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## ZONING ORDINANCE FOR THE TOWNSHIP OF KNIFE LAKE

The Board of Supervisors of the Township of Knife Lake Ordains: An ordinance regulating the use of land; the location, size, height, bulk, and use of buildings and structures; and the arrangement of buildings and structures on lots, the open spaces, the density of population, and the use of land and buildings for residence, trade, industry, and recreation. Authority granted by Minnesota Statutes Section 462.357.

### SECTION 1. TITLE AND APPLICATION

- Subd. 1.** Title: This ordinance shall be known as “Knife Lake Township Zoning Ordinance”, except as referred to herein, where it shall be known as this “Ordinance.”
- Subd. 2.** Intent and Purpose: The intent of this Ordinance is to protect the public health, safety and general welfare of the Town and its people through the establishment of minimum regulations governing land development and use. This Ordinance shall divide the township into use districts and establish regulations in regard to location, erection, construction placement, reconstruction, alteration and use of structures and land. Such regulations are established to provide convenience of access to property; to prevent congestion in the public right-of-way; to prevent overcrowding of land and undue concentration of structures by regulating land, buildings, yards and density of population; to provide for compatibility of different land uses; to provide for amendments; to prescribe penalties for violation of such regulations; to define powers and duties of the Township staff, the Board of Adjustment and Appeals, the Planning Commission, and the township’s Board of Supervisors in relation to this Ordinance.
- Subd. 3.** Relation to Comprehensive Plan: It is the policy of Knife Lake Township that the enforcement, amendment, and administration of this ordinance be accomplished with due consideration of the recommendations contained in the Township’s Comprehensive Plan.
- Subd. 4.** Prior Zoning Ordinances: This ordinance supersedes and replaces all previous zoning ordinances adopted by the Township board and all previous zoning ordinances are hereby repealed. The repeal of the Township’s previous zoning ordinances does not itself affect the status of any use, structure or lot that was not in conformance with the earlier ordinances.
- Subd. 5.** Compliance: No structure shall be erected, converted, enlarged, reconstructed or altered, and no structure or land shall be used for the any purpose or in any manner which is not in conformity with this ordinance.
- Subd. 6.** Minimum Requirements and Strictness: Where the standards, regulations, or requirements imposed by any provision of this ordinance are either more or less restrictive than comparable conditions imposed by other ordinance, rule or

regulation of the Township, County, State or Federal Government, the statute, ordinance, rule or regulation which imposes the more restrictive condition standard, regulation, or requirements shall prevail. In the event of any conflict between this ordinance with any private restrictions, protections and covenants, the provisions of this ordinance shall be met.

**Subd. 7.** Zoning Permits: No building, structure or land shall hereafter be used or occupied, and no zoning permit shall be granted that does not conform to the requirements of this Ordinance.

**Subd. 8.** Conditional Uses, Variances, Amendments, Appeals: Nothing within this Ordinance shall be construed so to deny any property owner his right to apply for a conditional use permit, variance, amendment, or appeal.

**Subd. 9.** Uses Not Provided for Within Zoning Districts: Whenever in any zoning district a use is not specifically allowed as a permitted use, conditional use, or interim use, the use shall be considered prohibited. In such case the Township Board or Planning Commission, on their own initiative or upon request, may conduct a study to determine if the use is acceptable, what zoning district would be most appropriate, and the determination as to conditions and standards relating to development of the use. The Township Board, Planning Commission, or property owner may, if appropriate, request an amendment to the zoning Ordinance to provide for the particular use under consideration or may find that the use is not compatible and therefore not allowed within the township.

**Subd. 10.** Separability: It is hereby declared to be the intention of the Township of Knife Lake that the several provisions of this Ordinance are separable in accordance with the following:

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

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

**Subd. 11.** Applications: All applications submitted pursuant to this ordinance shall be on the Township official forms. The submission of a zoning related request in any other form or manner shall not be considered a valid application or request for zoning action for any purpose, and shall not be processed or considered per MN Statute 15.99, subd. 1(c).

**SECTION 2. DEFINITION OF TERMS:** The following words and terms wherever they occur in this Ordinance, shall have the meaning given them in this section.

**Subd. 1.** Adult Establishment: Any business that either A) devotes 10% or more of its floor area (not including storerooms, stock areas, bathrooms, basements or any portion of the business not open to the public) to, or derives 10% or more of its revenues from, items, merchandise, devices or other materials distinguished or characterized by an emphasis on material depicting, exposing, simulating, describing, discussing or relating to specified sexual activities or specified anatomical areas or B) engages in adult use as defined by this Ordinance.

**Subd. 2.** Adult Use: Includes: adult body painting studio (applying paint or substance to the nude body); adult bookstore (sells or rents items emphasizing sexual activities or anatomical areas); adult cabaret (provides dancing or live entertainment focused on sexual or anatomical themes); adult companionship establishment (offers conversation or services emphasizing sexual activities or anatomical areas); adult conversation/rap parlor (provides services focused on sexual themes); adult health/sport club (a health club with a focus on sexual activities or anatomical areas); adult hotel or motel (offers material emphasizing sexual activities or anatomical areas); adult massage parlor/health club (provides massage services with a focus on sexual activities); adult modeling studio (provides live models for sexual stimulation or anatomical display); adult motion picture arcade (displays films focusing on sexual activities or anatomical areas for small groups); adult motion picture theater (presents films focusing on sexual activities or anatomical areas); adult novelty business (sells items emphasizing sexual activities or anatomical areas); adult sauna (a sauna with an emphasis on sexual activities or anatomical areas); adult steam room/bathhouse facility (provides steam baths with an emphasis on sexual activities). Within the context of adult use, nude or specified anatomical areas means: genitals, pubic regions, buttocks, or female breasts below the areola; male genitals in a turgid state, even if covered. Premises means the real property and all structures on it. Specified sexual activities include: sexual intercourse (actual or simulated), sadomasochistic abuse or physical restriction, masturbation or lewd exhibitions of the genitals, and physical contact or simulated contact with sexual or anatomical areas. Substantial or significant portion means 10% or more.

**Subd. 3.** Accessory Building or Use: A subordinate building, structure or use which is located on the same lot where the main building or use is situated and is reasonably necessary and incidental to the conduct of the primary or principal use of such building or main use.

**Subd. 4.** Agriculture Uses: Those uses commonly associated with the growing of crop, produce, and raising of livestock on farms. These uses include: field crop farming, pastures; the production of hay; the growing of fruits and vegetables, and other produce tree, plant, shrub or roadside produce stands in season; and livestock raising and feeding. Agricultural uses do not include the raising of fur-bearing animals or cannabis businesses.

- Subd. 5.** Animal, Non-Domestic: An animal commonly considered to be naturally wild and not trained or domesticated or which are commonly considered to be inherently dangerous to public health, safety, and welfare.
- Subd. 6.** Animal Unit: A unit of measure that determines the number of livestock or traditional farm animals that are allowed or permitted on certain parcels. The number of animal units attributable to each type of animal shall be determined as set forth in Minnesota Rule, part 7020.0300 subpart 5.
- Subd. 7.** Automobile Wrecking or Junk Yard: Any place where four (4) or more vehicles not in running condition or not licensed, or parts thereof are stored in the open; or any land, building or structure used for commercial wrecking or storing of such motor vehicles or parts thereof; and including any commercial salvaging and scavenging of any other goods, articles or merchandise, or structures.
- Subd. 8.** Basement: A portion of a building located partially underground but having more than one-half (½) its floor to ceiling height below the average ground level.
- Subd. 9.** Board of Adjustments and Appeals: A group of people appointed by the Town Board to hear appeals and applications related to zoning codes.
- Subd. 10.** Board of Appeals and Equalization (BAE): Is a quasi-judicial body that provides a fair and impartial forum for property owners to appeal their property's valuation or classification.
- Subd. 11.** Buildable Area: The portion of a lot remaining after required yards have been provided, and is capable of supporting the proposed structure(s).
- Subd. 12.** Building: Any structure used or intended for supporting or sheltering any use of occupancy.
- Subd. 13.** Building Line: That line measured across the width of the lot at the point where the main structure is placed in accordance with setback provisions.
- Subd. 14.** Building Setback: The minimum horizontal distance between the building and specified lot line as prescribed in this Ordinance.
- Subd. 15.** Cannabis Businesses: Any cannabis microbusiness, cannabis mezzobusiness, cannabis cultivator, cannabis manufacturer, cannabis retailer, cannabis wholesaler, cannabis transporter, cannabis testing facility, cannabis event organizer, cannabis delivery service, medical cannabis combination business, or other businesses licensed under Minn. Stat. Ch. 342 as amended from time to time. Cannabis businesses are allowed only where expressly permitted by this Ordinance. No cannabis business, cannabis activity, or cannabis-related land use shall be considered permitted, accessory, interim, or conditional based on

similarity to, or inclusion within, any other use classification, including but not limited to agriculture, cultivation, greenhouse, nursery, retail sales, manufacturing, processing, warehousing, wholesaling, laboratory, or commercial business uses. Cannabis businesses shall be regulated solely under the cannabis business use categories established in this Ordinance.

- Subd. 17.** Cannabis Cultivation: A cannabis business licensed to grow cannabis plants within the approved amount of space from seed or immature plant to mature plant, harvest cannabis flower from mature plants, package and label immature plants, seedlings, and cannabis flower for sale to other cannabis businesses, transport cannabis flower to a cannabis manufacturer located on the same premises, and perform other actions approved by the OCM.
- Subd. 18.** Cannabis Delivery Service: A cannabis business licensed by the Office of Cannabis Management (“OCM”) to deliver cannabis products directly to consumers in accordance with Minn. Stat. Ch. 342.
- Subd. 19.** Cannabis Event Organizer: A cannabis business licensed by the OCM to organize, manage, or host a cannabis event as authorized under Minn. Stat. Ch. 342.
- Subd. 20.** Cannabis Manufacturer: A cannabis business licensed by the OCM to extract, concentrate, compound, infuse, or otherwise manufacture cannabis products for sale to other cannabis businesses.
- Subd. 21.** Cannabis Microbusiness: A cannabis business licensed by the OCM to engage in a limited combination of cultivation, manufacturing, wholesaling, and retail operations within the size and activity limits established under Minn. Stat. Ch. 342.
- Subd. 22.** Cannabis Mezzobusiness: A cannabis business licensed by the OCM to engage in a broader combination of cultivation, manufacturing, wholesaling, and retail operations than a microbusiness, within the size and activity limits established under Minn. Stat. Ch. 342.
- Subd. 23.** Cannabis Processing: A business with a medical cannabis processor license or processing endorsement from the OCM.
- Subd. 24.** Cannabis Retail Business: A retail location operated by a cannabis retailer, a microbusiness with a retail operations endorsement, a mezzobusiness with a retail operations endorsement, or a medical cannabis combination business operating a retail location.
- Subd. 25.** Cannabis Retailer: Any person, partnership, firm, corporation, or association, foreign or domestic, selling cannabis products to a consumer and not for the purpose of resale in any form.

- Subd. 26.** Cannabis Testing Facility: A cannabis business licensed by the OCM to test cannabis and cannabis products for potency, contaminants, and compliance with state standards.
- Subd. 27.** Cannabis Transportation: A cannabis business licensed by the OCM to transport cannabis and cannabis products between licensed cannabis businesses.
- Subd. 28.** Cannabis Wholesaler: A cannabis business licensed by the OCM to purchase cannabis and cannabis products from cannabis businesses and sell them to other cannabis businesses.
- Subd. 29.** Campground: An area that contains campsites or camping spurs for tent and trailer or recreational vehicle camping.
- Subd. 30.** Faith Based Community: A building, together with its accessory buildings and uses, where persons regularly assemble for religious worship and which building, together with its accessory building and uses, is maintained and controlled by a religious body organized to sustain public worship.
- Subd. 31.** Commercial Recreation: Privately owned facilities such as a bowling alley, go-cart track, golf course, pool hall, dance hall, vehicle racing, riding stables, theatre, boat rental, arcade, amusement park, campgrounds, skating, deer park, and similar uses for which fee's are charged for admission or use of the facility.
- Subd. 32.** Commercial Uses: The principal use of land or buildings for the sale, lease, rental or trade of products, good, and services.
- Subd. 33.** Conditional Use: A conditional use is a land use that is not permitted by right within a zoning district but may be allowed if the applicant demonstrates that the standards and criteria established in the Township's zoning ordinance will be satisfied, as authorized by Minn. Stat. § 462.3595, subd. 1.
- Subd. 34.** Conditional Use Permit: A conditional use permit (CUP) is the Township's formal approval authorizing a conditional use that is not permitted by right within a zoning district, issued only upon a showing by the applicant that the standards and criteria established in the Township's zoning ordinance will be satisfied, as provided in Minn. Stat. § 462.3595, subd. 1. A conditional use permit remains in effect so long as the conditions imposed by the Township are observed, consistent with Minn. Stat. § 462.3595, subd. 3, and must be recorded with the county recorder or registrar of titles, including the legal description of the property, as required by Minn. Stat. § 462.3595, subd. 4.
- Subd. 35.** Daycare: A location licensed with the Minnesota Department of Human Services to provide the care of a child in a residence outside the child's own home for gain or otherwise, on a regular basis, for any part of a 24-hour day.

- Subd. 36.** District: A section or sections of the township for which the regulations and provisions governing the use of buildings and lands are uniform for each class of use permitted therein.
- Subd. 37.** Dwelling: A building or portion thereof, designated for residential occupancy, including one family and multiple family dwellings, lake dwellings, manufactured housing, but not including hotels, motels, bed and breakfasts, and boarding houses. A dwelling shall have a minimum square footage of eight hundred (960) square feet of enclosed living space. The term “residence” shall have the same meaning as “dwelling” herein.
- Subd. 38.** Dwelling, Multiple (Apartment): A building designed with three (3) or more dwelling units exclusively for occupancy by three (3) or more families living independently of each other but sharing hallways and main entrances and exits.
- Subd. 39.** Dwelling, Single Family: A detached dwelling unit designed for occupancy of one (1) family.
- Subd. 40.** Earth Sheltered Building: Buildings constructed so that more than fifty percent (50%) of the exterior surface area of the buildings, excluding garages and other accessory buildings, is covered with earth. Partially completed buildings shall not be considered earth sheltered.
- Subd. 41.** Essential Services: Underground or overhead gas, electrical, steam or water distribution systems; collection, communication, supply or disposal system including poles, wires, mains, drains, sewer, pipes, conduits, cables, fire alarm boxes, traffic signals, hydrants or other similar equipment and accessories in conjunction therewith; but not including buildings or transmission services.
- Subd. 42.** Extractive Use: The removal of sand, gravel, peat or any mineral from beneath the surface of the land.
- Subd. 43.** Family or Household Members: One or more persons living together as a single housekeeping unit in a dwelling unit, sharing common living, sleeping, cooking, and sanitation facilities, and functioning as a single household. A family may include related individuals, foster children, up to two boarders or roomers, or a group of not more than five unrelated persons living together as a single housekeeping unit. Facilities providing lodging or services to residents as part of a treatment, rehabilitation, or correctional program shall not be considered a family.
- Subd. 44.** Farm: A tract of land which is principally used for commercial agriculture, all of which is owned and operated by an individual, a family, or a farm corporation.
- Subd. 45.** Fence: A barrier forming a boundary to, or enclosing an outdoor area.

- Subd. 46.** Floor area: The sum of the gross horizontal area of all of the floors of the building, measured from the exterior faces of the exterior walls.
- Subd. 47.** Forestry: The management, including logging, of a forest, woodland, or plantation, and related research and educational activities, including the construction, alteration or maintenance of woodroads, skidroads, landings, and fencing.
- Subd. 48.** Garage, Private: An accessory building or accessory portion of the principal building which is intended for and used to store the private passenger vehicles of the family or families resident upon the premises, and in which no business service or industry is carried on; provided that not more than one half (½) of the space may be rented for the private vehicles of persons not resident on the premises, except that all the space in a garage of one (1) or two (2) car capacity may be so rented.
- Subd. 49.** Hardship-Undue: The property in question cannot be put to reasonable use if used under conditions allowed by applicable zoning controls. This is due to circumstances unique to the particular property that were not created by the landowner. Economic considerations alone shall not constitute an undue hardship if reasonable use for the property exists under the terms of this Ordinance.
- Subd. 50.** Home Occupation/Home Based Business: Any occupation or profession carried on or permitted by a member(s) of the family residing on the premises, provided that the use is clearly incidental and secondary to the main use of the premises for dwelling purposes and does not change the character thereof.
- Subd. 51.** Industrial Use: The use of land or buildings for the production, manufacture, warehousing, storage or transfer of goods, products, commodities or other wholesale items. Minnesota Statute 6120.2500 Subd. 7b.
- Subd. 52.** Interim Use: An interim use is a temporary use of property until a particular dates, until the occurrence of a particular event, or until zoning regulations no longer permit it.
- Subd. 53.** Interim Use Permit (IUP): the purpose of an interim use permit is to allow a temporary use that is not designated as a permitted or conditional use, but is acceptable for limited a period of time, subject to certain conditions.
- Subd. 54.** Kenel: Any place where three or more dogs, cats or other domesticated pets over six months of age are boarded, bred or offered for sale, with the exception of veterinary clinics.
- Subd. 55.** Lot: A parcel of land designated by plat, metes and bounds, registered land survey, auditor's plot, or other accepted means which is separated from other parcels or portions by said description for the purpose of sale, lease, or separation

thereof, and to be occupied by one principal building or use and its accessory buildings, together with such open spaces as are required under the provisions of this ordinance.

- Subd. 56.** Lot Area: The area of a horizontal plane with the lot lines.
- Subd. 57.** Lot, Corner: A lot situated at the junction of and abutting on two (2) or more intersecting roads; or a lot at the point of deflection in alignment of a single street/road, the interior angle of which is one hundred thirty-five (135) degrees or less.
- Subd. 58.** Lot, Frontage: The width of a lot measured along the line separating the lot from any public right-of-way.
- Subd. 59.** Lot, Line: A property boundary line of any lot held in single or separated ownership, except that where any portion of the lot extends into the abutting road, the lot line shall be deemed to be the road right-of-way.
- Subd. 60.** Lot, Of Record: A parcel of land, whether subdivided or otherwise legally described of record as of the effective date of this Ordinance, or approved by the township as a lot subsequent to such date and which is occupied by or intended for occupancy by one (1) principal building or principal use together with any accessory buildings and such open spaces as required by this Ordinance and having its principal frontage on a street, or a proposed street approved by the Board.
- Subd. 61.** Lot Width: Horizontal distance between the side lot lines, measured at the two points where the building line or set back line intersects the side lot lines.
- Subd. 62.** Lower-potency Hemp Edible: As defined under Minn. Stat. § 342.01, subd. 50.
- Subd. 63.** Lower-potency Hemp Edible Manufacturer: A business with a lower-potency hemp edible manufacturer license from the OCM.
- Subd. 64.** Lower-potency Hemp Edible Retailer: A retail location with a lower-potency hemp edible retailer license from the OCM, including on-site consumption as allowed by State of Minnesota regulations.
- Subd. 65.** Manufactured Home Park: Any site, lot, field or tract of land upon which two or more occupied manufactured homes are located, either free of charge or for compensation, and includes any building, structure, tent, vehicle or enclosure used or intended for use as part of the equipment of the manufactured home park. Minnesota Statute 327.14, subd 3.
- Subd. 66.** Manufacturing: All uses which include the compounding, processing, packaging, treatment, or assembly of products and materials.

- Subd. 67.** Medical Cannabis Combination Business: A cannabis business licensed by the OCM to cultivate, manufacture, and dispense medical cannabis as authorized under Minn. Stat. Ch. 342.
- Subd. 68.** Mining Operation: The removal from the land and sale of stone, sand and gravel, coal, salt, iron, copper, nickel, granite, petroleum products or other materials including exploratory activity and bulk samples.
- Subd. 69.** Natural Drainage: All land surface areas which by nature of their contour configuration, collect, store, and channel surface water run off.
- Subd. 70.** Natural Obstruction: Any rock, tree, gravel or analogous natural matter that is an obstruction and has been located within a waterbody, watercourse, or wetland by non-human cause.
- Subd. 71.** Nonconforming Lot: A lot or parcel lawfully established and of record in the county recorder's office prior to the adoption of an otherwise applicable zoning regulation which does not satisfy the minimum dimensional requirements imposed by the guidance of this ordinance.
- Subd. 72.** Non-conforming Use: Any structure, use, or lot which on the effective date of this Ordinance does not, even though lawfully established, conform to the applicable conditions if the structure or use were to be erected or established under the requirements of this Ordinance.
- Subd. 73.** Nuisance: Anything which is injurious to health, indecent, or offensive to the senses, or an obstruction to the free use of property, so as to interfere with the comfortable enjoyment of life or property.
- Subd. 74.** Obstruction: Any dam, wall, wharf, embankment, levee, dike, pike, abutment, projection, excavation, culvert, building or wire, which is in, along, across, or projects into any channel, watercourse, or regulatory flood hazard area which obstructs the flow of water, either in itself or by catching or collecting debris carried by such water, or that is placed where the flow of water might carry the same downstream and damage life or property.
- Subd. 75.** Off-Road Loading Space: A space accessible from a public road, in a building or on the lot, for the use of a truck while loading or unloading merchandise or materials. Such space shall be of such size as to accommodate one (1) truck of the type typically used in the particular business.
- Subd. 76.** Office of Cannabis Management (OCM): The State of Minnesota Office of Cannabis Management.

**Subd. 77. Parking Space:** An area of not less than nine (9) feet in width and nineteen (19) feet in length, enclosed in the main building, in an accessory building, or unenclosed, sufficient in size to store one (1) automobile which has adequate access to a public road and permitting satisfactory ingress and egress of an automobile.

**Subd. 78. Permitted Use:** A use which may be lawfully established in a particular district or districts, provided it conforms with all requirements, regulations, and performance standards (if any) of such districts.

**Subd. 79. Planning Commission:** The planning agency of the township, members of which are to be appointed by the Township Board.

**Subd. 80. Preliminary License Approval:** OCM pre-approval for a cannabis business license for applicants who qualify under Minn. Stat. § 342.17.

**Subd. 81. Principal Use:** The primary or main use of land or buildings as distinguished from subordinate, incidental or accessory uses.

**Subd. 82. Privacy Fence:** A fence that creates at least 50 percent obstructed view.

**Subd. 83. Public Road:** For the purpose of this Ordinance, public roads shall include only those roads which are owned by the township, county, state, or federal government, or are dedicated for public use, including roads established through statutory user.

**Subd. 84. Public Uses:** Uses owned or operated by a municipality, school districts, townships, county, state or other governmental units.

**Subd. 85. Public Waters and Wetlands:** Any waters as defined in Minnesota Statutes 103G.005, Subd. 15, wetlands 103G.005, 15a

**Subd. 86. Recreational Facilities:** Dedicated areas or spaces indoor or outdoor parks, buildings, sites or other facilities which are dedicated to recreation purposes.

**Subd. 87. Residential Treatment Facility:** As defined under Minn. Stat. § 245.462, subd. 23.

**Subd. 88. School:** A public school as defined under Minn. Stat. § 120A.05 or a nonpublic school that must meet the reporting requirements under Minn. Stat. § 120A.24.

**Subd. 89. Setback:** The minimum horizontal distance between a structure, sewage treatment system or other facility and an ordinary high water level, sewage treatment system, road, highway, property line or other facility.

**Subd. 90. Sewage Treatment System:** A septic tank and soil absorption system or other individual or cluster type sewage treatment system.

- Subd. 91.** Shore Impact Zone: Land located between the ordinary high water level of public water body and a line parallel to it, at a setback of 50 percent (50%) of the structure setback.
- Subd. 92.** Shoreland: The land located within the following distance from public water;
- (i) 1,000 feet from the ordinary high water level of a lake, pond, or flowage;
  - (ii) 300 feet from a river or stream, or the landward extent of a flood plain designated by ordinance on such a river or stream, whichever is greater. The practical limits of shorelands may be less than the statutory limits whenever the waters involved are bounded by natural topographic divides which extend landward from the water for lesser distances and when approved by the Commissioner of Minnesota Department of Natural Resources. State Statute 6120.2500 subd. 15.
- Subd. 93.** Shoreland Management Ordinance: An Ordinance adopted by the Kanabec County Board of Commissioners regulating the Shoreland Management Districts of the County.
- Subd. 94.** Short Term Rentals: includes Airbnb, Vrbo, wedding venues, etc offered for temporary occupation, typically for periods less than 30 days.
- Subd. 95.** Sign: Any letter, word or symbol, poster, picture, statuary, banner, flag, pennant, or advertising display constructed of cloth, canvas, plastic sheet, cardboard, wallboard, inflatable device reading matter or representation in the nature of advertisement, announcement, message or visual communication, whether painted, posted, printed, affixed or constructed, including all associated brackets, braces, supports, wires and structures, which is displayed for informational or communicative purposes.
- Subd. 96.** Slope: The degree of deviation of a surface from the horizontal, usually expressed in percent or degrees.
- Subd. 97.** State License: An approved license issued by the State of Minnesota's Office of Cannabis Management to a cannabis retail business.
- Subd. 98.** Structure: Anything which is built, constructed or erected on the ground or attached to the ground; an edifice or building of any kind; or any piece of work artificially built up and/or composed of parts joined together in some definite manner whether temporary or permanent in character, including decks and signs.
- Subd. 99.** Subdivision: Any land which is divided or proposed to be divided into two or more lots, parcels, tracts, sites, units or interests for the purpose of offer, sale or lease.

- Subd. 100.** Substandard Use: Any use existing prior to the date of the ordinance which is permitted within the applicable zoning district but does not meet the minimum lot area, frontage, setbacks, water frontage length, or other dimensional standards of this Ordinance.
- Subd. 101.** Tower: Any ground or roof mounted pole, spire structure, or combinations thereof taller than fifty (50) feet, including supporting lines, cables, wire, braces and masts intended primarily for the purpose of mounting an antenna, meteorological device or similar apparatus above grade.
- Subd. 102.** Town Board: Group of elected officials as governing bodies for Knife Lake Township.
- Subd. 103.** Use: The purpose or activity for which the land or building thereon is designated, arranged, or intended, or for which it is occupied, utilized or maintained, and shall include the performance of such activity as defined by the performance standards of this Ordinance.
- Subd. 104.** Variance: The waiving action of the literal provisions of the zoning ordinance in instances where their strict enforcement would cause undue hardship because of physical circumstances unique to the individual property under consideration.
- Subd. 105.** Wetlands: A land that is transitional between terrestrial and aquatic systems where the water table is usually at or near the surface or the land is covered by shallow water. For purposes of this definition in order for a land to be considered a “wetland”, it must have all the following characteristics:
- i. a predominance of hydric soils, and
  - ii. be inundated or saturated by surface or ground water at a frequency and duration sufficient to support a prevalence of hydrophilic vegetation typically adapted for life in saturated soil conditions, and
  - iii. Under normal circumstances, support a prevalence of hydrophilic vegetation.
- Subd. 106.** Yard: An open space on the lot which does not contain structures. A yard extends along a lot line at right angles to such lot line to a depth or width specified in the yard regulations for the zoning district in which such lot is located.
- Subd. 107.** Yard, Front: A yard extending across the front of the lot between the side lot lines and lying between the front line of the lot and the nearest line of the building.
- Subd. 108.** Yard, Rear: A yard extending across the full width of the lot and lying between the rear line of the lot and the nearest line of the building.

- Subd. 109.** Yard, Side: A yard between the sideline of the lot and the nearest line of the building and extending from the front yard of the lot to the rear yard.
- Subd. 110.** Zoning Administrator: A person hired or appointed by the Township Board to administer and enforce this ordinance.
- Subd. 111.** Zoning Map: The maps or map incorporated into this Ordinance as part thereof, and as amended, designating zoning districts.

**SECTION 3. CONDITIONAL/INTERIM USE PERMITS**

**Conditional Use Permits:**

**Subd. 1.** Purpose and Authority: Knife Lake Township regulates certain land uses through Conditional Use Permits (“CUPs”) and Interim Use Permits (“IUPs”) to ensure compatibility with surrounding properties, protect public health and safety, and implement the Township’s Comprehensive Plan. No person or entity may establish, operate, or allow any Conditional Use or Interim Use on land they own, lease, or occupy without first obtaining a CUP or IUP issued by the Township Board of Supervisors. CUPs are authorized under Minn. Stat. § 462.3595. IUPs are authorized under Minn. Stat. § 462.3597.

**Subd. 2.** Standards for Approval:

- A. Conditional Use Permits: The Township may approve a CUP only if the proposed use:
  - i. Is specifically listed as a Conditional Use in the applicable zoning district.
  - ii. Is compatible with the Comprehensive Plan.
  - iii. Will not be injurious to public health, safety, or welfare.
  - iv. Will not negatively impact neighboring properties.
  - v. Can be adequately served by public facilities and infrastructure.
  - vi. Can meet all conditions the Town Board deems necessary to mitigate impacts.
- B. Interim Use Permits: The Township may approve an IUP only if the following statutory conditions are met:
  - i. The use conforms with the Township’s zoning regulations.
  - ii. The date or event that will terminate the use can be identified with certainty.
  - iii. The applicant agrees to all conditions the Town Board deems appropriate.

Any interim use may be terminated by a subsequent amendment to the Township’s zoning regulations pursuant to Minn. Stat. § 462.3597.

**Subd. 3.** Permit Expiration and Transferability:

- A. Conditional Use Permits: CUPs run with the land unless expressly stated otherwise in the conditions of approval. A CUP may be revoked for non-compliance.
- B. Interim Use Permits: Unless expressly stated otherwise in the IUP conditions:
  - i. IUPs are issued solely to the applicant and for the specific premises identified.
  - ii. IUPs are not transferable to any other person, entity or location.
  - iii. An IUP automatically expires upon:
    - a. A change in ownership or control of the property or business, unless waived in writing by the Township Board; or
    - b. One (1) year of inactivity, as determined by the Zoning Administrator.

A change in ownership or control includes but is not limited to:

- i. Sale of all or substantially all business assets.
- ii. Transfer of 40% or more of voting stock in a publicly traded corporation.
- iii. Transfer of 51% of stock in a closely held corporation.
- iv. Execution of a management agreement transferring operational authority.
- v. Change of any officer or majority stockholder in a closely held corporation.

The Town Board may waive expiration in writing if substantially the same persons retain ownership or control.

- C. For both CUPs and IUPs, failure to engage in the use applied for within 365 days of permit approval will render the permit null and void for non-use.

**Subd. 4.** Conditional Uses: The following uses may be permitted upon the issuance of a conditional use permit:

- A. Commercial businesses over 4,000 square feet
- B. Industrial businesses over 10,000 square feet
- C. Agricultural businesses (ex: elevators)
- D. Public and community services (ex: place of worship)
- E. Cell towers
- F. Wind turbines
- G. Solar farms
- H. Data centers
- I. Enclosed storage facility
- J. Commercial recreational parks, campgrounds, and facilities
- K. Organized group camps
- L. Commercial extraction of sand gravel, minerals, or rock
- M. Two-family and multi-family residences
- N. Childcare Center under 4,000 square feet

- O. Long term and short term adult facilities
- P. Treatment/Recovery centers

**Subd. 5.** Interim Uses: The following uses may be permitted upon the issuance of a interim use permit:

- A. Outdoor sports facilities (ex: shooting range, hunting preserve)
- B. Short term rentals (ex: Airbnb’s, wedding venues, etc.)
- C. Dog kennel/boarding under 4,000 square feet
- D. Special events (ex: flea markets)
- E. Campgrounds/RV parks
- F. Home based businesses (ex: daycare)
- G. Rental facilities (ex: equipment)
- H. Asphalt/concrete plants
- I. Accessory dwelling (ex: in-law housing)
- J. Interim development

**SECTION 4. ZONING DISTRICT PROVISIONS**

**Subd. 1.** Establishment of Districts: The following zoning districts are hereby established within the Township of Knife Lake.

- A-O Agricultural/Open Space District
- A-R Agricultural-Residential District
- S Shoreland District

**Subd. 2.** Zoning Map: The Zoning Map that shows the different areas of land in the township that have been designated for specific uses. These are called zoning districts and are created by a zoning ordinance, a copy of which is on file with the Township Clerk.

**Subd. 3.** Annexation and Detachment: In the event of changes in the township boundaries removing territory from the Township or adding territory to the Township, district boundaries shall be construed as moving with township boundaries.

**Subd. 4.** Zoning District Boundaries

- A. Boundaries indicated as approximately following the center lines of streets, highways, or alleys shall be construed to follow such center lines. Indicated on zoning map.
- B. Boundaries indicated as approximately following lot lines shall be construed as following such lot lines. Indicated on zoning map.

- C. Boundaries indicated as following shorelines shall be construed to follow such shorelines, and in the event of change in shoreline shall be construed as moving with the actual shoreline; boundaries indicated as approximately following the center lines of streams, rivers, lakes or other bodies of water shall be construed to follow such center lines. Indicated on zoning map.
- D. Boundaries indicated as approximately following the section lines shall be construed as following such lines. Indicated on zoning map.
- E. Where a zoning district boundary line, as indicated on zoning map, divides a lot which was in a single ownership at the time passage of this Ordinance the property owner may request that the zoning district be extended. The request must be reviewed by the zoning administrator, the planning commission and determined by the town board.
- F. The exact location of all district boundaries shall be interpreted by the Zoning Administrator, planning commission and determined by town board.

**Subd. 5.** Zoning District Regulations: The regulations of this Ordinance within each district shall be minimum regulations, and shall apply uniformly to each class or kind of structure or land, except as hereinafter provided.

- A. No building, structure, or land shall hereafter be used or occupied, except in conformity with all the regulations herein specified for the district in which it is located.
- B. No building or other structure shall hereafter be erected, placed, or altered to exceed the height or bulk, to accommodate or house a use, to occupy a greater percentage of lot area, and to have narrower or smaller yards other than herein required, or in any other manner contrary to the provision of this Ordinance.
- C. No yard or lot existing at the time of passage of this Ordinance shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this Ordinance shall meet at least the minimum requirements established by this Ordinance.
- D. After the adoption of this ordinance land shall not be considered buildable unless it contains a sufficient area of high ground (at least 12 inches above the periodic high-water level) to reasonably accommodate a residence, garage, yard and suitable location for septic system.

## **SECTION 5. AGRICULTURAL/OPEN SPACE DISTRICT (A-O)**

**Subd. 1.** Purpose: The Agricultural/Open Space District is intended to provide a district which allows suitable areas of the township to be retained and utilized in open space and/or agricultural uses, prevent scattered non-farm uses from developing

improperly, promote orderly development, and secure economy in government expenditures for public utilities and services.

**Subd. 2.** Permitted Uses: The following uses are permitted:

- A. Farm buildings which are used for purposes related to the operation of the farm.
- B. Farm production which shall include the raising of crops and animals for sale, profit, or pleasure.
- C. Greenhouse or nursery.
- D. Forestry.
- E. Wildlife areas, forest preserves, public parks owned or operated by a government agency or nonprofit organization, and other open space uses.
- F. Temporary or seasonal roadside stands for sale of agricultural products.
- G. Single family dwellings subject to the following provision:
  - a. Dwelling units shall not be permitted in areas classified as wetlands, floodplain, peat and muck areas, areas of poor drainage, and areas where the water table depth is less than four (4) feet.
  - b. Dwelling units shall be allowed only on lots which front a year round maintained, public road, in existence upon the effective date of this Ordinance.
- H. Essential Services
- I. Cellular Towers
- J. Solar Energy and solar farms

**Subd. 3.** Interim Uses: The following uses are allowed pursuant to an Interim Use Permit:

- A. Adult Use
- B. Cannabis Cultivation
- C. Cannabis Delivery
- D. Cannabis Event Organizer

- E. Cannabis Manufacturing
- F. Cannabis Microbusiness
- G. Cannabis Mezzobusiness
- H. Cannabis Processing
- I. Cannabis Retail Business
- J. Cannabis Retailer
- K. Cannabis Testing
- L. Cannabis Wholesaling
- M. Lower-Potency Hemp Edible Manufacturer
- N. Lower-Potency Hemp Edible Retailer
- O. Medical Cannabis Combination Business

**Subd. 4.** Cannabis Business Specific Performance Standards: No Interim Use Permit shall be granted unless the Town Board determines that all applicable specific standards contained in this section will be met. The cannabis business interim use permit performance standards for the Agricultural/Open Space District are as follows:

- A. General Requirements:
  - i. The applicant shall hold the appropriate license or endorsement from the State of Minnesota Office of Cannabis Management for the activity or activities proposed; and
  - ii. Compliance with all State license requirements shall be maintained at all times.
- B. Minimum Buffer Requirements: The Township shall prohibit the operation of a cannabis business within:
  - i. One thousand (1,000) feet to the nearest property line of a school, a church or place of worship, or another cannabis retail business.
  - ii. Five hundred (500) feet to the nearest property line of a daycare, a residential treatment facility, an attraction within a public park that is regularly used by minors (including a playground or athletic field), or a single-family or multi-family residence.
- C. Hours of Operation: Retail cannabis businesses shall be limited to the retail sale of cannabis, cannabis flower, cannabis products, lower-potency hemp edibles, or hemp-derived consumer products between the hours of 10:00 a.m.

and 5:00 p.m., unless state administrative rules are more restrictive. Hours of operation for non-retail cannabis businesses shall be established in the interim use permit.

- D. Lighting: Cultivation lighting used for any type of cannabis cultivation operation, be it indoor, mixed light, or outdoor, may not emit any light used for purposes of cultivation from sundown to sunrise. Any business which wishes to continue cultivation during evening hours using lighting must properly shade any lighting emitting from any structure so it is not visible from the outside.

**Subd. 5.** General Adult Use Establishment Standards. No interim use permit shall be granted unless the Town Board determines that all the applicable specific standards contained in this ordinance and this section will be met. Adult use establishment conditional use permit performance standards are as follows:

- A. Location. No adult use shall be located within 1,000 feet of any of the following:

- i. Any school, as defined in Minnesota Statutes § 120.101
- ii. Any church
- iii. Any daycare facility
- iv. Any residential or nonresidential program, as defined in Minnesota Statutes § 245A.02
- v. Any hotel or motel
- vi. Any public park
- vii. Hospitals, as defined by Minnesota Statutes § 144.50
- viii. Nursing homes, as defined by Minnesota Statutes § 144.5

The Town Board may attach additional conditions to the issuance of conditional use permits, including setbacks to fulfill the purposes of this Ordinance.

- B. Hours of Operation. Adult establishments must remain closed to the public between 10:00 p.m. and 8:00 a.m.

- C. Application.

- a. Applicants must provide the Planning Commission with any gross misdemeanor or felony convictions related to sex offenses or adult businesses.
- b. The establishment must be in full compliance with the ordinance, state, and federal laws.
- c. Investigative fees for background checks are \$20 per applicant.

D. Signage and Parking Restrictions.

- a. Only one sign per adult establishment is allowed, following standard signage rules.
- b. No depiction of specified sexual activities or anatomical areas on signs.
- c. Parking must comply with the Royalton Township Zoning Ordinance.
- d. A sign at the entrance must clearly state: "This business sells or displays material containing adult themes. Persons under 18 years of age shall not enter."

E. Additional Requirements.

- a. Minors are prohibited from entering adult establishments.
- b. Inspection officers, either law enforcement, an official or employee of the Town, or anyone deemed an inspection officer by the Town Board, may enter the premises during business hours.
- c. Adult materials must not be visible to minors, nor sold to minors.
- d. Records of transactions involving adult materials must be kept for at least one year.
- e. Alcohol sales or consumption are prohibited on the premises.

F. Off-Site Viewing. Adult establishments must prevent off-site viewing of any materials related to specified sexual activities or anatomical areas by any visual or auditory means (e.g., displays, windows, sound transmission).

G. Prohibition on Liquor.

- a. Adult establishments shall not sell or dispense intoxicating liquor or 3.2% malt liquor.
- b. Alcohol is prohibited on the premises, including parking lots or areas owned/leased by the establishment.

H. Entrances. All entrances must be visible from a public right-of-way, excluding emergency fire exits.

I. Layout. Display areas must be designed so management and law enforcement can observe patrons while accessing any merchandise, including books, magazines, videos, or live entertainment.

J. Illumination. Exterior illumination must be sufficient to observe activities on the interior and exterior of premises.

K. Additional Conditions for Adult Cabarets.

- a. No display of specified anatomical areas or sexual activities on the premises.
- b. Dancers and performers must be 18 or older.
- c. Performances must be on a raised platform at least 2 feet above the floor.
- d. Dancers must remain at least 10 feet from patrons and cannot engage in physical contact with patrons.
- e. Gratuities from patrons to performers are prohibited.
- f. Operators must provide personal information about performers, including their names, addresses, phone numbers, and birth dates.

**Subd. 6.** Accessory Uses: The following uses are permitted accessory uses:

- A. Any structure or use which is necessary and incidental to the permitted principal use including garages, and sheds.
- B. Operation and storage of vehicles, equipment and machinery which is incidental to the permitted principal use.

**Subd. 7.** Lot Requirements

- A. Lot Area: A lot area of not less than twenty (20) acres for each dwelling unit is required, of which an area of at least one (1) acre is determined to be buildable. All buildable lots must be surveyed.
- B. Lot Width: A lot width of not less than three hundred (300) feet at the building line and a front line is required for each dwelling.

**Subd. 8.** Front, Side, and Rear Yard Setback Requirements

- A. Front Yard: A front yard of not less than one hundred (100) feet is required.
- B. Side Yard: Two side yards are required, each having a width of not less than fifty (50) feet.
- C. Rear Yard: A rear yard of not less than fifty (50) feet is required.

- D. Corner Lot: The junction of and fronting on two or more roads not less than one hundred (100) feet from each road.

## **SECTION 6. AGRICULTURAL/RESIDENTIAL DISTRICT (A-R)**

**Subd. 1.** Purpose: The (A-R) Agricultural/Residential District is intended to accommodate agricultural and residential uses as the predominant uses, in areas well served by the existing road system and where services and facilities can be provided in the most cost-effective manner.

**Subd. 2.** Permitted Uses: The following uses are permitted:

- A. Farm buildings which are used for purposes related to the operation of the farm.
- B. Farm production which shall include the raising of crops and animals for sale, profit, or pleasure.
- C. Greenhouse or nursery.
- D. Forestry.
- E. Wildlife areas, forest preserves, public parks owned or operated by a government agency or nonprofit organization, and other open space uses.
- F. Temporary or seasonal roadside stands for sale of agricultural products.
- G. Single family dwellings subject to the following provision:
  - a. Dwelling units shall not be permitted in areas classified as wetlands, floodplain, peat and muck areas, areas of poor drainage, and areas where the water table depth is less than four (4) feet.
  - b. Dwelling units shall be allowed only on lots which front or have an access easement of at least thirty-three (33) feet to a year round maintained public road.
- H. Essential Services.

**Subd. 3.** Conditional Uses: The following uses may be permitted upon the issuance of a conditional use permit by the town board:

- A. Commercial uses
- B. Faith Based institutions

- C. Cemeteries
- D. Commercial recreational parks, campgrounds, and facilities
- E. Industrial uses
- F. Commercial extraction of sand, gravel, minerals, or rock
- G. Commercial green houses
- H. Organized group camps
- I. Commercial extraction of sand, gravel, minerals, or rock
- J. Two-family residences, which include in-law housing

**Subd. 4.** CUP Accessory Uses: The following accessory uses may be permitted by the town board:

- A. Any structure or use which is incidental to the permitted principal use including garages, and sheds.
- B. Recreational facilities which serve the residents of the principal use.
- C. Operation and storage of vehicles, equipment and machinery which is incidental to the permitted principal use.
- D. Parking of vehicles which is incidental to permitted principle use.
- E. Essential services.

**Subd. 5.** Lot Requirements

- A. Minimum Lot Area: A lot area of not less than ten (10) acres is required, of which an area of at least one (1) contiguous acre which is determined buildable. All buildable lots must be surveyed by licensed surveyor.
- B. Lot Width: A lot width of not less than three hundred (300) feet at the building line and a front line is required.

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

- A. Front Yard: A front yard of not less than one hundred (100) feet is required from road or highway right a way.

- B. Side Yard: Two side yards are required, each having a width of not less than fifty (50) feet.
- C. Rear Yard: A rear yard is required and the principal building must not be less than fifty (50) feet from rear lot line.
- D. Corner Lot: The junction of and fronting on two or more roads not less than one hundred (100) feet from each road.

**SECTION 7. SHORELAND DISTRICT(S)**

- Subd. 1.** Purpose: The Minnesota Shoreland Management Program guides land development along Minnesota’s lakes and rivers to protect their ecological, recreational, and economic values. The state shoreland rules MR 6120.2500-6120.3900, establish minimum standards to protect habitat and water quality and preserve property values. These standards are implemented through local shoreland ordinances.
- Subd. 2.** Shoreland District Boundaries: The shoreland district shall include all land located within the following distances from a public water: 1,000 feet from the ordinary high water level of a lake, pond, or flowage and 300 feet from a river or stream or the landward extent of a flood plain.
- Subd. 3.** District Regulations: Kanabec County Environmental Services Department is responsible for the administration and enforcement of the Kanabec County Shoreland Management Ordinance as amended, and those maps and regulations applicable to the Township of Knife Lake area hereby incorporated and made part of this Ordinance by reference.

**SECTION 8. BUILDING REQUIREMENTS**

- Subd. 1.** Purpose: The purpose of this section is to establish building requirements and standards which apply to all districts within the zoning jurisdiction of the township to assure compatible land uses; to prevent blight and deterioration; and to enhance the property, public health, safety and welfare of the township.
- Subd. 2.** Building Standards
  - A. Dwelling Size: All dwellings shall have a minimum ground floor area of at least nine hundred sixty (960) square feet. Additions to manufactured homes shall not be considered in determining area requirements.
  - B. Foundation Requirements: All dwellings, including manufactured homes, must be placed on frost free footings, foundations, or pillars. A minimum of 2 inches of insulation under the foundation is required. A six (6) inch reinforced concrete slab with vapor barrier is required for manufactured homes.

- C. Manufactured Homes: Any manufactured home, regardless of use, including but not limited to use as a dwelling, storage structure, seasonal cabin, or hunting shack, shall be a U.S. Department of Housing and Urban Development (HUD) certified unit as evidenced by the HUD certification seal affixed to the unit and shall be not more than twenty (20) years old as of the date of application for placement. All manufactured homes must be placed on frost-free footings, foundations, or pillars consistent with Township requirements. Placement of any manufactured home within the Township, regardless of intended use, shall require a zoning permit or other permit as specified by this Ordinance. Manufactured homes used for storage, seasonal occupancy, or as hunting shacks shall be subject to the same age, certification, and foundation requirements as manufactured homes used as dwellings.
- D. Maximum Building Height: No building shall exceed two and one-half (2½) Stories or thirty-five (35) feet in height, except such height requirements shall not apply to agricultural buildings and structures, belfries, cupolas, domes, spires, monuments, airway beacons, radio or antenna towers, flag poles, chimneys, or flues, nor to elevators, water tanks, poles, towers and other structures for essential services; nor to similar structures extending above the roof of any building and not occupying more than twenty-five percent (25%) of the area of such roof.
- E. Design Standards: the architectural appearance and function of any building and site shall not be so dissimilar to the existing buildings or area as to constitute a blighting influence. Earth sheltered buildings are allowed if in compliance with all other zoning provisions promulgated pursuant to M.S. 462.327.
- F. No garage, tent or accessory building shall at any time be used as an independent residence or dwelling unit, temporarily or permanently.
- G. All buildings shall be so placed so that they will not obstruct future roads which may be constructed by the township in conformity with existing roads and according to the system and standards employed by the township.
- H. Survey needed before permit is issued if there are questions on property lines.
- I. Not more than one (1) principal dwelling shall be located on a lot, except in cases described herein. In case of doubt or on any question or interpretation, the decision of the Zoning Administrator shall be final, subject to the right of appeal to the Board of Adjustment and Appeals with final approval by town board.

1. Accessory Residences: An interim use permit may be issued for an accessory residence to be placed or constructed on the same lot as an existing principal in the following cases:
  - a. Temporary Accessory Residence During Construction of Permanent Dwelling: In all districts, a twelve (12) month permit, renewable for one additional twelve (12) month period, may be issued to allow a manufactured home to be placed and occupied on the same site as the permanent dwelling is being constructed, provided:
    1. The land use permit for the permanent dwelling has been issued.
    2. An approved sewer system has been installed on the site to serve the temporary manufactured home.
  - b. Temporary Accessory Residence for Health Care Reasons: A twelve (12) month, renewable permit may be issued to allow a manufactured home be placed and occupied on the same lot as the principal residence when the person(s) occupying the accessory residence or principal residence requires close supervision due to health reasons, yet are capable of independent living, provided:
    1. A doctor's report is submitted indicating the need for a closely supervised independent living arrangement.
    2. Adequate sewage facilities exist on site to accommodate the additional structure.
  - c. Accessory Residence for Farm Employees: An interim use permit may be issued to allow an accessory residence to be placed or constructed and occupied on a farm to provide housing for a person(s) or family which is actively engaged in the operation of the farm provided:
    1. The major portion of the livelihood of the person(s) or family residing is derived from the farm.
    2. Adequate sewage facilities exist on site to accommodate the additional structure.
    3. The accessory structure shall not be subsequently subdivided from the farm unless all lot and setback provisions of this Ordinance are met.
2. When issuing or renewing an interim use permit for an accessory residence, the Township Board may place additional, reasonable conditions on the permit to further the purpose and intent of this Ordinance. The failure to comply with these conditions may result in the revocation of said permit.
3. When conditions of the interim use permit are no longer met, the temporary accessory residence may remain and be occupied through the

term of the permit, however, the temporary accessory residence shall be removed from the lot within ninety (90) days of the expiration date of the permit.

4. Temporary Dwellings: Temporary dwellings including travel trailers, campers, tents, recreational vehicles, and other vehicles or structures which are adaptable for living and may be reasonably transported, may be used for dwelling purposes for a period not to exceed thirty (30) consecutive days or more than thirty (30) days of a sixty (60) day period. Only one temporary dwelling may be placed on a parcel or lot, except for short term periods such as family reunions, and visits which do not exceed a period of seven (7) days. (fix indentation formatting)

## **SECTION 9. YARD AND LOT AREA REQUIREMENTS**

**Subd. 1.** Purpose: The purpose of this section is to determine minimum yard and lot area requirements to be applied to all zoning districts under the jurisdiction of the township.

**Subd. 2.** Yard Requirements: The minimum yard setback distances from the appropriate lot line are set forth within the district provisions of this Ordinance.

- A. Corner Lots: Where a lot is located at the intersection of two (2) or more streets, the width of the yard along the side street shall not be less than three hundred (300) feet.
- B. Through Lots: On a lot fronting on two (2) parallel streets, both street lines shall be front lot lines for applying the yard regulations of this Ordinance.
- C. Earth Sheltered Buildings: Computations for yard requirements shall be based upon measurements of the building.
- D. Exceptions: The following shall not be considered as encroachment into yard setback requirements:
  1. Architectural projects including chimneys, flues, leaders, sills, pilasters, lintels, ornamental features, mechanical devices, cornices, eaves, gutters, and the like, provided they do not extend more than three (3) feet.
  2. Yard lights and signs provided they are located three (3) feet or more from all lot lines. Lights for illuminated parking or loading areas or yards for safety and security purposes may be installed where necessary provided that glare is not visible from public right of way or adjacent residential property.
  3. Off-street parking spaces except as hereinafter regulated.

4. Fencing not exceeding eight (8) feet, or screening materials as hereinafter regulated.
5. In rear yards: recreational equipment, clothes lines, picnic tables, open arbors and trellises, patios, and gazebos, are allowed, provided these are not less than thirty (30) feet from any lot line.

**Subd. 3.** Lot Area Requirements: The minimum lot area requirements are set forth within the district provisions of this Ordinance.

A. Lot Area Exception: A lot or record existing upon the effective date of this Ordinance which does not meet the area or width requirements of this Ordinance may be utilized provided that:

1. Due to ownership patterns, the combining of adjacent lots to meet the requirements of this Ordinance is not possible.
  - a. All fees and expenses related to recombining adjacent lots will be the responsibility of the property owner.
2. The lot can be serviced with an approved sanitary sewer system.

## **SECTION 10. GENERAL PROVISIONS**

**Subd. 1.** Purpose: The purpose of this section is to establish general development and performance standards to assure compatible developments, land uses, to prevent blight and deterioration, and to enhance the public health, safety and welfare.

**Subd. 2.** Building Standards

- A. Any person desiring to improve property shall submit to the Zoning Administrator information on the location, and dimensions of existing and proposed buildings, location of any easements on the property, encroachments, the location of the property lines, and any other information which may be necessary to ensure conformance to Township Ordinances.
- B. No buildings shall be permitted on areas considered as wetlands, flood plain, peat or muck soils, or areas having poor drainage, or areas where the water table depth is less than four (4) feet. The lowest floor level of the building shall be at least 12 inches above the periodic high water level.
- C. Not more than (1) principal dwelling shall be located on a lot, except in cases described herein. In case of doubt or on any question or interpretation, the decision of the Zoning Administrator can be, subject to the right of appeal to

the Board of Appeals and Adjustment. With the Town Board giving the final decision.

**Subd. 3.** Dwelling Unit Restrictions

- A. No basement, garage, tent or accessory building shall at any time be used as an independent residence or dwelling unit, temporarily or permanently.
- B. Basements may be used as living quarters or rooms as a portion of residential finished dwellings.
- C. Existing basements used as an independent finished dwelling unit shall have that status of a nonconforming use.

**Subd. 4.** Dwelling Unit Size: All dwellings shall have a minimum finished livable space of at least nine hundred (960) square feet. Temporary single family uses are exempted from this requirement.

**Subd. 5.** Accessory Structure Size: A land use permit is required for all accessory structures of one hundred (100) square feet or more.

- A. Land Use permit is required for residential solar with limitation of screening and must abide by all the setbacks.

**Subd. 6.** Sewage Treatment: Any premises used for human occupancy must be provided with an adequate method of sewage treatment, as follows:

- A. Central sewer systems must be used when available and feasible.
- B. All private sewage treatment systems must meet or exceed the Kanabec County Individual Sewer Treatment System Standards, as administered by the County.

**Subd. 7.** Manufactured Homes: Any manufactured home, regardless of use, shall be a U.S. Department of Housing and Urban Development certified unit as evidenced by the HUD certification seal affixed to the unit and not more than 20 years old from date of application.

**Subd. 8.** Nuisances Prohibited: Anything which is injurious to health, indecent, or offensive to the senses, or an obstruction to the free use of property, so as to interfere with the comfortable enjoyment of life or property, is a nuisance and is hereby prohibited. An action may be brought by the Township Board or any person whose property is injuriously affected or whose personal enjoyment is lessened by the nuisance, and by the judgement the nuisance may be enjoined or abated as well as damages recovered, as provided for in Minnesota Statutes 561.01 and 429.0241.

**Subd. 9.** Blighting Factors Prohibited: It is hereby determined that the uses, structures and activities and causes of blight or blighting factors described in this Subdivision if allowed to exist, will tend to result in blighted and undesirable neighborhoods, so as to be harmful to the public health, safety, and welfare. No person shall maintain or permit to be maintained, any of these causes of blight or blighting factors upon any property in the Township owned, leased, rented or occupied by such person.

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

1. Storage of Junk Automobiles: The storage upon any property of junk automobiles, unless stored in a garage, similar structure, or screened from view from adjacent property or the public-right-way, shall be considered blight. For the purpose of this Subdivision, the term “junk automobiles” shall include any motor vehicle, part of a motor, stored in the open for more than thirty (30) days, which does not have current license or has expired tabs for use upon the highways of the State of Minnesota, or is either:
  - b. Unusable or inoperable because of lack of, or defects in component parts; or
  - c. Unusable or inoperable because of damage from collision, deterioration, alteration or other factors; or
  - d. Beyond repair and, therefore, not intended for future use as a motor vehicle; or
  - e. Being retained on the property for possible use of salvageable parts. A classic car or pioneer car, as defined in Minnesota Statutes, section 168.10 shall not be considered a “junk automobile” within the meaning of this Subdivision. Motor vehicles on the premises of a junk or salvage yard, which is licensed in accordance with Minnesota Statutes, Section 161.242 and is permitted under local laws and zoning regulations, shall not be considered “junk automobiles” within the meaning of this Subdivision.
2. Storage of Junk: The storage, accumulation, or salvaging of junk, trash, rubbish or refuse of any kind, except if stored in such a manner as to not create a nuisance or blighting condition for a period not to exceed thirty (30) days. The term “junk” shall include parts of machinery or motor vehicles; unused appliances stored in the open; unused mobile or manufactured homes; remnants of wood materials, decayed, weathered or broken construction materials, no long suitable for sale or use as approved

building materials; metal or other material or cast off materials of any kind, whether or not the same could be put to any reasonable use.

B. Enforcement of Blight Regulations: The following procedures shall be followed in the enforcement of the regulations set forth in Subd. 9 of this section:

1. Notice of Violation: The owner of any property upon which any of the causes of blight or blighting factors set forth in Subd. 9 of this section is found to exist, shall be notified in writing by the Zoning Administrator, Township Board or other agent of the Township Board to remove or eliminate such causes of blight or blighting factors from the property within fifteen (15) days after service of the notice upon the owner of the affected property. The notice may be served by mail to the last known address of the owner. Additional time may be granted by the Town Board or its agent where bona fide efforts to remove or eliminate such causes of blight or blight factors are in progress. Lawyer review
2. Failure to Comply: Failure of the owner to comply with such notice within the time allowed shall constitute a violation of this Ordinance.
3. Failure to Remove Blight: In the case of failure to remove any blight as defined herein, within the time prescribed, the Township Board may order the blight removed or the condition corrected with the cost to be charged back to the property owner. Where automobiles are involved, they shall be removed and disposed of in accordance with Minnesota Statutes Chapter 168. All other goods seized by the Township shall be disposed of in conformity with applicable State law. The Township Board may certify the cost of the service to the County Auditor as an unpaid service charge which will then be collected together with the property taxes as provided for in Minnesota Statutes 366.012. As an additional or alternative remedy, the owners of the land shall be liable for such costs, said costs shall be recoverable in any action brought against them in the name of the Township. Need language stating cost will be the responsibility of the home owner?? Can we recoup any attorney fees with this?

**Subd. 10.** Refuse: All lots within all zoning districts shall be maintained in a neat and orderly manner. No rubbish, salvage materials, junk, or miscellaneous refuse shall be openly stored or kept in the open when the same is construed by the Township Board to be a menace or nuisance to the public health, safety, or general welfare of the Township, or to have a depressing influence upon property values in the area. Junkyards, wrecking yards and salvage yards shall be considered a commercial or industrial use.

**Subd. 11.** Vision Clearance at Corners, Curb Cuts and Crossings

Notwithstanding any part of this Ordinance or any permit or variance granted, no building, or any obstacle, or any portion thereof shall be placed or retained in such a manner to constitute a traffic hazard or obstruct the vision clearance of corners, crossings, or access points.

**Subd. 12.** Performance Standards: Property owners and occupants shall comply with all federal, state, and local pollution and nuisance laws and regulations, including but not limited to glare, smoke, dust, odors, ground contamination, and noise. The burden of proof for compliance with appropriate performance standards shall lie with the property owner or occupant.

**Subd. 13.** Protected Water Alteration: Any alteration which will change or diminish the course, current or cross section of a public water shall be approved by the Commissioner of the Minnesota Department of Natural Resources, in accordance with the procedures of Minnesota Statute 103A through 103I. This alteration includes construction of channels and ditches; lagooning; dredging of lake, or stream bottoms for removal of muck, silt or weeds; and filling in the lake, stream bed, or pond. Kanabec County Environmental Services is responsible for the administration and enforcement of newly created wetland or changes to existing wetland.

**Subd. 14.** Off-Road Parking and Loading: All applicants for a land use permit shall include off-road parking and loading areas adequate to serve the proposed development.

**Subd. 15.** Exterior Storage: All materials and equipment shall be stored within a building or be fully screened by buildings or natural vegetation as to not be visible from a public road or adjacent residences. Exceptions to those requirements are as follows:

- A. Agricultural equipment and materials intended to be used on the premises.
- B. Construction materials and equipment currently being used on the premises.
- C. Off street parking of passenger vehicles.
- D. Recreation equipment for use of residents of principal structure.
- E. Merchandise being displayed for sale.

**Subd. 16.** Storage and Disposal of Items, Materials, and Waste: The following standards shall apply to storing, handling and disposal of any items, materials or wastes:

- A. No use shall be so operated that the storage and/or disposal of materials or wastes results in any discharges of matter across the boundaries of the lot wherein such use is located or into the atmosphere or subsoil in such

concentration as to endanger the public health, safety, comfort, or welfare, or cause injury or damage to property or business.

- B. The pollution of any well, stream, lake or body of water by sewage, industrial waste, or other substances is prohibited.
- C. All carcasses of animals shall be buried or destroyed or otherwise disposed of within forty-eight (48) hours after death.
- D. The ownership, possession or control of any unused appliances or other containers with doors which fasten automatically when closed and of sufficient size to retain any person, that are exposed and accessible to the public without the removal of the doors, lids, hinges or latches of the locking thereof to prevent access by the public, is prohibited.
- E. No person in charge or control of any property shall allow any, unlicensed, partially dismantled, inoperative, wrecked or junk vehicle to remain on the property longer than (30) days where said vehicle is visible from a public road or adjacent residence. Up to four (4) such vehicles may be kept on the property, unenclosed, provided that said vehicles are not visible from a public road or adjacent residences. Vehicles shall be screened by buildings or natural vegetation.
- F. All structures, landscaping, and fencing shall be reasonably maintained so as to avoid health or safety hazards and prevent degradation in the value of adjacent property.
- G. Disposal of septic and sludge as required by federal, state, and county regulations.

**Subd. 17.** Design Standards: The architectural appearance and function of any building and site shall not be so dissimilar to the existing buildings or area as to constitute a blighting influence. Earth sheltered buildings are allowed if in compliance with all other zoning provisions promulgated in Minnesota Statute 462.357.

**Subd. 18.** Signs: No sign larger than 16 square feet per side is permitted.

**Subd. 19.** Driveways and Culverts: A permit is required for all access driveways to public township roads. The Zoning Administrator shall evaluate all land use activities governed by this Ordinance and require installations of culverts.

**Subd. 20.** Degradation of Township Roads: No person shall allow land under their control to be used in a manner which results in degradation of township roads. Industrial or commercial land use activities which, by their nature, have the potential to degrade township roads, shall be monitored by the Township Supervisor(s). The Township Supervisor(s) shall monitor the potential degradation, regardless as to

whether a building, land use or conditional use permit is required for that activity. The Township Supervisor(s) shall periodically inspect and monitor the roads in the vicinity to determine if degradation to township roads has occurred resulting from the land use activity. Periodically the Township Supervisor(s) may require that the township roads utilized be graded, material added or maintained to ensure that roads remain in the pre-use condition.

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

If a town is authorized to impose a service charge for a governmental service provided by the town, the town board may certify to the county auditor of the county in which the recipient of the services owns real property, on or before October 15 for each year, any unpaid service charges which shall then be collected together with property taxes levied against the property. The county auditor shall remit to the town all service charges collected by the auditor on behalf of the town. A charge may be certified to the auditor only if, on or before September 15, the town has given written notice to the property owner of its intention to certify the charge to the auditor. The service charges shall be subject to the same penalties, interest, and other conditions provided for the collection of property taxes. This section is in addition to other law authorizing the collection of unpaid costs and service charges. (MN Statute 366.012)

**Subd. 21.** Recreational Vehicles: No person shall operate or allow to be operated on lands owned or under their control, an all-terrain vehicle, off-road vehicle, dirt bike, or motorized vehicle in such a manner as to cause prolonged and repeated noise disturbance to surrounding properties.

Damage caused to township roads due to recreational vehicles will be at the expense of the recreational vehicle owner.

**Subd. 22.** Administrative Standards: Whenever in the course of administration and enforcement of this Ordinance, it is necessary or desirable to make any administrative decision then, unless other standards are provided within this Ordinance, the decisions shall be made so that the result will be consistent with the intent and purpose of this Ordinance as described in Section 1, Subd 2 of this Ordinance.

**SECTION 11. HOME OCCUPATIONS/HOME BASED BUSINESS**

**Subd. 1.** Purpose: It is the purpose of this section to provide for the use of the home as a place for the operation of a business or profession either as an Interim use or permitted accessory use, provided the occupation is clearly secondary to the principal use of the home as a residence.

- A. Home Occupations/Home Based Businesses Requiring an Interim Use Permit: Home occupations which have the potential for generating a noticeable increase in traffic, requires additional parking, involves employees not residing in the home, or utilizes an accessory building shall require an interim use permit. Such home occupations as barber shops, beauty salons, repair shops, clothing shops, bed-and-breakfast inns, museums, animal hospitals and kennels, schools, and similar uses shall require an interim use permit.
- B. Permitted Home Occupations: Home occupations which employ persons residing within the home and do not require additional employees or parking or the use of an accessory building, or generate a noticeable increase in traffic shall be permitted. Such home occupations as architects, artists, clergymen, clothing alterations, domestic crafts making, and similar uses are permitted.
- C. Performance Standards: All home occupations shall conform to the following standards.
1. Conduct of the home occupation does not require alterations to the interior or exterior of the residence which substantially alters the appearance of the dwelling as a residence.
  2. Only those persons residing in the home and two other persons may be employed in the home occupation that requires an IUP.
  3. Signage consists of no more than 1 single or double-faced sign with a maximum area of sixteen (16) square feet per side does require a an Interim Use Permit.
  4. The activities, equipment, and materials involved in the home occupation shall be conducted and contained within the home or accessory structure to the principal use, except in those cases when such activities, equipment and materials are not visible from a public road or adjacent residences. Such activities and items shall be screened by buildings or natural vegetation.
  5. The home occupation shall not generate wastes or a nature or type that cannot be treated by a standard on-site sewage system or municipal sewer system, or hazardous wastes without an approval plan for off site disposal.
- D. Review by Planning Commission: When deemed appropriated, the Zoning Administrator may bring a proposed or existing home occupation to the attention of the Planning Commission at which time the Planning Commission may permit the use or hold such public hearing, request such information, or require such conditions as deemed necessary to ensure compliance with the

performance standards and intent of this Ordinance. The Planning Commission will follow the current Zoning procedure.

## **SECTION 12. COMMERCIAL MINING, GRADING, LAND RECLAMATION**

**Subd. 1.** Commercial Mining: The extraction of sand, gravel, or other material from the land in the total amount of four hundred (400) cubic yards or more for sale and removal thereof from the site shall be defined as commercial mining. The conduct of commercial mining shall be permitted only upon issuance of a Conditional Use Permit.

Commercial mining operations in existence prior to the enactment of this Ordinance (2025) shall apply for a conditional use permit and be subject to the provisions of this Ordinance at any time that the existing mining operation is expanded or moved to another land parcel. The following shall apply to commercial mining operations.

- A. In addition to the requirements for conditional use permits, the following information shall accompany the conditional use permit application in writing with necessary maps.
  1. Site Plan
    - a. Area of site
    - b. Proximity of site to lot lines, adjacent structures
    - c. Existing drainage and permanent or temporary ponding areas
  2. Operational Plan
    - a. Placement of structures and equipment
    - b. Location and amount of materials to be removed
    - c. Location and height of materials to be stock piled
    - d. Altered drainage and ponding areas
    - e. Erosion and sediment controls to be used
    - f. Dust, noise, and smoke control
    - g. Duration of mining operation
    - h. Hours of operation
    - i. Materials to be produced
    - j. Other activities occurring related to mining activity
  3. Reclamation Plan
    - a. Final grade of site
    - b. Vegetative cover
    - c. End use of site
  4. Other information as may be requested by the Planning Commission or Township Board.

- B. The Township may require updated operational plans on an annual basis. The approval of the annual operational plan shall be a condition of the use permit.
- C. Any use beyond the stockpiling, extraction, and crushing of materials such as crushing, washing, or processing of materials; the production of architectural or structural stone; or the manufacture of asphalt, concrete or concrete building blocks; or any activity other than what is described in the conditional permit shall be considered a separate use and shall require an amendment of issuance of a conditional use permit.
- D. The Township Board may place conditions upon the issuance of the permit in addition to those described in the conditional use permit procedure. These conditions may include, but are not limited to:
  - 1. Maintenance standards of site – including weed control, storage and parking of vehicles and equipment.
  - 2. Drainage and sediment control.
  - 3. Fencing and screening.
  - 4. Location and maintenance of access roads and hauling routes
    - a. All access roads and hauling must be made to 9 ton per axel.
    - b. Any damage to the access or hauling routes will be paid by the Conditional Use Permit holder. Cost will be determined by the Township Board.
  - 5. Dust, noise, and smoke control.
  - 6. Setbacks from property lines shall be a minimum of 100 feet from property line. Greater setbacks shall be determined by Planning Commission.
  - 7. Hours of operation.
  - 8. Rehabilitation of land and vegetation.
    - a. A reclamation plan must be submitted with the application when applying for the CUP for approval by the township. The reclamation plan must address reclamation both during operation and after closing and site inspection by planning commission final approval by Township board.
  - 9. Posting of performance bond to reimburse the Township for any costs which may be incurred for the following:

- a. Costs of bringing the operation into compliance with the conditional use permit requirements.
- b. Costs of reclamation should the permittee fail to execute any part of a reclamation plan as required within this Ordinance or as condition of the permit.
- c. Extraordinary costs of repairing roads due to the special burden resulting from the hauling of materials and traffic associated with the operation. The amount of such cost shall be determined by the Township Board.

E. Shoreland. No new commercial mining operation shall be established within a shoreland area as defined by Minnesota Rule 6120-2500, subd 15.

**Subd. 2.** Grading and Land Reclamation: Under this Ordinance grading and land reclamation is the removal or deposition of materials so as to alter the grade. All grading and land reclamation shall be controlled under the provisions of the Zoning Ordinance and shall meet the following minimum standards:

- A. The smallest amount of bare ground is exposed for as short a time as feasible.
- B. Temporary ground cover is used until permanent ground cover, such as sod, is planted.
- C. Methods to prevent erosion and trap sediment are employed.
- D. Fill is stabilized to accepted engineering standards.
- E. Final slopes for cut slopes should be a maximum of 1:1, or 100%; fill slope 3:1, or 30%, and grade or construction slope 5:1, or 20%.

### **SECTION 13. NONCONFORMING BUILDINGS, STRUCTURES AND USES**

**Subd. 1.** Purpose: It is the purpose of this section to provide for the regulation of nonconforming buildings, structures and uses and to specify those requirements, circumstances and conditions under which nonconforming buildings, structures, and uses will be operated and maintained. The Zoning Ordinance establishes separate districts, each of which is an appropriate area for the location of uses which are permitted in that district. It is necessary and consistent with the establishment of these districts that nonconforming buildings, structures and uses not be permitted to continue without restriction. Furthermore, it is the intent of this section that all nonconforming uses shall be eventually brought into conformity.

- Subd. 2.** Any structure or use lawfully existing upon the effective date of this Ordinance shall not be enlarged, but may be continued at the size and in the manner of operation existing upon such date except as hereinafter specified or, subsequently amended.
- Subd. 3.** Nothing in this Ordinance shall prevent the placing of a structure in safe condition when said structure is declared unsafe by the Zoning Administrator provided the necessary repairs shall not constitute more than fifty (50) percent of fair market value of such structure. Said value shall be determined by County Assessor.
- Subd. 4.** No nonconforming building, structure or use shall be moved to another lot or to any other part of the parcel or lot upon which the same was constructed or was conducted at the time of this Ordinance adoption, unless such movement shall bring the nonconforming into compliance with the requirements of this Ordinance.
- Subd. 5.** When any lawful nonconforming use of any structure or land in any district has been changed to a conforming use, it shall not thereafter be changed to any nonconforming use.
- Subd. 6.** A lawful nonconforming use of a structure or use of land may be changed to lessen the nonconformity of use. Once a nonconforming structure or use of land has been changed, it shall not thereafter be so changed to increase the nonconformity.
- Subd. 7.** If at any time a nonconforming building, structure or use shall be destroyed to the extent of more than fifty (50) percent of its fair market value, said value to be determined by the County Assessor, then without further action by the Board, the building and the land on which such building was located or maintained shall, from and after the date of said destruction, be subject to all the regulations specified by these zoning regulations for the district in which such land and buildings are located. Any building which is damaged to an extent of less than fifty (50) percent of its value may be restored to its former extent.
- Subd. 8.** Whenever a lawful nonconforming use of a structure or land is discontinued for a period of twelve (12) months, following written notice from an authorized agent of the Township, any future use of said structure or land shall be made to conform with the provisions of this Ordinance.
- Subd. 9.** Normal maintenance of a building or other lawful nonconforming use is permitted, including necessary non-structural repairs and incidental alterations which do not physically extend or intensify the nonconforming use.
- Subd. 10.** Alterations may be made to a building or other lawful nonconforming residential units when they will improve the livability thereof, provided they will not increase the number of dwelling units or size or volume of the building.

**Subd. 11.** Any proposed structure which will, under this Ordinance, become nonconforming but for which a building permit has been lawfully granted prior to the effective date of this Ordinance, may be completed in accordance with the approved plans; provided construction is started within sixty (60) days of the effective date of this Ordinance. Such structure and use shall thereafter be a legally nonconforming structure and use.

#### **SECTION 14. ADMINISTRATION AND ENFORCEMENT**

**Subd. 1.** Administrating Officer: This Ordinance shall be administered and enforced by the Zoning Administrator and Planning Commission. The Zoning Administrator shall be appointed or hired by the Township Board.

**Subd. 2.** Duties of the Zoning Administrator and/or the Planning Commission: The Zoning Administrator and/or the Planning Commission shall enforce the provisions of this Ordinance and shall perform the following duties:

- A. Determine that all land use permit applications comply with the terms of this Ordinance.
- B. Issue land permits after determination and approval by the Planning Commission and township board if required.
- C. Maintain permanent and current records of permits and approvals issued pursuant to this Ordinance, including but not limited to, zoning map changes, amendments to this Ordinance, issuance of conditional use and interim use permits, variance approvals, appeals and applications thereof.
- D. Receive, file and forward all applications for appeal, variances, conditional uses, interim uses, amendments and other matters to the designated official bodies.
- E. Institute in the name of the Township, any appropriate actions or proceedings against a violator as provided by law.
- F. Perform such other duties as directed by the Township Board.

**Subd. 3.** Permit Application Required:

- A. Scope: From and after the effective date of this Ordinance, it shall be unlawful to proceed with the construction, placement, enlargement, alteration, repair, demolition, or removal of a fixed ground location without first obtaining a permit.

- B. Application: Requests for a permit shall be filed with the Zoning Administrator on an official application form. Each application for a permit shall be accompanied by a site and floor plan drawing to scale showing the dimensions of the lot to be built upon, size and location of all principal and accessory buildings, driveways, and parking areas, and such additional information deemed necessary for the proper review and enforcement of this Ordinance and any other applicable development codes. The Zoning Administrator may require a survey as part of the application when land is under developed, property lines in question, or use of property is being changed at the applicant's expense.
- C. Issuance of Permit: The Zoning Administrator shall approve the issuance of the permit only when the plans comply with this Ordinance and other applicable Township ordinances. IUP, CUP, and variances may be subject to review and approval by the planning commission and the township board.

**Subd. 4.**     Fees

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

by the Zoning Administrator upon review by the Planning Commission and/or Township Board.

- Subd. 5.** Kanabec County shall be responsible for the administration of all applicable County ordinances and regulations, including those addressing shorelands and onsite sewage treatment systems.

## **SECTION 15. CONDITIONAL AND INTERIM USE PERMITS**

**Subd. 1.** Conditional and Interim Use Permits.

Applications for conditional use permits as provided within this Ordinance, shall be filed with the town board at the next regular township meeting on an official application form. Such application shall be accompanied by the required application fee and a copy of detailed written and graphic materials fully explaining the proposal.

The application shall include the following information. The Zoning Administrator, Planning Commission, or Township Board may require the applicant to provide additional information in order to fully understand and consider the particular permit request.

1. Legal description and address of the parcel.
  2. A site plan showing the location of all buildings and their square footage, the location of all streets, roads, driveways, access roads, parking spaces and the existing topography.
  3. Estimated traffic generation.
  4. A finished grading and drainage plan.
  5. The type of business or activity and proposed number of employees.
  6. A proposed floor plan of any building an use being proposed.
  7. A sanitary sewer and water plan with the estimated use per day.
  8. Stormwater management plan.
  9. A sidewalk plan.
  10. A landscaping plan.
  11. A lighting plan.
  12. Soil-type and soil limitations for intended use. A plan to overcome said limitations must be included as part of the Conditional Use Permit application.
  13. A map showing the general location of the proposed conditional use within the township.
  14. A map showing the principal land use within 1 (one) mile of the parcel for which the application is being made.
  15. Any other information deemed necessary by the town.
- A. The Zoning Administrator shall set a date for a public hearing. A notice of the time, place, and purpose of the hearing shall be published in the official

newspaper of the Township at least ten (10) days prior to the date of the hearing. An individual notice shall be sent to all property owners within 350 feet of the property prior to the date of the hearing per MN Statute 462.357. A copy of the notice and a list of property owners and addresses to which the notices were sent shall be attested to by the Town Clerk or Zoning Administrator and made part of the official record. The failure to give mailed notice to individual property owners, or defects in the notice shall not invalidate the proceedings, provided a bona fide attempt to comply with this subdivision has been made.

- B. The Planning Commission shall consider the request at the public hearing. The Zoning Administrator shall refer said application, along with all related information, to the Township Planning Commission for consideration. The applicant and/or representative thereof shall appear before the Planning Commission in order to answer questions concerning the proposed amendment or conditional use.
- C. The Planning Commission and Township staff shall have the authority to request additional information from the applicant concerning proposed use of the property, operational factors or to retain expert testimony with the consent and at the expense of the applicant, if information is declared necessary to establish performance conditions in relation to all pertinent sections of this Ordinance.
- D. The Planning Commission shall make a finding of fact and recommend such actions or conditions to the Township Board within sixty (60) days from the date of accepted application, unless otherwise timely extended pursuant to Minn. Stat. § 15.99.
  - 1. In considering CUP and IUP requests, the Planning Commission shall evaluate the use, utilizing from the requirements “a” through “n” below. Its judgment shall be based upon, but not limited to, the following general factors:
    - a. Relationship to Township’s Comprehensive Plan.
    - b. The land area and setback requirements of the property containing such a use or activity shall be the minimum established for the district.
    - c. When abutting a residential use in a district permitting residences, the use shall be appropriately screened and landscaped.
    - d. Where applicable, all Township, County, State and Federal laws, regulations and ordinances shall be complied with and all necessary permits secured.

- e. All signs shall not adversely impact adjoining or surrounding residential uses.
  - f. Adequate off-road parking and loading shall be provided. Such parking and loading shall be screened and landscaped from abutting residential uses located in a district permitting residences.
  - g. The road serving the use or activity is of sufficient design to accommodate the proposed use or activity; and such use or activity shall not generate such traffic to create a nuisance or hazard to existing traffic or to surrounding land uses, or result in the need for excessive road improvements or maintenance.
  - h. All access roads, driveways, parking areas, and outside storage, service, or sales areas shall be surfaced to control dust.
  - i. All open and outdoor storage, sales and service areas shall be screened from view from abutting residential uses or districts.
  - j. All lighting shall be designed as to have no direct source of light visible from adjacent residential areas or from the public streets.
  - k. The use or activity shall be properly drained to control surface water runoff and prevent erosion.
  - l. The architectural appearance and functional plan of the building and site shall not be so dissimilar to the existing buildings or area as to cause impairment in property values or constitute a blighting influence.
  - m. Where structures combine residential and nonresidential uses, such uses shall be separated and provided with individual outside access, and the uses shall not conflict in any manner.
  - n. The use will not create an excessive demand on existing public services and facilities.
2. The Township may impose such additional restrictions or conditions as deemed necessary to protect the public interest. When appropriate, restrictive covenants may be entered into regarding such matters. These conditions, in addition to those specific requirements set forth above, may include, but are not limited to the following:
- a. Matters relating to the architecture or appearance.
  - b. Establishing hours of operation.

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

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

- E. Upon receiving the application, the Planning Commission shall make a recommendation to the Township Board in a special or regular meeting within 60 days of the accepted application. Such reports and recommendations shall be entered in and made part of the permanent written record of the Township Board meeting (per MN Statute 15.99). The Township Board, based on findings of fact, shall either:
  - 1. Approve or disapprove the request as recommended by the Planning Commission, based upon whether the application meets the requirements stated in the ordinance.
  - 2. Approve or disapprove the recommendation of the Planning Commission with modifications, alterations, or differing conditions. Such modifications, alterations or differing conditions shall be in writing and made part of the Board's records, or
  - 3. Refer the recommendation back to the Planning Commission for further consideration. This procedure shall be followed only one time on a singular action.
  - 4. Approval of a request shall require a two-thirds (2/3) vote of the full Township Board. The Zoning Administrator or Township Clerk shall notify the applicant of the Board's action.

F. The recommendation of the Planning Commission shall be advisory to the Township Board. The decision of the Township board shall be final.

**Subd. 2.** Amendments – Initiation: The Township Board or Planning Commission may, upon their own motion, initiate a request to amend the text or district boundaries of the ordinance. Any person owning real estate with the Township may initiate a request to amend the district boundaries or text of this Ordinance so as to affect the said real estate. All amendments requests must first be reviewed by the Planning Commission.

**Subd. 3.** Laps of Conditional Use Permit By Non-Use: Whenever within one (1) year after granting a conditional use permit, the work as permitted by the permit shall have not have been completed, then such permit shall become null and void unless a petition for an extension of time in which to complete the work has been granted by the Township Board. Such extension shall be requested in writing and filed with the Zoning Administrator or Township Clerk at least thirty (30) days before the expiration of the original conditional use permit. There shall be no charge for the filing of such a petition. The request for extension shall state facts showing a good faith attempt to complete the work permitted in the conditional use permit. Such petition shall be presented to the Planning Commission for a recommendation and to the Township Board for a decision and shall be requested only one time on a singular action as per MN Statutes 394.301 and 462.3595.

**Subd. 4.** Performance Bond: The Township Board shall have the authority to require a performance bond or other security when it is deemed necessary and appropriate.

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

## SECTION 16. VARIANCES AND APPEALS

**Subd. 1.** Board of Adjustment and Appeals: The Planning Commission shall act as the Board of Adjustment and Appeals and shall have the following powers:

- A. To hear appeals and make recommendations to the Town board where it is alleged that there is an error in any order, requirement, decision, or determination made by an administrative official in the enforcement of the Zoning Ordinance.
- B. To hear requests for variances from the literal provisions of this Ordinance in instances where their strict enforcement would cause undue hardship because of circumstances unique to the individual property under consideration.

**Subd. 2.** Purpose: Relief from certain provisions of this Ordinance may be granted when, due to the particular physical surrounding, shape or topographical condition of the property, compliance would result in a hardship upon the property owner. A hardship is distinguished from a mere inconvenience or a desire to increase the value of the property. A variance shall not be used to permit a use in a district where it is not allowed under the terms of this Ordinance. Variances shall only be granted in compliance with Minnesota Statute Section 462, any amendments to said Section subsequently adopted, and the provisions of this Ordinance.

**Subd. 3.** Procedure

- A. Requests for variances or appeals shall be filed with the Town Board at a regular town board meeting on an official application form. Such application shall also be accompanied by required copies of detailed written and graphic materials fully explaining the proposed request. The Township Board shall refer said application, along with all related information to the Board of Adjustment and Appeals, for consideration.
- B. The Board of Adjustment and Appeals, shall consider the request at its next meeting unless the filing date falls within (15) days of said meeting in which case the request would be placed on the agenda and considered at its next meeting. The applicant or a representative thereof shall appear before the Board of Adjustment and Appeals in order to answer questions concerning the variance request.
- C. The Board of Adjustment and Appeals and Township staff shall have the authority to request additional information from the applicant or to retain expert testimony with the consent and at the expense of the applicant when said information is declared necessary.
- D. The Board of Adjustment and Appeals may require a public hearing to be held in cases where it is determined that there will be an impact on adjacent

properties. Written notice of said hearing shall be sent to property owners within five hundred (500) feet of the proposed action.

- E. The Board of Adjustment and Appeals will make a recommendation to the Township Board. Within sixty (60) days from the date of the accepted application, the Township Board shall make a finding of fact. Such findings shall be entered in and made a part of the written record of the Township Board.
  - 1. In consideration requests for variances, the Board of Adjustment and Appeals shall make a recommendation as to whether the request meets all of the following cases.
    - a. The proposed action will be in keeping with the spirit and intent of the Comprehensive Plan and Zoning Ordinance.
    - b. The property in question cannot be put to a reasonable use if used under conditions allow by this Ordinance.
    - c. The plight of the landowner is due to circumstance unique to the property and not created by the landowner.
    - d. The variance, if granted, will not alter the essential character of the locality or adversely impact the environment.
    - e. The variance requested is the minimum variance which would alleviate the hardship.

If the variance request meets all of the conditions of items (a) through (e) above, the variance may be granted. Economic considerations alone shall not constitute an undue hardship if reasonable use of the property exists under the terms of the ordinance. The Board of Adjustment and Appeals and Township Board may not permit as a variance any use which is not permitted within the zone where the land is located.

- F. Approval of variances or appeals shall require passage by two-thirds (2/3) vote of the Town Board. The Zoning Administrator or Township Clerk shall notify the applicant of the action.
- G. A certified copy of every variance shall be filed with the County Recorder.

**Subd. 4.** Lapse of Variance or Appeal: Whenever within one (1) year after granting a variance or appeal the work as permitted by the variance or appeal has not been completed, then such variance shall become null and void unless a request for extension of time in which to complete the work has been granted by the Board of Adjustment and Appeals. Such extension shall be requested in writing and filed

with the Zoning Administrator at least thirty (30) days before he privation of the original variance or appeal. There shall be no charge for the filing of such requests. The written request for extension shall state facts showing a good faith attempt to complete the work permitted in the variance or appeal. Such request shall be presented to the Board of Adjustment for a decision, and shall be requested only one time on a singular action.

- Subd. 5.** Performance Bond: The Township Board shall have the authority to require a performance bond or other securities when it is deemed necessary and appropriate.
- A. Upon approval of a variance or appeal the Board may require a surety bond, cash escrow certificate of deposit, securities or cash deposit prior to the issuing of land use permits or initiation of work on the proposed improvements or development. Said security shall guarantee conformance and compliance with the conditions of the variance or appeal and the ordinances of the Township.
  - B. The security may be in the amount of the Township Board's estimated cost of labor and materials for the proposed improvements or development.
  - C. The Board may hold the security until completion of the proposed improvements or development and a certificate indicating compliance with the variance or appeal and/or ordinances of the Board has been issued by the Zoning Administrator.
  - D. Failure to comply with the conditions of the variance or appeal and/or ordinances of the Board may result in the forfeiture of the security.

## **SECTION 17. ENVIRONMENTAL REVIEW PROGRAM**

- Subd. 1.** Purpose: The purpose of the Environmental Review Program section is to provide for the preparation and review of Environmental Assessment Worksheets (EAW), Environmental Impact Statements (EIS), and other environmental documents required under Minnesota Rules, Parts 4410.0200 – 4410.7800 as amended, to implement Environmental Review Program.

## **SECTION 18. PENALTIES AND VIOLATIONS**

- Subd. 1.** Any person who violates any provision of this Ordinance shall, upon conviction thereof, be fined not more than one thousand dollars (\$1,000) for each offense, or imprisoned for not more than ninety (90) days, or both. Each day that the violation is permitted to exist constitutes a separate offense per MN Statute 366.01, Subd.10 and 368.1, Subd 22.
- Subd. 2.** The Township reserves the full right to enforce its Zoning Ordinance pursuant to its powers granted under MN Statute 463.257 and any other applicable authority. The Township may recover its costs in enforcing its ordinance, including

reasonable attorney's fees and court costs, pursuant to MN Statutes via certification of costs pursuant to MN Statute 366.012, special assessments pursuant to MN Statutes 429.021, Court Order, or any other applicable authority.

**SECTION 19. DATE OF EFFECT**

**Subd. 1.** Date of Effect: This Ordinance shall be in force and effect and after its passage and approval as provided by law.

Passed and approved this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_

Chairman

ATTEST:

\_\_\_\_\_

Township Clerk