Notice of a Public Hearing shall be provided by the Town Clerk to Owners of Record within one quarter ( $\frac{1}{4}$ ) mile of the subject Lot and/or Parcel, or to the ten (10) Owners of Lots and/Parcels nearest to the subject Lot and/or Parcel, whichever would provide Written Notice to the greatest number of Owners of Record as well as the Applicant and the Owner of the subject Lot and/or Parcel, not less than ten (10) days nor more than thirty (30) days prior to the date of the Public Hearing. Failure of an Owner of Record to receive Written Notice shall not invalidate such proceedings;
- g) A Public Hearing on a complete Exemption Permit Application shall be held by the Planning Commission within thirty (30) days after the submission of the complete Exemption Permit Application to the Zoning Administrator. Notice of the Public Hearing shall be Published in the Official Newspaper at least ten (10) days prior to the Public Hearing;
- h) The Applicant or his representative shall appear at the Public Hearing to present evidence concerning the Exemption Permit Application;
- i) Following the Public Hearing, the Planning Commission shall submit a Exemption Permit Report and Recommendation, together with findings of fact, to the Town Board including any additional conditions it considers necessary to protect the public health, safety and welfare of the Town. The Town Board shall place the Exemption Permit Report and Recommendation and findings of fact on the Town Board Agenda for the next Regular Meeting of the Town Board following the Public Hearing recommending approval, disapproval, or modified approval of the request as provided in the Exemption Permit Application.
- j) Within sixty (60) days after the submission of the complete Exemption Permit Application by the Applicant to the Zoning

Administrator, or within sixty (60) days of resubmission of the Exemption Permit Application by the Applicant to the Zoning Administrator if further information was requested by the Zoning Administrator as provided in Section 751.4(c), the Town Board shall either:

- 1) Approve or disapprove the request pursuant to the Exemption Permit Report and Recommendation and findings of fact submitted to it by the Planning Commission; or
  - 2) Approve or disapprove the Exemption Permit Report and Recommendation and findings of fact of the Planning Commission with modifications, alterations or differing conditions. Such modifications or differing conditions shall be in writing and made part of the Town Board's records; or
  - 3) Refer the Exemption Permit Report and Recommendation findings of fact back to the Planning Commission for further consideration. This procedure shall be followed only one time on a singular action.
- k) The Town Board, Planning Commission or Zoning Administrator may extend the time limit as provided in 751.4(j) if, before the end of the initial sixty (60) day period, the Town Board, Planning Commission or Zoning Administrator provides Written Notice of the extension to the Applicant stating the reasons for the extension and its anticipated length, which may not exceed an additional sixty (60) days unless approved by the Applicant.
- l) Approval of a complete Exemption Permit Application shall require passage by a 2/3rds vote of the full Town Board. The Town Clerk shall notify the Applicant and the Owner of the Town Board's action in accordance with the time frame as provided in Section 751.4 herein.
- m) If the Town Board grants the Exemption Permit, it may impose conditions it considers necessary to protect the public health, safety and welfare of the Town. Such conditions may include a time limit for the Exemption Permit to exist or operate.
- n) An amended Exemption Permit Application shall be administered in a manner similar to that required for a new Exemption Permit Application. The fee shall be as set by separate action of the Town Board. Amended Exemption Permit Applications shall include

requests for changes in conditions and as otherwise described in this Ordinance.

- o) In the event a Exemption Permit Application is denied, no Exemption Permit Application affecting the same Lot and/or Parcel and proposing an Exempted Use of a substantially same or similar nature as that which was initially proposed in the denied Exemption Permit Application may be resubmitted by any Applicant for a period of six (6) months from the date of said order of denial, unless said Applicant can demonstrate a clear showing to the Zoning Administrator of new evidence and/or change in circumstances impacting said Exemption Permit Application.
- p) If a time limit or period review is included as a condition by which a Exemption Permit is granted, the Exemption Permit may be reviewed at a Public Hearing before the Planning Commission with Written Notice of said Public Hearing Published at least the ten (10) days prior to review; it shall be the responsibility of the Zoning Administrator to schedule such Public Hearings before the Planning Commission and neither the Applicant nor the Owner of the Lot and/or Parcel having a Exemption Permit shall be required to pay a fee for said review.
- q) A Public Hearing for annual review of any granted Exemption Permit may be required at the discretion of the Planning Commission or Town Board, even if said granted Exemption Permit does not explicitly require the performance of an annual review as a condition thereof.

751.5 Recording. A certified copy of any Exemption Permit shall be filed with the Kanabec County Recorder by the Town Clerk within thirty (30) days of approval thereof. The Exemption Permit shall include the Legal Description of the Lot and/or Parcel for which said Exemption Permit is granted.

751.6 Compliance. Any Exempted Use permitted under the terms of any Exemption Permit shall be established and conducted in conformity with the terms of such Exemption Permit as well as with any and all conditions connected to such Exemption Permit. If the actual Exempted Use of the Lot and/or Parcel does not conform to the conditions as set forth in the Exemption Permit, the Exemption Permit may be revoked in accordance with Section 751.7 below.

751.7 Revocation. Upon learning of a circumstance whereby the actual Exempted Use of a Lot and/or Parcel is not in conformance with the conditions set forth in a Exemption Permit affecting said Lot and/or

Parcel, the Zoning Administrator shall refer said Exemption Permit, along with any and all information relating thereto, including, but not limited to, any information purporting to show that the actual Exempted Use of the Lot and/or Parcel affected by said Exemption Permit is not being carried out in accordance therewith, to the Planning Commission for review and shall set the same for Public Hearing before the Planning Commission. A Public Hearing regarding said Exemption Permit shall be held by the Planning Commission within thirty (30) days of receipt of the same from the Zoning Administrator. Notice of the Public Hearing shall be Published in the Official Newspaper and Written Notice shall be provided to the Owner and Applicant at least ten (10) days prior to the Public Hearing. Subsequent to the Public Hearing, the Planning Commission shall place the Exemption Permit Revocation matter on the Town Board Agenda for the next Regular Meeting of the Town Board. The Town Board shall make its decision regarding said Exemption Permit Revocation matter within sixty (60) days from the date of the Public Hearing discussed in this Section 751.7. A decision to revoke a Exemption Permit shall require passage by a 2/3rds vote of the full Town Board. The Zoning Administrator or Town Clerk shall notify the Exemption Permit Applicant of Town Board's action accordingly. A certified copy of any Exemption Permit Revocation shall be filed with the Kanabec County Recorder by the Town Clerk within thirty (30) days of revocation thereof. The Exemption Permit Revocation shall include the Legal Description of the Lot and/or Parcel for which said Exemption Permit was revoked.

- 751.8 Lapse of Exemption Permit by Non-Use. If at any time after the grant of a Exemption Permit the Zoning Administrator determines that the permitted Exempted Use has lapsed for a period of time in excess of one year, then such Exemption Permit shall become null and void.

**[END OF CHAPTER 751]**



**Chapter 800. Board of Adjustment and Appeals.**

800.1 Establishment of the Board of Adjustment. The Town Board shall act as the Board of Adjustment and Appeals.

800.2 Powers and Duties.

- a) To hear and decide appeals where it is alleged that there is an error in any order, requirement, decision or determination made by an Administrative Officer in the enforcement of the Ordinance.
- b) To hear requests for Variances from the literal provisions of this Ordinance in accordance with the provisions of Chapter 700 of this Ordinance and to grant such Variances only when it is demonstrated that granting said Variance will be keeping with the spirit and intent of the Ordinance.
- c) To adopt rules for the conduct of proceedings which come before the Board of Adjustment and Appeals, including but not limited to Public Hearings, which may include provisions for giving oaths to witnesses and requiring the filing of written briefs and/or summaries by those Persons party to said Public Hearings and/or other proceedings.

800.3 Restrictions. Actions of the Planning Commission and the Town Board shall not be appealable to the Board of Adjustment and Appeals.

800.4 Other Powers. The Board of Adjustment shall have such other powers and duties as are assigned to it by law.

800.5 Findings of Fact. Separate written findings of fact shall be made by the Board of Adjustment and Appeals for each determination by the Board of Adjustment and Appeals as provided in this Chapter herein.

**[END OF CHAPTER 800]**

**Chapter 810. Planning Commission.**

810.1 Establishment of the Planning Commission. A Ford Township Planning Commission is established under authority of Minnesota Statutes §§462.351 through 462.365 for the purpose of conducting hearings and making recommendations to the Town Board and Board of Adjustment and Appeals on requests, submissions, applications, Ordinance Amendments and modifications to include, but not be limited to, submissions to the Town as a result of Variance Applications, Conditional Use Permit Applications, Re-Zoning Petitions, and/or Ordinance Amendment Petitions to the Town Board.

810.2 Composition of the Planning Commission.

- a) The Planning Commission shall consist of five (5) members, one of which shall be a member of the Town Board.
- b) The Planning Commission members must be appointed by the Town Board and shall be Town residents.
- c) The Planning Commission members shall be compensated at a per diem rate set by the Town Board and necessary and reasonable expenses to be paid monthly.
- d) All Planning Commission members shall initially be appointed for a period ending January 31, 2009. For the period commencing February 1, 2009, one member of the Planning Commission shall be appointed for a one (1) year term, two (2) members shall be appointed for two (2) year terms, and one (1) member shall be appointed for a three (3) year term. The Town Board shall appoint a member of the Town Board to serve as the fifth (5<sup>th</sup>) member of the Planning Commission. Said Town Board member shall serve on the Planning Commission for a one (1) year term. As each of the terms as herein described expire, and except for the Town Board member who shall always serve only one (1) year terms, all new terms of Planning Commission members thereafter shall be for three (3) year, staggered terms to be appointed to a term commencing on the first day in February.

810.3 Quorum. A majority of the entire Planning Commission shall constitute a quorum. To conduct and call to order a Public Hearing, a Regular Meeting of the Planning Commission, a Special Meeting of the Planning Commission, and/or an Emergency Meeting of the Planning Commission, a quorum must be present. In the event that a Planning Commission member is required to depart a Planning Commission Public Hearing, a Regular Meeting of the Planning Commission, a Special Meeting of the

Planning Commission, and/or an Emergency Meeting of the Planning Commission prior to adjournment thereof, and the departure causes a loss of quorum, a quorum shall not be considered lost and further official action may be taken by the Planning Commission.

810.4 Organization and Record Keeping.

- a) The Planning Commission may create and fill the offices of chair and vice chair and any others as it may determine from its own membership.
- b) The Town Clerk shall act as secretary of the Planning Commission. The Town Clerk shall not be considered a member of the Planning Commission and, as such, his/her function as secretary thereof shall be that of note-taker and record-keeper only.
- c) The Planning Commission may appoint such committees as it deems appropriate, adopt rules for the transaction of business, and shall keep a record of its resolutions, transactions, and findings, which record shall be public.

810.5 Powers and Duties of the Planning Commission. The Planning Commission shall be the planning agency of the Town and shall have the powers and duties given such agencies generally by Minnesota Statutes §§462.351 through 462.365. It shall also exercise the duties conferred upon it by this Ordinance.

810.6 Public Hearings. The Township Comprehensive Plan and/or Ordinance may not be amended, nor shall any Variance Application, Conditional Use Permit Application, Re-Zoning Petition or Ordinance Amendment Petition be approved, until a Public Hearing has been held by the Planning Commission.

810.7 Findings of Fact. Separate written findings of fact shall be made by the Planning Commission for each determination by the Planning Commission as provided in this Chapter herein.

810.8 Conflict of Interest. Any Planning Commission member who has a conflict of interest on any issue before the Planning Commission shall not be allowed to participate as a Planning Commission member on that issue. Any question of whether the particular issue involves a conflict of interest sufficient to disqualify a Planning Commission member from acting thereon, shall be decided by majority vote of all Planning Commission members present, excluding the Planning Commission member who is being challenged.

**[END OF CHAPTER 810]**

## **Chapter 820. Town Clerk.**

- 820.1 Election. The Town Clerk shall be elected at the Town General Election to be held the first Tuesday in November of the applicable election year. The Town Clerk shall be elected to four (4) year terms commencing on the first Monday in January following the election thereof and continuing until the Town Clerk's successor is elected and qualified. The next election to be held for the election of the Town Clerk shall be November 4, 2008.
- 820.2 Bond. The Town Clerk, before beginning the duties of the office, shall give bond to the Town in an amount to be determined by the Town Board, conditioned for the faithful discharge of the duties of the Town Clerk. The bond shall be filed with the Kanabec County Auditor.
- 820.3 Oath. Prior to transacting any business of the Town or exercising any duties of the office, the Town Clerk shall take and subscribe an oath to support the Constitution of the United States and of the State of Minnesota and to discharge faithfully the duties of the Town Clerk to the best of his or her judgment and ability.
- 820.4 Delivery of Records. Any Town Clerk at the end of his or her term and upon the qualification of the successor Town Clerk, shall deliver any and all records in their possession to the successor Town Clerk upon demand of the successor Town Clerk.
- 820.5 Duties. The Town Clerk shall:
- a) take oaths of office from elected and/or appointed members of the Town Board, Planning Commission and Town Treasurer;
  - b) act as clerk of the Town Board and keep in the Town Clerk's office a true record of all of the Town Board's proceedings;
  - c) unless otherwise provided by law, have custody of the records, books, and papers of the Town and file and safely keep all papers required by law to be filed in the Town Clerk's Office as designated from time to time by the Town Board;
  - d) record minutes of the proceedings of every Regular Meeting of the Town Board, Special Meeting of the Town Board, Emergency Meeting of the Town Board, Regular Meeting of the Planning Commission, Special Meeting of the Planning Commission, Emergency Meeting of the Planning Commission and Board of Adjustment and Appeals meeting in the book of Town records and enter in said minutes at length, including every order or direction and all rules and regulations made by the Town Board, Planning

Commission, and/or Board of Adjustment and Appeals, as the case may be;

- e) mail, Publish or otherwise provide all required notices in accordance with the provisions of this Ordinance;
- f) record all Variances, Conditional Use Permits and Ordinance Amendments approved by the Town Board or Board of Adjustment and Appeals;
- g) file and preserve all accounts audited by the Town Board or allowed at a Regular Meeting of the Town Board, Special Meeting of the Town Board or Emergency Meeting of the Town Board and enter a statement of them in the book of records;
- h) record every request for a special vote or Special Meeting of the Town Board, special vote or Special Meeting of the Planning Commission meeting and/or special vote of the Board of Adjustment and Appeals and properly post the requisite notices of them;
- i) file for record with the Kanabec County Recorder or Registrar of Titles all documents required to be filed by law;
- j) post, as required by law, fair copies of all bylaws made by the Town Board, and make a signed entry in the Town records, of the time when and the places where the bylaws were posted and record in full all ordinances passed by the Town Board in an Ordinance Book;
- k) upon request of an Applicant, Petitioner, Owner, Planning Commission or Town Board distribute copies of this Ordinance to the members of the Planning Commission, Town Board, Board of Adjustment and Appeals and to the Public;
- l) furnish at the Annual Meeting of the Town Board of audit every statement from the County Treasurer of money paid to the Town Treasurer, and all other information about fiscal affairs of the Town in the Town Clerk's possession, and all accounts, claims, and demands against the Town filed with the Town Clerk; and
- m) perform any other duties required by law.

**[END OF CHAPTER 820]**

## **Chapter 821. Town Treasurer.**

- 821.1 Election. The Town Treasurer shall be elected at the Town General Election to be held the first Tuesday in November of the applicable election year. The Town Treasurer shall be elected to four (4) year terms commencing on the first Monday in January following the election thereof and continuing until the Town Treasurer's successor is elected and qualified. The next election to be held for the election of the Town Treasurer shall be November 2, 2010.
- 821.2 Bond. The Town Treasurer, before beginning the duties of the office, shall give a bond to the Town in an amount to be determined by the Town Board, conditioned for the faithful discharge of the duties of the Town Treasurer. The bond shall be filed with the Kanabec County Auditor.
- 821.3 Oath. Prior to transacting any business of the Town or exercising any duties of the office, the Town Treasurer shall take and subscribe an oath to support the Constitution of the United States and of the State of Minnesota and to discharge faithfully the duties of the Town Treasurer to the best of his or her judgment and ability.
- 821.4 Delivery of Records. Any Town Treasurer at the end of his or her term and upon the qualification of the successor Town Treasurer, shall deliver any and all records in their possession to the successor Town Treasurer upon demand of the successor Town Treasurer.
- 821.5 Duties. The Town Treasurer shall:
- a) Receive and take charge of all money belonging to the Town, or which is required to be paid into its treasury, and to pay it out only upon the lawful order of the Town Board or its officers;
  - b) Preserve all books, papers, and property pertaining to or filed in the Town Treasurer's Office, as designated from time to time by the Town Board;
  - c) Keep a true account of all money received as Town Treasurer and the manner in which it is disbursed, in a book or in a digital format or in some other medium as approved under Minnesota law that is provided for that purpose, and provide the account, with the Town Treasurer's vouchers, to the Town Board of Audit, at its Annual Meeting, for adjustment;
  - d) Deliver, on demand, all books, software, data and property belonging to the Town Treasurer's office, and all money in the

Town Treasurer's hands as Town Treasurer, to a qualified successor;

- e) Keep in a suitable book or in a digital format or in some other medium as approved under Minnesota law a register of all Town orders presented for payment that cannot be paid for want of funds, with the date presented, and to endorse upon the back of each the words "not paid for want of funds," with the date of the endorsement, signed by the Town Treasurer;
- f) Draw from the Kanabec County Treasurer, from time to time, money received by the Kanabec County Treasurer for the Town, and receipt for it;
- g) Make and file with the Town Clerk, within five days preceding the annual town meeting, a statement, in writing, of the money received from the Kanabec County Treasurer and all other sources, and all money paid out as Town Treasurer. The statement shall show the items of money received and from whom, on what account and when each was received. The statement shall also show the items of payment and to whom, for what purpose, when and the amount of each that was made, and the unexpended balance on hand; and
- h) To perform other duties required by law.

**[END OF CHAPTER 821]**



**Chapter 825. Zoning Administrator.**

825.1 Office Establishment. The office of the Zoning Administrator is hereby established, for which the Town Board may appoint such staff as it may deem proper. The terms of office of the Zoning Administrator staff shall be indefinite and shall terminate at the pleasure of the Town Board.

825.2 Duties. The Zoning Administrator shall:

- a) Enforce and administer the provisions of this Ordinance;
- b) Accept and review Land Use Permit Applications and Land Use Petitions.
- c) Determine an Applicant's and/or Petitioner's compliance with the provisions of this Ordinance and completeness of Land Use Permit Applications and Land Use Petitions and notify Applicants and/or Petitioners in the event said Land Use Permit Application and/or Land Use Petition is incomplete;
- d) Notify an Applicant and/or Petitioner, in writing, if a proposed Use is not in compliance with this Ordinance, and assist the Applicant and/or Petitioner with procedures, appeals, or any other administrative remedies as may be appropriate and/or necessary to attain compliance;
- e) Receive, and forward to the Planning Commission all complete Land Use Permit Applications and all complete Land Use Petitions;
- f) Interpret this Ordinance and make recommendations to the Planning Commission, Town Board, and/or Board of Adjustment and Appeals, including findings of fact, concerning Land Use Permit Applications, Land Use Petitions, fees, forms and/or any other issue that may be presented by the Town Board, Planning Commission, and/or Board of Adjustment and Appeals;
- g) Conduct technical reviews and site inspections, and make staff reports to the Planning Commission, Town Board and/or Board of Adjustment and Appeals on specific Land Use Permit Applications and Land Use Petitions;
- h) Issue appropriate Land-Use Permits when all provisions of this Ordinance are in compliance.

- i) Notify an Owner, in writing, if a Use is not in compliance with this Ordinance, and assist the Town Board with appropriate procedures, appeals, or any other administrative remedies necessary to attain compliance by Owner;
- j) Maintain a system of procedures, records, files, and documents that will provide for effective and consistent administration, and enforce the substance and intent of this Ordinance for the protection and preservation of the public health and safety of the Town;
- k) Investigate alleged violations of the Ordinance and advise Owners/Applicants/Petitioners of necessary corrective measures. Maintain an inventory of said violations including dated photographs and/or other evidence as the Zoning Administrator, Planning Commission and/or Town Board may deem necessary;
- l) Issue and enforce Stop Orders on the construction, repair, alteration, renewal, or demolition of any Building or Structure or any work done thereon in violation of this Ordinance or any Use performed in violation of this Ordinance;
- m) Coordinate the enforcement of this Ordinance with the enforcement of related land Use statutes and codes by active cooperation with other agencies;
- n) Inspect all Lots, Parcels, Buildings, Structures and Uses that are regulated under this Ordinance, and to provide inspection reports to the appropriate Owner, Applicant and/or Petitioner, as well as to the Planning Commission Town Board, and Board of Adjustment and Appeals and file records with the Town as deemed appropriate by the Planning Commission, Town Board, and/or Board of Adjustment and Appeals;
- o) Identify, inventory, and monitor Nonconforming Uses;
- p) Submit a written monthly report to the Planning Commission and to the Town Board at least one (1) week in advance of the Regular Meetings of the Planning Commission and Regular Meetings of the Town Board, as the case may be. These reports shall include a detailed list of the following: Land Use Permits issued/denied, Land Use Permit Applications received, Land Use Petitions issued/denied, Land Use Petitions received, and any other pertinent zoning administration activity and information relating thereto.

- q) Maintain the Zoning Map up-to-date;
- r) Assist with the maintenance of the Ford Township webpage ([www.fordtownship.org](http://www.fordtownship.org)) and keep current with zoning items and reports of all Land Use Permit Applications, Land Use Petitions, and Land Use Permits issued on at least a monthly basis, and other Planning/Zoning related documents (permit forms, etc.) and information as requested;
- s) In addition to the five (5) regular members of the Planning Commission, serve as an ex-officio member of the Planning Commission;
- t) Collect all fees required by this Ordinance and submit any and all fees to the Town Treasurer immediately upon receipt; and
- u) Complete other matters and responsibilities as the Town Board may assign from time to time.

825.3 Employment of Consultants. The Zoning Administrator may, with permission of Town Board, employ such technical or expert consultants as may be desirable to carry out the provisions of this Ordinance.

**[END OF CHAPTER 825]**

**Chapter 830. Regular Meetings of the Town Board.**

- 830.1 Setting Schedule for Regular Meetings. Regular Meetings of the Town Board shall be set at the beginning of each calendar year and Published yearly in the Official Newspaper of the Town and a schedule of all Regular Meetings of the Town Board shall be maintained on file at the Ford Town Hall.
- 830.2 Setting Agenda. The Town Clerk shall be notified of all items to appear on the Town Board Agenda not later than five (5) days before a Regular Meeting of the Town Board.
- 830.3 Notice of Agenda to Town Board. At least three (3) days before each Regular Meeting of the Town Board, the Town Clerk shall deliver via email, facsimile or Personal Delivery the Town Board Agenda to each Town Board member, setting forth the business to be discussed.
- 830.4 Explanation of Certain Items on Agenda. Where an Ordinance Amendment Petition, a Re-Zoning Petition, a Variance Application or a Conditional Use Permit Application appear on the Town Board Agenda the Town Clerk shall include a brief explanation with the Town Board Agenda.
- 830.5 Order of Business. The Town Board Order of Business to be conducted at a Regular Meeting of the Town Board shall be as follows:
- a) approval of the agenda;
  - b) approval of minutes;
  - c) review of Treasurer's report and claims and approval or denial thereof;
  - d) open forum for Public comment;
  - e) old business;
  - f) new business; and
  - g) review of mail.
- 830.6 Amending Agenda and/or Order of Business. The Town Board may, by a vote of a majority of the quorum, amend the Town Board Agenda and/or amend the Town Board Order of Business to add new items of business,

including but not limited to, Ordinance Amendment Petitions, Re-Zoning Petitions, Variance Applications or Conditional Use Permit Applications.

**[END OF CHAPTER 830]**

**Chapter 831. Regular Meetings of the Planning Commission.**

- 831.1 Setting Schedule for Regular Meetings. Regular Meetings of the Planning Commission shall be set at the beginning of each calendar year and Published yearly in the Official Newspaper of the Town and a schedule of all Regular Meetings of the Planning Commission shall be maintained on file at the Ford Town Hall.
- 831.2 Setting Agenda. The Town Clerk shall be notified of all items to appear on the Planning Commission Agenda not later than five (5) days before a Regular Meeting of the Planning Commission.
- 831.3 Notice of Agenda to Planning Commission. At least three (3) days before each Regular Meeting of the Planning Commission, the Town Clerk shall deliver by email, facsimile or by Personal Delivery the Planning Commission Agenda to each Planning Commission member setting forth the business to be discussed.
- 831.4 Explanation of Certain Items on Agenda. Where an Ordinance Amendment Petition, a Re-Zoning Petition, a Variance Application or a Conditional Use Permit Application appears on the Planning Commission Agenda the Town Clerk shall include a brief explanation with the Planning Commission Agenda.
- 831.5 Order of Business. The Planning Commission Order of Business to be conducted at a Regular Meeting of the Planning Commission shall be as follows:
- a) approval of agenda;
  - b) approval of minutes;
  - c) open forum for public comment;
  - d) old business; and
  - e) new business.
- 831.6 Amending Agenda and/or Order of Business. The Planning Commission may, by a vote of a majority of the quorum, amend the Planning Commission Agenda and/or amend the Planning Commission Order of Business to add new items of business, including but not limited to, Ordinance Amendment Petitions, Re-Zoning Petitions, Variance Applications or Conditional Use Permit Applications.

**[END OF CHAPTER 831]**

**Chapter 840. Special Meetings of the Town Board.**

840.1 Procedure to Call a Special Meeting of the Town Board. A Special Meeting of the Town Board may be called by either the Chair of the Town Board or by any two (2) Town Board members by the mailing, at least five (5) days in advance, of Written Notice of Special Meeting by the Town Clerk to all Town Board members setting forth the time, date, and purpose of the Special Meeting of the Town Board. If a Special Meeting of the Town Board is called in accordance with this Chapter upon the request of an Owner or Applicant, the Owner or Applicant shall submit any such request in writing to the Zoning Administrator together with all required fees.

840.2 Special Meeting Notification Requirements. Public notice for Special Meetings of the Town Board shall be provided as follows:

- a) Except for an Emergency Meetings of the Town Board as further described in Chapter 850 of this Ordinance, or a for Special Meeting of the Town Board for which a notice requirement is otherwise expressly established by state statute, the Town Clerk shall post a Written Notice of Special Meeting of the Town Board setting forth the date, time, place, and purpose of the Special Meeting of the Town Board on the Town Board bulletin board at least three (3) days before the date of the Special Meeting of the Town Board, or if the Town Board does not have a bulletin board, Written Notice of Special Meeting of the Town Board shall be posted on the door of the Town Hall at least three (3) days before the date of the Special Meeting of the Town Board.
- b) Written Notice of Special Meeting of the Town Board shall also be mailed or otherwise delivered to each Person who has filed a written request for Written Notice of Special Meetings of the Town Board with the Town Clerk. The Written Notice of Special Meeting of the Town Board shall be posted and mailed or delivered to such Persons at least five (5) days before the date of the Special Meeting of the Town Board.
- c) As an alternative to mailing or otherwise delivering Written Notice of Special Meetings of the Town Board to Persons who have filed a written request for Written Notice of Special Meetings of the Town Board, the Town Clerk may Publish the Written Notice of Special Meetings of the Town Board once, at least three (3) days before the Special Meeting of the Town Board, in the Official Newspaper.

- d) A Person filing a request for Written Notice of Special Meetings of the Town Board shall specifically identify the particular subjects for which the Person requests Written Notice of Special Meetings of the Town Board. The Town Clerk shall be required to send Written Notice of Special Meetings of the Town Board to that Person only concerning Special Meetings of the Town Board involving those subjects.
- e) All requests for Written Notice of Special Meetings of the Town Board shall expire on December 31 of each year and may be re-filed on or after January 1 of each calendar year.
- f) Not more than sixty (60) days before December 31 of each year, the Town Clerk shall send notice of the re-filing requirement to each Person who filed a Request for Written Notice of Special Meetings of the Town Board during the preceding year.

840.3 Actual Notice. Notwithstanding the notice requirements as set forth herein, if a Person receives Actual Notice of a Special Meeting of the Town Board at least twenty-four (24) hours before the Special Meeting of the Town Board, all notice requirements of this Chapter 840 shall be considered satisfied with respect to that Person, regardless of the method of receipt of said notice.

840.4 Business Allowed at Special Meetings. Only items of business contained in the Written Notice of Special Meeting of the Town Board may be discussed.

**[END OF CHAPTER 840]**



**Chapter 841. Special Meetings of the Planning Commission.**

841.1 Procedure to Call a Special Meeting of the Planning Commission. A Special Meeting of the Planning Commission may be called by either the Chair of the Town Board, the Chair of the Planning Commission, the Zoning Administrator or by any two (2) Planning Commission members by the mailing, at least five (5) days in advance, of Written Notice of Special Meeting of the Planning Commission by the Town Clerk to all Planning Commission members setting forth the time, date, and purpose of the Special Meeting of the Planning Commission. If a Special Meeting of the Planning Commission is called in accordance with this Chapter upon the request of an Owner or Applicant, the Owner or Applicant shall submit any such request in writing to the Zoning Administrator together with all required fees.

841.2 Special Meeting Notification Requirements. Public notice for Special Meetings of the Planning Commission shall be provided as follows:

- a) Except for an Emergency Meeting of the Planning Commission as further described in Chapter 851 of this Ordinance, or a Special Meeting of the Planning Commission for which a notice requirement is otherwise expressly established by state statute, the Town Clerk shall post Written Notice of Special Meeting of the Planning Commission setting forth the date, time, place, and purpose of the Special Meeting of the Planning Commission on the Planning Commission bulletin board at least three (3) days before the date of the Special Meeting of the Planning Commission, or if the Planning Commission does not have a bulletin board, Written Notice of Special Meeting of the Planning Commission shall be posted on the door of the Town Hall at least three (3) days before the date of the Special Meeting of the Planning Commission.
- b) Written Notice of Special Meeting of the Planning Commission shall also be mailed or otherwise delivered to each Person who has filed a written request for Written Notice of Special Meetings of the Planning Commission with the Town Clerk. The Written Notice of Special Meeting of the Planning Commission shall be posted and mailed or delivered to such Persons at least five (5) days before the date of the Special Meeting of the Planning Commission.
- c) As an alternative to mailing or otherwise delivering Written Notice of Special Meetings of the Planning Commission to Persons who have filed a written request for Written Notice of Special Meetings of the Planning Commission, the Town Clerk may Publish the

Written Notice of Special Meetings of the Planning Commission once, at least three (3) days before the Special Meeting of the Planning Commission, in the Official Newspaper.

- d) A Person filing a request for Written Notice of Special Meetings of the Planning Commission shall specifically identify the particular subjects for which the Person requests Written Notice of Special Meetings of the Planning Commission. The Town Clerk shall be required to send Written Notice of Special Meetings of the Planning Commission to that Person only concerning Special Meetings of the Planning Commission involving those subjects.
- e) All requests for Written Notice of Special Meetings of the Planning Commission shall expire on December 31 of each year and may be re-filed on or after January 1 of each calendar year.
- f) Not more than sixty (60) days before December 31 of each year, the Town Clerk shall send notice of the re-filing requirement to each Person who filed a Request for Written Notice of Special Meetings of the Planning Commission during the preceding year.

841.3 Actual Notice. Notwithstanding the notice requirements as set forth herein, if a Person receives Actual Notice of a Special Meeting of the Planning Commission at least twenty-four (24) hours before the Special Meeting of the Planning Commission, all notice requirements of this Chapter 841 shall be considered satisfied with respect to that Person, regardless of the method of receipt of said notice.

841.4 Business Allowed at Special Meetings. Only items of business contained in the Written Notice of Special Meeting of the Planning Commission may be discussed.

**[END OF CHAPTER 841]**

## **Chapter 850. Emergency Meetings of the Town Board**

- 850.1 Purpose. An Emergency Meeting of the Town Board may be called because of circumstances that, in the judgment of the Town Board, require immediate consideration by the Town Board.
- 850.2 Procedure to Call an Emergency Meeting of the Town Board. An Emergency Meeting of the Town Board may be called by either the Chair of the Town Board or by any two (2) Town Board members by the Town Clerk providing Notice of Emergency Meeting of the Town Board to all Town Board members by whatever means possible, including, but not limited to, personal delivery, telephone, facsimile, and/or electronic mail, setting forth the time, date and purpose of the Emergency Meeting of the Town Board.
- 850.3 Emergency Meeting Notification Requirements. Public notice for Emergency Meetings of the Town Board shall be provided as follows:
- a) The Town Clerk shall make a good faith effort to provide Notice of Emergency Meetings of the Town Board to each news medium which has filed a Written Request for Notice of Emergency Meetings of the Town Board if such request includes the news medium's telephone number as soon as reasonably practicable after Notice of Emergency Meetings of the Town Board has been given to the members of the Town Board.
  - b) Notice of Emergency Meetings of the Town Board shall be given by telephone or by any other method used to notify the members of the public body.
  - c) Notice of Emergency Meetings of the Town Board shall include the subject of the Emergency Meeting of the Town Board. Posted or Published Notice of Emergency Meetings of the Town Board is not required
  - d) If matters not directly related to the emergency giving rise to the Emergency Meeting of the Town Board are discussed or acted upon at an Emergency Meeting of the Town Board, the minutes of the Emergency Meeting of the Town Board shall include a specific description of such non-emergency matters.
  - e) The notice requirements of this Chapter 850 supersede any other notice requirements for any Special Meeting of the Town Board that is also an Emergency Meeting of the Town Board.

**[END OF CHAPTER 850]**

## **Chapter 851. Emergency Meetings of the Planning Commission**

- 851.1 Purpose. An Emergency Meeting of the Planning Commission may be called because of circumstances that, in the judgment of the Planning Commission, require immediate consideration by the Planning Commission.
- 851.2 Procedure to Call an Emergency Meeting of the Planning Commission. An Emergency Meeting of the Planning Commission may be called by either the Chair of the Planning Commission or by any two (2) Planning Commission members by the Town Clerk providing Notice of Emergency Meeting of the Planning Commission to all Planning Commission members by whatever means possible, including, but not limited to, personal delivery, telephone, facsimile, and/or electronic mail, setting forth the time, date and purpose of the Emergency Meeting of the Planning Commission.
- 851.3 Emergency Meeting Notification Requirements. Public notice for Emergency Meetings of the Planning Commission shall be provided as follows:
- a) The Town Clerk shall make a good faith effort to provide Notice of Emergency Meetings of the Planning Commission to each news medium which has filed a Written Request for Notice of Emergency Meetings of the Planning Commission if such request includes the news medium's telephone number as soon as reasonably practicable after Notice of Emergency Meetings of the Planning Commission has been given to the members of the Planning Commission.
  - b) Notice of Emergency Meetings of the Planning Commission shall be given by telephone or by any other method used to notify the members of the public body.
  - c) Notice of Emergency Meetings of the Planning Commission shall include the subject of the Emergency Meeting of the Planning Commission. Posted or Published Notice of Emergency Meetings of the Planning Commission is not required.
  - d) If matters not directly related to the emergency giving rise to the Emergency Meeting of the Planning Commission are discussed or acted upon at an Emergency Meeting of the Planning Commission, the minutes of the Emergency Meeting of the Planning Commission shall include a specific description of such non-emergency matters.

- e) The notice requirements of this Chapter 851 supersede any other notice requirements for any Special Meeting of the Planning Commission that is also an Emergency Meeting of the Planning Commission.

**[END OF CHAPTER 851]**

## **Chapter 900. Violations, Penalties and Enforcement.**

900.1 Criminal Penalties for Violations. Any Person violating this Ordinance, including, but not limited to, performance of any of the following unlawful acts, shall be deemed guilty of a misdemeanor and each day that a violation continues shall constitute a separate offense and shall be punishable up to the maximum penalties allowed in accordance with Minnesota Statutes as amended from time to time including the cost of prosecution. It shall be unlawful for any Person to:

- a) Erect, construct, enlarge, alter, repair, move, improve, remove, convert, demolish, equip, Use, occupy, maintain, Plat, split or subdivide any Lot, Parcel, Building and/or Structure within the Town, or cause the same to be done, contrary to, or in violation of, any provision of this Ordinance.
- b) Convey and/or Record any conveyance that is an unapproved plat, Subdivision or Lot Split made after this Ordinance became effective. The foregoing provision does not apply to a conveyance if the Lot and/or Parcel described was a separate Lot of Record on the date of adoption of this Ordinance, except that any nonconforming adjacent Lots and/or Parcels under common ownership at the time this Ordinance becomes effective must be conveyed thereafter as one single Lot and/or Parcel.
- c) To convey any Parcel and/or Lot as a part of, or in conformity with, any Lot and/or Parcel split, plan, plat or replat of any Subdivision or area located within the Town unless said Lot and/or Parcel split, plan, plat or replat has been first recorded in the Office of the County Recorder of Kanabec County.
- d) To Record or recognize as official any Lot and/or Parcel split, plan, plat or replat unless said Lot and/or Parcel split, plan, plat or replat is first approved by the Town Board or Zoning Administrator in accordance with the provisions of this Ordinance.
- e) For any Subdivider or Person owning an addition or Subdivision of a Lot and/or Parcel within the Town to represent that any improvement upon any of the highways, roads or Streets of said addition or Subdivision in said addition or Subdivision has been constructed according to plans and specifications approved by the Town Board, or has been supervised or inspected by the Town, when such improvements have not been so constructed, supervised, or inspected.

900.2 Injunctive Relief and other Remedies. In the event of a violation of this Ordinance, the Town may institute appropriate actions or proceedings, including requesting injunctive relief, to prevent, restrain, correct or abate such violations and/or proceed in accordance with Chapter 910 of this Ordinance. All costs incurred for corrective action, including reasonable attorneys' fees incurred by the Town, may be recovered by the Town in a civil action in any court of competent jurisdiction or, at the discretion of the Town, the costs may be certified to the Kanabec County Assessor as a special tax against the Lot and/or Parcel. These and other remedies, as determined appropriate by the Town, may be imposed upon the Owner, Applicant, Petitioner, permittee, installer, or other responsible Person either in addition to or separate from other enforcement actions.

900.3 Violation Resulting in Non-Buildable Lot. In the event any Person plats, splits or subdivides any Lot and/or Parcel in the Town, or causes the same to be done, without obtaining the prior consent required hereunder, whether by Exemption Certificate, Simple Plat, Standard Plat, or without other such approval by the Zoning Administrator, Planning Commission and/or Town Boards as may be required pursuant to this Ordinance, in addition to the other remedies and penalties as provided in this Chapter, said Lot and/or Parcel shall be deemed Non-Buildable and, as such, no Person may erect, construct, enlarge, alter, repair, move, improve, remove, convert or demolish, equip, Use, occupy, and/or maintain any Structure and/or Building on said platted, split or subdivided Lot and/or Parcel.

900.4 Enforcement.

- a) This Ordinance shall be administered by the Zoning Administrator.
- b) In the event of a violation or a threatened violation of this Ordinance, the Town Board, in addition to other remedies, may institute appropriate actions or proceedings to prevent, restrain, correct or abate such violations or threatened violations, and it shall be the duty of the Township Attorney to institute such action.
- c) Any Owner of any Lot and/or Parcel in the Town may institute mandamus proceedings in the District Court to compel specific performance by the proper official or officials of any duty required by this Ordinance.

**[END OF CHAPTER 900]**

## **Chapter 910. Point of Sale Regulations.**

910.1 Purpose. In order to protect and promote the health, safety, and general welfare of the Town and its citizens, the Town Board has established Point of Sale Regulations, to be administered by the Zoning Administrator, to ensure that all Lots and/or Parcels that have received Written Notice of Violations of this Ordinance are adequately inspected prior to transfer of ownership to ensure compliance, as well as to ensure that any Use of any sold, transferred or otherwise conveyed Lot and/or Parcel subject to a Land Use Permit is in compliance with the requirements, restrictions and obligations of the same.

### 910.2 Point of Sale Inspections on Ordinance Violations.

- a) In the event that the Zoning Administrator becomes aware of the existence of any Lot and/or Parcel in violation of the requirements set forth in this Ordinance, the Zoning Administrator shall issue to the Owner of said Lot and/or Parcel a Written Notice of Violation informing the Owner of the nature of the violation.
- b) The Owner of said Lot and/or Parcel shall have thirty (30) days from the receipt of the Written Notice of Violation to rectify the violation described therein.
- c) If the Owner of said Lot and/or Parcel does not rectify a given violation within the allotted thirty (30) cure period, the Zoning Administrator shall record a copy of the Written Notice of Violation against the Lot and/or Parcel with the Kanabec County Recorder.
- d) Once a Written Notice of Violation as described in this Section 910.2 has been issued to an Owner, the Owner may not sell, give, convey or otherwise transfer the Lot and/or Parcel subject to said Written Notice of Violation without first rectifying the same to the satisfaction of the Zoning Administrator.
- e) In order to sell, give, convey or otherwise transfer a Lot and/or Parcel after the issuance of a Written Notice of Violation, an Owner must obtain a Certificate of Compliance from the Zoning Administrator. To obtain said Certificate of Compliance, an Owner must submit to the Zoning Administrator a Point of Sale Application as further described in Section 910.4 below, specifically describing the nature of any and all remedial measures taken to repair and/or rectify those items giving rise to, and set forth in, the Written Notice of Violation.



- f) Alternatively, if an Owner desires to sell, give, convey or otherwise transfer a Lot and/or Parcel subject to a Written Notice of Violation, the Owner may sell, give, convey or otherwise transfer said Lot and/or Parcel without first repairing and/or rectifying the items specified in said Written Notice of Violation if, and only if, the Owner, transferee and Town enter into agreement to establish an escrow account, to be held by the Town, to ensure completion of the repairs and corrections required as set forth in the Written Notice of Violation and as provided pursuant to the terms of the agreement between the Owner, transferee and Town. The escrow amount shall be equal to one-hundred-fifty percent (150%) of the estimated cost of the corrective work, as determined by the Town Board after a Public Hearing held by the Planning Commission. The agreement between the Owner, transferee and Town shall be recorded in the Kanabec County Recorders' office with the deed conveying the Lot and/or Parcel. The escrow shall not be released or terminated until all of the required corrections and repairs as set forth in the agreement between the Owner, transferee and Town have been successfully completed, as determined by the issuance of a Certificate of Compliance from the Zoning Administrator. To obtain said Certificate of Compliance, an Owner must submit to the Zoning Administrator a Point of Sale Application as described in Section 910.4 below.

910.3 Point of Sale Inspections of Land Use Permits. Prior to selling, giving, conveying or otherwise transferring a Lot and/or Parcel subject to a Variance, Conditional Use Permit or Exemption Permit, the Owner must first procure a Certificate of Compliance from the Zoning Administrator ensuring the present Use of the Lot and/or Parcel is in compliance with the requirements, regulations and obligations of the approved Variance, Conditional Use Permit and/or Exemption Permit to which Lot and/or Parcel is subject. If upon inspection of the Lot and/or Parcel, as provided herein, the Zoning Administrator should determine that the Lot and/or Parcel is not in compliance with the relevant Land Use Permit, the Land Use Permit may be revoked or terminated in accordance with the appropriate Chapter of this Ordinance.

910.4 Certificate of Compliance.

- a) A Certificate of Compliance shall be required by any Owner intending to sell, give, convey, or otherwise transfer a Lot and/or Parcel under any of the following circumstances:
- 1) Where the Owner is in receipt of a Written Notice of Violation and has undertaken to repair and/or correct the subject Lot and/or Parcel in accordance therewith;

- 2) Where the Owner is in receipt of a Written Notice of Violation and repairs and/or corrections have been made on the subject Lot and/or Parcel in accordance with terms of an escrow agreement between the Owner, transferee and Town; or
  - 3) Where the Lot and/or Parcel is subject to a Variance, Conditional Use Permit and/or Exemption Permit.
- b) To obtain said Certificate of Compliance, an Owner must submit to the Zoning Administrator a Point of Sale Application specifically describing the nature of any and all remedial measures taken to repair and/or rectify those items giving rise to, and as set forth in, the Written Notice of Violation, or specifically setting forth evidence showing that the current Use of the Lot and/or Parcel remain in conformance with any and all Variances, Conditional Use Permits and/or Exemption Permits affecting said Lot and/or Parcel.
  - c) Upon receipt of a Point of Sale Application, the Zoning Administrator shall review the same and shall schedule a follow-up inspection in order to ensure that appropriate corrective measures have been taken sufficient to correct any and all violations as described in the Written Notice of Violation or to ensure that the current Use of the Lot and/or Parcel remain in conformance with any and all Variances, Conditional Use Permits and/or Exemption Permits affecting said Lot and/or Parcel. The Zoning Administrator shall have the authority to hire any contractors, engineers, or other such personnel as necessary to conduct said inspections.
  - d) The Zoning Administrator may issue a Certificate of Compliance to an Owner if the Zoning Administrator is satisfied that all of the appropriate conditions have been met and that either the Lot and/or Parcel has been properly remedied in accordance with the Written Notice of Violation or that the present Use of the Lot and/or Parcel remains consistent with any and all Variances, Conditional Use Permits and/or Exemption Permits affecting said Lot and/or Parcel.

**[END OF CHAPTER 910]**