

SUGAR BUSH TOWNSHIP ZONING ORDINANCE

SUGAR BUSH TOWNSHIP BELTRAMI COUNTY, MINNESOTA Ordinance No. _____

Adopted _____, 2013

Previous Zoning Ordinance

Adopted January 5, 1981

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SUGAR BUSH TOWNSHIP ZONING ORDINANCE

The board of supervisors of the Town of Sugar Bush ordains:

SECTION 1 – INTRODUCTORY PROVISIONS

- 1.1. **Authority and Title.** The Town Board of Sugar Bush Township (the “Township”) hereby adopts this ordinance, which shall be known as the “Sugar Bush Township Zoning Ordinance” (this “Ordinance”), pursuant to its authority under Minnesota Statutes, sections 462.351 to 462.364 and such other law as may apply. This Ordinance does not rely on the authority provided in Minnesota Statutes, sections 366.10 to 366.181 and the procedures and requirements of those sections do not apply to this Ordinance. The Township has not adopted and does not administer or enforce the state building code.
- 1.2. **Jurisdiction.** This Ordinance shall apply to all areas of the Township located outside of the boundaries of an incorporated city, except for tribal lands and as otherwise provided by law.
- 1.3. **Intent and Purpose.** This ordinance is adopted with the following intent and for the following purposes:
 - a. Protect and promote the public health, safety, welfare, and morals;
 - b. Provide for the orderly development of the Township consistent with the regulations and standards set out in this Ordinance;
 - c. To place all of the land within the Township that is subject to this Ordinance within a zoning district;
 - d. To recognize that Beltrami County regulates aspects of zoning within the Township on matters such as shorelands, subdivisions and septic systems, to provide for the interaction of those regulations with the regulations contained in this Ordinance, and to make clear the regulations contained herein shall be complied with even if the land is also subject to the County’s regulations;
 - e. To allow and regulate certain uses of land and structures within the Township while prohibiting other uses and structures;
 - f. To regulate structures and buildings within the Township including, but not limited to, the size, location, and requiring a permit;
 - g. Conserving natural and scenic areas of the Township;
 - h. Conserving natural resources and open space;

- i. To make clear the provisions of this Ordinance are intended to be the minimum requirements applicable within the Township and that structures and land uses remain subject to such other laws, rules, regulations and ordinances as may apply; and
- j. To prescribe penalties for violating this Ordinance.

1.4. **Rules of Interpretation.** The language set forth in the text of this Ordinance shall be interpreted in accordance with the following rules of construction:

- a. The singular includes the plural, and the plural the singular;
- b. The present tense includes the past and future tenses, and the future the present;
- c. The word “shall” is mandatory, and the word “may” is permissive;
- d. Whenever a word or term defined hereinafter appears in the text of this Ordinance, its meaning shall be constructed as set forth in such definition. If no set definition is given in this Ordinance, the word or term shall be construed according to the rules of grammar and according to their common and approved usage. Any question as to the meaning of a word or term used in this Ordinance shall be determined by the Board of Appeals and Adjustments;
- e. All measured distances expressed in feet shall be to the nearest 1/10 of a foot;
- f. If a use is not listed as permitted in a zoning district, it is not allowed in the district unless the Town Board determines it is a substantially similar use as provided in this Ordinance;
- g. General words are construed to be restricted in their meaning by preceding particular words;
- h. The references made herein to statutes, rules, regulations, or ordinances of the state or county shall automatically include any amendments made thereto without further action by the Town Board. Furthermore, such references shall serve to incorporate those statutes, rules, regulations, or ordinances by reference to the extent necessary to achieve the intent and purposes of this Ordinance. However, such incorporations are intended only to give effect to this Ordinance and are not intended to make the Township responsible for the administration or enforcement of the statutes, rules, regulations, or ordinances being referenced;
- i. The listing of examples to further explain a term, concept, requirement, or process is not intended to be, and shall not be interpreted as, an exclusive listing. Unless the context clearly indicates otherwise, such listings are intended to be explanative without being exclusive or limited. The exception to this general rule of interpretation is the listing of uses allowed in a district, which is intended to be

limited to only the listed uses and the uses the Town Board finds to be substantially similar to the listed uses as provided in this Ordinance; and

- j. Permits issued by the Township for structures are herein referred to as land use permits. The Township has not adopted and does not administer the Minnesota State Building Code.
- 1.5. **County Regulations.** Beltrami County (“County”) has adopted ordinances related to shorelands, subdivisions, and administers the state regulations related to individual subsurface sewage treatment systems (“ISTS”) or subsurface sewage treatment systems (“SSTS”), and other regulations applicable within the Township. This Ordinance does not adopt, nor shall it be construed as adopting, any portion of those regulations and the Township is not assuming any responsibility for the administration or enforcement of those regulations. Without limiting the foregoing, the following is a list of some of the County’s regulations.
- a. **Shorelands.** The Township has adopted shoreland regulations as part of this Ordinance and such regulations are at least as restrictive as the County’s shoreland regulations. The Township is responsible for administering and enforcing the shoreland regulations it has adopted.
 - b. **Subdivisions.** Those proposing to subdivide property within the Township shall be subject to the County’s subdivision regulations (Beltrami County Ordinance No. 5) and the minimum standards provided for subdivisions in this Ordinance. Owners proposing to plat their land must obtain the Town Board’s approval as required by Minnesota Statutes, section 505.09, subdivision 1a. This Ordinance establishes the procedures and requirements related to obtaining the Town Board’s approval.
 - c. **ISTS/SSTS.** The County administers and enforces the Minnesota Rules, Chapters 7080-7083 regulations on ISTS/SSTS in the Township as part of its Sewage and Wastewater Treatment Ordinance No. 32.
 - d. **Public Health.** The County has adopted Public Health Nuisance Ordinance No. 11 regulating various aspects of public health and nuisances.
- 1.6. **Compliance.** No structure shall be erected, constructed, placed, converted, enlarged, reconstructed, or altered, and no structure or land shall be used, for any purpose or in any manner, which is not in conformity with this Ordinance. Construction of all structures and the initiation of any uses must be in accordance with the approved application, plans, permit, and any applicable variances. Land use permits, conditional use permits, and interim use permits issued on the basis of approved plans and applications authorize only the use and construction set forth in such approved plans and applications and no other use or construction. Any use or construction not in conformance with that authorized shall be deemed a violation of this Ordinance unless a new or amended permit or variance is first obtained from the Township.

- 1.7. **Abrogation and Greater Restrictions.** It is not intended by this Ordinance to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this Ordinance imposes greater restrictions, the provisions of this Ordinance shall prevail.
- 1.8. **Minimum Requirements and Strictness.** In their interpretation and application, the provisions of this Ordinance shall be held to be the minimum requirements for the promotion of the public health, safety and welfare. Where the standards, regulations or requirements imposed by any provision of this Ordinance are either more or less restrictive than comparable requirements imposed by any 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 requirement shall prevail. In the event of any conflict between this Ordinance and any private restrictions, protections, or covenants, the provisions of this Ordinance shall be met. In their interpretation and application, the provisions of this Ordinance shall be held to be minimum requirements and shall be liberally construed in favor of the Township and shall not be deemed a limitation or repeal of any other powers granted the Township by State statute.
- 1.9. **Applications.** All applications must be on forms approved by the Town Board. Any requests not submitted on an approved Township form shall not be considered an application for the purposes of this Ordinance, or Minnesota Statutes, section 15.99, and shall be rejected. An application shall be immediately rejected if it is not accompanied by the required application fee. If an escrow is required, the applicant shall submit the required amount for escrow with the Township with 15 days of the submission of the application or the application shall be deemed incomplete and will not be processed.
- 1.10. **Unpaid Taxes or Charges.** Any application for a zoning request related to property in which there are delinquent property taxes, special assessments, service charges, penalties, interest, or past due public utility fees shall not be considered complete and shall not be processed until the owner certifies to the Township, with adequate supporting documentation, that all such delinquent or past due amounts, interest, and penalties have been paid in full. Furthermore, any person that submits an application for a zoning request that owes the Township for past zoning related fees or costs, or if the application relates to property on which there are zoning related fees or costs owed to the Township, the application shall be deemed incomplete and shall not be accepted or processed until all such delinquent or past due amounts have been paid in full to the Township. The Township will not issue a permit or variance to any of the above described properties until all past due amounts, penalties, and interest have been paid in full. The Township may collect any zoning related fees, charges, or costs owed to it by certifying the amount to the County Auditor as a service charge pursuant to Minnesota Statutes, section 366.012 for collection together with the property taxes levied against any real property the person or entity owing the amount owns in the Township. The Township will provide the property owner written notice of its intent to certify the amount on or before

September 15. The amounts so certified to the County shall be subject to the same penalties, interest, and other conditions provided for the collection of property taxes.

- 1.11. **Other Regulations and Permits.** An owner is responsible for identifying and complying with all applicable federal, state, and local laws, statutes, rules, regulations, and ordinances that may apply to the use of its land. An owner is also responsible for obtaining all permits, licenses, and permissions that may be required in addition to those required by this Ordinance. The issuance of a permit from one governmental entity does not constitute approval for any other governmental entity. All permits issued by the Township under this Ordinance are conditioned on the compliance by the owner and occupants with all applicable laws, statutes, rules, regulations, and ordinance. Failure to comply, and to remain in compliance, with such requirements may result, after notice and a hearing, in the revocation of the permit, regardless of whether such compliance was expressly made a condition of the permit.

SECTION 2 – ZONING DISTRICT PROVISIONS

- 2.1. **Zoning District.** All land within the Township shall be considered to be within the Multiple Use District, which is hereby established. Land located within a shoreland area as designated by the County in its Shoreland Management Ordinance, and as shown on its Shoreland Management Map, shall be treated as an overlay district for the purposes of this Ordinance and shall be subject to the requirements set forth in Section 5 of this Ordinance.
- 2.2. **Multiple Use District.** The purpose of the Multiple Use District is to allow for a “rural life-style” by permitting low-intensity uses such as single family dwellings, farming, hobby farms, conservation of ecologically significant resources and passive recreational uses.
- a. **Permitted Uses.** The following uses are permitted within the Multiple Use District upon the issuance of a land use permit by the Township (if required):
1. Single family dwellings;
 2. Agricultural uses;
 3. Public outdoor recreational areas;
 4. Farm buildings;
 5. Class A home occupations;
 6. Temporary construction buildings;
 7. Public uses;
 8. Forestry;
 9. Temporary or seasonal roadside stands for sale of agricultural products;
 10. Animal feedlots with under 21 animal units; and
 11. Essential services.
- b. **Conditional Uses.** The following uses are allowed within the Multiple Use District upon the issuance of a conditional use permit by the Township:

1. Multi-family dwellings;
2. Greenhouses or nurseries;
3. Animal feedlots with 21 animal units or more;
4. Restaurants;
5. Schools;
6. Religious institutions;
7. Gasoline service stations;
8. Automobile, truck, boat, and trailer sales and service establishments;
9. Motorized equipment sales and service establishments;
10. Motels and hotels;
11. Bowling alleys;
12. Miniature golf courses;
13. Personal service shops;
14. Medial and animal clinics;
15. Food services;
16. Equipment and service shops;
17. Assembly Plants;
18. Light manufacturing;
19. Commercial storing, curing and tanning of raw, green or salted hides or skins;
20. Salvage yards (junkyards);
21. Communication towers;
22. Industrial uses; and
23. Manufactured home parks.

c. Interim Uses. The following uses are allowed within the Multiple Use District upon issuance of an interim use permit by the Township:

1. Mining operations;
2. Class B home occupations;
3. Organized group camps;
4. Shooting preserves; and
5. Temporary additional dwelling.

d. Accessory Structures and Uses. The following are permitted accessory structures and uses within the Multiple Use District upon issuance of a land use permit by the Township (if required):

1. Any structure or use which is incidental to the permitted principal use of the property, including fences, garages, and sheds;
2. Recreational facilities which serve the residents of the principal use on the same property; and
3. Operation and storage of vehicles, equipment, and machinery which is incidental to the permitted principal use on the property.

- 2.3. **Prohibited Uses.** Only those uses specifically listed in this Ordinance as being allowed as a permitted, conditional, interim, or accessory use within a district, or which are found by the Town Board to be substantially similar to an allowed use within the district, are allowed in that district. All other uses are prohibited within the district. No use shall be considered substantially similar to an approved use unless the owner proposing the use applies to the Town Board for a determination under this Section.
- a. **Substantially Similar Determination.** The owner proposing a use believing it is substantially similar to an allowed use within the district shall submit an application to the Township which fully explains the proposed use and how it is similar to a use allowed under this Ordinance. The Town Board shall determine whether the use is substantially similar and, if so, whether the use shall be deemed a permitted, interim, conditional, or accessory use for the purpose of this Ordinance. If a use is allowed as being substantially similar to a listed use, the owner must apply for any required permits or permissions consistent with the Town Board's classification of the use under this Ordinance. If a use is found to not be substantially similar, the owner may submit an application as provided herein to seek an amendment to the text of this Ordinance to expressly allow the use.
- b. **Exotic Animals.** It is a violation of this Ordinance to keep, raise, or sell exotic animals in the Township.

- 2.4. **Zoning Map.** The locations and boundaries of the primary zoning districts established by this Ordinance are hereby set forth on the zoning map entitled the "Sugar Bush Township Zoning Map" ("Zoning Map"), which is hereby adopted and incorporated herein by reference. The Zoning Administrator shall maintain a copy of the Zoning Map on file for the Township. The Zoning Map and all of the notations, references, and other information shown thereon shall have the same force and effect as if fully set forth herein. The zoning districts shall apply as designated on the Zoning Map or as defined within this Ordinance. All land under the jurisdiction of this Ordinance shall be designated as lying within one, and only one, primary zoning district. Areas designated as being within a shoreland or floodplain by the County ordinance shall be considered overlay districts and the regulations imposed on such areas by Section 5 of this Ordinance and other applicable law shall apply in addition to the regulations contained herein for the primary zoning district in which the land is located.

SECTION 3 – MINIMUM STANDARDS FOR NON-SHORELANDS

- 3.1. **Lot Requirements.** No dwelling shall hereafter be erected or placed on a lot unless the lot conforms with the following:
- a. **Minimum Lot Area.** The lot must contain not less than five acres.
- b. **Minimum Lot Width.** The lot must have a width of not less than 330 feet at the building line.

- c. Lot Area Minimums. For the purposes of determining compliance with the minimum lot area required by this Ordinance to erect or place a dwelling on a lot, the acreage shall include those portions of the lot covered by road, driveway, drainage, or utility easements. Furthermore, the Zoning Administrator has the discretion and is authorized, though not required, to grant as part of the building permit process for a dwelling an administrative waiver to the minimum lot area requirement if the lot otherwise fully complies with this Ordinance and does not vary by more than 5% from the minimum acreage requirement. For example, an administrative waiver may be granted for a lot that contains at least 4.8 acres in areas requiring a minimum lot area of five acres. The purpose of the administrative waiver is to recognize and allow for minor errors, corrections, or other deviations in lot sizes that can occur through no fault of the owner and which may result in a lot containing slightly less acreage than required by this Ordinance. This process is not intended, and shall not be relied on by owners, to intentionally divide their property into lots that contain less than the required area in order to take advantage of the potential grant of a waiver.
- 3.2. Setbacks. Structures erected or placed after the effective date of this Ordinance shall comply with the following setbacks:
- a. Public Road. All structures shall be set back at least 50 feet from the public road right-of-way.
 - b. Private Road. All structures shall be set back at least 25 feet from the nearest edge of the private road.
 - c. Side and Rear Yard. All structures shall be set back from the side and rear yards at least 50 feet.
- 3.3. Dwelling Standards. No dwelling shall hereafter be erected, placed, or used within the Township except in conformance with the following:
- a. Dwelling Size. All dwellings shall have a minimum ground floor area of at least 500 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 manufactured home may be placed on a concrete slab if it contains at least six inches of reinforced concrete, a vapor barrier is used, and the home is secured to the slab.
 - c. Manufactured Homes. Manufactured homes that do not comply with the standards contained and referenced in Minnesota Statutes, sections 327.31 to 327.35 are deemed a public nuisance and shall not be permitted to be moved into the Township.

- d. Temporary Additional Dwelling. No more than one dwelling may be located on a lot except upon issuance by the Town Board of an interim use permit for a temporary dwelling needed during the construction of a permanent dwelling, for farm workers, or for such other purposes the Town Board determines are consistent with this Ordinance. Any such permit shall specifically indicate the date or event by which the temporary additional dwelling shall be removed from the lot.

SECTION 4 – PERFORMANCE STANDARDS

- 4.1. Home Occupations. All home occupations established on or after the effective date of this Ordinance shall comply with the requirements of this Section.
 - a. 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 a permitted use, provided the occupation is clearly secondary to the principal use of the home as a residence.
 - b. Class A Home Occupations. Class A home occupations are those which only employ persons residing within the home and do not require additional employees, separate employee or customer parking, does not utilize an accessory building, and does not generate a noticeable increase in traffic. Such home occupations as architects, artists, clergymen, clothing alterations, domestic crafts making, and similar uses shall be classified as Class A home occupations. Class A home occupations are permitted uses in the Multiple Use District and do not require a permit under this Ordinance.
 - c. Class B Home Occupations. Class B home occupations are those 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. Home occupations such as barber shops, beauty salons, repair shops, light manufacturing, clothing shops, bed-and-breakfast inns, museums, animal hospitals, kennels, dog care centers, schools, and similar uses conducted within a dwelling or accessory structure shall be classified as Class B home occupations. Class B home occupations are classified as an interim use in the Multiple Use District and shall require an interim use permit from the Township.
 - d. Performance Standards. All home occupations shall conform to the following standards:
 - 1. Conducting the home occupation shall not require alterations to the interior or exterior of the residence which substantially alters the appearance of the dwelling as a residence. However, the entrance to the space devoted to a home occupation may be within the dwelling.

2. One single or double-faced unlit sign with a maximum surface area 32 square feet per side may be permitted. A lighted sign or a sign greater than 32 square feet shall require an interim use permit.
- 4.2. **Essential Services.** Except as expressly provided otherwise, the installation, maintenance, and replacement of essential services are not subject to the requirements of this Ordinance. Work related to the installation, repair, or replacement of such services within Township roads are required to comply with any regulations the Town Board adopts regarding the excavation or obstruction of its roads as well as such other regulations and requirements that may apply.
 - 4.3. **Roadside Stands.** A roadside stand shall comply with the requirements of this section. All such stands must be temporary in nature, setback at least 50 feet from the nearest edge of a public right-of-way, and must be completely removed, including any related signs, once the sale activities cease for the season. No roadside stand shall be located in an area that does not provide adequate parking for customers or in any other location the Town Board determines creates a safety hazard for the traveling public.
 - 4.4. **Temporary Construction Buildings.** A temporary construction building is only allowed in conjunction with a construction project on the same property. The temporary construction building shall be removed upon completion or abandonment of the construction work.
 - 4.5. **Mining Operations.** The use of land for the commercial mining of minerals or the removal of more than 100 cubic yards of top soil, sand, or gravel in a year may only occur in the Township upon issuance of an interim use permit by the Town Board. In addition to any conditions imposed on the permit, mining operations shall also comply with all applicable provisions of this Ordinance, including the following.
 - a. **Application Requirements.** An application for an interim use permit to engage in commercial mining shall include the following information in addition to the application information required for all interim use permits:
 1. The legal description of the land to be mined;
 2. Anticipated location of mining activities on the property and the proposed location of the crusher;
 3. The property owner's name;
 4. The period of time (days, weeks, months) during which the owner anticipates the crusher will be in operation, and the days of the week and hours within each day the owner anticipates the crusher will be in operation over that period;
 5. Description of any other processing equipment the owner anticipates being used as part of the operation;
 6. The plan for reclaiming the land in stages and to complete the final reclamation of the land upon the completion of mining operations; and

7. Such other information as the Township may reasonably determine is necessary to properly understand and evaluate the proposed mining operation.

Complete interim use permit applications will be processed as provided in this Ordinance.

- b. Setbacks. No crusher may be located within 100 feet of a structure, 150 feet from the centerline of a public road, or 50 feet of a property line.
- c. Compliance. Mining operations may only be conducted in compliance all applicable federal, state, and local laws, rules, regulations, and ordinances.
- d. Existing mining operations. A mining operation in existence prior to the effective date of this Ordinance shall be allowed to continue operating provided it does not move or expand into another parcel of land without first obtaining an interim use permit from the Township and complying with this Section.
- e. Changes in Operation. Any proposed change or expansion of the mining operation from the description provided at the time of applying for an interim use permit shall require a new or amended interim use permit, unless the change is to eliminate the use and presence of a crusher on the property or to replace an existing piece of equipment with the same or similar piece of equipment.
- f. Reclamation. The owner or operator of a mining operation shall fully reclaim land excavated or otherwise disturbed by mining operations. The reclamation of the land shall occur in stages such that no more than 10 acres of the property shall remain unreclaimed for more than 12 months unless expressly indicated otherwise in the permit.

4.6. **Visual Obstructions.**

No fence, wall, structure, planting, or other visual obstruction shall be placed or maintained that is over three feet in height within 50 feet of any public road intersection to ensure adequate visibility for those operating vehicles on said roads.

SECTION 5 – SHORELAND MANAGEMENT

- 5.1. **Jurisdiction.** The provisions of this Section shall apply to the shorelands of the public water bodies as classified in this Ordinance and Article II of the Beltrami County Shoreland Management Ordinance.
- 5.2. **Compliance.** The use of any shoreland of public waters; the size and shape of lots; the use, size, type and location of structures on lots; the grading and filling of any shoreland area; the cutting or removal of shoreland vegetation; the construction or placement of signs; and the subdivision of land may only be undertaken in full compliance with the terms of this Ordinance and other applicable regulations. Any deviation from the terms of this Ordinance must be authorized by a variance from the Town Board.
- 5.3. **Shoreland Classification System.** The public waters of the Township have been classified by the County consistent with the criteria found in Minnesota Rules, Part 6120.3300 and the Protected Waters Inventory Map for Beltrami County, Minnesota. The shoreland for the water bodies listed below shall be as defined in Section 12 of this Ordinance and as shown on the Official Shoreland Management Map for Beltrami County. The public waters of the Township have been classified as follows:

a. Special Protection Lakes (SP)

Lake ID Number	Lake Name
4-50	Meadow
4-51	Flora
4-52	Jessie
4-75	Road Side

b. Sensitive Area Lakes (SA)

Lake ID Number	Lake Name
4-77	Flora

c. Recreational Development Lakes (RD)

Lake ID Number	Lake Name
4-49	Big

d. Remote River Segments (RR)

Turtle River – from the west section line, Section 32, Township 148 N, Range 31 West to the inlet of Kitchi Lake in Section 6, Township 146 N, Range 30 West.

e. Forested River Segments (FR)

Turtle River – from the outlet of Kitchi Lake in Section 7, Township 146 N, Range 30 West to the inlet of Cass Lake in Section 7, Township 146 N, Range 30 West.

f. Tributary River Segments (Tr)

Tributary	From	To
Sucker Creek	Sec. 22 (at Basin 4-11) T147N, R30 W	Sec. 4 (at confluence with Kitchi Creek) T146N, R30W
North Branch Turtle River	Sec. 30 (at Basin 4-364) T149N, R30W	Sec. 23 (at confluence with Turtle River) T147N, R31W
Unnamed to Turtle River	Sec. 6 (at Basin 4-75) T147N, R31W	Sec. 32 (at confluence with Turtle River) T148N, R31W
Unnamed to Turtle River Lake	Sec. 25 (at Basin 4-117) T148N, R32W	Sec. 3 (at Basin 4-111) T147N, R32W
Unnamed to Lake Andrusia	Sec. 13 (at Basin 4-96) T147N, R32W	Sec. 8 (at Basin 4-38) T146N, R31W
Unnamed to Lake Bemidji	Sec. 24 (at Basin 4-132) T147N, R33W	Sec. 23 (at Basin 4-130) T147N, R33W
Grant Creek	Sec. 10 (at Basin 4-292) T147N, R35W	Sec. 32 (at corporate limits of Wilton) T147N, R34W
Unnamed to Grant Creek	Sec. 36, T147N, R35W	Sec. 32 (at confluence with Grant Creek) T147N, R34W
Unnamed to Unnamed	Sec. 25, T147N, R35W	Sec. 31 (at confluence with unnamed tributary) T147N, R34W

All protected watercourses in the Township shown on the Protected Waters Inventory Map for Beltrami County, which is hereby adopted by reference, not given a classification above, shall be considered “tributary.”

5.4. **Establishment of Shoreland Management Districts.**

a. Public Water Classification System. The development of shorelands of public waters shall be controlled by means of shoreland management districts which are designated to be compatible with the classification of public waters. For purposes of this Ordinance, the following districts are created:

1. Special Protection (SP);
2. Sensitive Area (SA);
3. Recreational Development (RD);
4. Remote River (RR);
5. Forested River (FR); and
6. Tributary (TR).

b. Management Goals and Objectives.

1. The Special Protection (SP) management district is established in order to protect shorelands of waters that are particularly vulnerable to pollution; to maintain a minimal density of development, and to maintain high standards of quality for permitted development.
2. The Sensitive Area (SA) management district is established to properly manage areas which may be sensitive to development due to flooding, steep slopes, erosion, limiting soil conditions, the presence of wetlands, or other physical constraints.
3. The Recreational Development (RD) management district is established to manage proposed development reasonably consistent with existing development and use; to provide for the beneficial use of public waters by the general public, as well as the riparian owners; to provide for a multiplicity of lake uses; and to protect areas unsuitable for residential and commercial uses from development.
4. The Remote River (RR) management district is established to preserve wilderness and near wilderness settings along protected watercourses.
5. The Forested River (FR) management district is established to maintain existing levels of development densities while preserving the natural setting along protected watercourses.
6. The Tributary (Tr) management district is established to maintain or establish vegetative buffer strips to improve water quality along protected watercourses.

- c. Shoreland Management Map. An official shoreland management map, on file at the Beltrami County Environmental Services Department, is hereby adopted by reference, including any amendments made thereto by the County. Said map may be amended, from time to time, by approval of the County Board.

5.5. Shoreland Management District Requirements.

- a. Permitted, Conditional and Non-Permitted Uses. The following table shows the permitted, conditional and some non-permitted uses for each of the shoreland management districts. Uses identified as Permitted (P) in a particular management district are allowed provided that all of the requirements of this Ordinance are complied with and a permit, if applicable, has been obtained. Uses identified as Conditional (C) are allowed provided that the applicant meets certain predetermined conditions as prescribed in this Ordinance, and a conditional use permit is obtained. Uses either identified as Non-permitted (N) or those uses

which are not identified as either permitted or conditional uses in a particular management district, are not allowed.

b. Use by Management District

	Recreational Development (RD)	Sensitive Area (SA)	Special Protection (SP)	River Segments
<u>Single Multi-Family Residential Uses</u>				
Single Family Homes	P	P	P	P
Manufactured Homes	P	P	P	P
Mobile Homes	P	P	P	P
Accessory Buildings	P	P	P	P
Decks, Stairways & Handicapped Access	P	P	P	P
Fences	P	P	P	P
Agricultural Uses	P	P	P	P
Forestry Use	P	P	P	P
Private Roads necessary for a permitted or conditional use	P	P	C	P
Driveways	P	P	P	P
Duplex, Triplex, Quads	N	N	N	N
Water-Oriented Accessory Structures	P	C	N	P
Guest Cottages	N	N	N	N
Controlled Access Lot	N	N	N	N
<u>Water-Oriented Commercial- Recreational Uses</u>				
Hotels and Motels	C	N	N	N
Restaurants and Dinner Clubs	C	N	N	N
Drive Ins	C	N	N	N
Taverns	C	N	N	N
Retail Business	C	N	N	N
Novelty Shops	C	N	N	N
Service Facilities	C	N	N	N
Gas Station	C	N	N	N
Riding Stables	C	N	N	N
Marina	C	N	N	N
Sea Plane Base	C	N	N	N
Utility Transmission Power Line	C	C	C	C

Government Campground	C	N	N	C
Private Campground	C	N	N	C
Golf Courses	C	N	N	N

Public Uses

Public Access Boat Ramp	C	C	C	C
Signs necessary for Public Health, Safety and Recreational uses	P	P	P	P
New Public Roads	C	C	C	C
Mining	P	N	N	N
Extractive	C	N	N	N

All uses, whether permitted or conditional, with the exception of agricultural and forestry uses, require a permit from the Township.

5.6. **Height and Placement Regulations.** Except as otherwise specifically provided for in this Ordinance, no new lot shall be created by plat, metes and bounds description or otherwise which does not meet the minimum dimensional requirements specified in this Ordinance. No lot area shall be reduced or diminished so that the yards or other open spaces are smaller than prescribed herein, nor shall the number of dwelling units be increased in any manner except in conformity with this Ordinance. The area of any lot shall not be reduced below the minimum standards specified herein.

a. **Lot Area Requirements.** The following are the lot area requirements for all lots created after the date of enactment of this Ordinance.

1. Special Protection Lake District (SP)

Riparian Lots
217,800 sq. ft. (5 acres)

Non-Riparian Lots
217,800 sq. ft. (5 acres)

* Lot area must contain a minimum of 45,000 square feet of contiguous land that is not a Type 1 – 8 wetland.

2. Sensitive Area District (SA)

Riparian Lots
130,680 sq. ft. (3 acres)

Non-Riparian Lots
130,680 sq. ft. (3 acres)

* Lot area must contain a minimum of 45,000 square feet of contiguous land that is not a Type 1-8 wetland.

3. Recreational Development Lake District (RD)

<u>Riparian Lots</u>		<u>Non-Riparian Lots</u>	
Single	45,000 sq. ft.	Single	217,800 sq. ft.

* Lot area must contain a minimum of 45,000 square feet of contiguous land that is not a Type 1-8 wetland.

b. Lot Width Requirements. The following are the minimum lot width requirements, measured at both the building line and at the ordinary high water level, for all lots created after the date of enactment of this Ordinance.

1. Special Protection Lake District (SP)

<u>Riparian Lots</u>		<u>Non-Riparian Lots</u>	
Single	400 ft.	Single	400 ft.

2. Sensitive Area Lake District (SA)

<u>Riparian Lots</u>		<u>Non-Riparian Lots</u>	
Single	300 ft.	Single	300 ft.

3. Recreational Development Lake District (RD)

<u>Riparian Lots</u>		<u>Non-Riparian Lots</u>	
Single	150 ft.	Single	300 ft.

4. River Segment and Tributary Districts

	<u>Remote (RR)</u>	<u>Forested (FR)</u>	<u>Tributaries (Tr)</u>
Single	300	200	100

c. Setback Provisions. Structures constructed or placed after the date of enactment of this Ordinance shall meet the setbacks prescribed in this Section.

1. Special Protection Lake District (SP)

Structure setback from ordinary high water level	150 ft.
Structure setback from top of bluff	30 ft.
Structure setback from side lot line	15 ft.
Structure setback from unplatted cemetery	50 ft.
Structure setback from federal, state or county highway right of way	50 ft.
Structure setback from right of way of other roads	20 ft.

	Sewage treatment system setback from ordinary high water level	150 ft.
2.	Sensitive Area Lake District (SA)	
	Structure setback from ordinary high water level	150 ft.
	Structure setback from top of bluff	30 ft.
	Structure setback from side lot line	15 ft.
	Structure setback from unplatted cemetery	50 ft.
	Structure setback from federal, state or county highway right of way	50 ft.
	Structure setback from right of way of other roads	20 ft.
	Sewage treatment system setback from ordinary high water level	150 ft.
3.	Recreational Development Lake District (RD)	
	Structure setback from ordinary high water level	100 ft.
	Structure setback from top of bluff	30 ft.
	Structure setback from side lot line	15 ft.
	Structure setback from unplatted cemetery	50 ft.
	Structure setback from federal, state or county highway right of way	50 ft.
	Structure setback from right of way of other roads	20 ft.
	Sewage treatment system setback from ordinary high water level	100 ft.
4.	Remote River Segment District (RR)	
	Structure setback from ordinary high water level	200 ft.
	Structure setback from top of bluff	30 ft.
	Structure setback from side lot line	15 ft.
	Structure setback from unplatted cemetery	50 ft.
	Structure setback from federal, state or county highway right of way	50 ft.
	Structure setback from right of way of other roads	20 ft.
	Sewage treatment system setback from ordinary high water level	200 ft.
5.	Forested River Segment District (FR)	
	Structure setback from ordinary high water level	150 ft.
	Structure setback from top of bluff	30 ft.
	Structure setback from side lot line	15 ft.
	Structure setback from unplatted cemetery	50 ft.
	Structure setback from federal, state or county highway right of way	50 ft.
	Structure setback from right of way of other roads	20 ft.
	Sewage treatment system setback from ordinary high water level	150 ft.

6. Tributary District (TR)

Structure setback from ordinary high water level	100 ft.
Structure setback from top of bluff	30 ft.
Structure setback from side lot line	15 ft.
Structure setback from unplatted cemetery	50 ft.
Structure setback from federal, state or county highway right of way	50 ft.
Structure setback from right of way of other roads	20 ft.
Sewage treatment system setback from ordinary high water level	100 ft.

d. Bluff Impact Zones. Structures or facilities, except stairways and landings, must not be placed within bluff impact zones. All structures must be set back 30 feet from the top of a bluff. Walkout basements shall not be allowed in bluff impact zones.

e. Height of Structures. No structure, except religious institutions and non-residential agricultural structures, shall exceed 35 feet in height.

f. Guest Cottages. One guest cottage may be allowed on lots that are five acres in size or greater, provided all of the following minimum standards are met and a conditional use permit is obtained:

1. A guest cottage must not cover more than 700 square feet of land surface and must not exceed 15 feet in height unless such structure is constructed above a pre-existing garage. In such cases, the maximum height shall be 25 feet.
2. A guest cottage must be located or designed to reduce its visibility as viewed from public waters and adjacent shorelands by vegetation, topography, increased setbacks or color, assuming summer, leaf-on conditions.
3. If sanitary facilities are to be provided to a guest cottage, such facilities must utilize the same treatment system as the principal structure.

g. Design Criteria for Structures. Structures must be placed and lots developed in accordance with the following design criteria:

1. High Water Elevations. Structures must be placed in accordance with any floodplain regulations applicable to the site. Where such controls do not exist, the elevation to which the lowest floor, including the basement, is placed or flood-proofed must be determined as follows:

- i. For lakes, by placing the lowest floor at a level at least three feet above the highest known water level; or three feet above the ordinary high water level, whichever is greater.
 - ii. For rivers and streams, by placing the lowest floor at least three feet above the flood of record, if data are available. If data are not available, by placing the lowest floor at least three feet above the ordinary high water level, or by conducting a technical evaluation to determine the effects of proposed construction upon flood stages and flood flows and to establish a flood protection elevation. Under all three approaches, technical evaluations must be done by a qualified engineer or hydrologist consistent with Statewide Floodplain Management regulations, Minnesota Rules Parts 6120.5000 to 6120.6200. If more than one approach is used, the highest flood protection elevation determined must be used for placing structures and other facilities.
- h. Stairways, Lifts and Landings. Stairways and lifts are the preferred alternative to major topographic alterations for achieving access up and down bluffs and steep slopes to shore areas. Stairways, lifts and landings must meet the following design requirements:
1. Stairways and lifts must not exceed four feet in width on residential lots. Wider stairways may be used for commercial purposes or public open-space recreational properties if specifically authorized in a conditional use permit.
 2. Landings for stairways and lifts on residential lots must not exceed 32 square feet in area. Landings larger than 32 square feet may be allowed for commercial properties or public open-space recreational properties if specifically authorized in a conditional use permit.
 3. Canopies or roofs are not allowed on stairways, lifts or landings.
 4. Stairways, lifts or landings may be either constructed above the ground on posts or pilings, or placed into the ground provided they are designed and built in a manner that ensures control of soil erosion.
 5. Stairways, lifts or landings must be located in the most visually inconspicuous portions of lots, as viewed from the surface of the public waters assuming summer, leaf-on conditions, whenever practical.
 6. Facilities such as ramps, lifts or mobility paths for physically handicapped persons are also allowed as a permitted use for achieving access to shore areas, provided the dimensional and performance standards of this section, and the requirements of the State Building Code are met.

- i. Significant Historic Sites. No structure may be placed on a significant historic site in a manner that affects the values of the site unless adequate information about the site has been removed and documented in a public repository.
 - j. Steep Slopes. No construction of structures, sewage treatment systems, roads or driveways or other improvements may be undertaken without the approval of a Vegetation Management Plan completed by the Beltrami Soil and Water Conservation District. The Beltrami County Environmental Services Department must evaluate possible soil erosion impacts and development visibility from public waters before the County or the Township issues a permit for the construction of sewage treatment systems, roads, driveways, structures, or other improvements on steep slopes. Upon evaluation of the Beltrami Soil and Water Conservation District and receipt of its report, the Town Board may place necessary conditions in order to prevent erosion and to preserve existing vegetation screening of structures, vehicles and other facilities as viewed from the surface of public waters, assuming summer, leaf-on conditions.
- 5.7. Accessory Uses and Structures. Where a lot is devoted to a permitted principal use, customary accessory uses and structures are authorized except as prohibited specifically or by necessary implication in this Ordinance. The following special rules are applicable:
- a. All accessory buildings, including carports and breezeways, attached to the principal building on a lot shall be made structurally a part thereof and shall comply in all respects with the requirements of this Ordinance applicable to the principal building.
 - b. All detached accessory buildings or structures shall be located on the side or rear yards. They shall comply with all yard requirements applicable to the principal building within the management of the district.
 - c. Piers and docks are allowed, but shall be controlled by applicable State and local regulations.
 - d. Each lot, except those in the Special Protection District, may have one water-oriented accessory structure not meeting the normal structure setback as specified in this Ordinance, provided that such structure complies with the following provisions:
 - 1. The structure or facility shall not exceed 12.5 feet in height. Detached decks must not exceed three feet above ground at any point. The structure or facility shall not exceed 144 square feet.
 - 2. The setback of the structure or facility from the ordinary high water level must be at least the following distances for the respective lake classifications and river segments:

Special Protection	N/A
Sensitive Area	75 feet
Recreational Development	75 feet
Remote River	100 feet
Forested River	75 feet
Tributary	75 feet

3. The structure or facility must be treated to reduce visibility as viewed from public waters and adjacent shorelands by vegetation, topography, increased setbacks or color assuming summer, leaf-on conditions.
4. The structure or facility must not be designed or used for human habitation and must not contain water supply or sewage treatment facilities, or be connected to such facilities.

5.8. **General Shoreland Requirements.**

- a. Vegetative Alterations. Intensive vegetative clearing within shore and bluff impact zones and on steep slopes is not allowed, with the following exceptions:
 1. Intensive vegetative clearing for forest land conversion to another use may be allowed as a conditional use, with a conditional use permit, provided that such clearing is not undertaken in shore or bluff impact zones or on steep slopes. Such conditional use permit shall only be issued upon the completion and approval of an erosion and sedimentation plan approved by the Beltrami Soil and Water Conservation District.
 2. In shore and bluff impact zones and on steep slopes, limited clearing of trees and brush and cutting pruning, and trimming of trees is allowed, without a permit, in order to provide a view to the water from the principal dwelling site and to accommodate the placement of stairways, lifts and landings, picnic areas, access paths, livestock watering areas, and beach and watercraft areas, provided that:
 - i. Vegetation alterations shall in no case exceed 50 percent of the brush and 25 percent of the trees within the shore and bluff impact zones or on steep slopes. For the purpose of this section, trees less than four inches in diameter as measured at a height of four feet from the ground shall be considered brush.
 - ii. The screening of structures, vehicles, or other facilities as viewed from the water, assuming summer, leaf-on conditions, is not substantially reduced.

- iii. Along rivers, existing shading of water surfaces is preserved.
 3. Vegetative alterations necessary for the construction of structures, sewage treatment systems, or roads and parking areas are allowed without a separate permit.
 4. The above provisions are not applicable to the removal of trees, limbs, or branches that are dead, diseased, or pose safety hazards.
 5. Harvesting of timber.
- b. Topographic Alterations/Grading and Filling. Topographic alterations of more than 10 cubic yards, including grading and filling, shall not be allowed without obtaining a Shoreland Alteration Permit from the Town. The Shoreland Alteration Permit must be obtained prior to commencing any work.
1. Grading and filling and excavations necessary for the construction of structures, sewage treatment systems, or driveways under validly issued permits for these facilities do not require the issuance of a separate permit. However, the grading and filling standards prescribed in this Section must be incorporated into the issuance of said permits.
 2. Excavation where the intended purpose is connection to a public water such as boat slips, canals, lagoons and harbors are allowed only with a conditional use permit issued by the Town Board. Such conditional use permit shall only be granted after the Commissioner of Natural Resources has approved the proposed connection to public waters.
 3. Extractive uses are not allowed without the issuance of a conditional use permit by the Town Board. A conditional use permit shall be issued with the following conditions:
 - i. An extractive use site development and restoration plan must be developed, approved, and followed over the course of operation of the site. The plan must address dust, noise, possible pollutant discharges, hours and duration of operation, and anticipated vegetation and topographic alterations. The plan must also identify actions to be taken during operation to mitigate adverse environmental impacts, particularly erosion, and must clearly explain how the site will be rehabilitated after extractive activities end.
 - ii. Processing machinery must be located consistent with setback standards for structures from the ordinary high water level of public waters and from bluffs.

- iii. Mining of metallic minerals and peat, as defined in Minnesota Statutes, Sections 93.44 to 93.51, shall be a permitted use provided the provisions of the specified sections of the statutes are satisfied.
4. No permit shall be issued under this section unless the following conditions are complied with:
- i. Grading or filling in any Type 1, 2, 3, 4, 5, 6, 7 or 8 wetland must be evaluated to determine how extensively the proposed activity would affect the functional qualities of the wetland, including: sediment and pollutant trapping and retention; storage of surface runoff to prevent or reduce flood damage; fish and wildlife habitat; recreational use; shoreline or bank stabilization; and noteworthiness, including special qualities such as historic significance, and critical habitat for endangered plants and animals. This evaluation must also include a determination of whether the wetland alteration being proposed requires permits, reviews, or approvals by other local, state or federal agencies such as a watershed district, the Minnesota Department of Natural Resources, or the United States Army Corp of Engineers. The applicant will be so advised by the Township;
 - ii. Alterations must be conducted in a manner that ensures that only the smallest amount of bare ground is exposed for the shortest time possible;
 - iii. Mulches or similar materials must be used, where necessary, for temporary bare soil coverage, and a permanent vegetative cover must be established as soon as possible;
 - iv. Methods to minimize soil erosion and to trap sediments before they reach any surface water feature must be used;
 - v. Altered areas must be stabilized to acceptable erosion control standards consistent with the field office technical guides of the Beltrami Soil and Water Conservation District;
 - vi. Fill or excavated material must not be placed in a manner that creates an unstable slope;
 - vii. Excavated materials shall not be placed in such a manner as to create finished slopes of 30 percent or greater. Plans to place fill or excavated material on steep slopes must be approved by a registered engineer or the Beltrami Soil and Water Conservation District to ensure continued slope stability.

- viii. Fill or excavated material must not be placed in bluff impact zones.
- ix. Any alterations below the ordinary high water level of public waters must first be authorized by the Commissioner of Natural Resources under Minnesota Statutes, Chapter 103G.
- x. Alterations of topography may only be allowed if they are accessory to permitted or conditional uses and do not adversely affect adjacent or nearby properties.
- xi. Placement of natural rock riprap, including associated grading of the shoreline and placement of a filter blanket, is permitted if the finished slope does not exceed three feet horizontal to one foot vertical, the landward extent of the riprap is within 10 feet of the ordinary high water level, and the height of the riprap above the ordinary high water level does not exceed three feet.

c. Placement and Design of Roads, Driveways and Parking Areas.

1. No public or private roads or parking areas may be constructed without a conditional use permit issued by the Town Board. Public and private roads and parking areas must be designed to take advantage of natural vegetation and topography to achieve maximum screening from view from public waters. Documentation must be provided to the Township by the Beltrami Soil and Water Conservation District that all roads and parking areas are designed and constructed to minimize and control erosion to public waters consistent with the technical guides of the Beltrami Soil and Water Conservation District, or other technical materials.
2. Roads, driveways, and parking areas must meet structure setbacks and must not be placed within bluff and shore impact zones when other reasonable and feasible placement alternatives exist. If no alternatives exist, they may be placed within these areas, but must be designed to minimize adverse impacts.
3. Public and private watercraft access ramps, approach roads, and access-related parking areas may be placed within shore impact zones provided that the vegetative screening and erosion control conditions of this Section are met. For private facilities, the grading and filling provisions prescribed in this section must be met. Private watercraft access ramps require a conditional use permit. No private watercraft access ramps are allowed if fill would need to be placed in a Type 1 through 8 wetland. No private watercraft access ramps will be allowed on lakes where there is an existing public access.
4. Private access across wetlands is allowed with a permit, provided that the following conditions are met:

- i. Access across wetland areas must be by means of a constructed boardwalk; and
 - ii. Access must not exceed six feet in width.
- d. Stormwater Management Standards. No new proposed drainage ways for stormwater runoff shall be constructed without a conditional use permit issued by the Town Board. The issuance of such permit shall be subject to the following conditions:
 1. When possible, existing natural drainage ways, wetlands and vegetated soil surfaces must be used to convey, store, filter, and retain stormwater runoff before discharge to public waters.
 2. Development must be planned and conducted in a manner that will minimize the extent of disturbed areas, runoff velocities, erosion potential, and reduce and delay runoff volumes. Disturbed areas must be stabilized and protected as soon as possible and facilities or methods used to retain sediment on the site.
 3. When development density, topographic features, and soil and vegetation conditions are not sufficient to adequately handle stormwater runoff using natural features and vegetation, various types of constructed facilities such as diversions, settling basins, skimming devices, dikes, waterways, and ponds may be used. Preference must be given to designs using surface drainage, vegetation, and infiltration rather than buried pipes and manmade materials and facilities.
 4. When constructed facilities are used for stormwater management, documentation must be provided by the Beltrami Soil and Water Conservation District that they are designed and installed consistent with the field office technical guide of the Conservation District.
 5. Newly constructed stormwater outfalls to public waters must provide for filtering or settling of suspended solids and skimming of surface debris before discharge.
 6. Impervious surface coverage of lots must not exceed 25 percent of the lot area.
 7. Storm drainage facilities shall be designed to permit the unimpeded flow of natural watercourses, ensure the drainage of all points along the line of streets and provide positive drainage away from on-site sewage disposal facilities. In designing storm drainage facilities, special consideration

shall be given to protection against shoreland erosion and siltation of surface waters and the prevention of excess runoff onto adjacent property.

- e. Special Provisions for Commercial, Industrial, Public and Semipublic Uses. No surface water-oriented commercial, industrial, public or semipublic uses shall be allowed on lots or parcels with public waters frontage without a conditional use permit issued by the Town Board. The issuance of such permit shall be subject to the following conditions:
1. In addition to meeting impervious coverage limits, setbacks and other dimensional provisions of this Ordinance, the uses must be designed to incorporate topographic and vegetative screening of parking areas and structures.
 2. Uses that require short-term watercraft mooring for patrons must centralize these facilities and design them to avoid obstructions of navigation and to be the minimum size necessary to meet the need.
 3. Uses that depend on patrons arriving by watercraft may use signs and lighting to convey needed information to the public, subject to the following general standards:
 - i. No sign shall be erected or placed in shoreland area without a sign permit issued by the Township.
 - ii. No advertising signs or supporting facilities for signs may be placed in or upon public waters. Signs conveying information or safety messages may be placed in or on public waters by a public authority or under a permit issued by the Township.
 - iii. Signs may be placed, when necessary, within the shore impact zone if they are designed and sized to be the minimum necessary to convey the location and name of the establishment and the general type of goods or services available. The signs must not contain other detailed information such as product brands and prices, must not be located higher than 10 feet above the ground, and must not exceed 32 square feet in size. If illuminated by artificial lighting, such lights shall be shielded or directed to prevent illumination out across public waters
 - iv. Other outside lighting may be located within the shore impact zone or over public waters if it is used primarily to illuminate potential safety hazards and is shielded or otherwise directed to prevent direct illumination out across public waters. This section does not preclude the use of navigational lighting.

4. Uses without water-oriented needs must be placed on lots without water frontage or be placed at double the normal setback.
- f. Special Provisions for Agricultural Uses. Agricultural practices and associated uses are allowed under the following circumstances:
1. Agricultural practices and associated uses conducted consistent with the provisions of Agriculture and Water Quality “Best Management Practices for Minnesota,” shall be allowed without a permit. A copy of this document is on file with the Beltrami County Environmental Services Department.
 2. General cultivation farming, grazing, nurseries, horticulture, truck farming, sod farming and wild crop harvesting are allowed, without a permit, provided that steep slopes and shore and bluff impact zones are maintained in permanent vegetation or, are operated under a conservation plan approved by the Beltrami Soil and Water Conservation District.
 3. Animal feedlots are allowed, without a permit, provided that they meet the following standards:
 - i. New feedlots must not be located in the shoreland area of watercourses or in bluff impact zones and must meet a minimum setback of 300 feet from the ordinary high water level of all public water basins;
 - ii. Modifications or expansions to existing feedlots that are located within 300 feet of the ordinary high water level or within a bluff impact zone are allowed if they do not further encroach into the existing ordinary high water level setback or encroach on bluff impact zones; and
 - iii. Feedlots must comply with Minnesota Pollution Control Agency regulations, Minnesota Rules Chapter 7020.
- g. Special Provisions for Forest Management. Forest management activities are allowed under the following circumstances:
1. The harvesting of timber and associated reforestation must be conducted consistent with the provisions of the Minnesota Nonpoint Source Pollution Assessment - Forestry, and the provisions of Water Quality in Forest Management “Best Management Practices in Minnesota.” A copy of this document is on file with the Beltrami County Environmental Services Department.

- h. Special Provisions for Extractive Uses. Extractive uses shall require a conditional use permit from the Town Board and shall be subject to all requirements of this Ordinance.
1. Information Requirements. In addition to the information required on the conditional use permit application, the following information shall be provided in writing by the person requesting the permit:
 - i. Maps of existing conditions, proposed operations and proposed end use of the site. Maps shall include the site and all areas within one-half mile of the site. All maps shall be drawn at a scale of one inch to 100 feet. Such maps shall include the following information:
 - A. Map of existing conditions shall include: contour lines at five foot intervals, soil conditions, vegetation, drainage and permanent water areas, structures, wells and existing and proposed roads.
 - B. Map of proposed operations shall include: location of materials to be extracted, structures to be erected or constructed, location of tailing deposits showing their maximum height, location of machinery to be used, location of material storage showing its maximum height, location of vehicle parking, location of explosives storage, location of erosion and sediment control structures.
 - C. Map of end use of excavation site shall include: final grade of proposed site showing elevations and contour lines at five foot intervals, location and species of vegetation to be replanted, location and nature of any structures to be erected;
 - ii. A soil erosion and sediment control plan;
 - iii. A plan for noise and dust control;
 - iv. A full description of all phases of the proposed operation, including the expected duration of the excavation operation; and
 - v. Any other information deemed necessary by the Town Board in order to make an informed decision.
 2. Performance Standards.

- i. Weeds and other unsightly or noxious vegetation shall be cut or trimmed as may be necessary to preserve a reasonably neat appearance which prevents seeding on adjoining property. All equipment used for excavation operations shall be constructed, maintained and operated in such a manner as to minimize, as far as is practical, noises and vibrations which are injurious or substantially annoying to persons living in the vicinity.
- ii. The excavation operation shall not be allowed to interfere with surface water drainage beyond the boundaries of the site. The excavation operation shall not adversely affect the quality of surface or subsurface water resources. Surface water originating outside and passing through the site shall, at its point of departure from the site, be of equal quality to the water at the point where it enters the site. The excavation operator shall perform any water treatment necessary to comply with this provision.
- iii. Any excavation operation within 300 feet of two or more residential structures shall be bound by the following standards:
 - A. Where man-made or artificial collections of water occur that are 1.5 feet or more in depth, existing for any period of at least one month, all access to such man-made or artificial collections of water shall be barred by a fence or some similarly effective barrier such as a snow fence of at least four feet in height.
 - B. In locations where slopes occur that are steeper than one foot vertical to three feet horizontal existing for a period of one month or more, access to such slopes shall be barred by a fence or some similarly effective barrier such as a snow fence at least four feet in height.
- iv. The location of the intersection of excavation access roads with any public roads shall be selected such that traffic on the access roads will have a sufficient distance of public road in view so that any turns onto the public road can be completed with a margin of safety.
- v. To minimize problems of dust and noise, and to shield excavation operations from public view, a screening barrier shall be maintained between the site and adjacent residential and commercial properties. A screening barrier shall also be maintained between the excavation site and any public road within 500 feet of any excavations or processing operations. The screening barrier shall be planted with a species of fast growing

trees such as Jack Pine or other native species. Existing trees and ground cover along public road frontage shall be preserved, maintained, and supplemented for the depth of the road side setback except where traffic safety requires cutting and trimming.

- vi. Excavation operations shall not be conducted closer than 50 feet to the right-of-way line of any existing or platted street, road or highway, except that excavating may be conducted within such limits in order to reduce the elevation thereof in conformity to the existing or platted street, road, or highway. Excavation operations shall not be conducted closer than 500 feet from the ordinary high water level of any classified lake, river, or stream.
- vii. All buildings, structures and plants used for the production of sand and gravel shall be maintained in such a manner as is practical and according to acceptable industrial practice as to assure that such buildings, structures and plants shall not become dangerously dilapidated.
- viii. All equipment used for excavation operations shall be constructed, maintained and operated in such a manner as to conform to Minnesota Pollution Control Agency regulations, Minnesota Rules Chapter 7011 which govern air quality/dust conditions which are injurious or substantially annoying to persons living within 600 feet of the excavation operations site. All access roads from the excavation operations to public highways, roads or streets or to adjoining property shall be paved or surfaced with gravel to minimize dust conditions.
- ix. All excavation sites shall be rehabilitated immediately after excavation operations cease. Rehabilitation shall be completed within one year. The following standards shall apply:
 - A. Within a period of three months after the termination of an excavation operation, or within three months after abandonment of such operation for a period of six months, or within three months after expiration of a conditional use permit, all buildings, structures and plants incidental to such operation shall be dismantled and removed by, and at the expense of, the excavation operator last operating such buildings, structures and plants.
 - B. The peaks and depressions of the area shall be graded and backfilled to a surface which will result in a gently rolling topography and substantial conformity to the land area immediately surrounding, and which will minimize erosion

due to rainfall. No finished slopes shall exceed 18 percent in grade.

- C. Reclaimed areas shall be sodded or surfaced with a soil of a quality at least equal to the topsoil of land areas immediately surrounding, and to a depth of six inches. Such required topsoil shall be planted with legumes and grasses. Trees and shrubs may also be planted, but not as a substitute for legumes and grasses. Such plantings shall adequately retard soil erosion. Excavations completed to a water producing depth need not be backfilled if the water depth is at least 10 feet and if banks are sloped to the waterline at a slope no greater than three feet horizontal to one foot vertical. The finished grade shall be such that it will not adversely affect the surrounding land or future development of the site upon which excavation operations have been conducted. The finished plan shall restore the excavation site to a condition whereby it can be utilized for the type of land use proposed to occupy the site after excavation operations cease.

SECTION 6 – SUBDIVISIONS AND PLATS

- 6.1 **Subdivision Regulations.** The purpose of this Section is to establish procedures and requirements for the subdivision of land in the Township. Beltrami County has adopted subdivision regulations in its subdivision controls ordinance (Ordinance No. 5) and its Shoreland Management Regulations that are the primary regulations governing the subdivision of land in the Township. However, the subdivision of land, and particularly the platting of land involving the dedication of roads and other lands to the public, can have a significant impact on the Township and its residents. As such, it is in the best interests of the Township to establish certain regulations that must be complied with in addition to subdivision regulations imposed by the County. The regulations contained in this Section are intended to be as strict as or stricter than the County's subdivision regulations. Nothing herein is intended, or shall be construed as, a waiver of any subdivision regulations imposed by the County.

The regulations in this Section are also intended to address the fact that Town Board approval is required before anyone may plat land within the Township. Because the Township has a planning commission, the County is prohibited from approving any plat of land in the Township “unless the town board approves the plat and the laying of streets and other public ways shown on it. The approval shall be endorsed on the plat and signed by the chair of the town board.” Minn. Stat. § 505.09, subd. 1a. These regulations set out the procedures and requirements that must be complied with in order for a developer to obtain the Town Board's approval for a plat.

- 6.2. **Compliance Required.** Any subdivision of land, whether by plat or certificate of survey, must comply with this Ordinance, Beltrami County's subdivision controls ordinance (Ordinance No. 5) and the laws of the State of Minnesota. If the property is located in a shoreland management district, the subdivision is subject to Article X of the Beltrami County Shoreland Management Regulations, including all submittal requirements in Article X. No subdivision of a parcel may occur unless all of the resulting parcels satisfy the requirements of this Ordinance including, but not limited to, the minimum required lot or parcel size as set forth in each district, and the applicant must be able to demonstrate that the subdivided parcels can reasonably be used for the intended purpose, including public road access and private sewer and water systems. A proposed major subdivision shall not be allowed in the Township unless it is first approved by the Town Board in accordance with the application and approval process set out in this Ordinance.
- 6.3. **Major Subdivision.** A major subdivision is the division of a single parcel into four or more parcels. A major subdivision may only be accomplished by means of a plat that complies with the requirements of Minnesota Statutes, chapter 505 and all other applicable federal, state, and local laws, rules, regulations, and ordinances.
- a. **Application.** An owner proposing a major subdivision must submit a complete application to the Township together with the applicable fees. The owner must submit the following additional information with its application in order for the application to be considered complete:
1. Seven copies of the proposed preliminary plat;
 2. Seven copies of all proposed restrictive covenants or other restrictions which will be imposed upon the purchasers of lots and upon their heirs and successors;
 3. Disclose in writing any conditions on the proposed lots that could make them unsuitable or interfere with their use as a building site or for human occupation. Such conditions include, but are not limited to, potential for flooding, inadequate drainage, soil and rock formations, unfavorable topography, soil erosion, inadequate water supply, inadequate sewage disposal characteristics, or any other reasons that would make a lot marginally suitable for building construction or human occupancy;
 4. Accurate legal description of the property being subdivided and the legal description, including acreage, of the remaining portion of the property not be included in the plat (if any).
- b. **Preliminary Plat Process:** Complete applications must be submitted to the Town Clerk. The Town Clerk shall forward the application to the Zoning Administrator to determine if it is complete and, if it is not complete, to inform the applicant what additional information is needed. The Zoning Administrator shall forward

the complete application to the Planning Commission to conduct a public hearing on the proposed preliminary plat. After the hearing, the Planning Commission shall develop and forward to the Town Board its recommendation regarding the proposed preliminary plat together with any findings it may develop to support its recommendation. The Town Board shall review the application, the Planning Commission's recommendation, and determine whether to approve the preliminary plat. The Town Board may place conditions on its approval of the preliminary plat including, but not limited to, requiring the owner to enter into a development or road agreement with the Township. The Town Board shall forward its decision, with any supporting findings, to the County's Environmental Services office. An applicant shall not be allowed to request approval of the final plat from the Township until the Town Board has approved the preliminary plat, unless the Town Board has indicated it is willing to consider granting preliminary and final plat approval as part of the same action.

- c. Final Plat Process. An owner that has received approval of its preliminary plat from the Township and County, and satisfied all conditions the Township imposed on its approval of the preliminary plat, may request approval of the final plat. The request for final plat approval must be in writing submitted to the Town Clerk with seven copies of the final plat. The Town Clerk shall forward the request and plats to the Zoning Administrator and the Town Board. The Town Board shall review the final plat and determine whether to approve the final plat. The Town Board may impose conditions on its approval of the final plat. The Township shall forward its approval of the final plat, together with any conditions, to the County's Environmental Services office.
 1. Authorization to Sign Plat. Unless expressly stated otherwise, the Town Board's approval of the final plat authorizes the Township Chairperson to sign the final plat once the Chairperson determines all of the conditions imposed by the Township have been satisfied. If the Township requires a development or road agreement be executed for the plat, the Chairperson may not sign the final plat until the agreement has been fully executed by all parties and is in the Township's possession.
 2. Form of Approval. The language used on the final plat to indicate the Town Board's approval must be substantially as follows:

“The Town Board of Sugar Bush Township, Beltrami County, Minnesota approved this plat on the ____ day of _____ as required by Minnesota Statutes, section 505.09, subdivision 1a. The Township makes no representations, expressed or implied, as to the suitability of any lot or other element within the plat for any particular purpose. Separate approval by the Town Board is required before the Township will open or maintain any roads or other easements dedicated to the public in this plat.

Sugar Bush Township Chairperson”

- 6.4. **Dedication of Roads by Plat.** The Town Board’s approval of a plat containing roads or other ways or easements dedicated to the public does not constitute a decision by the Township to open and maintain those roads, ways, or easements. The approval is limited to the plat itself and separate approval by the Town Board is required before the Township will open and maintain any platted roads as part of its system of publicly maintained town roads. It is the responsibility of the person subdividing the property to construct and pay for all roads, stormwater ponds and other drainage structures, and other improvements within those lands dedicated to the public in accordance with the Township’s specifications and requirements as a condition of plat approval. The Township may require a development or road agreement to provide further details regarding the required improvements and identify the procedures and conditions under which the Township will be willing to open and maintain a platted road as part of its system of publicly maintained town roads. It is the responsibility of the developer or those who own property within the plat to maintain a platted road until the Town Board determines by resolution that it is sufficiently built and satisfies such other conditions of acceptance the Town Board may require to be opened and maintained as part of the Township’s system of publicly maintained town roads.
- 6.5. **General Requirements.** The following apply to the subdivision of land in the Township and must be complied with when applicable.
- a. **Minimum Lot Size.** All lots must contain a minimum of 45,000 square feet of contiguous land that is not a Type 1-8 wetland and non-riparian lots must contain a minimum of 5 acres.
 - b. **Licensed Surveyor.** All certificates of survey and plats must be prepared by a surveyor licensed by the State of Minnesota.
 - c. **Pre-Plat Meeting.** The Township may require an owner proposing a major subdivision to participate in a pre-plat meeting. If the Township determines its participation in a pre-plat meeting conducted by the County is sufficient for its purposes, it will not require the owner to participate in another pre-plat meeting with the Township unless the Town Board determines the circumstances have changed sufficiently to warrant another pre-plat meeting.

- d. Development or Road Agreement. The Town Board may require the owner or develop to enter into a development or road agreement with Township as a condition of any approval under this Article. If such an agreement is required, it shall be recorded in the office of the County Recorder and constitute a covenant on the property.
- e. Title and Recording. The owner who subdivides their property is solely responsible for developing such legal descriptions and deeds as may be required, recording the resulting parcels in the office of the County Recorder, obtaining new tax parcel numbers, and for otherwise complying with all requirements of the state and county to properly complete and record the subdivision of the property.
- f. Township Costs. In addition to paying the required application fee, a person who subdivides property is also responsible for fully reimbursing the Township for its actual costs associated with its review and action on the proposed subdivision. The Township's actual costs include the Township's administrative and inspections costs, recording costs, and all professional fees and other costs it may incur related to the proposed subdivision, regardless of whether the subdivision is approved or denied.

SECTION 7 – NONCONFORMING USES, STRUCTURES, AND LOTS

- 7.1. Nonconforming Uses and Structures. A use or structure lawfully established, built or placed prior to the effective date of this Ordinance that does not conform to its requirements shall be allowed to continue subject to the requirements of this section.
 - a. Allowed to Continue. Any use or structure lawfully existing prior to the effective date of this Ordinance, or a subsequent amendment which made the use or structure nonconforming, may be continued, including through repair, replacement, restoration, maintenance, or improvement, at the size and in the manner of operation existing upon such date, subject to the following conditions:
 - 1. A nonconforming use or structure shall in no way be expanded, enlarged or extended either on the same property or onto an adjoining lot of record except as expressly allowed in this section. Prohibited expansion, enlargement, or extension shall include anything that increases the intensity of the use including, but not limited to, a change to a more intense nonconforming use or a physical expansion of the existing use that increases the height, volume and/or area dimensions of the nonconforming use. The Town Board may allow an expansion or extension of a nonconforming structure without a variance if the expansion or extension does not increase the nonconforming aspect of the structure. To the extent the expansion or enlargement of a nonconforming principal or accessory structure is allowed by this section, no such expansion or enlargement may occur except upon issuance of the appropriate permits and provided that the use of the property conforms to the zoning district regulations, that the

expansion or enlargement meets current zoning district regulations, and no other nonconformities are created; and

2. Routine maintenance of a structure containing or relating to a lawful nonconforming use is permitted, including any necessary nonstructural repairs and incidental alterations which do not extend or intensify the nonconforming use. Nothing in this section prevents the placing of a structure into a safe condition after it has been declared unsafe by the Township.
- b. Alterations. Alterations may be made to a building containing nonconforming residential units when the alterations will improve the livability of such units, provided that such alterations do not increase the number of dwelling units in the building. Such alterations must be approved by the Township before they are constructed or made.
 - c. Damage. Whenever a nonconforming structure or use is damaged by fire or other peril to the extent of 50 percent or less of its estimated market value as indicated in the assessor's records at the time of damage, it may be reconstructed. The nonconforming structure or use shall not be permitted to be reconstructed if the damage is greater than 50 percent of the estimated market value as indicated in the assessor's records at the time of damage and no zoning permit has been applied for within 180 days of when the property was damaged. If a permit is applied for within 180 days, the Township may impose reasonable conditions upon any such zoning permit it may issue in order to mitigate any newly created impact on adjacent property.
 - d. Replaced Use or Structure. When any lawful nonconforming use of any structure or land is replaced by another use or structure, the new use or structure must conform to the provisions of this Ordinance and it shall not thereafter be changed to any nonconforming use or structure.
 - e. Discontinued. If the nonconforming use of land is discontinued for a period of 12 months, the subsequent use of the land or the structure shall be in conformity with the provisions of this Ordinance. Use of a nonconforming structure is considered discontinued if it is not occupied or otherwise actively used for 12 months.
 - f. Public Nuisances. A nonconforming use or structure which is declared by the Township to be a public nuisance shall not be allowed to continue as legal nonconforming use or structure.
 - g. Nonconformities in Floodplains. No repair, replacement, maintenance, improvement, or expansion of a nonconforming use or structure in a floodplain area shall be allowed if such activity would jeopardize the property's continued eligibility in the National Flood Insurance Program, would increase flood damage

potential, or would increase the degree of obstruction to flood flows in the floodway.

- h. Nonconformities in Shorelands. Shoreland lots of record are subject to the provisions of Minnesota Statutes, section 462.357, subdivision 1e, paragraphs (d) to (j) and of this Ordinance, to the extent the provisions of this Ordinance do not conflict with the statutory provisions.

- 7.2. Substandard Lots. A lot of record established and recorded with the County Recorder prior to the effective date of this Ordinance that does not contain sufficient area to be buildable under this Ordinance shall be deemed buildable provided it contains at least one acre, the use is permitted in the applicable zoning district, the applicable setbacks of this Ordinance can be met, and the applicable ISTS/SSTS regulations can be satisfied. The owner of any lot which has a dwelling on it on the effective date of this Ordinance, which lot does not meet the minimum requirements of this Ordinance, will be entitled to rebuild the dwelling if it is destroyed. The new dwelling shall not exceed the size of the previous dwelling and shall meet the setback requirements in effect at the time of the new construction. The new dwelling must comply with all other codes and requirements in effect at the time of the new construction including, but not limited to, ISTS regulations.

SECTION 8 -- ADMINISTRATION

- 8.1. Administration. This Ordinance shall be administered as follows:

- a. Zoning Administrator. The Town Board, or its designees, shall serve as the Zoning Administrator for the purpose of administering and enforcing this Ordinance. The Zoning Administrator shall be the primary contact on matters regulated within this Ordinance and is responsible for receiving and reviewing applications, determining whether applications are complete, assist with public hearings, issuing permits, conducting inspections, maintain records related to the administration and enforcement of this Ordinance, issue written notifications of violations, and reviewing all matters pertaining to the administration and enforcement of the regulations within this Ordinance. The Town Board hereby delegates to the Zoning Administrator the authority to carry out the duties assigned to that person as provided in this Ordinance including, but not limited to, the authority to determine if an application is complete and to notify an applicant of what information is needed in order to make an application complete.
- b. Planning Commission. The Town Board has, by separate ordinance, established the Sugar Bush Township Planning Commission, which is reaffirmed by this Ordinance. The Planning Commission is advisory to the Town Board and its members serve at the Town Board's pleasure. The Planning Commission shall perform those duties assigned to it by law, the establishing ordinance, this Ordinance, and as may otherwise be assigned by the Town Board.

1. Composition. The Planning Commission shall consist of up to 3 voting members, which may include one or more Township officers. A majority of members constitutes a quorum to conduct the Planning Commission's business. Each Commission member, including the Chair and Vice-Chair, shall have one vote on all matters acted upon by the Commission. A member must be present at a meeting to vote.
2. Appointment, Vacancies and Removal. The Town Board shall appoint the Commission members. Vacancies occurring on the Commission shall be filled by Town Board appointment for the remainder of the term of the position.
3. Term. Commission members are appointed for a term of 3 years and until a successor is appointed and qualifies. Terms expire on December 31. Commission members serve at the pleasure of the Town Board and may be removed by the Town Board at any time without cause. The terms of Commission members are staggered to minimize the number of Planning Commission positions expiring in the same year.
4. Officers and Duties. The Planning Commission shall appoint from among its members a Chair, Vice-Chair, and a Secretary. The Chair shall be the presiding officer for Planning Commission meetings and shall sign documents on behalf of the Planning Commission as needed. The Vice-Chair shall conduct the duties of the Chair in the Chair's absence. The Secretary shall provide notices, keep records of the Planning Commission's proceedings, and countersign the Chair's signature on Planning Commission documents.
5. Compensation. The Town Board shall determine if members will be compensated for their service on the Planning Commission, determine the amount of compensation if provided, and the policy for reimbursing expenses incurred in carrying out the Planning Commission's duties.
6. Rules and Procedures. The Planning Commission may adopt rules and procedures related to how it conducts its meetings and hearings, provided they do not conflict with this Ordinance or with applicable laws.
7. Meetings. The Planning Commission shall hold regular meetings as needed. The Chair or Vice-Chair, along with the consent of at least one other Planning Commission member, may call special meetings as needed to conduct the Planning Commission's business.
8. Planning Commission Powers and Duties. The Planning Commission shall have the powers and duties provided it by Minnesota Statutes, chapter 462 and such other powers and duties as the Town Board may delegate to it. Unless directed otherwise by the Town Board, the

Planning Commission shall be responsible for conducting such hearings as may be required by law or by ordinance to implement and administer the Township's official controls.

- c. Board of Appeals and Adjustments. The Town Board shall serve as the Sugar Bush Board of Appeals and Adjustments.
 1. Rules and Procedures. The Board of Appeals and Adjustments may adopt rules and procedures related to how it conducts its meetings and hearings, provided such rules and procedures are consistent with the provisions of this Ordinance.
 2. Meetings and Hearings. The Board of Appeals and Adjustments will hold meetings and hearings as needed to conduct its duties. Meetings of the Board of Appeals and Adjustments may be held as part of the regular or special meetings of the Town Board.
 3. Board of Appeals and Adjustments Powers and Duties. The Board of Appeals and Adjustments shall have the following powers and duties:
 - i. To grant variances from the strict enforcement of the standards and provisions prescribed by this Ordinance. Variances shall only be granted based upon the criteria prescribed in this Ordinance;
 - ii. To hear and decide appeals. Appeals shall only be heard and considered in conformance with the procedures prescribed in this Ordinance; and
 - iii. To interpret the provisions of this Ordinance and of any district boundary on the land use map.

SECTION 9 – PERMITS, ZONING REQUESTS, AND PROCEDURES

- 9.1. Land Use Permits. From and after the effective date of this Ordinance, it shall be unlawful to proceed with the construction, placement, or enlargement of the exterior dimension of any building or structure, including accessory structures without first obtaining a land use permit from the Township.
 - a. Application. Applications for a land use permit shall be filed with the Zoning Administrator on the Township's official application form. Each application for a permit shall be accompanied by a site drawing showing the dimensions of the lot to be built upon, size and location of all principal and accessory structures and parking areas, and such additional information as the Zoning Administrator may deem necessary for the proper review and enforcement of this Ordinance, and any other applicable requirements.
 - b. Issuance of Permit. The Zoning Administrator is authorized to issue a land use permit upon receipt of a complete application and plan, submission of the

applicable fees, and a determination that the planned structure complies with this Ordinance. Issuance of a land use permit does not relieve the applicant from having to obtain such other permits and permissions as may be required, and does not guarantee the safety or adequacy of the building or structure for any particular purpose.

9.2. **Interim Use and Conditional Use Permits.** As of the effective date of this Ordinance, no use classified by this Ordinance as an interim use or a conditional use shall be initiated or expanded except upon issuance of an interim or conditional use permit from the Town Board pursuant to this Section.

c. **Application.** An application for an interim use or conditions use permit (hereinafter referred to in this Section as “Permit”) shall be on the Township’s application form and must contain all of the information required by this Section.

d. **Required Information.**

1. The name and mailing address of all property owners of record, according to the county assessment records, within one-quarter mile of the property to which the application relates;
2. The name of the applicant and of all owners of the property to which the application relates;
3. Legal description of the property;
4. A description of the proposed use including, to the extent applicable, hours of operation, parking, anticipated traffic and routes, lighting plans, identification and explanation of any potential sources of significant noise, dust, vibration, or other impacts reasonably anticipated to be generated by the proposed use which could affect surrounding properties;
5. If the property is located in a shoreland district, all submittal requirements set forth in Section 1106 (A)(1) of the County Shoreland Management Ordinance.

c. **Procedure.** Requests for an interim use permit or a conditional use permit shall comply with this Section.

1. **Zoning Administrator.** An application for a Permit must be submitted to the Zoning Administrator. The Zoning Administrator shall review the application to determine if it contains all the required information and is otherwise complete. If an application is not complete, the Zoning Administrator shall provide the applicant written notice of what information is needed in order to make the application complete within 15 days of the Township's receipt of the application. The Zoning Administrator shall forward complete Permit applications to the Planning Commission.
2. **Planning Commission.** The Planning Commission shall conduct a public hearing on the proposed Permit. At least ten days before the date of the

hearing notice shall be published in the Township's official newspaper and mailed to all property owners of record, according to the county assessment records, within one quarter mile of the property to which the application relates. The Planning Commission shall conduct the hearing and develop a recommendation to the Town Board regarding the proposed Permit. The recommendation shall include any conditions the Planning Commission determines are appropriate to address anticipated impacts of the proposed use in order to protect the public health, safety, and welfare. If the property is located in a shoreland district, the Planning Commission shall conduct a thorough site evaluation and evaluate the factors set forth in Section 1106 (A)(2) of the County Shoreland Management Ordinance. The Planning Commission may request the expert assistance of the Beltrami Soil and Water Conservation District to assist in the evaluation and consideration of such application. The Planning Commission shall forward its recommendation, together with its supporting findings, to the Town Board.

3. Town Board. The Town Board shall consider the Planning Commission's recommendation and make a final decision regarding the proposed Permit. The Township may impose such reasonable conditions as it determines are necessary on the Permit it issues, including a requirement to provide and maintain with the Township a performance bond or other financial security and for property located within a shoreland district, the conditions set forth in Section 1106 (D) of the County Shoreland Management Ordinance. If the property is located with a shoreland district, no conditional use permit shall be issued unless a Certificate of Sanitary System Compliance is received from the County. Interim use permits shall indicate the date or event on which they shall terminate. Conditional use permits issued by the Township shall be recorded in the office of the County Recorder.
- d. Conditional Use Permit Criteria. When considering an application for a conditional use permit, the following criteria shall be considered to the extent they are applicable to the particular request. These criteria may also be considered, to the extent applicable, when considering applications for interim use permits.
 1. Whether the use conforms to the Comprehensive Plan;
 2. Whether the use is consistent with other allowed uses in the area and is compatible with the neighborhood;
 3. Whether the use will unreasonable interfere with or devalue surrounding properties;
 4. Whether the use will create an excessive burden on roads or other public infrastructure, or create an unreasonable cost to the public; or
 5. Whether the use will cause traffic hazards or congestion.

- e. Interim Use Permit Criteria. When considering an application for an interim use permit, the criteria for issuing a conditional use permit shall be considered, to the extent applicable, in addition to the following criteria.
1. The use conforms to the zoning regulations;
 2. The date or event that will terminate the use can be identified with certainty;
 3. Granting a permit will not impose additional costs on the public if it is necessary for the public to take the property in the future; and
 4. The user agrees to any conditions that the Township deems appropriate for permission of the use.

An applicant undertaking any part of the use allowed by an interim use permit issued by the Township shall be deemed acceptance by the applicant of the conditions imposed on the permit. The use allowed by the interim use permit shall conform to the applicable sections of this Ordinance.

- f. Recording. The Town Board will record, at the owners' expense, the conditional use permits it issues. The Township will typically not record interim use permits unless the Town Board determines it is appropriate to record it in a particular case.
- g. Expiration and Revocation. A Permit shall expire and become void if the use it allows is not substantially started within 12 months from its date of issuance. A substantial start means more than preliminary steps have been taken such that preparations to initiate the use are mostly complete. An interim use permit shall expire as of the date or event identified in the permit, but an owner may apply for a new interim use permit and may continue the use provided the new interim use permit is approved and issued prior to the expiration of the existing permit. The Town Board may revoke a Permit if it determines, after notice to the owner and conducting a public hearing, that any of the conditions imposed on the Permit have been violated.
- h. Amended Permit. Any change involving structural alterations, enlargement, intensification of the use or similar change not specifically permitted by a Permit shall require the user to seek an amended Permit from the Township. An application to amend an existing Permit shall be administered in the same manner that is required for a new Permit. All application and review procedures shall apply.
- i. Reapplication. No application for a Permit for a particular use on a particular property shall be resubmitted for a period of at least 6 months from the date of the

denial of the previous application unless the Town Board determines that the circumstances have sufficiently changed to allow a new application sooner.

9.3. **Variances.** Requests for a variance from the strict application of the requirements of this Ordinance shall comply with this Section.

a. **Authority.** The Board of Appeals and Adjustments may grant a variance from the provisions of this Ordinance in order to promote the effective and reasonable application and enforcement of this Ordinance. A variance is a modification or variation of the provisions of this Ordinance as applied to a specific property. The Board of Appeals and Adjustments may not grant a variance for any use that is not allowed by this Ordinance for property in the zoning district in which the property is located. The Board of Appeals and Adjustments may grant a variance for the temporary use of a one family dwelling as a two family dwelling and may grant a variance for an earth sheltered construction as defined in Minnesota Statutes, section 216C.06, subdivision 14 when such construction would be in harmony with this Ordinance.

b. **Application.** An application for a variance shall be on the Township's application form and must contain all of the information required by this Section.

c. **Required Information.**

1. The name and mailing address of all property owners of record, according to the county assessment records, within one-quarter mile of the property to which the application relates;
2. The name of the applicant and of all owners of the property to which the application relates;
3. A description of the proposed use or structure to which the variance relates; and
4. An explanation of the specific conditions and circumstances that give rise to the practical difficulties in strictly complying with the provisions of this Ordinance and the specific provisions from which a variance is being sought.

d. **Procedure.**

1. **Zoning Administrator.** A request for a variance must be submitted to the Zoning Administrator. If the application is complete and the applicable fees paid, the Zoning Administrator shall forward the application to the Board of Appeals and Adjustments to conduct a hearing.
2. **Board of Appeals and Adjustments.** The Board of Appeals and Adjustments shall schedule a public hearing regarding the requested variance. The

hearing shall be preceded by at least ten days' published notice and mailed notice to the contiguous property owners. The Board of Appeals and Adjustments shall conduct the hearing and make a final decision regarding the requested variance. The Board of Appeals and Adjustment shall not issue a variance unless it determines that the particular request satisfies the criteria set out in this Section. The Board of Appeals and Adjustment may impose conditions on the variances it issues as it determines are reasonable. All such conditions must be directly related to and bear at least a rough proportionality to the impact the Board of Appeals and Adjustments determines will be created by the variance.

- e. Criteria. The owner has the burden of demonstrating that sufficient practical difficulties exist, based on the following criteria, with respect to its property to justify the issuance of a variance. The Board of Appeals and Adjustments shall consider the following criteria in determining whether to issue a variance:
1. The variance is in harmony with the general purposes and intent of this Ordinance;
 2. The variance is consistent with the comprehensive plan;
 3. The owner proposes to use the property in a reasonable manner not permitted by this Ordinance;
 4. The plight of the owner is due to circumstances unique to the property that were not created by the owner;
 5. If granted, the variance will not alter the essential character of the locality; and
 6. Economic considerations are not the sole basis for the requested variance.
- f. Recording. The Town Board will record, at the owners' expense, the variances it issues.
- g. Expiration and Revocation. A variance shall expire and become void if the use or structure to which it relates is not substantially started within 12 months from its date of issuance. A substantial start means more than preliminary steps have been taken such that preparations to initiate the use are mostly complete. The Board of Appeals and Adjustments may revoke a variance if it determines, after notice to the owner and conducting a public hearing, that any of conditions imposed on the variance have been violated.
- 9.4. Amendments. An amendment to the text of this Ordinance or of the land use map, including requests to rezone property, may only occur as provided in this Section.

- a. Who May Initiate. An amendment to this Ordinance may be initiated by the Town Board, the Planning Commission or by application of an affected property owner. Any amendment not initiated by the Planning Commission shall be referred to the Planning Commission for review and may not be acted upon by the Town Board until it has received the Planning Commission's recommendations, or until at least 60 days after the proposed amendment was submitted to the Planning Commission.

- b. Application. An owner seeking an amendment, including a request to rezone property, shall complete the Township's application form, which must, at a minimum, contain all of the following information:
 1. If the application involves a request to change district boundaries affecting an area of five acres or less, the name and mailing address of all property owners of record, according to the county assessment records, within one-quarter mile of the property to which the application relates;
 2. The name of the applicant and of all owners of the property to which the application relates; and
 3. A description of the specific provisions of the Ordinance, or the proposed change in zoning, and proposed change.

- c. Procedure. Applications for an amendment, including rezoning, shall comply, and shall be processed in accordance, with the following:
 1. Zoning Administrator. An application for an amendment must be submitted to the Zoning Administrator. The Zoning Administrator shall review the application to determine if it contains all the required information and is otherwise complete, including payment of the required fee. If an application is not complete, the Zoning Administrator shall provide the applicant written notice of what information is needed in order to make the application complete within 15 days of the Township's receipt of the application. The Zoning Administrator shall forward complete applications to the Planning Commission to conduct a hearing.
 2. Township Initiated Amendments. An amendment proposed by the Planning Commission shall be forwarded in writing to the Town Board for review. If the Town Board authorizes the Planning Commission to proceed with the amendment, the Planning Commission shall hold a hearing on the proposed amendment in accordance with the Town Board's authorization and this Section. If the Town Board initiated the amendment, the Planning Commission shall hold a hearing on the proposed amendment in accordance with this Section.

3. Notice. At least ten days before the date of the hearing, notice shall be published in the Township's official newspaper. If the application involves a request to change district boundaries affecting an area of five acres or less, the notice shall also be mailed by first-class mail to all property owners of record, according to the county assessment records, within one quarter mile of the property to which the application relates at least ten days before the hearing. The notice shall state the time, place, and purpose of the hearing. Failure of any property owner to receive notice of the hearing shall not in any way affect the validity of the hearing or its results.
 4. Planning Commission. The Planning Commission shall conduct a public hearing on the proposed amendment and develop a recommendation to the Town Board regarding the proposed amendment. The owner, or its authorized agent, is expected to attend the hearing to explain the application and to answer the Planning Commission's questions. The Planning Commission shall forward its recommendations regarding a proposed amendment to the Town Board for final action.
 5. Town Board. The Town Board shall take action on the proposed amendment at a Town Board meeting. If the amendment was initiated by application of an owner, the Township shall inform the property owner of the Town Board's decision.
- d. Limit on Similar Applications. No application of an owner for an amendment to the text of the Ordinance or the Zoning Map shall be considered by the Township within the 1-year period following a denial of such request, except that a new application may be allowed if, in the opinion of the Zoning Administrator, there is new evidence or a change of circumstances that warrants additional consideration of the proposal by the Township.
- 9.5. Appeals. As of the effective date of this Ordinance, no appeal shall be heard except in accordance with the following.
- a. Appealable Decisions. Only alleged errors in an order, requirement, decision, or determination made by the Zoning Administrator in the enforcement of this Ordinance are appealable to the Board of Appeals and Adjustments. The decisions of the Town Board and the Board of Appeals and Adjustments are final and are not appealable to the Board of Appeals and Adjustments. Recommendations of the Planning Commission are not final decisions and are not appealable to the Board of Appeals and Adjustments.
 - a. Notice of Appeal. In order to bring an appeal, a person shall file a written notice of appeal with the Town Clerk within 15 days of the date of the order or decision being appealed together with the required fee. The notice of appeal must, at a minimum, contain all of the following information:

1. The name, mailing address, and phone number of the person making the appeal;
 2. The name and mailing address of all property owners of record, according to the county assessment records, within one-quarter mile of the property to which the appeal relates;
 3. Describe the specific order or decision being appealed, the date of the order or decision, and identify the person who issued the order or made the decision;
 4. An explanation of the grounds for the appeal; and
 5. Identify the specific relief being sought by the appeal.
- b. Procedure. Notices of appeals shall comply, and shall be processed in accordance, with the following:
1. Town Clerk. The Town Clerk shall review the notice of appeal to determine if it contains all the required information and is otherwise complete. If a notice of appeal is not complete, the order or decision to which it relates is not appealable, or if it was not filed in a timely manner, the Town Clerk shall reject the notice of appeal. The Town Clerk shall provide a written notice of the rejection to the person that filed the appeal. The Town Clerk may consult the Board of Appeals and Adjustments and the Township Attorney as needed to make a determination as to whether a notice of appeal is complete, proper, and filed in a timely manner. The Town Clerk shall forward complete, proper, and timely notices of appeals to the Board of Appeals and Adjustments to conduct a hearing. The Town Clerk shall also provide a copy of the notice of appeal to the Planning Commission.
 2. Notice. At least ten days before the date of the hearing, notice shall be published in the Township's official newspaper and mailed by first-class mail to the person bringing the appeal and to all property owners of record, according to the county assessment records, within one quarter mile of the property to which the appeal relates. The notice shall state the time, place, and purpose of the hearing. Failure of any property owner to receive notice of the hearing shall not in any way affect the validity of the hearing or its results. In scheduling the hearing, the Board of Appeals and Adjustments shall allow a reasonable time, not to exceed 60 days, for the Planning Commission to review and report on the notice of appeal.
 3. Planning Commission. The Planning Commission may review and provide a report to the Board of Appeals and Adjustments on a notice of appeal. The Planning Commission is not authorized to conduct a hearing on the notice of appeal. If the Planning Commission develops a report it shall provide it to the Board of Appeals and Adjustments prior to the hearing.

4. Board of Appeals and Adjustments. The Board of Appeals and Adjustments shall conduct a public hearing on the notice of appeal. The appellant, or its authorized agent, is expected to attend the hearing to explain the appeal and to answer the Board of Appeals and Adjustments' questions. The Board of Appeals and Adjustments shall make the final decision regarding the matter being appealed. The Board of Appeals and Adjustment may reverse or affirm, wholly or partly, or modify the order or decision being appealed, and issue such orders, requirements, decisions, permits, or determinations, or provide such other relief as it deems appropriate. The Board of Appeals and Adjustments shall issue its decision in a written order which contains its findings. It shall provide a copy of its order to the appellant within 10 days of its issuance.
5. Judicial Review. Appeals from the final decisions of the Town Board or of the Board of Appeals and Adjustments may be brought as provided in Minnesota Statutes, section 462.361.

SECTION 10 – APPLICATIONS AND FEES

- 10.1. Application Fee. Applicants shall be required to pay an application fee when submitting an application under this Ordinance. Application fees shall be in the amount determined by the Town Board and are intended to defray the administrative costs of processing requests.
- 10.2. Escrow. In order to defray the additional costs the Township may incur to process a request made under this Ordinance, applicants may also be required to reimburse the Township for all consulting costs it incurs related to the particular request. Consulting costs include, without limitation, all attorney, planner, and engineering fees incurred related to the request. An applicant may be required to escrow with the Township cash in the amount determined by the Zoning Administrator from which the Township will reimburse itself for the consulting costs it incurs. The applicant remains responsible for all such costs and shall promptly escrow additional funds if the Zoning Administrator determines the existing escrowed amount will not be sufficient to fully reimburse the Township for its costs. Failure to promptly provide additional funds or to otherwise fully reimburse the Township for its consulting cost shall be a sufficient basis on which to deny a request.
- 10.3. Submission. An application shall be immediately rejected if it is not accompanied by the required application fee. If an escrow is required, the application shall submit the required amount for escrow with the Township with 10 days of the submission of the application or the application shall be deemed incomplete and will not be processed.
- 10.4. Reimbursement in Full Required. Application fees are not refundable. Upon the termination of the application, by an approval, denial, withdrawal, or any other means, all

costs incurred by the Township shall be immediately payable by the applicant. Any deposit in excess of the Township's costs shall be refunded to the applicant. No permits shall be issued, no construction or development shall commence, and no use of the property shall be made until all fees and costs are paid in full. In the event that payment of costs is not made within a reasonable time after demand, the Town Board or Zoning Administrator may take such steps as are available to the Township under law to collect the unreimbursed amounts, including collection costs. The steps the Township may take to recover its costs include, but are not limited to, placing the amount on the person's property as a service charge pursuant to Minnesota Statutes, section 366.012, filing a lien upon the subject property or other property of the applicant pursuant to Minnesota Statutes, section 514.67, or taking such other action as may be deemed appropriate to obtain full reimbursement for the Township for all costs it incurs related to the application.

- 10.5. **Fees Established.** The Town Board shall establish the amount of application fees, escrows (if required), and such other fees and charges as provided by this Ordinance in a separate resolution or ordinance that shall be kept on file with the Town Clerk and the Zoning Administrator.

SECTION 11 – ENFORCEMENT

- 11.1. **Enforcement Actions.** Any person, firm or corporation who violates any of the provisions of this Ordinance shall be guilty of a misdemeanor and, upon conviction thereof, shall be subject to a maximum fine or maximum period of imprisonment, or both, as specified by Minnesota Statutes, section 609.03. A violation of this Ordinance shall include, but is not limited to, any of the following: failing, neglecting, or refusing to comply with the provisions of this Ordinance; violating any condition placed on a permit or variance issued by the Township; or knowingly making any false statements in any document required to be submitted under the provisions of this Ordinance. Each day that a violation continues shall constitute a separate offense. In the event of a violation or a threatened violation of this Ordinance, the Town Board, in addition to other remedies, may institute appropriate civil actions or proceedings to prevent, prosecute, restore, restrain, correct or abate such violations or threatened violations.
- 11.2. **Zoning Administrator.** The Zoning Administrator is authorized to enforce this Ordinance, including issuing violation notices, cease and desist orders, corrective orders, and to work with the Township attorney as needed to undertake such other appropriate actions as may be necessary to enforce this Ordinance.
- 11.3. **Cost of Enforcement.** The cost of prosecution may be added to any fines or other penalties imposed as provided in Minnesota Statutes, section 366.01, subdivision 10. The Township may also collect such other reasonable costs it incurs to enforce this Ordinance by certifying the amount to the County Auditor as a service charge pursuant to Minnesota Statutes, section 366.012 for collection together with the property taxes levied against any real property the person or entity subject to the enforcement action owns in the Township. The Township will provide the property owner written notice of its intent to

certify the amount on or before September 15. The amounts so certified to the County shall be subject to the same penalties, interest, and other conditions provided for the collection of property taxes.

SECTION 12 – DEFINITIONS

12.1. **Definitions.** The words and phrases used in this Ordinance shall have the meaning given them in this Section or as they may be defined elsewhere in this Ordinance. Any word or phrase not defined in this Article shall have the meaning given it in the Minnesota Statutes, Minnesota Rules, or the most applicable County ordinance to the extent the term is given a specific definition therein. Any word or phrase not defined in this Ordinance, or in state law, shall have the ordinary meaning given the word or phrase in the context in which it is used in this Ordinance.

A. **Specific Terms.** The following terms shall have the meaning given them in this Section.

1. **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.
2. **Agriculture Uses:** Those uses commonly associated with the growing of produce or raising of animals on farms. These include, but are not necessarily limited to, the following: field crop farming; pasture for hay; fruit growing; tree, plant, shrub or flower nursery without building; truck gardening; roadside stand for sale in season; and livestock raising and feeding. This term does not include the raising, keeping, or sale of exotic animals.
3. **Animal Feedlot:** Has the meaning given it in Minnesota Rules, part 7020.0300, subpart 3.
4. **Bluff:** A topographic feature such as a hill, cliff or embankment having the following characteristics:
 - a. Part or all of the feature is located within a shoreland area;
 - b. The slope rises at least 25 feet above the ordinary high water level of the water body;
 - c. The grade of the slope from the toe of the bluff to a point 25 feet or more above the ordinary high water level averages 30 percent or greater; and
 - d. The slope drains toward the water body.

An area with an average slope of less than 18 percent over a distance of 50 feet or more shall not be considered part of the bluff.

5. Bluff Impact Zone: A bluff from the toe of the bluff to the top of the bluff.
6. Boathouse: A structure designed and used solely for the storage of boats or boating equipment.
7. Building: Any structure used or intended for supporting or sheltering any use or occupancy.
8. Building Line: That line measured across the length or width of a lot at the point at which the principal structure may not extend without violating setback provisions.
9. Building Setback: The minimum horizontal distance between the building and specified lot line as prescribed in this Ordinance.
10. Campground: An area accessible by vehicle and containing campsites or camping spurs for tent or trailer camping.
11. Clear Cutting: The removal of an entire stand of trees.
12. Commercial Use: The principal use of land or buildings for the sale, lease, rental or trade of products goods or services.
13. Commercial Mining: A mining operation that utilizes, for any period of time, a crusher on the same property.
14. Communication Tower: A tower or structure built or erected to support equipment used to transmit communication signals for commercial purposes. This term does not include communication towers erected as an accessory structure to the dwelling unit located on the same property.
15. Conditional Use: A use, which because of special problems of control requires reasonable, but special, and extra-ordinary limitations peculiar to the use for the protection of the public's welfare and the integrity of the Township's comprehensive plan.
16. County: Beltrami County, Minnesota.
17. Deck: A horizontal unenclosed platform with or without attached railings, seats, trellises or other features, attached or functionally related to a principal use or site.
18. Driveway: A road not more than 1,000 feet in length providing access to a residential dwelling.

19. Duplex, Triplex or Quad. Dwelling structures on a single lot having two, three or four units respectively, being attached by common walls and each unit having separate sleeping, cooking, eating, living and sanitation facilities.
20. Dwelling: A building or portion thereof, designated exclusively for residential occupancy, including one-family, two-family and multiple family dwellings, seasonal dwellings, manufactured housing, but not including hotels, motels, and boarding houses.
21. Dwelling, Multifamily: A building containing more than two dwelling units, with each unit designed for occupation by one (1) family living independently from families in the other units. This term does not include hotels or motels.
22. Dwelling, Single Family: A detached dwelling unit designed for occupancy of one (1) family.
23. Dwelling Site: A designated location for residential use by one or more persons using permanent or temporary movable shelter, including camping and recreational vehicle sites.
24. Dwelling, Two Family: A dwelling designed exclusively for occupancy by two (2) families living independently of each other.
25. Essential Services: Underground or overhead gas, electrical, steam or water distribution systems; collection, communication, supply or disposal system including poles, wires, mains, drains, sewer, pipes, conduits, cables, fire alarm boxes, traffic signals, hydrants or other similar equipment and accessories in conjunction therewith; but not including buildings or transmission services.
26. Exotic Animals: Are any animal species that are not native to the area, or occurring outside of its natural range, or is of foreign origin or character. Exotic animals specifically include animals such as, but not limited to, lions, tigers, leopards, elephants, camels, antelope, anteaters, kangaroos, and water buffalo, and species of foreign domestic cattle, such as Ankole, Gayal, and Yak. This term does not include animals kept as pets within a residence that are not bred, raised, or offered for sale.
27. Extractive Use: The use of land for surface or subsurface removal of sand, gravel, rock, industrial materials, other non-metallic minerals and peat not regulated under Minnesota Statutes Sections 93.44 through 93.51.
28. Fence: A partition, wall or gate erected as a dividing marker, visual or physical barrier or enclosure.
29. Fill: Soil, sand, gravel, rock or any similar material that is deposited, placed, pushed or transported.

30. Floodplain: The areas adjoining a watercourse or water basin that have been or may be covered by a regional 100 year flood as designated by Beltrami County.
31. Food services: A business involving the delivery or sale of food including grocery stores, meat markets, super markets, restaurants, delicatessens, fruit markets.
32. Forest Land Conversion: The clear cutting of forested lands to prepare for a new land use other than reestablishment of a subsequent forest stand.
33. Forestry: The management, including logging, of a forest, woodland, or plantation, and related research and educational activities, including the construction, alteration or maintenance of wood roads, skid roads, landings, and fences.
34. Front Lot Line: For a riparian lot, the front lot line is that line indicating the ordinary high water level. For non-riparian lots, the front lot line is a line dividing a lot from any public road or highway, except a limited or controlled access highway to which the lot has no access.
35. Garage: A fully enclosed building designed or used for the storage of motor vehicles not including buildings in which fuel is sold or in which repair or other services are performed.
36. Greenhouse: A business that grows flowers, vegetables, or other plants within, during at least some stage in the growing process, a structure that allows light to pass through to the plants and which offers the plants or vegetables for sale.
37. Guest Cottage: A structure used as a dwelling unit that may contain sleeping spaces and kitchen and bathroom facilities in addition to those provided in the primary dwelling unit on a lot.
38. Height (of a Building): The vertical distance between the lowest ground level at the structure and the highest point of the structure.
39. Home Occupation: Any occupation or profession carried on by a member(s) of the family residing on the premises, provided that the use is clearly incidental and secondary to the main use of the premises for dwelling purposes and does not change the character thereof.
40. Home Occupation, Class A: Has the meaning given it in Section 4.1.b. of this Ordinance.
41. Home Occupation, Class B: Has the meaning given it in Section 4.1.c. of this Ordinance.

42. Impervious Surface: A constructed hard surface that either prevents or retards the entry of water into the soil and causes water to run off the surface in greater quantities and at an increased rate of flow than prior to development. Examples include rooftops, sidewalks, patios, driveways, parking lots, storage areas and concrete, asphalt, or gravel roads.
43. Industrial Use: The use of land or buildings for the production, manufacture, warehousing, storage, or transfer of goods, products, commodities, or other wholesale items.
44. Intensive Vegetative Clearing: The substantial removal of trees or shrubs in a contiguous patch, strip, row or block.
45. Interim Use: A use allowed within a particular district upon the issuance of an interim use permit and subject to such conditions as the Township may impose on the permit to address anticipated impacts from the use. Interim use permits expire on the date or upon the happening of an event specified in the permit.
46. 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.
47. Lot: Land occupied or to be occupied by one (1) principal building or use and its accessory buildings, together with such open spaces as are required under the provisions of this Ordinance, having not less than the minimum area in the district in which such lot is situated and having its principal frontage on a street, or a proposed street approve by the Town Board.
48. Lot Area: The area of a horizontal plane within the lot lines.
49. Manufactured Home: Has the meaning given it in Minnesota Statutes, section 327.31, subdivision 6.
50. Manufacturing, Light: Any kind of manufacturing process or treatment of products using light machinery, such as tool and die shop and metal fabricating plants.
51. Mining Operation. The removal of sand, gravel, or dirt for personal or commercial purposes that does not utilize a crusher on the property.

52. Multiple Use District: Allows for a “rural life-style” by permitting low-intensity uses such as single family dwellings, farming, hobby farms, conservation of ecologically significant resources and passive recreational uses.
53. Nonconforming Use: Any structure or use which, on the effective date of this Ordinance does not, even though lawfully established, conform to the applicable conditions if the structure or use was to be erected under the guidance of this Ordinance.
54. Non-Riparian Lot: A lot or parcel, or portion thereof, within a shoreland district that is located 300 feet or further from the ordinary high water level of a lake, pond, or flowage.
55. Nursery: A business of growing and selling trees, flowering, or decorative plants and shrubs, and which may or may not be conducted, in whole or in part, within a structure.
56. Ordinary High Water Level: The boundary of public waters and wetlands indicated by an elevation delineating the highest water level which has been maintained for a sufficient period of time to leave evidence upon the landscape, commonly that point where the natural vegetation changes from predominantly aquatic to predominantly terrestrial. For watercourses, the ordinary high water level is the elevation of the top of the bank of the channel. For reservoirs and flowages, the ordinary high water level is the operating elevation of the normal summer pool.
57. Organized Group Camp: Any land, including any building thereon, used for any assembly of persons for what is commonly understood to be for “camp” or “camping” purposes, whether or not conducted for profit and whether or not occupied by adult or by children, either as individuals, families, or groups. This term also includes dude ranches and similar facilities.
58. Outdoor Recreational Areas, Private: Any land owned by a person, corporation, or other entity that
59. Outdoor Recreational Areas, Public: Any land owned by a governmental entity or nonprofit corporation that is held open for use by the public for motorized or non-motorized uses to be primarily conducted outside of a structure, such as parks, boat accesses, beaches, play fields, and nature preserves.
60. Owner: A person or persons in whom title to property is vested, a person occupying property, any vendee, receiver, executor, trustee, lessee, agent or any other person directly or indirectly in control of property subject to this Ordinance.
61. Parking Area: Any area designed or designated for the purpose of parking more than six vehicles.

62. 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.
63. Person: An individual, firm, corporation, government or governmental division or agency, business trust, estate, trust, partnership, organization, unincorporated association, or two or more of any of the foregoing having a joint or common interest, or any other legal or commercial entity.
64. Personal Service Shops: A business established to provide services to individuals such as barber and beauty shops, shoe repair shops, laundry and dry cleaning shops.
65. Planning Commission: The Sugar Bush Township Planning Commission established by the Town Board to serve as the planning agency for the Township.
66. Public Building: A building owned or leased by a political subdivision of the state and used to conduct public business. This term includes buildings owned or leased by a tribal government located on property held in fee simple. This term also includes buildings owned or leased by the state or federal government, but any permits required by this Ordinance applicable to such buildings shall only be required if consented to and applied for by the state or federal government.
67. Public Waters: Any waters defined in Minnesota Statutes Chapter 103G as “public waters.”
68. Principal Use: The primary or main use of land or buildings as distinguished from subordinate, incidental or accessory uses.
69. 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. For the purposes of determining setbacks from public roads this term shall also include roads that are a part of the Indian Reservation Roads Program as provided in 25 CRF Part 170.
70. Public Uses: Uses owned or operated by a municipality, school districts, townships, county, state or other governmental units.
71. Rear Yard. An unoccupied open space between the rear lines of a structure on a lot and the rear lot line of the lot, for the full width of the lot.
72. Recreational Facilities. Structures built or placed on a residential lot that are accessory to the principal use and for the use of those residing on the property such as playground equipment and trails. Recreational facilities do not include

tracks or related facilities for motorized vehicles including, but not limited to, off-road vehicles, motorcycles and ATVs.

73. Religious Institution. A building, together with its accessory buildings and uses, where persons regularly assemble for religious worship and which building, together with its accessory buildings and uses, is maintained and controlled by a religious body organized to sustain public worship.
74. Riparian Lot: A lot or parcel, any part of which abuts a public water.
75. School: Any public, private, or parochial educational institution established and operated primarily in a structure suitable for use as a classroom or related purposes to provided educational opportunities to students.
76. Semipublic Use: The use of land by a private nonprofit organization to provide a public service that is ordinarily open to some persons outside the regular constituency of the organization.
77. Setback: The minimum horizontal distance between a building or structure and a road or highway right-of-way, or centerline thereof, or property lot line as indicated in the Ordinance.
78. Sewage Treatment System: A system, including the septic tank and soil absorption system, whereby septic tank effluent is treated and disposed of below the ground surface by filtration and percolation through the soil. This includes those systems commonly known as seepage beds, trenches, drain fields and mounds.
79. Shooting Preserve: Means a public or private shooting preserve requiring a license under Minnesota Statutes, section 97A.115, and includes shooting ranges as defined in Minnesota Statutes, section 87A.01, subdivision 3.
80. Shore Impact Zone: Land located between the ordinary high water level of a public water and a line parallel to it at the required structure setback.
81. Shoreland: Land located within the following distances from public waters:
 - (1) One thousand feet from the ordinary high water level of a lake, pond, or flowage; or
 - (2) Three hundred feet from a river or stream; or
 - (3) The landward extent of a floodplain designated by ordinance on a river or stream, whichever is greater.

The limits of shorelands may be reduced whenever the waters involved are bounded by topographic divides which extend landward from the waters for lesser distances and where approved by the Commissioner of the Department of Natural Resources.

51. Side Yard. An unoccupied open space between the side lines of a structure on a lot and the side lot line of the lot and extending from the front line to the rear of the back yard.
52. Significant Historic Site: Any archeological site, standing structure, or other property that meets the criteria for eligibility to the National Register of Historic Places or is listed in the State Register of Historic Sites, or is determined to be an unplatted cemetery that falls under the provisions of Minnesota Statutes Section 307.08. A historic site meets these criteria if it is presently listed on either register or if it is determined to meet qualifications for listing after review by the Minnesota State Archaeologist or the Director of the Minnesota Historical Society. All unplatted cemeteries are automatically considered to be significant historic sites.
53. Steep Slope: Land where agricultural activity or development is either not recommended or described as poorly suited due to slope steepness and the soil characteristics of the site, as mapped and described in available County soil surveys or other technical reports, unless appropriate design and construction techniques and farming practices are used in accordance with the provisions of this Ordinance. Where specific information is not available, steep slopes are lands having slopes over 12 percent, as measured over horizontal distances of 50 feet or more, that are not bluffs.
54. 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.
55. Toe of the Bluff: The lower point of a 50 foot bluff segment with an average slope in excess of eight percent.
56. Top of the Bluff. The higher point of a 50 foot bluff segment with an average slope in excess of eight percent.
57. Town Board: The board of supervisors of Sugar Bush Township, Beltrami County, Minnesota.
58. Township: Sugar Bush Township, Beltrami County, Minnesota.
59. 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.

60. 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.
61. Water-Oriented Commercial Use: The use of land for commercial purposes, where access to and use of a surface water feature is an integral part of the normal business operation. Marinas, resorts, and restaurants with transient docking facilities are examples of such a use.
62. Water-Oriented Accessory Structure or Facility: A small, above ground building or other improvement, except stairways, fences, docks and retaining walls, which, because of the relationship of its use to a surface water feature, reasonably needs to be located closer to public waters than the normal structure setback. Examples of such structures include boathouses, gazebos, screen houses, fish houses, pump houses and detached decks and specifically excludes satellite dishes.
63. Wetland: A surface water feature classified as a wetland in the United States Fish and Wildlife Service Circular No. 39, as amended.
64. Zoning Administrator. A person appointed by the Town Board to administer and enforce the zoning ordinance.

SECTION 13 – MISCELLANEOUS PROVISIONS

- 13.1. **Separability**. It is hereby declared to be the intention of the Township that the several provisions of this Ordinance are separable such that if any court of competent jurisdiction shall adjudge any provision of this Ordinance to be invalid, such judgment shall not affect any other provision of this Ordinance not specifically included in said judgment. Furthermore, if any court of competent jurisdiction shall adjudge invalid the application of any provision of the Ordinance to a particular property, building, or structure, such judgment shall not affect the application of said provisions to any other property, building, or structure not specifically included in said judgment.
- 13.2. **Prior Zoning Ordinances**. This Ordinance supersedes and replaces all previous land use and zoning ordinances adopted by the Town Board and all such previous land use and zoning ordinances are hereby repealed. The repeal of the Township's previous land use and zoning ordinances does not itself affect the status of any use, structure, or lot that was not in conformance with the earlier ordinances.
- 13.3. **Effective Date**. This Ordinance shall be effective the first day of publication after adoption.

Adopted on the ____ day of _____ 2013.

BY THE TOWN BOARD

Town Board Chairperson

Attest: _____
Town Clerk

(stamp)