Northern Township Zoning and Subdivision Ordinance

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PREAMBLE

Statutory Authorization

This Zoning Ordinance is adopted pursuant to the authority conferred by the State of Minnesota regarding the municipal and township planning and zoning enabling legislation contained in the Minnesota Statutes Chapter 103 F and 462, subdivision authorities contained in Minnesota Statutes Chapter 462 and 505, airport zoning authority contained in Minnesota Statutes Chapter 360 and Minnesota Rules, Chapter 8800, Common Interest Ownership contained in Minnesota Statutes Chapter 515B, shoreland management authority contained in Minnesota Regulations, Parts 6120.2500 – 6120.3900 and any amendments to said Statutes and Rules subsequently adopted, for the purpose of protecting the character of Northern Township, preserving the natural environmental values of its land, preserving and enhancing the economic and natural environmental qualities and values of surface water and shore lands, and providing for the wise utilization of waters and related land resources.

Policy

The uncontrolled use of land within Northern Township affects the public health, safety and general welfare not only by contributing to pollution of land and waters, but also by impairing the local tax base. It is, therefore, in the best interest of the public health, safety and welfare of Bemidji Area residents for their local governmental entities to work together to develop plans for governing as one community and to provide for the wise utilization of land, water, and cooperative resources through the planned regulation of land uses within Northern Township. The Minnesota Legislature, through enabling legislation, has delegated responsibility to local units of government in Minnesota to conduct planning, regulate the subdivision of land, and enact official controls for the development and use of land within their jurisdictions. This includes shoreland regulation of public waters and wetlands in Northern Township. This responsibility is hereby recognized and embraced by Northern Township and will be accomplished through the enactment and enforcement of this Zoning and Subdivision Ordinance.

ARTICLE I: GENERAL PROVISIONS

Section 101. Title, Jurisdiction and Application

This Ordinance shall be known, cited, and referred to as Northern Township Zoning and Subdivision Ordinance. The jurisdiction of this Ordinance is intended to apply to the use of land and water resources within Northern Township.

Application of these regulations shall be in part by establishment of districts, including overlays for such features such as shoreland and special use areas, and which district provisions include regulation of the location, size, use and height of buildings, the placement of buildings on lots, and the density of population for the purpose of promoting the public health, safety, order, convenience and general welfare of Northern Township.

This Ordinance supersedes all City and Township Zoning and Subdivision Regulations promulgated under Bemidji Code Chapter 22, Sections 22-1 through 22-73 and Chapter 28, Sections 28-1 through 28-845; Northern Township Zoning and Land Use Ordinance.

Application of this Ordinance shall also be consistent with other official controls regulating land use and waters within Northern Township, including Mississippi Headwaters Board (MHB) Ordinance No. 10 (Comprehensive Plan), State Shoreland Standards as administered through the Beltrami County Shoreland Management Ordinance, as amended, which shoreland management authority within Northern Township subject of this Ordinance is delegated to Northern Township, and consistent also with Airport Zoning Regulations promulgated under Minnesota Statutes, Chapter 360 and Minnesota Rule, Part 8800.2400, as administered under the Revised Airport Joint Powers Agreement between the City of Bemidji and Beltrami County.

**Passage of this Ordinance will not impact the current responsibility(s) for administration of Wetland Conservation Act regulations (WCA). Unless subject of a subsequent agreement between the Township, the Beltrami County Soil and Water Conservation District (SWCD), will continue to administer the WCA within the corporate limits of Northern Township, while Beltrami County will continue to administer the WCA on lands outside the corporate limits of Northern Township.

Section 102. Intent and Purpose

This Ordinance is intended to serve the following purposes:

A. Protecting the public health, safety, comfort, convenience and general welfare of Northern Township;

B. To guide the future growth and development of Northern Township in accordance with the Comprehensive Plan, including various elements and/or other plans adopted by Northern Township;

C. Protecting and preserving the natural environment of Northern Township;

D. To promote and maintain the Northwoods Character of the community;

E. To protect and conserve the value of land throughout Northern Township, and the value of buildings appropriate to the various districts established by this Ordinance;

F. To provide adequate light, air, and privacy, to secure safety from fire, flood and other danger, and to prevent overcrowding and undue congestion of land and population;

G. To bring about the gradual conformity of the uses of land and buildings throughout Northern Township through the zoning regulations set forth in this Ordinance, and to minimize the conflicts among the uses of land and buildings;

H. To promote the beneficial and safe interaction between the use of land, buildings, and people for the circulation of vehicular, bicycles, and pedestrian traffic, including active transportation and complete streets, throughout Northern Township;

I. To provide a guide for public policy and action in the efficient provision of public facilities and services and for private enterprises in building development, investment and other economic activity relating to uses of land, buildings, and active transportation throughout Northern Township; and,

J. For the purpose of preserving and enhancing the quality of surface waters, preserving the economic and natural environmental values of shore lands, and providing for the wise utilization of waters and related land resources.

K. To improve and promote the delivery of aviation and airport passenger services by prevention of airport hazards through regulation of adjacent land use, height of structures and trees, and the density of population on lands within airport hazard areas adjacent to the Bemidji Regional Airport.

Section 103. Interpretation

A. 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 general welfare. Interpretation shall be made by the Planning Administrator, subject to appeal to the Board of Adjustment and Appeals. The language contained in the text of this Ordinance shall be interpreted in accordance with the following rules of construction:

B. The singular number includes the plural and the singular.

C. The present tense includes the past and future tenses as well as all other tenses.

D. The word “shall” is mandatory, and the word “may” is permissive.

E. The masculine gender includes the feminine and neutral genders.

F. Whenever a word or term defined hereinafter appears in the text of this Ordinance, its meaning shall be construed as set forth in such definition.

G. All measured distances expressed in feet shall be to the nearest tenth of a foot.

H. In the event of conflicting provisions, the more restrictive provisions shall apply.

Section 104. Relation to Land Use Plan

It is the policy of Northern Township that the enforcement, amendment, and administration of this Ordinance be accomplished with due consideration of the recommendations contained in Northern Township Comprehensive Plan as developed and amended from time to time by Northern Township. Northern Township recognizes the Comprehensive Plan as the policy for regulating land use and development in accordance with the policies and purposes herein set forth.

Section 105. Standard Requirements

The following standards shall apply to all zoning districts and property, unless otherwise noted in this Ordinance.

A. More Restrictive Provisions to Govern: Where the conditions imposed by any provisions of this Ordinance are either more restrictive or less restrictive than comparable conditions imposed by any other law, ordinance, code, statute, resolution or regulation, the regulations which are more restrictive or impose higher standards or requirements shall prevail.

B. Conformity with this Ordinance: No building or structure shall be erected, converted, enlarged, constructed, reconstructed, moved or altered, and no building, structure or land shall be used for any purpose or in any manner which is not in conformity with the provisions of this Ordinance and without a building or land use permit being issued when required by this Ordinance.

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

D. Land Reduction: No yard or lot existing at the time of passage of this Ordinance shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this Ordinance shall meet at least the minimum requirements established by this Ordinance.

E. Abrogation and Greater Restrictions: These regulations shall not abrogate any easement, covenant, or any other private agreement where such is legally enforceable, provided that where the regulations of this Ordinance are more restrictive, or impose higher standards or requirements than such easements, covenants, or other private agreements, the requirements of this Ordinance shall be controlling.

Section 106. Severability

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

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

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

Section 107. Annexation of Certain Land

This section intentionally left blank.

Section 108. Effective Date

This Ordinance shall take effect and be in force on and after its adoption and publication according to law.

Section 109. Definitions

The following words and terms, whenever they occur in this Ordinance, are defined as follows:

Accessory Dwelling Unit (ADU): A dwelling unit that is located on the same lot as a single-family dwelling unit to which it is accessory and subordinate to the principal dwelling unit. ADUs can be created in a variety of ways, including conversion of a portion of an existing house, addition to an existing house, conversion of an existing accessory structure, addition to an existing accessory structure, or the construction of an entirely new building.

A. Accessory Dwelling Unit, Internal: A type of ADU that is incorporated within an existing single-family dwelling unit by converting a part of the existing home into a separate dwelling unit that provides complete independent living facilities for one or more person.

B. Accessory Dwelling Unit, Attached: A type of ADU that is constructed as an expansion of an existing single-family dwelling unit, and is structurally a part of the principal dwelling unit.

C. Accessory Dwelling Unit, Detached: A type of ADU that is not structurally a part of the principal dwelling unit, and is built separate or incorporated within an existing detached accessory structure, or attached to an existing detached accessory structure.

ACCESSORY USE OR STRUCTURE: A use or structure secondary in use, area or purpose to the principal use or structure on the same lot and serving a purpose naturally and normally incidental to the principal use or structure. This general definition does not include those accessory uses and structures that are separately defined in this Ordinance. Accessory structures include but not limited to decks, stairways, carports, sheds, detached garages, barns, gazebos, swimming pools, and similar structures.

Accessory Home Share: A habitable room or space in an owner-occupied dwelling offered for trade or sale, whether for money or exchange of goods or services, for periods of 29 days or less.

Accessory Recreation Facility: A facility for private recreation that is accessory to the primary land use. Examples of accessory recreation facilities include but are not limited to: Tennis Courts, Pools, Trail Heads, Hockey Rinks and Volley Ball Courts.

<u>Adult Use Definitions</u>

Adult Use : Adult body painting studios, adult book stores, adult cabaret, adult car wash, adult hotels or adult motels, adult motion picture theaters, adult mini motion picture theaters, adult massage parlors, adult health/sport clubs, adult sauna/steam room/bathhouses, adult companionship establishments, adult rap/conversation parlors, adult novelty businesses, adult motion picture arcade, adult modeling studios This definition does not apply to the practice of medicine, surgery, osteopathy, chiropractic, physical

therapy, or podiatry by State licensed or registered persons. Activities defined as obscene by Minnesota Statutes § 617.241 are not lawful and are not included in the definitions of adult uses.

Adult Uses (Accessory): The offering of goods and/or services classified as adult uses on a limited scale that are incidental to the primary activity and goods and/or services offered by the establishment. Examples of such items include adult magazines, adult movies, adult novelties, and the like. Accessory uses that use less than two hundred (200) square feet or ten percent (10%) of the total floor area (square footage), whichever is less, are exempted from obtaining a license under this Ordinance and, the requirement of being located in the zoning district.

Adult Uses (Principal): The offering of goods and/or services classified as adult uses as a primary or sole activity of a business or establishment and include, but are not limited to, the following:

Adult Body Painting Studio: An establishment or business that provides the service of applying paint or other substance, whether transparent or non-transparent, to or on the body of a patron when such body is nude or semi-nude.

Adult Book Store: An establishment, building or business engaging in the barter, rental or sale of items or merchandise consisting of printed matter, pictures, slides, records, audio tapes, video tapes, computer or video disks, motion picture film, or any other similar materials, if such shop is not open to the public generally but only to one or more classes of the public, excluding any minor because of age, and if a consistent and substantial useable floor area of the establishment, building, or business, is characterized by an emphasis on matters depicting, describing or related to "specified sexual activities" or "specified anatomical areas".

Adult Cabaret: An establishment, building or business that regularly provides dancing or other live entertainment if such establishment excludes minors by virtue of age and if such dancing or live entertainment is distinguished or characterized by an emphasis on the performance or presentation, display, depiction or description of "specified sexual activities" or "specified anatomical areas".

Adult Car Wash: A wash facility for any type of motor vehicle that regularly allows employees, agent, independent contractors or persons to appear in a state of partial or total nudity in terms of "specified anatomical areas".

Adult Companionship Establishments: An establishment or business, if such establishment excludes minors because of age and regularly provides the service of engaging in or listening to conversation, talk or discussion between an employee of the establishment and a customer, if such service is distinguished or characterized by an emphasis on "specified sexual activities" or "specified anatomical areas".

Adult Entertainment Facility: A building or space in which an admission is charged for the entrance, or food or non-alcoholic beverages are sold or intended for consumption, and in which may be regularly observed live presentations of entertainment distinguished by an emphasis on matters depicting, describing, or relating to "specified sexual activities" or "specified anatomical areas".

Adult Hotel or Motel: A motel, hotel, or similar commercial establishment which: (a) offers public accommodations, for any form of consideration, and which regularly provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, slides, or other photographic reproductions which are characterized by their emphasis upon the exhibition or description of "specified sexual activities" or "specified anatomical areas" and which regularly advertises the availability of such material by means of a sign visible from the public right-of-way, or by means of any off-premises

advertising, including but not limited to, newspapers, magazines, pamphlets or leaflets, radio or television, and (b) offers a sleeping room for rent for a period of time less than ten (10) hours.

Adult Massage Parlor, Health/Sport Club: A massage parlor or health/sport club that restricts minors because of age or law, which regularly provides the services of massage if such service is distinguished or characterized by an emphasis on "specified sexual activities" or "specified anatomical areas".

Adult Mini-Motion Picture Theater: A business, building or establishment in an enclosed building with a capacity for less than fifty (50) persons regularly used for the presenting of visual media material if such business as a prevailing practice excludes minors by virtue of age or law, and if said material is distinguished or characterized by an emphasis on "specified sexual activities" or "specified anatomical areas" for observation by patrons.

Adult Modeling Studio: An establishment or business whose major business is the regular provision of employees who are provided with the intent of providing sexual stimulation or sexual gratification to such customers and when said employees engage in "specified sexual activities" or display "specified anatomical areas" while being observed, painted, painted upon, sketched, drawn, sculptured, photographed or otherwise depicted by such customers.

Adult Motion Picture Arcade: Any building or place to which the public is allowed or invited in which coin or slug operated or electronically, electrically or mechanically controlled still or motion picture machines, projectors, computers or other production devices that regularly show images to five or fewer persons per machine at once, and are characterized by an emphasis on depicting or describing "specified sexual activities" or "specified anatomical areas".

Adult Motion Picture Theater: A business premises within an enclosed building with a capacity of fifty (50) or more persons regularly used for presenting visual media material if said business as a prevailing practice excludes minors by virtue of age, and if the material is distinguished or characterized by an emphasis on the depiction or description of "specified sexual activities" or "specified anatomical areas" for observation by patrons.

Adult Novelty Business: A business that has as a principal and regular activity the sale of materials or devices that stimulate human genitals or devices designed for sexual stimulation or which depict or relate to "specified sexual activities" or "specified anatomical areas".

Adult Sauna/Steam Room/Bathhouse: A business that excludes minors because of age, and which regularly provides a steam bath or heat bathing room used for bathing, pleasure, relaxation or reducing, and which utilizes steam or hot air as a cleaning, relaxing or reducing agent, if the service provided by the sauna/steam room/bathhouse is distinguished or characterized by an emphasis on "specified sexual activities" or "specified anatomical areas".

Adult Act, Distinguished or Characterized by Emphasis Upon: The dominant or principal theme of the object described by such phrase. For instance, when the phrase refers to films "which are distinguished or characterized by an emphasis upon the exhibition or description of Specified Sexual Activities or Specified Anatomical Areas," the films so described are those whose dominant or principal character and theme are the exhibition or description of "specified anatomical areas" or "specified sexual activities."

Minor: Any person under the age of eighteen (18) years.

Nudity: The showing of the human male or female genitals or pubic area with less than fully opaque covering; the showing of the female breast with less than fully opaque covering of any portion of the nipple; or the depiction or showing of the coverage of male genitals in a discernibly turgid state.

Semi-nude: A state of dress in which opaque clothing covers no more than the genitals, anus, anal cleft or cleavage, pubic area, vulva, and nipple of the female breast, as well as portions of the body covered by supporting straps or devices.

Sexually Oriented Business: Any adult body painting studios, adult book stores, adult cabaret, adult car wash, adult hotels or adult motels, adult motion pictures theaters, adult mini motion picture theaters, adult massage parlors, adult health/sport clubs, adult sauna/steam room/bathhouses, adult companionship establishments, adult rap/conversation parlors, adult novelty businesses, adult motion picture arcade, adult modeling studios and other premises, enterprises or establishments, businesses, or places open to some or all members of the public at or in which there is an emphasis on the presentation or display, depiction or description of "specified sexual activities" or "specified anatomical areas" which the public could see. This definition does not apply to the practice of medicine, surgery, osteopathy, chiropractic, physical therapy, or podiatry by State licensed or registered persons. Activities defined as obscene by Minnesota Statutes § 617.241 are not lawful and are not included in the definitions of adult uses.

Specified Anatomical Areas:

A. Less than completely and opaquely covering human genitals, pubic region or pubic hair, buttock, anus, or female breast or breast below a point immediately above the top of the nipple or any combination of the foregoing; and,

B. Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

Specified Sexual Activities:

A. Actual or simulated sexual intercourse, oral copulation, anal intercourse, oral-anal copulation, bestiality, direct physical stimulation or fondling of unclothed genitals, pubic region, buttock, or female breast, flagellation or torture in a sexual relationship, and any of the following sexually oriented acts or conduct: Anilingus, buggery, coprophagy, coprophilia, cunnilingus, fellatio, necrophilia, pederasty, pedophilia, piquerism, sapphism, sodomy, zooerasty; or,

B. Human genitals in the state of sexual stimulation, arousal, or tumescence; or,

C. Use or acts of human or animal ejaculation, sexual intercourse, sodomy, oral copulation, coitus or masturbation; or,

D. Fondling or touching of human genitals, pubic regions or pubic hair, buttocks, female breasts; or,

E. Situations involving a person or persons, any of whom are nude, clad in undergarments or in sexually revealing costumes, who are engaged in activities involving the flagellation, torture, fettering, binding or other physical restraint of any such person; or,

F. Erotic or lewd touching, fondling or other sexually oriented contact with an animal by a human being; or

G. Human excretion, urination, menstruation, vaginal or anal irrigation; or,

H. Any combination of the above.

Agriculture: The use of land for agricultural purposes including: farming; dairying; pasturage; horticulture; silviculture; animal and poultry husbandry and the necessary accessory uses for treating and storing the produce, provided that the operation of any such accessory uses shall be secondary to that of the principal agricultural activity.

Agricultural Building or Structure: Any building or structure, existing or erected, which is used principally for agricultural purposes, with the exception of dwelling units.

Airport and Related Facilities: Any runway, landing area or other facility designed, used or intended to be used either publicly or privately by any persons for the landing and taking off of aircraft, including all necessary taxiways, aircraft storage and tie-down areas, hangars and other necessary buildings and open spaces.

Airport Zoning Administrator: The Planning Administrator.

Airport Hazard: Any structure, object of natural growth, or use of land, which obstructs the air space required for the flight of aircraft in landing or taking off at any airport or restricted landing area or is otherwise hazardous to such landing or take off.

Airport Hazard Area: Any area of land or water upon which an airport hazard might be established if not prevented as provided in the Aeronautics Statutes, Minnesota Statutes Chapter 360.

Alley: The area of a parcel, other than a public street front yard, which is adjacent to a public alley right-of-way.

Ambulance Service: Provides emergency medical services dedicate to out-of-hospital acute care and medical transportation, which may include a structure for the storage of ambulance vehicles and related supplies, and may also include a residential component for staff to accommodate twenty-four (24) hour operation.

Amendment: An amendment is a change in the zoning ordinance or map. An amendment may be initiated by a landowner, the governing board of a jurisdiction participating in the joint administration of this Ordinance, the Planning Commission, or Northern Township.

Animal Breeding: A facility designed for the breeding of domestic animals, typically cats or dogs, for the purpose of receiving compensation for the animals.

Animal, Exotic: Animal species that are not native to the area, or occurring outside of its natural range, or are of foreign origin or character. This term specifically includes animals such as, but not limited to, lions, tigers, leopards, elephants, camels, antelope, anteaters, kangaroos, water buffalo, and species of foreign domestic cattle, such as Ankole, Gayal, and Yak.

Animal, Non-Domestic or Game: An animal, the products of which are food that is not cattle, sheep, swine, or goat. These terms include animals such as, but not limited to reindeer, elk, deer, antelope, bison, rabbit, squirrel, bear, and muskrat; an aquatic or non-aquatic bird including a wild duck, goose, quail, and pheasant; a non-aquatic reptile including rattlesnake; and an aquatic mammal.

Animal Feed Lot: A lot or building or combination of contiguous lots and buildings intended for the confined feeding, breeding, raising, or holding of animals and specifically designated as a confinement area in which manure may accumulate, or where the concentration of animals is such that a vegetative cover cannot be maintained within the enclosure. Open lots used for feeding and rearing of poultry (poultry ranges), and barns, dairy farms, swine facilities, beef lots, horse stalls, mink ranges and zoos, shall be considered to be animal feedlots. Pastures shall not be considered animal feedlots.

Animal Kennel and Grooming/Boarding: Any facility, public or private, where domesticated animals are temporarily boarded, groomed, or sold for compensation, including animal day care/spa facilities, but not including zoos or veterinary hospitals. This use also includes public facilities for the temporary impoundment of animals.

Animal Owner: The resident, property owner, custodian or keeper of any animal(s).

Antenna: Any structure or device used for the purpose of collecting or transmitting electromagnetic waves, including, but not limited to, directional antennas, such as panels, microwave dishes, and satellite dishes, and omni-directional antennas, such as whip antennas.

Apartment: A room or suite of rooms designed for residence by an individual, a single family, or a group of individuals living together as a single family unit, equipped with cooking facilities. This includes any unit in buildings with more than two (2) dwelling units.

Armory: A training facility for National Guard or other military staff often primarily used as an athletic type and/or indoor marching practice space, typically also used as community event center.

Art, Business, or Vocational School: A school, other than a college, that provides specialized training and education beyond the high school level, principally in the business, commercial or vocational arts, that does not provide lodging or dwelling units for students or faculty, and that has programs that typically result in the awarding of a certificate.

Art Galleries & Museums: A facility or area that is open to the public and is intended for the acquisition, preservation, study, and exhibition of works of artistic, historical or scientific value. It may also have retail sales of arts and crafts.

Athletic Complex / Community Center: A publicly owned facility that is open to the public free of charge or for a fee, typically offering indoors; a combination of fitness equipment, fitness classes, gyms, indoor recreation facilities, skating rinks, tennis courts, child care, swimming or other aquatic facilities, meeting and classrooms, as well as other activities intended to provide a service to the public often located within a public park.

Auditorium and Performing Arts: A building, structure or part of a building devoted to showing motion pictures, or for dramatic, dance, musical, or other live performances. This term does not include a movie theatre which is considered a Community Indoor Entertainment facility.

ATV, Boat, Recreational Vehicle, Snowmobile, Trailer, and Small Engine Sales and Service: An establishment specializing in the sales or service of typical small engines, trailers, and other recreational type vehicles.

Automobile Car Wash and Detailing: An establishment meant for the primary use of washing of passenger vehicles, including automatic washes, self-service, and professional detailing services.

Automobile Repair or Body Shop: General repair, rebuilding or reconditioning of engines, motor vehicles or trailers; collision services including body, frame, or fender straightening or repair; overall painting or paint shop; vehicle steam cleaning. Primarily repairs are only completed on passenger vehicles not exceeding one and one-half ton.

Automobile Sales or Rental: The sale, display, lease, rental, or storage of motor vehicles, including automobiles, vans, trucks, trailers, boats, and recreational vehicles. This shall not include salvage operations, scrap operations, vehicle impound yards, or commercial parking lots available for short-term use. Sales or Rental lots must meet the requirements of accessory open sales lot. Primarily sale of rental of passenger vehicles not exceeding one and one-half ton.

Automobile Service: A place where gasoline, kerosene or any other motor fuel or lubricating oil or grease for operating motor vehicles is offered for sale to the public and deliveries are made directly into motor vehicles, including greasing, oiling, tire sales and service on the premises.

Automobile Towing/Impound Lot: A facility used to securely store vehicles that have been towed and impounded at the request of law enforcement.

Bank or Financial Institution: An establishment that provides retail banking, mortgage lending, and financial services to individuals and businesses, and including check-cashing facilities. Accessory uses may include automatic teller machines, offices, and parking.

Basement: Any part of a structure, including crawl spaces, having its floor or base below ground level on one or more sides, regardless of the depth of excavation below ground level.

Bed and Breakfast: A single family dwelling; in which six (6) or fewer transient guest rooms are rented on a nightly basis for periods of less than a week, and where at least one meal is offered in connection with the provision of sleeping accommodations.

Bedroom: An area with a room designed for, used for, or capable of providing habitable sleeping area within a dwelling according to applicable building code standards. Architectural features normally associated with a habitable bedroom include, but are not limited to, definitions contained in MN Rules 7080-7083 (i.e.: walls, doors, egress windows, closets, etc.) will be considered in making the bedroom determination.

Beekeeping (apiculture): The raising and care of bees for commercial or agricultural purposes.

1. Apiary means the assembly of one or more colonies of bees at a single location.

2. Colony means an aggregate of bees consisting principally of workers, but having, when perfect, one queen and at times drones, brood, combs, and honey.

3. Hive means the receptacle inhabited by a colony that is manufactured for that purpose.

4. Honey bee means all life stages of the common domestic honey bee, apis mellifera (African subspecies and Africanized hybrids are not allowed).

Bituminous or Concrete Plant and Sales: A facility engaged in producing bituminous or concrete for sale and delivery and uses incidental to that request. This does not include mining and extraction operations.

Block: An area of land within a subdivision that is entirely bounded by streets, the exterior boundary of the subdivision, or a stream or water body.

Bluff: A topographic feature such as a hill, cliff, or embankment having the following characteristics:

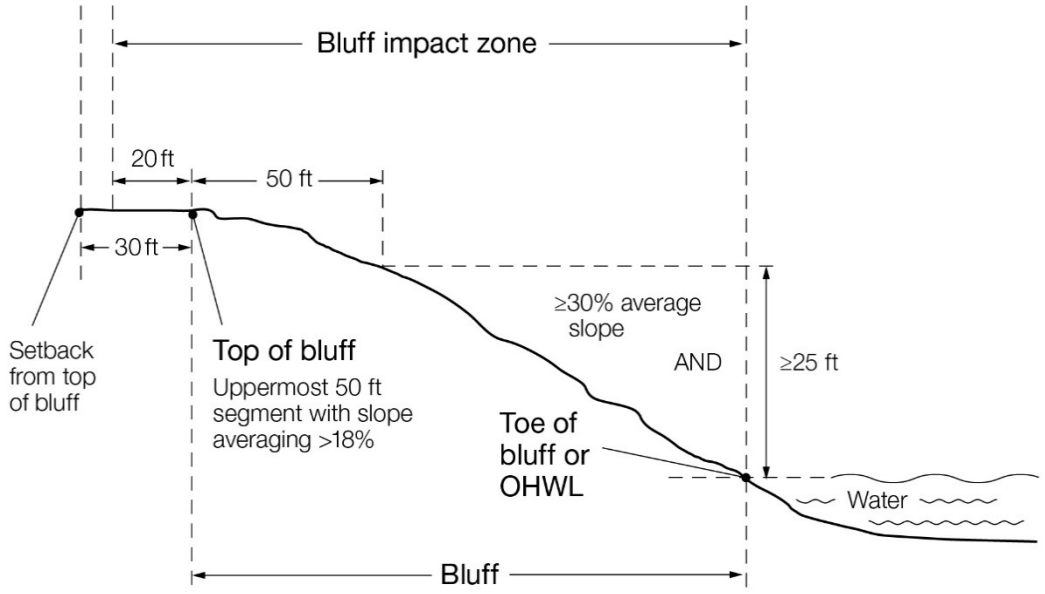
A. Part or all of the feature is located within a shoreland area;

B. The slope rises at least twenty-five (25) feet above the toe of slope;

C. The grade of the slope from the toe of the bluff to the top of the bluff averages thirty (30) percent or greater; and

D. The slope drains toward the water body.

Bluff, Bluff Impact Zone, Top and Toe of Bluff



Bluff Impact Zone: A bluff and land located within twenty (20) feet from the top of the bluff.

Bluff, Toe of: The point on a bluff where there is, as visually observed, a clearly identifiable break in the slope from a gentle slope to steep slope or at the OWHL. When not clearly identifiable the following shall be used to calculate the toe; the lower point of a fifty (50) foot segment with an average slope exceeding eighteen percent (18%) or the ordinary high water level, whichever is higher.

Bluff, Top of: The point on a bluff where, as visually observed, there exists a clearly identifiable break in the slope from a steep slope, as defined, to a gentle slope. When not clearly identifiable the following shall be used to calculate the top; for the purposes of measuring setbacks, the higher point of a fifty (50) foot segment with an average slope exceeding eighteen percent (18%).

Board of Adjustment: Northern Township Board of Adjustment as appointed by Northern Township.

Boarding (Lodging) House: A building other than a hotel or motel, where for compensation and by prearrangement for definite periods, meals or lodging and meals are provided to three (3) or more persons, but not to exceed ten (10) persons.

Boathouse: A facility as defined by Minnesota Statutes, Section 103G.245.

Boulevard: The portion of the street right-of-way between the back of curb line or pavement edge and the property line.

Buffer: A vegetative feature as defined by Minnesota Statutes, Section 103F.48.

Buildable Area: That area of a platted lot lying within the required setbacks, exclusive of those areas that are prohibited from development due to steep slopes, wetlands, easements or other conditions protected by ordinance or legal agreement.

Building: Any structure, either temporary or permanent, having a roof or other covering, built for the support, shelter, or enclosure of persons, animals, or property of any kind, including tents or awnings, situated on private property and used for purposes of a building.

Building Face: The exposed face of a building, including windows and doors, from ground level to the roof line.

Building Material Sale or Lumberyard: An establishment engaged in the storage, distribution, and sale of building materials such as lumber, brick, tile, cement, insulation, floor covering, lighting, plumbing supplies, electrical supplies, cabinetry and roofing materials. Accessory uses may include repair or delivery services and outside sale of plants and gardening supplies.

Building Line: A line parallel to a lot line or the ordinary high water level, at any story level of a building, representing the distance beyond which all or any part of the building may not extend without violating setback provisions.

Building Permit: A permit issued by Northern Township, or a constituent authority thereof, or an authorized agent, authorizing both the use of land in the Township pursuant to the requirements of this Ordinance and construction activity consistent with the adopted Building Code.

Bulk Fuel Sales and Storage: A facility engaged in the storage of petroleum based products or gases for retail or wholesale distribution.

Butt Lot: A lot at the end of a block and located between two corner lots.

Cannabis Business: Cannabis Business has the meaning given the term in Minnesota Statutes, Section 342.01, subdivision 14 and includes all business listed thereunder. The term also includes hemp manufacturers and hemp retailers.

Canopy: A rigid multi-sided structure covered with fabric, metal, or other material, and supported by a building at one or more points or extremities, and by columns or posts embedded in the ground at other points or extremities.

Carport: Automobile shelters having one or more sides open.

Cemetery: Land used or intended to be used for the burial of the human dead and dedicated for cemetery purposes, including, crematories, mausoleums, and mortuaries if operated in connection with and within the boundaries of such cemetery.

Certificate of (Sanitary System) Compliance: A document written after a compliance inspection, certifying that a subsurface sewage treatment system (SSTS) is in compliance with applicable State and Local requirements at the time of the inspection.

Charter School: A charter school is public school licensed under Minnesota Statutes, chapter 124E.

Class V Impervious: A surface constructed of gravel or other such similar material which either prevents or retards the entry of water into the soil and causes water to run off the surface in greater quantities and at increased rate of flow than prior to installation.

Clear Cutting: The removal of an entire stand of trees.

Club or Lodge: A building or structure operated by a non-profit association of persons who are bona fide members, paying annual dues, with the use of the premises being restricted to members and their bona fide guests.

Collector Street: A Street which carries traffic from minor streets to thoroughfares. It includes the principal entrance streets of a residential development and street for circulation within such developments.

Contractor's Shop and Storage Facility: A lot or portion of a lot or parcel used to store and maintain construction equipment and other materials and facilities customarily required in the building trade by a construction contractor. This definition includes construction offices, shops, and showrooms for the display and sale of electrical, plumbing, heating, air conditioning, sheet metal and other material in connection with contracting services.

Commercial Use: The principal use of land or buildings for the sale, lease, rental, or trade of products, goods, and services.

Commissioner: The Commissioner of the Department of Natural Resources.

Common Interest Community (CIC): Contiguous or noncontiguous real estate that is subject to an instrument which obligates persons owning a separately described parcel of the real estate, or occupying a part of the real estate pursuant to a proprietary lease, by reason of their ownership or occupancy, to pay for

1. real estate taxes levied against;
2. insurance premiums payable with respect to;
3. maintenance of; or
4. construction, maintenance, repair or replacement of improvements located on, one or more parcels or parts of the real estate other than the parcel or part that the person owns or occupies. Real estate subject to a master association, regardless of when the master association was formed, shall not collectively constitute a separate common interest community unless so stated in the master declaration recorded against the real estate.

Common Space: Property owned and managed jointly by members of a planned community.

Community Indoor Entertainment, Small: A business containing less than ten thousand (10,000) square feet that provides or makes available entertainment or recreational facilities to the public for a fee including, but not limited to, billiard parlors, skating rinks, indoor swimming pools, bowling alleys, movie theaters, arcades, tennis courts, and other similar businesses. Such businesses may also provide a snack bar, restaurant, retails sales of related items, and other support facilities.

Community Indoor Entertainment, Large: A business containing ten thousand (10,000) square feet or more that provides or makes available entertainment or recreational facilities to the public for a fee including, but not limited to, billiard parlors, skating rinks, indoor swimming pools, bowling alleys, movie theaters, arcades, tennis courts, and other similar businesses. Such businesses may also provide a snack bar, restaurant, retails sales of related items, and other support facilities.

Compact Evergreen Tree or Hedge: A coniferous tree or hedge that retains its foliage through the year. Planted in accordance with Section 1005 of this Ordinance.

Comprehensive Plan: A land use or comprehensive policy plan prepared and adopted by Northern Township indicating the general locations recommended for the various functional classes of land use, places and structures, and for the general physical, cultural, social, wellness, and economic needs of Northern Township Community and includes any unit or part of such plan separately adopted and any amendments to such plan or parts thereof.

Conditional Use: A land use or development as defined by ordinance that may be allowed only after an in-depth review procedure and with appropriate restrictions or conditions as provided by his Zoning Ordinance upon a finding that standards and criteria stated in this Ordinance will be satisfied. A conditional use must conform to Northern Township Comprehensive Plan and be compatible with the existing neighborhood.

Condominium: A multiple unit dwelling or development containing individually owned dwelling units and jointly owned and shared areas and facilities, which dwelling(s) or development is subject to the provisions of the Minnesota Condominium Law, Minnesota Statutes, Section 515.A.1-101 to 515.A.4-118.

Contour Map: A map on which irregularities of land surface are shown by lines connecting points of equal elevations. Contour interval is the vertical height between contour lines.

Convention or Event Center: A facility designed or used to host conferences, exhibitions, events, large meetings, seminars or training facilities, which may be associated with a hotel or motel.

Counseling Service (Behavioral, Mental Health, Drug and Alcohol Abuse): For this purpose of this Ordinance “counseling” is defined as professional counseling services are offered for various issues including behavioral and mental health as well as drug and alcohol abuse counseling.

Cul-de-sac: A short (500 foot or less), minor street that has only one inlet/outlet and contains a rounded end or turn-around area onto which houses face. Cul-de-sacs sometimes include landscaped or undeveloped central islands within the turn-around portion of the street, requiring an increase in radius to allow maneuvering of longer vehicles such as fire engines or delivery trucks. Streets with developed property within the interior of the turnaround spaces or with a length longer than 500 feet from the

furthest driving surface of the turn-around to the edge of the nearest collector-street or thoroughfare are not cul-de-sacs and shall be considered dead-end streets.

Day Care Facility: A public or private facility licensed by the Minnesota Department of Human Services which, for gain or otherwise, regularly provides one or more persons, as defined by the State Human Services Licensing Act, with care, training, supervision, habilitation, rehabilitation or developmental guidance on a regular basis, for periods of less than twenty-four (24) hours per day, in a place other than the person's own home. Day care facilities include, but are not limited to: family day care homes, group family day care homes, day care centers, day nurseries, nursery schools, developmental achievement centers for children, day training and rehabilitation services for adults, day treatment programs, adult day care centers, and day services.

Daycare Facility (Licensed Commercial Child Care): A state of Minnesota licensed facility with the primary use of caring for children less than twenty-four (24) hours a day regularly providing one or more dependents with care, training, supervision, or developmental guidance.

Daycare Facility (Licensed Home Care 14 or Less): A private owner-occupied residence operating a daycare facility for periods of less than twenty-four (24) hours a day licensed by the state of Minnesota, and that regularly provides up to fourteen (14) dependents with care, training, supervision, or developmental guidance.

Day Time: The time of day beginning at 6:00 a.m. and ending at 9:00 p.m.

Dead End Street: A Street having only one end open to through traffic.

Deck : A horizontal, unenclosed platform with or without attached railings, seats, trellises or other features, attached or functionally related to a principal use, structure or site, and at any point extending more than thirty (30) inches above ground. A deck is considered a structure.

Demolition : Any area of land which is used for the disposal of non-leachable solid waste from the construction or demolition of residential or commercial structures and their contents.

Density: The number of dwelling units or square footage of commercial floor area relative to the total lot area.

District: A geographical portion of the greater land area subject of this Ordinance, which geographical portion is assigned a zoning classification and within which classification certain regulations and requirements or various combinations thereof apply under the provisions of this Ordinance.

Dormitory: A structure specifically designed for a long-term stay by students of a college, , or nonprofit organization. Such structures contain facilities for living, sleeping, and sanitation; and may include separate group facilities for cooking and eating.

Downtown Business District: That portion of the shoreland jurisdiction of Lake Bemidji and Lake Irving, including the Mississippi River corridor connecting the two Lakes, bounded by Gould Avenue NE extended to the shoreline of Lake Bemidji, and Sixth (6th) Street NW (north of Library Park) extended to the shoreline of Lake Bemidji, and by Irvine Avenue NW extended to the shoreline of Lake Irving, and the westerly terminus of Gemmel Avenue extended due south to the shoreline of Lake Irving.

Driveway: A private entrance, either paved or unpaved, that provides vehicular access between a public right-of-way and the abutting property, including to any buildings or activities on the property.

Duplex, Triplex and Quad: Dwelling units on a single lot having two, three and four units respectively, being attached by common walls and each unit having separate sleeping, cooking, eating, living and sanitation facilities.

Dwelling Site: A designated location for residential use by one or more persons using temporary or movable shelter, including camping and recreational vehicle sites.

Dwelling Unit: Any structure, or portion of a structure, or other shelter, designed as short or long term living quarters for one or more persons, including rental or timeshare accommodations such as motel, hotel and resort rooms and cabins.

Easement: A grant or conveyance by an owner of real property of a right to use the owner's real property for a specific purpose.

Employee: Any person who performs any service on the premises of a business, on a full time, part time, or contract basis, whether or not the person is denominated an employee, independent contractor, agent, or otherwise. Employee does not include a person exclusively on the premises for repair or maintenance of the premises or for the delivery of goods to the premises.

Environmental Assessment Worksheet (EAW): A document, in worksheet format, that helps local governments determine if a proposed action is a major action with a potential for significant environmental effects, and to consider alternatives or to institute methods for reducing environmental effects.

Essential Services: The erection, construction, alteration or maintenance by local governmental units of underground, surface or overhead utilities, including gas, electric, steam, fuel or water transmission or distribution system collection, communication, supply or disposal system, and including towers, poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm and police call boxes, traffic signals, hydrants and similar equipment in connection therewith, but not including buildings, which are necessary for the furnishing of adequate service by such utilities or municipal departments for the general health, safety or welfare.

Extractive Use: The use of land for surface or subsurface removal of sand, gravel, rock, industrial minerals, other nonmetallic minerals, and peat not regulated under Minnesota Statutes, Sections 93.44 to 93.51, and any amendments to said sections subsequently adopted.

Farmers Market (Flea/Food/Crafts): A recurring event, held outdoors or in another defined place, on designated days and times, where market vendors, consisting of agricultural producers, home processors, or craft producers that manufacture non-food goods by the force of their own labor, are organized for the purpose of selling their products directly to the public.

Family: An individual or group of two (2) or more persons related by blood, marriage or adoption.

Family Cemetery: A designated area of land used exclusively for the burial of deceased family members, established and maintained by a private individual, family, or group of related persons. A family cemetery is not open to the public and may include gravesites, monuments, and markers. It does not include crematories, mausoleums, or mortuaries unless specifically intended for family use and located within the

defined boundaries of the cemetery. Family cemeteries must comply with all applicable provisions of Minnesota Statutes, Chapter 307, regarding the establishment, maintenance, and operation of private cemeteries.

Farm Animal: Any animal other than a dog or cat normally kept outside of a dwelling unit. Farm animals include, but are not limited to chickens, cows, geese, goats, horses, llamas and pigs. Keeping farm animals is an agricultural use.

Fence: Any partition, structure, wall or gate erected within the required yard.

Final Plat: The final map, drawing or chart, on which the subdivider's plan of subdivision is presented for approval and which, if approved, will be submitted to the County Recorder. The plat must conform to the requirements of law.

Flag Lot: A lot predominately situated behind another lot and having an access to a public right of way through a portion of the lot which does not satisfy the minimum lot width standards in effect for the district in which the lot is located. The creation of a flag lot is prohibited except when approved through a PUD/CIC process and/or in accordance with other provisions of this Ordinance.

Floor Area: The total gross area of all floors as measured to the outside surfaces of exterior walls, excluding crawl spaces, garages, carports, breezeways, attics without floors, and open porches, balconies, decks and terraces.

Floor Area Percentage: The total floor area divided by the total lot area.

Food Processing or Production: The processing or production of food for sale. This term does not include animal slaughtering which is considered heavy manufacturing. Examples include, but are not limited to, coffee roasting, brewery, distillery, and candy making.

Footprint: The area underneath the leading edge of a structure as projected vertically onto the ground (includes roofline at eaves or drip line).

Forestry, Land Conversion: The clear cutting of forested lands to prepare for a land use other than reestablishment of a forest stand, according to the provisions of Minnesota Statutes, Section 89A.04, as may be amended.

Forestry, Land Management and Timber Harvest: Shall mean employing the use of best management practices for Sustainable Forest Resources, and which shall apply to all private property proposed for development according to the provisions of Minnesota Statutes, Section 89A and as may be certified according to a certified Tree Inspector of the Northern Township, its Planning Administrator, or designee, according to the provisions of Minnesota Statutes, Section 89.63, as may be amended.

Fraternity or Sorority: A residential building which is occupied only by a group of or college students and support staff who are associated together in a fraternity or sorority, which is officially recognized by a college or offering an accredited course of study, and who receive from the fraternity or sorority lodging or meals on the premises for compensation.

Front Lot Line: A line dividing a lot from any public street or highway, except a limited or controlled access highway to which the lot has no access. The front lot line is the right-of-way line of the public

highway on which the lot has access. For a riparian lot, the front lot line shall also be that line indicating the ordinary high water level.

Funeral Home or Crematorium: An establishment providing services such as preparing the human dead for burial, cremating human remains, and arranging and managing funerals. This use does not include cemeteries.

Frontage: The distance along a property line along a public right-of-way on which it borders.

Garage: A fully enclosed building designed or used for the storage of motor vehicles, but not including buildings in which fuel is sold or in which repair or other services are performed.

Garage, Side Loaded: A detached accessory structure garage with a vehicle entry door at an angle of no less than forty-five (45) degrees from the edge of a public alley right-of-way so that vehicles can pull entirely out of the garage onto a driveway parking space without entering the alley.

Garden Center: A place of business where retail and wholesale products and produce are sold to the retail customer. These centers which may include a nursery and/or greenhouse, import the majority of the items sold. These items may include plants, nursery products and stock, fertilizers, potting soil, hardware, power equipment and machinery, hoses, rakes, shovels, and other garden and farm tools and utensils.

Gas Station and Convenience: A building, structure or land used primarily for the dispensing, sale or offering for sale at retail of any automobile fuels, oils or accessories. This may also include lubrication of automobiles, replacement or installation of minor parts and accessories but not including major repair work such as motor replacement, body and fender repair or spray painting. This use may include the retail sales of convenience goods, and car wash facilities. Designed to accommodate passenger vehicles not heavy truck traffic.

General Retail Store, Small: A less than ten thousand (10,000) square foot structure, facility or area for the retail sale of general merchandise or food to the general public for direct consumption and not for wholesale. Typical general merchandise includes clothing and other apparel, equipment for hobbies or sports, gifts, flowers and household plants, dry goods, convenience and specialty foods, toys, furniture, books and stationery, pets, drugs, hardware and similar consumer goods. This definition does not include grocery stores, or pharmacies.

General Retail Store, Large: A ten thousand (10,000) square foot or more structure, facility or area for the retail sale of general merchandise or food to the general public for direct consumption and not for wholesale. Typical general merchandise includes clothing and other apparel, equipment for hobbies or sports, gifts, flowers and household plants, dry goods, convenience and specialty foods, toys, furniture, books and stationery, pets, drugs, hardware and similar consumer goods. This definition does not include grocery stores, or pharmacies.

Government Building or Public Safety Facility: A building or facility housing the offices or operations of a department or agency of the city, county, state, or federal government, or a governmental entity, including but not limited to a building or facility that provides fire protection, police protection, or emergency medical services (not including a hospital or medical or dental clinic), together with incidental storage and maintenance of necessary vehicles.

Northern Township: The approximate twenty-four (24) square mile area comprised of Northern Township

Greenspace: Open space covered by native plants, natural landscape or other vegetative cover.

Greenhouse: An accessory building whose roof and sides are made largely of glass or other transparent or translucent materials and in which the temperature and humidity can be regulated for the cultivation of delicate or out of season plants.

Grocery Store, Small: A retail sales establishment less than fifteen thousand (15,000) square feet selling primarily food and beverages for off-site preparation and consumption that maintains an inventory of fresh fruits, vegetables, fresh-cut meats, or fresh seafood or specialize in the sale of one type of food item. This use may also include sales of personal convenience and small household goods, provided such sales are incidental to the sale of food and beverages.

Grocery Store, Large: A retail sales establishment fifteen thousand (15,000) square feet or more selling primarily food and beverages for off-site preparation and consumption that maintains an inventory of fresh fruits, vegetables, fresh-cut meats, or fresh seafood or specialize in the sale of one type of food item. This use may also include sales of personal convenience and small household goods, provided such sales are incidental to the sale of food and beverages.

Ground Coverage Percentage: The percentage of lot area included within the outside lines of exterior walls of all buildings located on the lot including: porches, decks, patios, breeze ways, balconies, and bay windows. In shoreland areas, all impervious surfaces are included in computing ground coverage percentages.

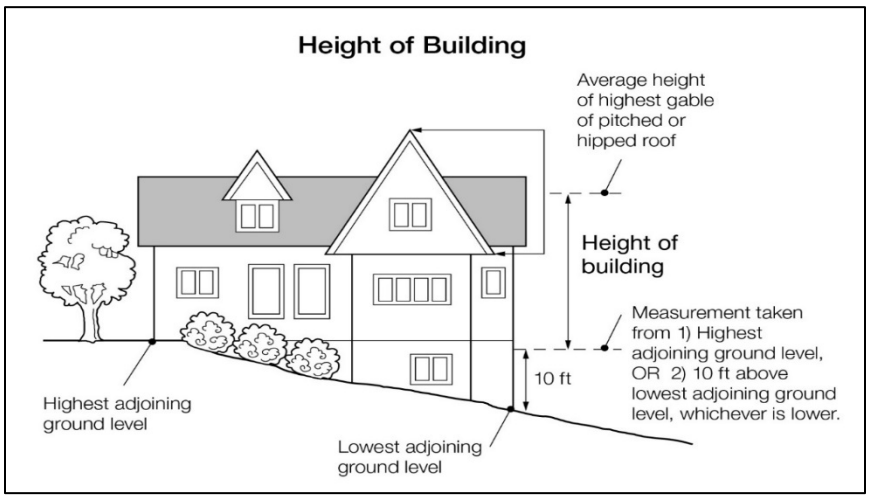
Group Family Day Care: A day care facility holding a license from Beltrami County or Minnesota pursuant to Minnesota Statutes, Chapter 245A and/or Minnesota Rules, Chapter 9502 or Chapter 9503, as amended.

Half Street: A public right-of-way having only half of the width required by the subdivision design requirements prescribed in this Ordinance.

Hazardous Chemical Storage or Distribution: An establishment storing hazardous chemicals or materials for profit for the purpose of wholesale distribution.

Headwaters Lakes: There are nine lakes within the Mississippi Headwaters Corridor, including Carr, Irving, Bemidji, and Stump (impoundment).

Height of Building: The vertical distance between the highest adjoining ground level at the building or ten (10) feet above the lowest adjoining ground level, whichever is lower, and the highest point of a flat roof or average height of the highest gable of a pitched or hipped roof.



Heavy Truck, Farm Implement, Construction Equipment Repair, Rental, Sales, and Service: A facility offering the sale, service, or repair of heavy trucks, farm implements or construction equipment including, but not limited to; semi-tractor and trailer, farm tractor, dump-truck, skid loader, bulldozer, and crane.

Heavy Truck Fuel and Convenience: A gas station and convenience facility designed for semi-truck and trailer overnight parking, fueling, or maintenance. Such a facility also typically provides showers for rent and will also serve passenger vehicles.

Heavy Truck Wash and Detailing: An automotive washing facility designed to accommodate large vehicles such as semi-tractor and trailer or heavy equipment.

Home And Community-Based Services: "Home and community-based long-term services and supports" (HCBS) refers to assistance with daily activities that generally helps older adults and people with disabilities to remain in their homes.

Homeless Facility: A facility which provides congregate style temporary sleeping accommodations, either with or without meals, to primarily house the homeless, or other transient individuals, for any period of time. Homeless facility does not include lodging establishments licensed by the State of Minnesota, or facilities that provide lodging to any individual who is: 1) placed by lawful authorities or otherwise housed in a public or private institution; or 2) who is imprisoned on a Department of Corrections Release Program, or otherwise detained pursuant to either federal or state law.

Home Occupation: The following types of uses which are clearly secondary and incidental to residential occupancy, and which do not change the character thereof.

A. Type I. An occupation conducted in a residential district in which no evidence of nonresidential activity is evident from off of the premises, no increase in traffic results from the business activity, and no employees other than household members work on the premises. Type I home occupations are allowed in all residential districts as accessory uses and do not require a permit.

B. Type II. An occupation conducted in a residential district that does not meet the requirements of a Type I home occupation for one or more reasons, but is not identified as a Type III home occupation. Specifically excluded are any activities that result in the alteration of a building, window display, construction features, equipment, machinery or outdoor storage, any of which is

visible from outside of the lot on which such use is located. Type II home occupations are permitted uses in all residential districts, and specifically include: daycares, private lessons, photography and artist studios, commercial contractor storage, or similar uses which may result in the need for multiple trips or visits to the home business. All such uses shall be subject to all other provisions of this Ordinance.

C. Type III. Home occupations that have the potential to adversely affect the functioning of individual sewage treatment systems or those uses that have an increased potential to create a nuisance, environmental contamination, inappropriate off-street parking, or any other non-compatible residential activities with a potential to significantly disrupt the character of surrounding residential uses in the immediate neighborhood. Type III. Type III Home occupations may be approved as an interim use in residential zoning districts, provided findings in support of such use are approved. The Planning Administrator shall be responsible for determining whether such accessory use constitutes a primary use of the premises with regard to factors contained in Article II of this Ordinance. Factors to be included in such review, and/or approval of a Type III Home Occupation shall include, but are not limited to, the following potential residential neighborhood impacts:

1. Residential neighborhood character.
2. SSTS function.
3. Excessive noise, dust, vibrations, glares, etc.
4. Environmental contamination.
5. Substantially increased off-street parking.
6. Any other significant or unusual non-residential neighborhood impacts.

Type III Home Occupation uses may include, but are not limited to, the following similar uses:

1. Greenhouses
2. Automobile Repair Operations
3. Lumber Mills
4. Welding Shops
5. Appliance Repair
6. Small Engine Repair
7. Food Production
8. All other accessory uses of a similar character as determined by the Planning Administrator.

Homeless: The term “homeless”, “homeless individual or homeless person” shall include:

A. An individual who lacks a fixed, regular and adequate nighttime residence; and

B. An individual who has a primary nighttime residence that is:

1. A supervised publicly or privately operated shelter designed to provide temporary living accommodations (including welfare hotels, congregate shelters, and transitional housing for the mentally ill);

2. An institution that provides a temporary residence for individuals intended to be institutionalized; or

3. A public or private place not designed for, or ordinarily used as, a regular sleeping accommodation for human beings.

Homeless Housing, Transitional: For the purposes of this Ordinance, a transitional housing use refers to temporary living situations wherein individuals or families are residing temporarily with or without separate sleeping rooms or a congregate space. Transitional housing may occur for periods of one day to a specific time frame. Congregate space means that individuals share all or part of the kitchen, bath and recreational spaces. Transitional housing shall only be defined as requiring an Interim Use Permit if each housing unit does not contain independent living and cooking facilities, but rather are designed and integrated around a central group or congregate style living, cooking and dining facilities.

Hospital: An institution or place where sick or injured in-patients are given medical or surgical care, at either public or private expense, but excluding nursing homes and institutions where persons suffering from permanent types of illness, injury, deformity or deficiency or age are given care and treatment on a prolonged or permanent basis.

Hotel/Motel: Any building or portion thereof where lodging is offered to transient guests for compensation and in which there are more than three (3) sleeping rooms, with no cooking facilities in an individual room or apartment. Hotels and motels within shoreland areas are regulated as commercial planned unit developments.

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 increased rate of flow than prior to development. Examples include: **rooftops; decks; sidewalks; patios; swimming pools; parking lots; concrete, asphalt, or gravel driveways; and other similar surfaces.** (ee also lot coverage).

Improved Lot: A lot that contains any structure, and which is served by a sewage disposal system and water supply.

Indoor Fitness, Health Club or Spa: A structure or leased space at which a variety of spa services are offered including, but not limited to, weight lifting, cardiovascular equipment, personal training, and group exercise classes, artificial tanning, as well as health spas and saunas. For the purpose of this Ordinance skating rinks, tennis courts, basketball courts, swimming pools, and other similar uses are defined as community indoor entertainment.

Industrial Use: The use of land or buildings for the production, manufacture, warehousing, storage or transfer of goods, products, commodities or other wholesale items.

Inoperative: Inoperative shall mean a vehicle that is incapable of movement under its own power and in need of repair or junking, and shall include vehicles incapable of legal movement on public roads.

Intensive Vegetative Clearing: The substantial removal of trees or shrubs in a contiguous patch, strip, row or block.

Interim Use: A temporary use of property until a particular date, until a particular event, or until zoning regulations no longer permit it. Interim use permits are not recorded and do not run with the land upon transfer. All interim uses shall conform to standards listed in Section 1205 of this Ordinance.

Junk: Waste, discarded or salvaged materials including, but not limited to, scrap metal, rags, paper, rubber products, glass products, lumber products and products resulting from the wrecking of automobiles or other vehicles

Junkyard: Land or buildings where waste, discarded or salvaged materials are brought, purchased, sold, exchanged, stored, cleaned, packed, disassembled or handled, including, but not limited to, scrap metal, rags, paper, rubber products, glass products, lumber products and products resulting from the wrecking of automobiles or other vehicles, provided further that the storage of three (3) or more inoperative and/or unlicensed motor vehicles for a period in excess of three (3) months shall also be considered a junk yard. The term junk yard shall also be defined to include a recycling center operation.

Land Alteration or Tree Removal not Incidental to a Permitted Use: The alteration of land or tree removal when no permitted use has been established on a property, typically to prepare lots for sale or development.

Land Use Permit: A permit issued by Northern Township or its authorized agent authorizing the use of land in the Township pursuant to the requirements of this Ordinance.

Land Use Plan: The land use component of a comprehensive plan or comprehensive development plan. The land use plan provides the primary policy basis for the official land use controls.

Landscape area: The area of a lot between the minimum building setback and the street of the official address of the lot.

Laundromat: A place where patrons wash, dry, or dry clean clothing or other fabrics in machines operated by the patron.

Laundry Plant: An establishment where laundry or dry cleaning is performed in bulk and primarily for commercial and institutional customers. This use does not include facilities where the public drops off or picks up dry cleaning or laundry that is cleaned off-site.

Licensed Family Daycare, Licensed Group Family Daycare, Licensed Child Care Center: A facility holding a license from Beltrami County or Minnesota pursuant to Minnesota Statutes, Chapter 245A and/or Minnesota Rules, Chapter 9502 or Chapter 9503, as amended.

Licensed Sewage Treatment System Installer: A person licensed by the Minnesota Pollution Control Agency to install onsite sewage treatment systems.

Licensed Site Evaluator: An individual licensed by the Minnesota Pollution Control Agency to complete a site evaluation report needed for the installation of an onsite sewage treatment system.

Liquor Store: An establishment licensed to sell off-sale liquor.

Long-Term Rental: A dwelling unit, guest cottage, or structure designated or used for residential occupancy by a) one family or an individual or group of two (2) or more persons related by blood, marriage or adoption, living together as a single housekeeping unit in a dwelling unit; b) or a group of not more than four (4) persons who need not be related by blood, marriage, or adoption, living together as a single housekeeping unit in a dwelling unit who rent or lease for a period of more than thirty (30) consecutive days at a time.

Lot: A parcel of land designated by plat, auditor's plat, metes and bounds description, registered land survey, or other accepted means and separated from other parcels or portions by said description for the purpose of sale, lease or separation.

Lot Combination: The combination of two (2) or more tax parcels into one (1) lot of record.

Lot, Area: The area of land within the boundaries of a lot, excluding that portion of a lot within shoreland which is below the ordinary high water level.

Lot, Back: A separate noncontiguous lot which does not contain a principal structure, and is located on the opposite side of the street or on a nearby parcel, with the parcel boundary located within the same block, and/or is within five hundred (500) lineal feet of a lot containing a principal structure.

Lot, Corner: A lot where the interior angle of two (2) adjacent sides at the intersection of two (2) street frontages is less than one hundred thirty-five (135) degrees. A lot abutting upon a curved street or streets shall be considered a corner lot for the purposes of this Ordinance if the arc is of less radius than one hundred fifty (150) feet and the tangents to the curve, at the two (2) points where the lot lines meet the curve or the straight street line, extended, form an interior angle of less than one hundred thirty-five (135) degrees.

Lot, Coverage: Lot coverage shall include all structures, driving surfaces, including gravel surfaces, septic tank, parking areas regardless of type of surface, and other improved surfaces (see also impervious surface).

Lot, Division or Reconfiguration: A legal description(s), which divides a parcel of land into one (1) or more new parcels, or adjusts an existing parcel line into a new position on the ground.

Lot, Improvement: Any building, structure, place, work of art, or other object, or improvement of the land on which they are situated constituting a physical betterment of real property, or any part of such betterment. Certain lot improvements shall be properly bonded as provided in these regulations.

Lot, Line: A line marking a boundary of a lot except that where any portion of a lot extends in to the public right-of-way, the lot line shall be deemed to be the boundary of said public right-of-way.

Lot, Front Line: For a riparian lot, the front lot line is that line indicating the ordinary high water mark. For a non-riparian lot, a front lot line is a line dividing a lot from any public highway, except a limited or controlled access highway to which the lot has no access.

Lot, Rear Line: The lot line not intersecting a front lot line that is most distant from and most closely parallel to the front lot line. A lot bounded by only three lot lines will not have a rear lot line.

Lot, Side Line: Any lot line which meets the end of a front lot line and any other lot line within thirty degrees of being parallel to such a line, except a front lot line.

Lot, Record of: Any lot or tax parcel of land which is one (1) unit of a recorded plat designated by auditor's plat, subdivision plat, approved division, or other accepted means and separated from other parcels or portions of said description for the purpose of sale, lease or separation thereof that has been recorded in the Office of the County Recorder.

Lot, Riparian: Any lot which is bounded on one or more sides by public waters frontage.

Lot, Non-Riparian: Any lot contained within a Shoreland Overlay District which is not bounded on one or more sides by public waters frontage.

Lot, River: A lot or parcel, any part of which abuts a watercourse identified in Article IX of this Ordinance.

Lot Through; Double Fronted Lot: A lot which has both a rear and front yard abutting a public street and which is not a corner lot.

Lot, Width: The minimum required horizontal distance between the side lot lines measured at right angles to the lot depth, at the front yard property line and/or OHWM. For cul-de-sac lots or those fronting upon a curved street with an angle of one hundred and thirty-five (135) degrees or less, "lot width" shall mean the minimum required horizontal distance between the side lot lines, measured along a straight line at the minimum required front setback line.

Mansard: A roof having two slopes on all sides with the lower slope steeper than the upper slope.

Manufactured Home: A structure designed or used for residential occupancy built upon or having a frame or chassis to which wheels may be attached by which it may be moved upon a highway, whether or not such structure actually has, at any given time, such wheels attached, or is jacked up or skirted. Manufactured homes shall be treated as single family housing units for purposes of these regulations.

Manufactured Home Park: Any park, court, lot, parcel or tract of land, designed, improved, maintained or intended for the purpose of supplying a location for manufactured home units or upon which any manufactured homes are parked. It shall include all buildings used or intended for use as part of the equipment thereof, whether a charge is made for the use of the manufactured home park or not.

Manufacturing/Processing Light: A facility or area used for the assembly, fabrication, or processing of goods and materials using processes that ordinarily do not create noise, smoke, fumes, odors, glare, or health or safety hazards outside of the building or lot where such assembly, fabrication, or processing takes place, where such processes are housed entirely within a building, or where the area occupied by outside operations or storage of goods and materials used in the assembly, fabrication, or processing does not exceed twenty-five percent (25%) of the floor area of buildings on the lot. Examples include but are not limited to: food processing, electronic equipment assembly and manufacturing and assembly from finished products.

Manufacturing/Processing Heavy: An establishment or use of land that includes the assembly, fabrication, or processing of goods and materials using processes that ordinarily have impacts on the environment or significant impacts on the use and enjoyment of surrounding properties in terms of noise, smoke, fumes, odors, glare, or health or safety hazards, or any use where the area occupied by outside storage of goods and materials used in the assembly, fabrication, or processing exceeds twenty-five percent (25%) of the floor area of buildings on the lot. Examples include but are not limited to, battery, chemicals, machinery, and plastics manufacture; mushroom plant; batching plant; beverage bottling and distribution, packaging plant; sawmill; slaughterhouse; and rendering plant. This use does not include any use that meets the definition of “manufacturing/processing light” or any other use otherwise defined within this Ordinance, and does not include any use that constitutes a public nuisance.

Marginal Access Street: A minor street which is parallel and adjacent to a thoroughfare and which provides access to abutting properties and protection from through traffic.

Marquee: A permanent roof-like structure or canopy of rigid materials supported by and extending from the façade of a building.

Master Plan: A master plan shall have the same meaning as a comprehensive development plan.

Medical or Dental Clinic: An establishment where patients who are not lodged overnight are admitted for examination and treatment licensed health care practitioners, dentists, or licensed health care practitioners and dentists in practice together.

Medical Cannabis: Means any species of the genus cannabis plant, or any mixture or preparation of them, including whole plant extracts and resins, and is delivered in the form of:

1. liquid, including, but not limited to, oil;
2. pill;
3. vaporized delivery method with use of liquid or oil but which does not require the use of dried leaves or plant form; or
4. any other method, excluding smoking, approved by the commissioner.

Medical Marijuana Dispensary: Means an entity registered under Minnesota Statutes, Section 152.25 that cultivates, acquires, manufactures, possesses, prepares, packs, stores, delivers, transfers, transports, sells, supplies, or dispenses marijuana, paraphernalia, or related supplies and educational materials to registered qualifying patients or registered designated caregivers.

Medical Cannabis Manufacturer: Means an entity registered by the commissioner to cultivate, acquire, manufacture, possess, prepare, transfer, transport, supply, or dispense medical cannabis, delivery devices, or related supplies and educational materials.

Medical Cannabis Product: Means any delivery device or related supplies and educational materials used in the administration of medical cannabis for a patient with a qualifying medical condition enrolled in the registry program.

Metes And Bounds Description: A description of real property which is not described by reference to a lot or block shown on a map, but is described by starting at a known point and describing the bearings and distances of the lines forming the boundaries of the property or delineating a fractional portion of a section, lot or area by described lines or portions thereof.

Methane Gas Area Of Concern (MGAOC): The area of land surrounding a mixed municipal solid waste (MSW) landfill waste footprint where the presence of certain activities, such as construction of enclosed structures, may be impacted or precluded by subsurface migration of methane gas.

Minimum Subdivision Design Standards: The guides, principles and specifications for the preparation of subdivision plans indicating, among other things, the minimum and maximum dimensions of the various elements set forth in the preliminary plan.

Mining, Sand, Gravel & Peat: The use of land for subsurface removal of non-metallic minerals and peat as regulated under Minnesota Statutes, Sections 93.44 through 93.51, and any amendments to said section subsequently adopted.

Mining Area: "Mining Area" or "Area subjected to non-metallic mining" means any area of land from which material is hereafter removed in connection with the production or extraction of non-metallic sand and gravel minerals or peat, the lands upon which material from such non-metallic mining is hereafter deposited, the lands upon which beneficiating plants and auxiliary facilities are hereafter located, the lands upon which the water reservoirs used in the non-metallic mining process are hereafter located, and auxiliary lands which are hereafter used or intended to be used in a particular non-metallic mining operation.

Mini Storage: A building which contains separate, individual and private storage spaces of varying sizes leased or rented on individual leases for varying periods of time, or as part of an approved CIC.

Minnesota Pollution Control Agency (MPCA): State Agency with the stated purpose of protecting Minnesota's environment through monitoring environmental quality and enforcing environmental regulations.

Minor Street: A Street of limited continuity used primarily for access to the abutting properties and the local needs of a neighborhood.

Mississippi Headwaters Board (MHB): A joint powers board established pursuant to law charged with planning and zoning within the Upper Mississippi River corridor.

Mobile Home: (see manufactured home.)

Multiple Family Dwelling: A structure designed or used for residential occupancy by more than one family, with or without separate kitchen or dining facilities, including apartment houses, rooming houses, boarding houses, townhomes, row houses, and similar housing types containing at least five (5) dwelling units Multiple family dwellings do not include hotels, motels, nursing homes or hospitals.

Multi-Family Or Townhome Development: Any residential development proposing greater than one (1) structure on one parcel of property. The number of dwelling units allowed within a structure or on a parcel is defined by the zoning district.

Multi-Family/Mixed-Use: Typical mixed-use buildings are vertically mixed-use consisting of main level commercial with apartment style living above. Mixed-use buildings require a conditional use permit in all zoning districts with the exception of the Urban Renaissance District (UR), for mixed-use buildings outside of the UR district the density ratio of commercial vs. residential will be determined by Northern Township.

Multi-Tenant Building: A structure or grouping of attached or detached structures on a single parcel of land or CIC plat.

Municipal System (Water & Sewer): A centrally treated, distributed, and/or collected system of public water or sewage service.

Night Time: The time of night beginning at 9:00 p.m. and ending at 6:00 a.m.

Nonconformity: Any legal use, structure or parcel of land already in existence, recorded, or authorized before the adoption of official controls or amendments thereto that would not have been permitted to become established under the terms of the official controls as now written, if the official controls had been in effect prior to the date it was established, recorded or authorized.

Nonriparian Lot: Any lot which is not bounded on any side by public water frontage.

Northwoods Character: A wooded feeling, such as being covered with growing trees. Physical characteristics or architectural design features that are consistent with or that reflect those commonly associated with a northern Minnesota wooded setting including, but not limited to, trees and landscaping features indigenous to northern Minnesota and use of natural colors and materials. Northwoods character design feature examples may be identified within Northern Township Comprehensive Plan.

Nursery: A business growing and selling trees, flowering and decorative plants and shrubs and which may be conducted within a building or without, for the purpose of landscape construction.

Nursing Home: A structure designed or used for residential occupancy and at which limited medical or nursing care is provided for its occupants, but not including hospitals or mental health centers.

Official Monument: A marker established by the original Federal Land Survey for use as a reference point in surveying and subdividing land.

Open Sales Lot: The impervious land area of a parcel where a business will devote space to the regular display of goods for sale, rent, lease or trade where such goods are not enclosed within a building.

Open Sales Lot, Major: An open sales lot which contains a total area of two thousand (2,000) square feet, or greater, land area devoted to display of such goods.

Open Space: All area not covered by impervious surface as defined in this Ordinance.

OPERATOR, HOMELESS SHELTER, TRANSITIONAL HOUSING, or WARMING CENTER: The owner, individual, partnership, organization, or corporation, which manages either a Homeless Shelter, Transitional Housing, or a Warming Center use, whether or not for remuneration of any kind.

Ordinary High Water Mark/Level (OHWL): 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.

Owner: Any individual, firm, associate, syndicate, partnership, trust, or any other legal entity having sufficient proprietary interest in the land.

Painted Wall Sign: Any sign which is applied with paint, or similar substance on the surface of a wall.

Parcel: Real property as defined by Minnesota Statutes, Section 272.03.

Parking Space: An area of definite length and width designed for parking of motor vehicles; said area shall be exclusive of drives, aisles or entrances giving access thereto.

Parking Structure, Public: A structure designed to accommodate vehicular parking spaces that are fully or partially enclosed or located on the deck surface of a building. This definition includes parking garages, deck parking, and underground or under-building parking areas

Passive Recreation Facility: A facility that provides persons comfortable use of parks, open space or green space in a manner that does not significantly impact natural, cultural, or scientific areas. Passive recreational facilities include park benches, picnic tables, and gazebos.

Pasture: Areas where grass or other growing plants are used for grazing and where the concentration of animals is such that a vegetation cover is maintained during the growing season except in the immediate vicinity of temporary supplemental feeding or watering devices.

Patio: A horizontal unenclosed platform without railings, seats, trellises, or other features attached or functionally related to a principal use or site at ground level or at no point extending more than thirty (30) inches above the ground. Platforms with railings, seats, trellises or other features shall be regulated as decks regardless of height above ground level.

Pawn or Trade Shop: An establishment that purchases or offers secured loans to people with items of personal property used as collateral including, but not limited to, guns, jewelry, musical instruments, home audio equipment, computers, video game systems, televisions, cameras, power tools and other relatively valuable items as collateral.

Pedestrian Way: The right-of-way across or within a block, for use by pedestrian traffic whether designated as a pedestrian way, cross-walk or however otherwise designated.

Performance Bond: A bond which may be required by Northern Township, Planning Commission or Board of Adjustment to insure the completion of any activity falling under the jurisdiction of this Ordinance.

Personal Services and Repair, Small: An establishment containing less than ten thousand (10,000) square feet of gross floor area and generally having no more than ten employees on site at one time, that is engaged in the provision of informational, instructional, personal improvement, personal care, or similar services. Examples include, but are not limited to, catering establishments, custom dressmaking, film processing, garment printing and embroidering, licensed massage salons, optical and optician services, service and repair establishments, sun tan centers, appliance repair and service bicycle repair and rental, small craft rental, tailor shops, dry cleaning and laundromats.

Personal Services and Repair, Large: An establishment, containing ten thousand (10,000) square feet or more of gross floor area and generally having more than ten (10) employees on site at one time, that is engaged in the provision of informational, instructional, personal improvement, personal care, or similar services.

Pervious Surface: All non-impervious areas on a parcel, including green space, landscaped planting areas, ponds, or other features which accommodate groundwater recharge.

Permanent Foundation: A foundation meeting the State Building Code and consisting of approved footings, crawl space or a basement.

Permit: Documentation of duly authorized approval provided in the form of a land use permit, conditional use permit, sewage treatment permit, or variance, allowing a property owner to undertake an activity regulated under the provisions of this Ordinance.

Person: Any individual, corporation, association, firm, partnership, or similarly identified interest.

Pharmacy or Convenience, Small: A store less than ten thousand (10,000) square feet where medicinal drugs are dispensed and sold as well as other medical and healthcare supplies, typically including retail or grocery sales as well.

Pharmacy or Convenience, Large: A store ten thousand (10,000) Square Feet or more where medicinal drugs are dispensed and sold as well as other medical and healthcare supplies, typically including retail or grocery sales as well.

Planned Unit Development (PUD): A type of development, characterized by a united site design for a number of dwelling units or dwelling sites on a parcel, whether for sale, rent, or lease, and also usually involving clustering of these units or sites to provide areas of common open space, density increases, and a mix of structure types and land uses. These developments may be organized and operated as condominiums, time-share condominiums, cooperative housing; full fee ownership, commercial enterprises; or any combination of these, or cluster subdivisions of dwelling units; residential condominiums; townhouses; apartment buildings; campgrounds; recreational vehicle parks; mobile home parks; resorts; hotels; motels; and conversions of structures and land uses to these uses.

Planned Unit Development, Commercial: Uses that provide transient, short-term lodging spaces, rooms or parcels with primarily service-oriented operations. Hotel/motel accommodations, bed and breakfast accommodations, resorts, recreational vehicle and camping parks, and other primarily service-oriented activities are examples of commercial planned unit developments.

Planned Unit Development, Mixed Use: A planned unit development which includes a mixture of residential and commercial uses. In addition, it may be a single structure developed or converted under the statutory requirements of a common interest community.

Planned Unit Development, Residential: A use where the nature of residency is non-transient and the major or primary focus of the development is not service-oriented. For example: single family residences; duplexes; triplexes; residential apartments; mobile home parks; condominiums; time share condominiums; townhouses; cooperatives; and conversions of structures and land uses to these uses. To qualify as a residential planned unit development, a development must contain at least five dwelling units or sites.

Planning Administrator: The Planning Administrator of Northern Township, or its authorized agent or representative.

Plat: A map or drawing which graphically delineates the boundary of land parcels for the purpose of identification and record of title. The plat is a recorded legal document and must conform to the law.

Practical Difficulties: "Practical difficulties," as used in connection with the granting of a variance, means that the property owner proposes to use the property in a reasonable manner not permitted by the zoning ordinance; the plight of the landowner is due to circumstances unique to the property not created by the landowner; and the variance, if granted, will not alter the essential character of the locality. Economic considerations alone do not constitute practical difficulties. Practical difficulties include, but are not limited to, inadequate access to direct sunlight for solar energy systems.

Preliminary Plat: The preliminary map, drawing or chart indicating the proposed layout of the subdivision to be submitted to the Planning Administrator, Planning Commission, and Northern Township for consideration.

Premises: Any platted lot, parcel, tract of land or contiguous group thereof.

Principal Structure: A structure in which is conducted the principal use of the lot upon which it is situated.

Principal Use: The principal use to which the premises are devoted.

Printing or Publishing: A facility dedicated to designing, writing, printing or publishing news, magazine, media releases, either for hard copy distribution or through web-based services.

Private Street: A way for vehicular traffic, located within Northern Township, which is not owned by the City, Township, State or County.

Professional or Business Offices: Places of business from which licensed or certified practitioners such as, attorneys, accountants, administration of business, architects, charitable organizations, surveyors, engineers, real estate, radio or television broadcasting etc. which provide a service to the public and from which only limited associated retail products incidental to the service provided are sold. This does not include uses where goods and merchandise are commercially produced to be sold.

Protective Covenants: Contracts entered into between private parties constituting a restriction on the use of all private property, or within a subdivision, for the benefit of property owners, and to provide mutual protection against undesirable aspects of development which would tend to impair stability of values. Protective covenants are not enforced by Northern Township.

Public Improvement: Any drainage ditch, roadway, parkway, sidewalk, pedestrian way, tree, lawn, off-street parking area, lot improvement, utility or other facility for which either the Township may ultimately assume the responsibility for maintenance and operation, or which may affect an improvement for which local government responsibility is established.

Public Library: Any library that provides free access to all residents of a city or county without discrimination and is organized under Minnesota Statutes, Chapter 134.

Public Park, Athletic Fields And Active Outdoor Recreation: An athletic field, park, playground, beach, or recreation or community center in the community owned, leased, or used wholly or in part by a township, city, county, state, school district, or federal government for recreational purposes.

Public Transportation Facility: A facility intended for the storage, vehicle maintenance, and overall operations of a public transportation facility.

Public Uses: Uses owned or operated by municipal, school districts, county, state or other governmental units.

Public Utility: Any person, firm, corporation, municipal department or board fully authorized and furnishing under municipal regulation to the public electricity, gas, steam, communication services, cable television, telegraph services, transportation, water or the like.

Public Utility Building, Minor: Essential service structures or uses, including, but not limited to, buildings or uses such as telephone exchange stations, sewer lift stations, power poles, lines, and transformers, except as a power substation or transmission line, public and private water, sewer, and drainage distribution facilities, etc.

Public Utility Building, Major: Essential service structures or uses, including, but not limited to, buildings or uses such as booster or pressure regulating stations, wells and pumping stations, wastewater treatment plants, elevated tanks & towers, electrical power substations, and major electric utility transmission lines, etc.

Public Waters: Any waters as defined in Minnesota Statutes, Section 103G.005, subdivision 15-15a. However, no lake, pond, or flowage of less than ten (10) acres in size will be regulated for purposes of these parts. A body of water created by a private user where there was no previous shoreland shall be exempt from the provisions of this Ordinance. The official determination of the size of public water basins and physical limits of drainage areas of rivers and streams shall be made by the Commissioner.

Rain Garden: A depression planted with native vegetation that filters and infiltrates rain water.

Recreational Vehicle: Any vehicle or vehicular portable structure built on a chassis designed to be used as a temporary dwelling for travel, recreation or other vacation use.

Recreational Vehicle Campground: Any area, whether privately or publicly owned, used on a daily, nightly, weekly or longer basis for the accommodation of five or more tents or recreational vehicles, either free of charge or for compensation. Recreational Vehicle Campgrounds are considered commercial planned unit developments.

Refuse Waste Facility, Transfer Station: Where intermediate solid waste, collected from any source, is temporarily deposited to await transportation to the final disposal site or facility.

Refuse Waste Facility, Construction Debris Service and Recycling: A facility specializing in the collection and recycling of waste resulting from the demolition of building, and other manmade structures. It does not include asbestos waste, appliances, furniture or household refuse.

Regular or Regularly: A consistent, ongoing, and substantial course of conduct, such that the films, performances, or business activities so described constitute a significant and substantial portion of the films or performances offered as a part of the ongoing business of the sexually oriented business. See FW/PBS, Inc. v. City of Dallas, 493 U.S. 215, 259-261 (1990) (Scalia, J., concurring in part and dissenting in part).

Religious Institution: A church, synagogue, temple, mosque or other structure that is architecturally designed or particularly adapted for the primary use of the regular assembly of persons for religious worship. Religious institution includes those accessory uses that are secondary to the principal use, but which are intrinsic and necessary to the tenants and exercise of religious beliefs and that can be conducted on the property in a manner that complies with the requirements of applicable federal, state, and local laws, rules, regulations, codes, and ordinances.

Research, Design, and Testing: A facility or area for conducting scientific research, investigation, testing, or experimentation, but not including facilities for the manufacture or sale of products, except as incidental to the main purpose of the laboratory.

Residential, Accessory Caretaker (As Incidental Use for Security): An occupied accessory dwelling use solely for the purposes of caretaking or security for an approved high density residential development, a commercial or industrial use.

Residential Facility, Permitted Single Family State Licensed Use: A state licensed residential facility or a housing with services establishment registered under chapter 144D serving six or fewer persons, a licensed day care facility serving twelve (12) or fewer persons, and a group family day care facility licensed under Minnesota Rules, parts 9502.0315 to 9502.0445 to serve fourteen (14) or fewer children according to Chapter 462.357, Subd. 7, shall be considered a permitted single family residential use of property for the purposes of zoning, except that a residential facility whose primary purpose is to treat juveniles who have violated criminal statutes relating to sex offenses or have been adjudicated delinquent on the basis of conduct in violation of criminal statutes relating to sex offenses shall not be considered a permitted use.

Residential Facility, Permitted Multi Family State Licensed Use: Except as otherwise provided in subdivision 7 or in any town, municipal or county zoning regulation as authorized by this subdivision, a state licensed residential facility serving from seven (7) through sixteen (16) persons or a licensed day care facility serving from thirteen (13) through sixteen (16) persons according to Chapter 462.357, Subd. 8, shall be considered a permitted multifamily residential use of property for purposes of zoning.

Residential Treatment Facility or Residential Treatment Center: A residential treatment facility or center, sometimes called a rehab, is a live-in health care facility providing therapy for substance abuse, mental illness, or other behavioral problems. Residential treatment may be considered the "last-ditch" approach to treating abnormal psychology or psychopathology.

Resort: A private commercial recreational development which includes multiple units intended for habitation on a temporary basis for relaxation or recreational purposes. Resorts are considered commercial planned unit developments.

Right-Of-Way (Row): The land covered by a public road, platted or via recorded roadway easement, and adjacent land designated or reserved for public use.

Road Agreement: An agreement between a developer and the road authority prescribing standards for roads.

Satellite Television Antennas: Dish-type antennas greater than one meter in diameter used in the reception of television communication signals from orbiting satellites.

School: A building or space that is principally used as a place where twenty-five (25) or more persons from any grade from head start through the 12th grade receive a full course of educational instruction. Any post-secondary or post high school educational building, including any college or other vocational technical college, shall not be deemed a school for purposes of adult sexually oriented business distance restrictions under this Ordinance.

Screening: The reduction of negative visual impact of a structure or use on adjacent or nearby properties by use of fencing, permanent landscape plantings, or other suitable means.

Searchlight: An apparatus for projecting a beam or beams of light from the ground into the sky.

Semi-Public Uses: Uses owned by private or private non-profit organizations which are open to some, but not all, of the public such as denominational cemeteries, private schools, clubs, lodges, recreation facilities, religious institutions, etc.

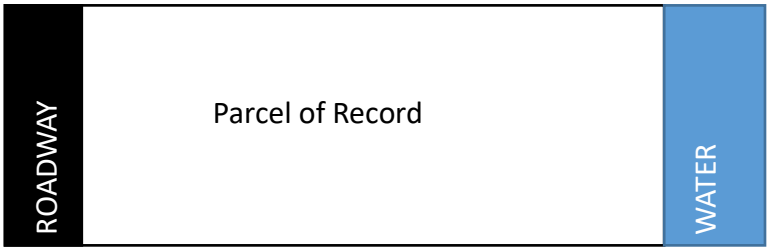


Semi-Trailer: A freight trailer with wheels only in the rear that is designed to be pulled by a truck tractor, and is used to transport and store materials and products.

Septic Tank: Any water tight, covered receptacle designed and constructed to receive the discharge of sewage from a building's sewer, to separate solids from liquids, digest organic matters, and store liquids for a period of detention, and allow the liquids to discharge to a soil treatment system.

Setback: The shortest straight line distance between the outer extremity of a structure (including eaves), sewage treatment system, or other facilities and an ordinary high water level, sewage treatment system, top of a bluff, road, highway, property line or other feature.

Setback, Front Riparian: Measured from the Ordinary High Water mark.



Setback, Front Non-Riparian: Measured from the parcel line the building is directionally facing (addressed). Corner Lots have two front yards, with specific setback requirements based on zoning category.



Sewage Treatment System: A system which uses subsurface soil treatment and disposal whereby septic tank effluent is treated and disposed of below the ground surface by filtration and percolation through the soil and includes those systems commonly known as: seepage beds; disposal field; and mounds. All private sewage treatment systems must meet or exceed the standards prescribed in MPCA Chapter 7080.

Sewer System: Pipelines, conduits, pumping stations, force main and all other construction, devices appliances, or appurtenances used for conducting sewage or industrial or other wastes to a point of ultimate disposal.

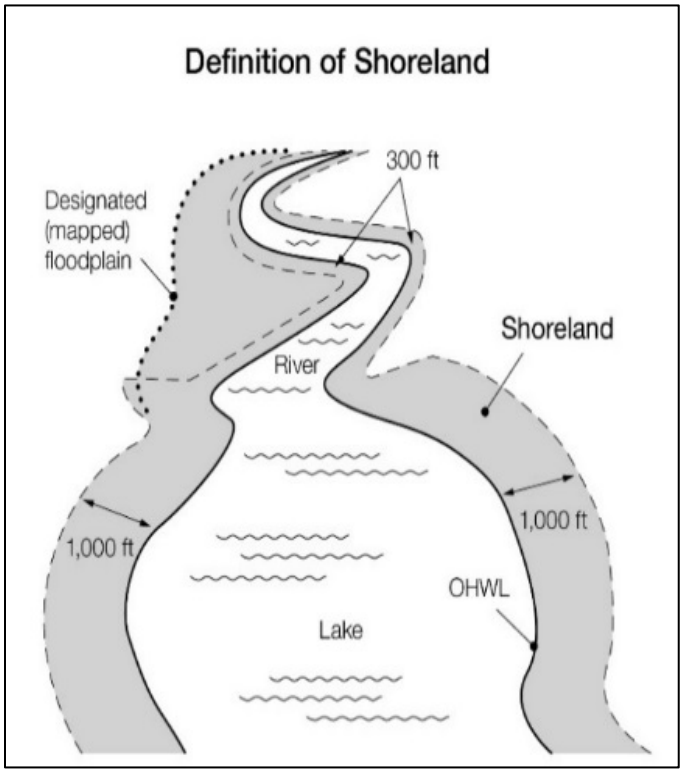
Shooting Range (Indoor): An indoor firing range facility designed for the purpose of providing a place to safely discharge firearms, and where a user fee is charged, or where a person must be a member of a group to be allowed to use the facility and membership requires the payment of dues or fees (gun club).

Shooting Range (Outdoor): An outdoor recreational firing range facility designed for the purpose of providing a place to safely discharge firearms, and where a user fee is charged, or where a person must be a member of a group to be allowed to use the facility and membership requires the payment of dues or fees (gun club).

A. Pistol/Rifle Firing Range: A recreational firing range in which a "rifle" (firearms designed to be fired from the shoulder, including, but not limited to, firearms designed for military or law enforcement, and muzzle loading firearms), or a "pistol" (a firearm designed to be held, aimed, and fired with one hand. Also known as a "handgun") is used to discharge projectiles along a firing line toward targets.

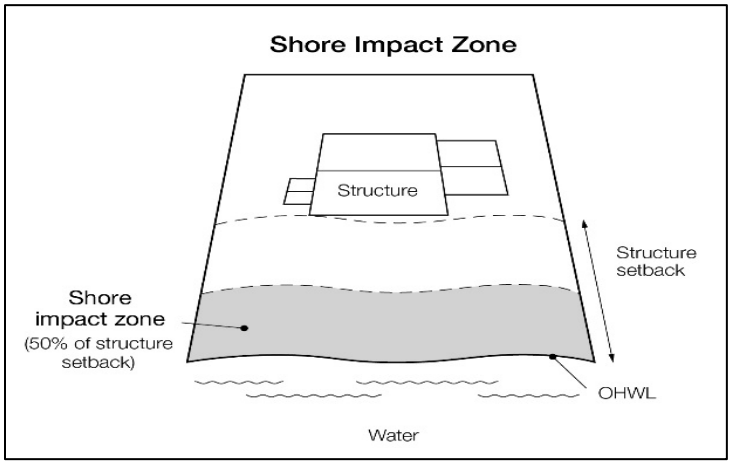
B. Shotgun Range: A recreational firing range in which a "shotgun" (a firearm designed to be fired from the shoulder with a smoothbore barrel that fires shot shells possessing a varying number of round pellets), is used to shoot at clay targets launched in the air from a machine. Shotgun ranges practicing recreational "clay pigeon shooting" are composed of three distinct disciplines; "trap shooting", "skeet shooting", and "sporting clays".

Shoreland: Land located within the following distances from public waters: one thousand (1,000) feet from the ordinary high water level of a lake, pond or flowage; five hundred (500) feet from that stretch of the Mississippi River classified as Scenic River; and three hundred (300) feet from any other river or stream classification, or the landward extent of a flood plain designated by ordinance on a river or stream, whichever is greater. The limits of shoreland 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.



Shore Impact Zone: Land located between the ordinary high water level of a public water and a line parallel to it at a setback of fifty percent (50%) of the structure setback.

Shore Recreation Facilities: A facility along or adjacent to the shore of a public water designed to provide recreational opportunities or services including, but not limited to, swimming areas, docks, watercraft mooring areas and launching ramps and other water recreation facilities.



Short-Term Rental: A dwelling unit, guest cottage, a structure designated or used for residential occupancy or portion of said structure, rented for a period of less than thirty (30) consecutive days. In which: (1) contains rooms furnished for the purposes of providing lodging to transient guests; (2) is kept, used, maintained, advertised or held out to the public as a place where sleeping accommodations are available for pay or compensation by transient guests. This term does not include bed and breakfasts, motels, hotels, or resort rooms.

Sight Visibility Triangle: The area of a lot closest to the intersection or driveway area, containing no visual impairment and allowing full view of both pedestrian and vehicular traffic according to the provisions of this Ordinance.

Sign: Any letter, word or symbol, poster, picture, statuary, reading matter or representation in the nature of an advertisement, announcement, message, or visual communication, whether painted, posted, printed, affixed or constructed including all associated brackets, braces, supports, wires and structures, which is displayed for informational or communicative purposes. A sign does not include wall or building art.

Sign, Abandoned: A sign which no longer identifies or advertises a bona fide business, lessor/landlord, service, owner, product or activity or for which no legal owner or operator can be found on the premises for which an existing business identification sign exists.

Sign, Area: The space inside a continuous line drawn around and enclosing all letters, designs, and background materials, exclusive of border, trim and structural supports. For the purpose of calculating the sign area of back-to-back signs, the stipulated maximum sign area shall refer to a single face, provided the internal radius of the sign does not exceed forty-five (45) degrees.

Sign, Awning: A sign painted on, printed on, or attached flat against the surface of an awning or shelter constructed on non-rigid materials on a supporting framework projecting from and supported by the exterior wall of a building.

Sign, Balloon or Inflatable Device: A moveable object consisting of rubber, vinyl, plastic, or a similar material which is capable of being inflated with air or gas to enlarge, swell or distend from internal pressure.

Sign, Banner: A sign made of fabric or any non-rigid material with no enclosing framework temporarily mounted to a building, structure, or the ground at two or more edges.

Sign, Bannerette: A small banner not exceeding four (4) square feet in size.

Sign, Bench: A permanent sign consisting of durable material attached to a bench or other similar type of outdoor furniture or seating. Such signage shall not be considered to be an off- premises advertising or billboard sign.

Sign, Billboard: An off-premise sign.

Sign, Business Identification, On-Premise: A sign which pertains to the use of the premises and/ or property on which it is located.

Sign, Business Identification, Off-Premise: A commercial speech sign which directs the attention of the public to a business that is not on the same parcel where such a sign is located.

Sign, Bulletin Board: A small announcement message advertising coming events or activities through the use of non-dynamic changeable copy, bulletins, or printed fliers.

Sign, Canopy: A sign affixed or applied to the exterior facing surface or surfaces of a building or freestanding canopy.

Sign, Clearance: The shortest vertical distance between the grade of the adjacent street, highway, or street curb, and the lowest point of any sign, including framework and embellishments, extending over that grade.

Sign, Construction: A temporary sign identifying an architect, contractor, subcontractor and/or material supplier participating in construction on the property on which the sign is located.

Sign, Copy: The graphic content of a sign surface in either permanent or removable letter, pictographic, symbolic, or alphabetic form.

Sign, Double Faced: A sign with two faces, either back-to-back, or in a V-shaped construction.

Sign, Dynamic Display: Any sign, portion of a sign or characteristics of a sign that appears to have movement or that appears to change and which is caused by any method other than physically removing and replacing the sign or its components, whether the apparent movement or change is in the display, the sign structure itself, or any other component of the sign. This includes a display that incorporates a technology or method allowing the sign face to change the image without having to physically or mechanically replace the sign face or its components. This also includes any rotating, revolving, moving, waving, flashing, blinking, or animated display or structural element, and any display that incorporates rotating panels, LED lights manipulated through digital input, “digital ink”, incandescent bulbs, or any other method or technology that allows a sign face, or any other device, to present a series of images or displays.

Sign, Dynamic Display Programming: The hardware, software and all necessary equipment and operations associated with the control and programming of a dynamic display.

Sign, Easel: (See Sandwich Board Sign).

Sign, Electrical: A sign or sign structure in which electrical wiring, connections, or fixtures are used.

Sign, Façade: The entire front of a building, including the parapet.

Sign, Face: The area of a sign on which the copy is placed.

Sign, Freestanding: A sign supported permanently upon the ground by poles or braces and not attached to any building.

Sign, Government: Any temporary or permanent sign erected and maintained by the Township, City, County, State or Federal Government.

Sign, Ground: A sign which is anchored to the ground in a similar manner as a pylon or freestanding sign, but with a monolithic or columnar line and which maintains essentially the same contour from grade to top. Height and setback requirements are the same as for freestanding signs.

Sign, Horizontal Banner A-Frame: A sign which shall be regulated according to the easel or sandwich board sign rules.

Sign, Height: The vertical distance measured from the highest point of the sign to the highest adjacent surface grade beneath the sign.

Sign, Incidental: A small sign, emblem, or decal placed on the exterior of a building, or attached to a freestanding structure on the premises, only informing the public of hours of operation.

Sign, Identification: A sign attached to or adjacent to a building entrance and which is limited to the name and address of the premise.

Sign, Illegal: A sign which does not meet the requirements of this Ordinance, and which has not received legal nonconforming status.

Sign, Illumination - Direct: An illuminated sign in which the light source is *not internally diffused* from within the sign.

Sign, Illumination - Indirect: An illuminated sign in which the light source *is internally diffused* from within the sign.

Sign, Low Profile: A monument sign not exceeding six (6) feet in height.

Sign, Maintenance: The cleaning, painting, repair or replacement of defective parts of a sign in a manner that does not alter the basic copy, design, or structure of the sign.

Sign, Marquee: Any sign attached to or supported by a marquee structure.

Sign, Master Plan: As sign plan approved as part of a multi-tenant commercial building or PUD.

Sign, Monument: A freestanding sign that is attached to the ground by means of a freestanding support structure, solid from grade to the top of the sign structure and is typically encased or supported by masonry or other permanent finished materials.

Sign, Multiple Faced: A sign containing three (3) or more faces. Each face shall be counted separately toward the maximum allowable sign area.

Sign, Nameplate: A non-electric on-premise identification sign giving only the name, address and/ or occupation of an occupant or group of occupants.

Sign, Off-Premise Directional or Way Finding: An approved road, park or trail authority off-premise directional sign which directs the traveling public to a parcel where a business or use is located.

Sign, On-Premise Directional: An on-premise directional sign which provides on-premise circulation safety to and from, or upon a parcel.

Sign, Pennants: Various colored flag-like devices in any shape that are individually or collectively attached by a continuous string, with or without messages, and are used for identification, signaling or directing attention where displayed.

Sign, Point of Purchase Display: A temporary exterior sign made of any material attached or adjacent to an item accompanying its exterior display.

Sign, Political: A temporary sign used in connection with a local, state or national election or referendum.

Sign, Portable: Any sign designed to be moved easily and not permanently affixed to the ground or to a structure or building.

Sign, Projecting: A sign other than a flat wall sign which is attached to a building and projects out at a non-horizontal angle from a wall or other structure not specifically designed and approved to support the sign.

Sign, Roof: Any sign erected over or on the roof of a building.

Sign, Sail: A piece of cloth, varying in size, shape, color, and design, attached at one edge to a staff or cord for the entire vertical length of the cloth, and used as a means of conveying a message.

Sign, Sandwich Board, or Easel: A temporary on-premise sign capable of being carried to and from a sidewalk or pedestrian area that is constructed of wood, metal, plastic or other durable material.

Sign, Snipe: A temporary sign or poster consisting of any materials such as metal, paper, plastic, cardboard, synthetic material, etc. that is affixed to a tree, telephone or utility pole, fuel pump canopy or supporting structure or pump island barrier, fence, permitted sign structure, light standard, exterior window, or attached to a structure or device and temporarily placed in the ground.

Sign, Special Event: An event or special promotional activity with a limited duration that involves the use of temporary signs or attention getting devices.

Sign, Static Identification: A permanent on-premise sign, either freestanding or wall mounted, and which does not contain a dynamic display or copy that can be changed manually.

Sign, Swinging: A sign which is made of permanent exterior material which is designed to swing in the air by hardware or some other form of attachment to an immovable object.

Sign, Temporary: A sign not constructed or intended for long-term use, such as a special event, or any sign for a business that has not yet obtained a permanent sign permit.

Sign, Under-Canopy: A sign suspended beneath a canopy, ceiling, roof, or marquee.

Sign, Wall: A sign attached essentially parallel to and extending not more than twenty-four (24) inches from the wall of a building with no copy on the sides or edges. This definition includes painted, individual letter, cabinet signs, and signs on a mansard.

Sign, Window: A sign attached to, placed upon, or painted on the interior of a window that is visible from the exterior of the building.

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 the qualifications for listing after review by the Minnesota State Archaeologist or the Director of the Minnesota Historic Society, or is locally designated by the City or township as a historic property or district. All unplatted cemeteries are automatically considered to be significant historic sites.

Single-Family Dwelling: A structure designated or used for residential occupancy by one family. See also Family, Rental.

Site Evaluation Report: A report completed by a licensed site evaluator containing a description of site and soil characteristics, percolation tests, and other information needed to ensure compliance with MPCA Chapter 7080.

Solar – Building Integrated: Solar energy absorption where the photovoltaic elements actually become an integral part of the building. Often serving as the exterior weather skin.

Solar Collectors: Any of several devices that absorb and accumulate solar radiation for use as a source of energy. Commercial collectors are large scale systems for profit. Personal collectors are considered an accessory use when the power generated from the solar energy system is equal to or less than the expected power usage of the principal use and any other accessory use on the property.

Solar Energy: The energy received by the earth from the sun. This energy is in the form of solar radiation, which makes the production of solar electricity possible.

Solar – Ground: A ground mounted or pole mounted system. Must comply with accessory structure requirements of the code; measured when oriented at maximum design tilt, shall not exceed the maximum building height for accessory buildings in the applicable zoning district.

Solar - Photovoltaic Energy Production Facility: Consists of one or more freestanding ground, pole, or roof mounted solar collector devices, solar related equipment and other accessory structures and buildings including substations, electrical infrastructure, transmission lines and other appurtenant structures and facilities.

Solar – Roof: A roof mounted system. Must not exceed five (5) feet above maximum allowed height of the building in the applicable zoning district.

Special Events: Are events, weddings, receptions, large parties or gatherings, business meetings, or similar activities on the premises of more than four (4) un-registered guests.

Steep Slopes: Steep slopes are lands having slopes over twelve percent (12%), as measured over horizontal distances of fifty (50) feet or more, that are not bluffs.

Storage Container (Permanent Use): A prefabricated metal container originally designed for the transport and storage of goods, which is repurposed for use as an accessory structure on a property.

Storage Container (Temporary): A standardized reusable steel box or container fabricated for the purpose of transporting freight or goods on a truck, railroad or ship, including cargo containers, shipping containers, storage units, or other portable structures that are placed on a private property and used for the storage of items, including, but not limited to, clothing, equipment, goods, household or office fixtures or furnishings, materials or merchandise.

Streamers: Any long narrow collection of wavy plastic, tinsel, etc., strips of materials that are on a continuous string attachment and designed to be tied to objects to wave or float in the wind.

Street, Public: A way for vehicular traffic, whether designated as a street, highway, thoroughfare, parkway, throughway, road, avenue, place, lane, court, alley or other such designation that has been accepted by the local government's road authority for maintenance as part of its system of publicly maintained right-of-ways.

Street, Private: A way for vehicular traffic, whether designated as a street, highway, thoroughfare, parkway, throughway, road, avenue, place, lane, court, alley or other such designation, which connects to one or more existing public streets over which the general public does not have a right to pass or that is dedicated to the public and has not been accepted.

Street Width: The shortest distance between the lines delineating the right-of-way of a street.

Structural Alteration: Any change to a structure, except those required by law or Ordinance, which would prolong the life of its supporting members, including but not limited to, bearing walls, columns, beams, or girders.

Structure: That which is built or constructed, an edifice or building or appurtenance thereto, or any piece of work artificially built up, or composed of parts joined together in some definable manner, except aerial or underground utility lines such as: sewer, electric, telephone, telegraph, gas lines, towers, poles, and other supporting appurtenances.

Studio Apartment: Apartment without a formally designed bedroom.

Subdivider: Any person commencing proceedings under the terms of this Ordinance to affect a subdivision of land hereunder for himself or for another.

Subdivision: The division of a parcel of land into two or more lots or parcels for the purpose of transfer of ownership or building or development or, if a new street is involved, any division of a parcel of land; the term includes re-subdivision and, when appropriate to the context, relates to the process of subdividing or to the land subdivided.

Subdivision Identification Sign: A freestanding or wall sign located at the entrance of a recognized subdivision, condominium complex, or residential development.

Subdivision, Major: A Subdivision of a real estate parcels that cannot be divided through the simple or minor subdivision process and requiring the approval of a preliminary and final plat or a CIC.

Subdivision, Minor: Any subdivision containing not more than eight (8) parcels fronting on an existing street, not involving any new street or road, or the extension of municipal facilities, or the creation of any public improvements, and not adversely affecting the remainder of the parcel or adjoining property, and not in conflict with any provision or portion of the Comprehensive Plan or these regulations.

Subdivision, Simple: The division of a parcel into up to and involving no more than four (4) parcels after a twenty (20) acre parcel of record has been subdivided, with a COS indicating necessary easements.

Substandard Lot: A lot that was legally established and recorded under the terms of regulations in existence at the time such lot was created, but which does not now meet the minimum dimensional standards prescribed by this Ordinance.

Subsurface sewage treatment systems (SSTS): A sewage treatment system as defined in all applicable Minnesota Rules, Chapters 7080 through 7083, that captures and may discharge effluent to an in-ground dispersal system. System flows of 5,000 gallons per day or less are classified as Individual Sewage Treatment Systems (ISTS), 5,001 to 10,000 gallons per day are classified as Mid-sized Sewage Treatment Systems (MSTS), and flows over 10,000 gallons per day are Large Subsurface Sewage Treatment Systems (LSTS). LSTS are regulated directly by the Minnesota Pollution Control Agency and require State Disposal Permits in most situations. Unless otherwise indicated, the word “system”, as it appears in this Ordinance, means a subsurface sewage treatment system.

Suitable Land: That portion of a lot, tract, or parcel of land that is a minimum of two (2) feet above the high water table.

Suitability Analysis. An evaluation of land to determine if it is appropriate for the proposed use. The analysis considers factors relevant to the proposed use and may include the following features: susceptibility to flooding; existence of wetlands; soils, erosion potential; slope steepness; water supply, sewage treatment capabilities; water depth, depth to groundwater and bedrock, vegetation, near-shore aquatic conditions unsuitable for water-based recreation; fish and wildlife habitat; presence of significant historic sites; or any other relevant feature of the natural land.

Surface 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 conductance of business. Marinas, resorts, and restaurants with transient docking facilities are examples of such use.

Temporary Uses or Structures: Any temporary use of property which is defined within Section 1011 of this Ordinance.

Thoroughfare: A Street provided for heavy volumes of fast moving vehicles, having considerable continuity, and used primarily as traffic arteries between large areas.

Tiny House: A house that is typically one hundred and fifty (150) to eight hundred (800) square feet. A tiny house on wheels is considered a recreational vehicle and a tiny house on a foundation is considered an accessory dwelling unit (ADU).

Tiny House Subdivision: A subdivision of land which promotes the development of tiny houses (one hundred and fifty (150) to eight hundred (800) square foot) as primary residential dwelling units.

Tower: Any ground or roof mounted pole, spire, structure, or combination thereof, including supporting lines, cables, wires, braces, and masts, intended primarily for the purpose of mounting an antenna, meteorological device, turbines, blades or similar apparatus above grade. Does not include flag poles and bird houses.

Tower, Guyed: A tower that is supported, in whole or in part, by wires and ground anchors.

Transient Guest: A person who occupies a short-term rental for not more than 30 consecutive days.

Unattended Vegetation: Overgrown or untrimmed shrubs, brush, or grasses; diseased, dead, noxious, or poisonous vegetative growth; weeds; and any other improperly maintained or inappropriate vegetation according to local and state laws.

Variable Front Yard Setback: A waiver from the strict enforcement of the front yard setback shown for a specific property, as established in §401(C)(6) of this Ordinance.

Variance: Relief from certain provisions of this Ordinance, when due to the particular physical surroundings, shape or topographical condition of the property, compliance would result in a practical difficulty upon the property owner. A variance shall not be used to permit a use in a district where it is not allowed under the terms of this Ordinance. Variances shall only be granted in compliance with M.S. 462.

Vehicular Sign: Signs placed on or painted on a motor vehicle or trailer parked with the primary purpose of providing signage not otherwise allowed by this Ordinance.

Veterinary Clinic or Animal Hospital: A facility for the diagnosis, treatment, or hospitalization of small animals, including dogs, cats, rabbits, hamsters, and other animals of similar nature. Does not include animal kennel, grooming, or boarding services.

Warehouse Storage and Distribution Facility: A facility in which goods shipped by truck are loaded, unloaded, or transferred between trucks for shipping or distribution, together with incidental truck storage, maintenance, and administrative offices.

Warming Center: A building operated for the purpose of temporarily sheltering of homeless persons from exposure to potentially life-threatening temperatures for brief intervals not to exceed sixteen (16) continuous hours and which is designed or licensed pursuant to state and local laws, rules, regulations and ordinances, to provide overnight sleeping accommodations.

Waste Water Treatment or Cluster Sewage Treatment Facility: Any plant, disposal field, lagoon, or other works, installed for the purpose of collecting, pumping, treating, stabilizing or disposing of sewage, as defined in Minnesota Statutes, Sections 115.01, subdivision 17.

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 and facilities include boathouses, gazebos, screen houses, fish houses, pump houses, and detached decks.

Water Supply Purpose: Any use of water for domestic, commercial, industrial or agricultural use.

Watercourse: A river or tributary identified by the Minnesota Department of Natural Resources as public water, or any river or stream identified in this Ordinance.

Wetland: "Wetland" has the meaning given under Minnesota Rule, part 8420.0111.

Wind Energy Conversion System (Wecs): Any device such as a wind charger, windmill or wind turbine, which converts wind energy to a form of usable energy for any purpose.

A. Small Commercial = >40 KW – 4,999 KW

B. Small Non- Commercial = < 40 KW

Yard, Front: A yard extending along the full width of the front lot line between side lot lines and extending from the abutting front street right of way line and/or ordinary high water level to a depth required in the yard regulations for the district in which such lot is located.

Yard, Rear: A yard extending along the full width of the rear lot line between the side lot lines and extending toward the front lot line for a depth as specified in the yard regulations for the district in which such lot is located.

Yard, Side: A yard extending along the side lot line between the front and rear yards having a width as specified in the yard regulations for the district in which such lot is located.

Yard, Side Exterior: That portion of a corner lot that borders a public street but is not defined by the address and for which no driveway access is provided.

ARTICLE II: ZONING DISTRICTS AND REGULATIONS

Section 201. Zoning Districts

Northern Township is hereby divided into the following zoning districts as shown below. These zoning districts are created in order to promote the orderly development of land within Northern Township, including the shoreland of its public waters.

C	**Conservation**	Provide areas of low intensity uses and development in order to preserve wildlife habitat & protect sensitive natural resources.
R-1	**Rural**	Provide areas of low density development and low intensity uses to preserve a predominantly rural residential character.
R-2	**Suburban Residential**	Provide areas for residential development, and other compatible uses, at a density which accounts for the provision of centralized sewer or water services.
R-3	**High Density Residential**	Provide areas for residential development and compatible uses at a density designed to promote efficiency in the delivery of central services.
R-4	**Multiple Family**	Provide areas for multiple family residential development and compatible uses in both an urban and suburban setting.
MH	**Manufactured Home Park**	Provide areas for the placement of manufactured homes in an approved manufactured home park.
B-1	**Commercial**	Provide areas for the placement of commercial establishments, including service, retail, and wholesale providers, and uses in areas where central services are not available.

Section 202. Overlay Districts

A. Shoreland Overlay (SH): PLEASE SEE ARTICLE IX. – All information regarding the Shoreland overlay district has been moved to Article IX.

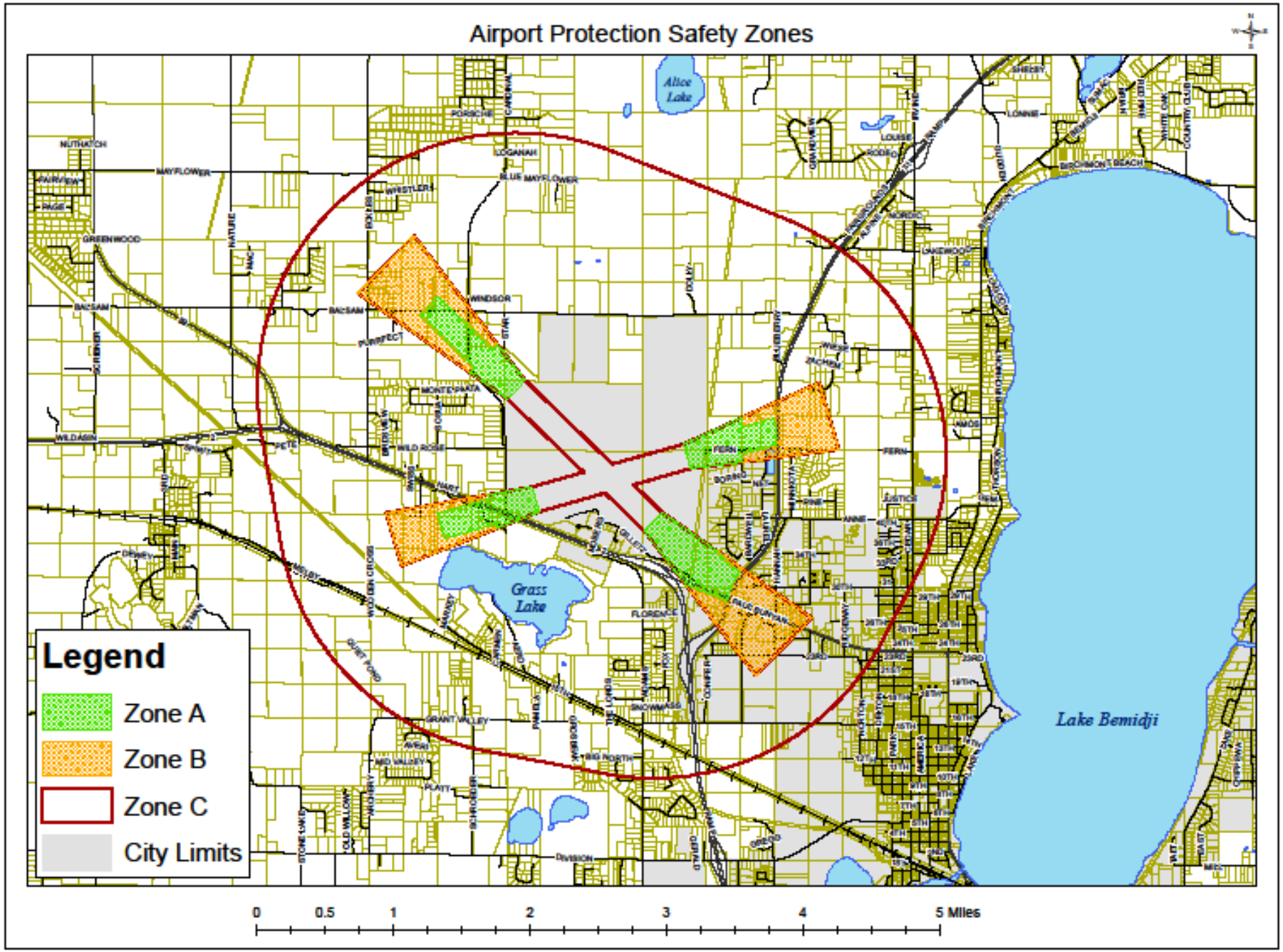
B. Airport Protection Overlay (AP): Protects the character of airport operations, airport safety, and the development within the airport safety zones at the ends of the runways.

1. Permitted Uses: All uses identified as permitted in the underlying zoning district will be considered in the Airport Protection Overlay district provided such use is allowed by, and complies with the minimum standards required under Minnesota Rules, part 8800.2400 applicable to the particular safety zone (Zone A, Zone B, or Zone C) in which the land is located (reference Section 1016 of this Ordinance).

2. Interim Uses: All uses identified in the underlying zoning district as interim uses will be considered as interim uses in the Airport Protection Overlay district provided such use is allowed by, and complies with the minimum standards required under Minnesota Rules, part 8800.2400 applicable to the particular safety zone (Zone A, Zone B, or Zone C) in which the land is located (reference Section 1016 of this Ordinance).

3. Conditional Uses: All uses identified in the underlying zoning district as conditional uses will be considered as conditional uses in the Airport Protection Overlay district provided such use is allowed by, and complies with the minimum standards required under Minnesota Rules, part 8800.2400 applicable to the particular safety zone (Zone A, Zone B, or Zone C) in which the land is located (reference Section 1016 of this Ordinance).

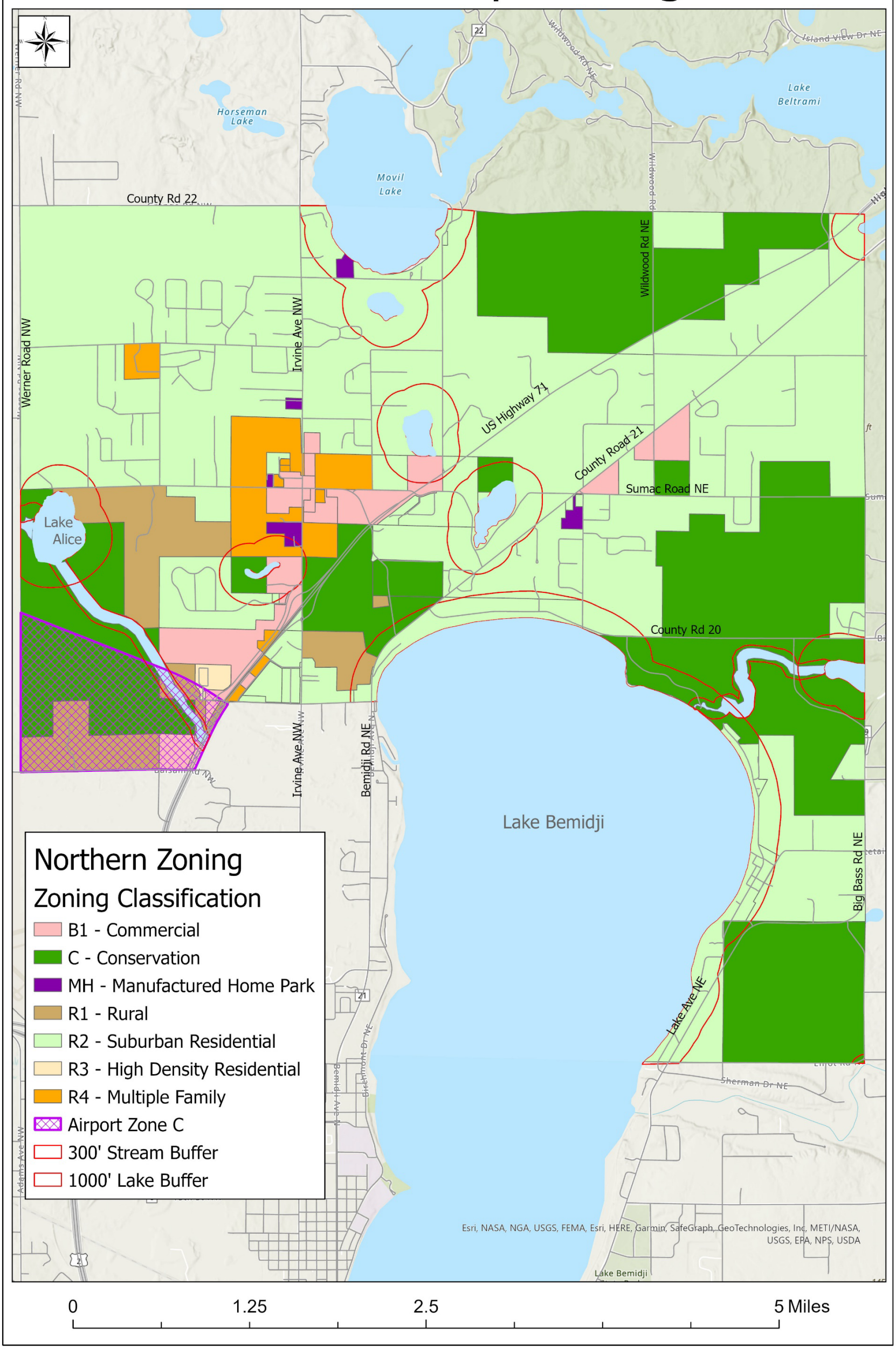
4. Airport Protection Overlay Map – See next page


Airport Protection Safety Zones
Alice Lake
Grass Lake
Lake Bemidji
Legend
Zone A
Zone B
Zone C
City Limits
0
0.5
1
2
3
4
5 Miles

Section 203. Zoning Map – See next page

The official zoning map of Northern Township is located at the offices of Northern Township. This map is hereby adopted by reference. A copy of this map is included in this Ordinance. Copies are also available at Northern Town Hall.

Northern Twp Zoning



Section 204. Interpretation of Zoning Map

Regardless of the existence of purported copies of the Official Zoning Map which may from time to time be made or published, the official Zoning Map, which shall be located in the office of Northern Township, shall be the final authority as the current zoning status of land within Northern Township.

District Boundaries:

The location and boundaries of the districts established by this Ordinance are set forth on the official Zoning Map. District boundary lines as indicated on the Zoning Map follow lot lines, property lines, rights-of-way or center lines of streets or alleys, rights-of-way or center lines of streets or alleys projected, the Township boundary lines, and shorelines, all as they exist upon the effective date of this Ordinance. If said boundary lines do not follow any of the above, the district boundary lines are established as drawn on the Zoning Map. If a lot or parcel held in single ownership on the date of adoption of this Ordinance is divided by a district boundary line, the entire lot shall be construed to be within the more restrictive district.

Vacated Ways:

Whenever any street, alley or other public way is vacated in the manner authorized by law, the zoning district adjoining each side of such street, alley or public way shall be automatically extended to the center of such vacation and all included in the vacation shall then and henceforth be subject to all regulations of the extended districts.

Appeals:

Appeals concerning the exact location of a zoning district boundary line shall be heard by the Board of Adjustment.

ARTICLE III: DISTRICT REGULATIONS

Section 301. Allowed, Permitted, Conditional, and Interim Uses

Permitted, conditional, and interim uses are enumerated by each zoning district according to the Land Use Regulation Matrix. Permitted, conditional, and interim uses shall meet the required criteria of both the zoning district and any overlay district. In cases where two standards exist, the stricter standard shall apply.

Building and/or Land Use Permits are required unless specifically exempted or allowed without a permit. There shall be erected or placed no more than one principal use or structure on any lot in a C, R-1, R-2 or R-3 District. In all other districts a second principal use or structure may be approved via conditional or interim use permit.

Whenever an application proposes a use not identified by this Ordinance as either a permitted, conditional or interim use, the Planning Administrator, after reviewing the Comprehensive plan and in consultation with the Planning Commission, either formal or informal, shall issue a statement of clarification, finding that the use is either substantially similar in character and impact to a use identified as either allowed, permitted, conditional or interim within the particular district, or that the use is not sufficiently similar to another use listed within the district. Such statement of clarification shall include the findings that led to such conclusion, and shall be filed in the official repository of Northern Township.

If the proposed use is not sufficiently similar to a use regulated as either a permitted, interim, or conditional use in the specific district, the use shall be prohibited. If an enumerated use in the Land Use Regulation Matrix is not specifically identified as allowed, permitted, conditional, or interim; then such use shall be deemed prohibited in the corresponding zoning district.

Section 302. NORTHERN TOWNSHIP LAND USE REGULATION MATRIX

Land Use Matrix

P = Permitted Use
C = Conditional Use, If a Conditional Use Permit is required and the use will be located in a leased space, the Interim Use Permit shall be required.
I = Interim Use
A = Allowed Without Permit

- **A blank means the use is prohibited and may not occur within the district. Some uses may also be more restricted by performance standards, or special provision related to that use.**
- **If a land use is not displayed in this matrix see Section 301. Allowed, Permitted, Conditional, and Interim Uses.**
- **The definition for each land use can be found in Section 109. Definitions of this Ordinance.**

Land Uses	Zoning Districts							
	Conservation	Residential					Commercial	
	C	R-1	R-2	R-3	R-4	MH	B-1	
Single Family		P	P	P	P	P		401 (C.)
Duplex, Tri-Plex, Quad (Townhome) (2-4 Units)				P	P			401 (C.)
Multi-Family or Townhome Development (5 to 29 Units)				C	P			401 (D.)
Multi-Family or Townhome Development (30 or Greater Units)				C	C			401 (D.)

	C	R-1	R-2	R-3	R-4	MH	B-1	
Multi-Family/ Mixed-Use					C		C	401 (E.)
Mobile Home						P		401 (C.) 1013
Tiny House Subdivision		C	C	C	C			1101
Assisted Living Facility				C	C			
Personal Storage Structure		C	C	C	C			
Dormitory, Fraternity, or Sorority				C	C			
Homeless Facility		I	I	I	I		I	1018
Residential Facility (6 or Fewer)		P	P	P	P	P		1030
Residential Facility (7 or More)					P			1030
Transitional Housing		I	I	I	I			1018
Armory		C					C	
Art Galleries & Museums							C	
Athletic Complex / Community Center	C	C	C	C	C	C	C	
Auditorium and Performing Arts							P	
Cemetery		C	C					
Family Cemetery		P	P					
Farmers Market (Flea/Food/Crafts)							I	
	C	R-1	R-2	R-3	R-4	MH	B-1	

	C	R-1	R-2	R-3	R-4	MH	B-1	
Public Library				C	C			
Park, Athletic Fields and Active Outdoor Recreation	C	C	C	C	C	C	C	
Passive Recreation Facilities	P	P	P	P	P	P	P	
Parking Structure (Public)								
Government building or public safety facility	C	C	C	C	C	C	P	
Public Transportation Facility							C	
Religious Institution		C	C	C	C	C	C	
Charter School		I	I	I	I		I	
School		C	C	C	C	C	C	
Art, Business or Vocational							I	
or College								
Building	C	C	C	C	C		C	
Ambulance Service							P	
Counseling Service (Behavioral, Mental Health, Drug & Alcohol Abuse)							C	
Indoor Fitness, Health Club or Spa					I		I	
Hospital					C		C	
	C	R-1	R-2	R-3	R-4	MH	B-1	

	C	R-1	R-2	R-3	R-4	MH	B-1	
Medical or Dental Clinic								
Medical Marijuana (Dispensary)							I	1029
Medical Marijuana (Manufacturer)							I	1029
Nursing Home					C			
Agriculture (Crop Farming)	A	A	A				A	
Agricultural Building		C	C				C	
Agriculture, Domestic Animal Farm(>3 Acres)		A	A	A				1021
Agriculture, Domestic Animal Farm (>1 <3 Acres)		P	P	P				1021
Agriculture, Non-Domestic or Exotic Animal		I	I	I	I	I		1021
Agricultural Produce, and Livestock Sales (Land owner property)		A						
Animal Breeding		I					I	
Animal Kennel and Grooming / Boarding							I	
Land Alteration/ Tree Removal not Incidental to Permitted Use	C	C	C	C	C	C	C	
Forestry, Land Management and Timber Harvest	P	P	P	P	P	P	P	1006/1007
Mining or Extraction (Sand, Gravel, & Peat)		I	I				I	1024
	C	R-1	R-2	R-3	R-4	MH	B-1	

	C	R-1	R-2	R-3	R-4	MH	B-1	
Veterinary Clinic or Animal Hospital							P	
Adult Use or Entertainment								1026
Community Indoor Entertainment, Small (Less than 10,000 S.F.)							P	
Community Indoor Entertainment, Large (10,000 S.F or more)							C	
Convention or Event Center								
Restaurant and Lounge							P	
Restaurant Drive-Thru or Drive-In							C	
Bed and Breakfast		C	C	C	C			
Campground or RV Park	I	I					I	
Hotel or Motel							C	
Short-Term Rental Unit		P	P	P	P			1020
Bank or Financial Institution							C	
Printing or Publishing							C	
Professional or Business Office							C	
Research, Design, and Testing							C	
	C	R-1	R-2	R-3	R-4	MH	B-1	

	C	R-1	R-2	R-3	R-4	MH	B-1	
Club or Lodge							P	
Shooting Range (Indoor)							I	
Shooting Range (Outdoor								1028
Marina (Surface Water Orientated Commercial Use)								
Daycare Facility (Licensed Commercial Care)		I	I	I	I		I	
Funeral Home or Crematorium							C	
Mini-Storage or Self-Service Storage							C	
Personal Service and Repair, Small (Less than 10,000 S.F.)							P	
Personal Service and Repair Large (10,000 S.F or more)							C	
Building Material Sale or Lumberyard							C	1002
Bulk Fuel Sales and Storage							I	
General Retail Store, Small (Less than 10,000 SF)							P	
General Retail Store, Large (10,000 SF or More)							C	
Grocery Store, Small (Less than 15,000 SF)				C	C		P	
Grocery Store, Large (15,000 SF or More)							C	
	C	R-1	R-2	R-3	R-4	MH	B-1	

	C	R-1	R-2	R-3	R-4	MH	B-1	
Liquor Store							P	
Cannabis Business							I	
Pawn or Trade Shop							C	
Pharmacy or Convenience, Small							P	
Pharmacy or Convenience, Large							C	
Automobile Towing / Impound Lot							I	
Automobile Repair or Body Shop							C	
Automobile Sales or Rental							I	1002
Automobile Service							P	
Automobile Car Wash and Detailing							P	
Atv, Boat, Recreational Vehicle, Snowmobile, Trailer, and Small Engine Sales and Service							I	
Gas Station and Convenience							C	
Heavy Truck, Farm Implement, Construction Equipment Repair, Rental, Sales, and Service							I	
Heavy Truck Fuel and Convenience							C	
Heavy Truck Wash and Detailing							C	
Used Parts, Salvage and Reclamation							I	
	C	R-1	R-2	R-3	R-4	MH	B-1	

	C	R-1	R-2	R-3	R-4	MH	B-1	
Bituminous or Concrete Plant and Sales		C					C	
Contractor's Shop and Storage Facility							C	
Hazardous Chemical Storage or Distribution								
Laundry Plant							C	
Food Processing or Production							P	
Light Manufacturing/Processing							C	
Heavy Manufacturing/Processing								
Cellular, Radio or Television Tower (Less than 75 feet in height)	P	P	P	P	P		P	1022
Cellular, Radio or Television Tower (Primary Use or 75 feet or more in height)	I	I	I	I	I		I	1022
Public Utility Building (major)	C	C	C	C	C	C	C	
Public Utility, Building (minor)	P	P	P	P	P	P	P	
Refuse Waste Facility (Transfer Station)								
	C	R-1	R-2	R-3	R-4	MH	B-1	

	C	R-1	R-2	R-3	R-4	MH	B-1	
Refuse Waste Facility (Construction Debris Service and Recycling)							C	
Solar or Renewable Energy Power Generating Facility (Commercial)		C						1023
Waste Water Treatment or Cluster Sewage Treatment Facility	C	C	C	C	C	C	C	
Wind Energy Conversion System (WECS) (Small Commercial)	I	I					I	1022
Airport and related facilities								1016
Warehouse Storage and Distribution Facility							C	
PUD, Commercial							C	
PUD, Mixed Use				C	C		C	
PUD, Residential		C	C	C	C	C		
Tiny House Subdivision		C	C	C				
Accessory Use or Structure	P	P	P	P	P	P	P	601
Accessory Dwelling Unit		P/C	P/C					604
Accessory Home Share		A	A	A	A	A		1020
Accessory Recreation Facility		A	A	A	A	A	A	
Caretaker Quarters (Incidental for security)				P	P	P	P	
	C	R-1	R-2	R-3	R-4	MH	B-1	

	C	R-1	R-2	R-3	R-4	MH	B-1	
Daycare Facility (Licensed Home Care 14 or Less)		A	A	A	A	A		
Fence	A	A	A	A	A	A	A	1004
Home Occupation Type 1		A	A	A	A	A		
Home Occupation Type 2		P	P	P				1012
Home Occupation Type 3		I	I	I				1012
Open Sales Lot, Minor							P	1002
Open Sales Lot, Major							I	1002
Private and Public Water Craft Access Ramps	C	C	C	C	C	C	C	910
Temporary Usage	P	P	P	P	P	P	P	1011
Solar or Renewable Energy Power Generating Facility (Personal Use)	A	A	A	A	A	A	A	1023
Wind Energy Conversion System (WECS) (Small Non-Commercial) (Less than 75 Feet in Height)	P	P	P				P	1022
Wind Energy Conversion System (WECS) (Small Non-Commercial) (Greater than 75 Feet in Height)		I	I				I	1022
	C	R-1	R-2	R-3	R-4	MH	B-1	

ARTICLE IV: LOT SIZE AND BULK REGULATIONS

Section 401. Minimum Lot Size Requirements and Bulk Requirements

The following requirements shall apply to all lots existing at the time of the adoption of this Ordinance. No new lot shall be created that does not meet the minimum dimensional standards of the encompassing zoning district. Except in the case of a planned unit development, each lot shall have access directly onto an abutting public street. PUD developments are designed with flexibility in mind.

An exception to this access requirement may be allowed where the parcel without direct street access, and the adjacent parcel which affords access, both contain a minimum of one (1) acre and a minimum lot width of two hundred (200) feet. In such cases, a permanent minimum thirty-three (33) foot wide private access easement shall be recorded against the adjacent parcel in favor of the restricted access parcel; which shall not be included in the calculation of the minimum lot width requirement (must be over and above minimum).

A. Private Roads and Driveways

Northern Township and applicable Road Authorities do not assume any responsibility for private roads or private easements providing ingress and egress to parcels of land. The responsibility for maintenance of such private road(s) falls solely upon the property owners utilizing the private road, including the responsibility to ensure that private roads are properly maintained to ensure adequate service by emergency vehicles. No public funding is or will be available to improve or maintain any private roads. Any road must be developed in accordance with the standards of the local road authority to be eligible for road maintenance. It is recommended that landowners using private roads enter into private road maintenance agreements with other road users to formally address maintenance and the allocation of corresponding expenses.

Any division creating a new parcel to be accessed by a private road shall contain the following statement on the Certificate of Survey creating the parcel(s) approved for recording:

"The improvement and maintenance of any private access driveway or road constructed within the easement for ingress and egress conveyed herein shall be the sole responsibility of the property owner or owners benefiting from the use thereof, and is not the responsibility of the public or any public road authority."

B. General Development Requirements

Whenever a standard specified within a particular zoning district and that within an overlay district conflict, the stricter standard shall prevail (for Shoreland Overlay Standards, please reference Article IX). All setbacks shall be measured to the furthest protruding/leading edge (eaves) unless otherwise noted in this article. Minimum lot sizes as prescribed shall be exclusive of roadway and major utility easements.

Notwithstanding the height regulations prescribed within each of the following subsections, and excepting the building height limitation in commercial planned unit developments prescribed in Section 1103B, no structures in residentially zoned shoreland areas, nor non-service oriented uses or structures of a residential character in non-residentially zoned shoreland areas, with the exception of religious institutions and agricultural structures, shall exceed thirty (30) feet in height. In all other shoreland areas the height of buildings shall be regulated by the standards prescribed in the following Sections.

In any zoning district allowing more than one structure per lot there shall be a minimum distance of ten (10) feet between structures, except where building code inspections are required. In such instances, the minimum distance between principal and/or accessory structures may be reduced in accordance with the requirements of the building code authority.

In any zoning district in which the building of a structure is proposed to be placed within the distance of three (3) feet of the required lot line setback, the applicant shall be required to verify the property line boundary, either through identifying the location of property line pins in order for Northern Township staff to confirm the proposed location is in compliance with the setback requirement, or by submitting a certificate of survey in which clearly delineates the distance of the proposed structure from the property line boundaries.

All temporary dwellings are regulated by Section 1011 Temporary Uses.

C. Standards for Single and Two Family Principle Dwellings

The following standards shall apply to all single and two family dwelling units, unless specifically exempted:

1. All single and two family principle dwellings shall have a minimum livable floor area of eight hundred (800) square feet per unit.

2. All single and two family dwellings shall be attached to a continuous load bearing permanent perimeter foundation that meets the requirements of the State Building Code (skirting is not an allowable substitute), except mobile homes in a mobile home park.

3. All single and two family principle dwellings, except mobile homes in a mobile home park, shall have a minimum width of twenty (20) feet.

4. Not more than one principle residential structure shall be located on a platted lot, or parcel of record, except as may be permitted by Article XI of this Ordinance relating to planned unit developments or Common Interest Communities consistent with the requirements of Minnesota Statute 515B.

5. A two family dwelling (duplex) may be divided into individual lots of record with the party wall acting as the dividing lot line subject to the following conditions:

    a. The property must be zoned either R-3 or R-4.
    b. To protect the safety and property of the owner and occupants of each unit, no two family dwelling may be split until the common party wall fire rating is brought up to adopted Building Code standards.

    c. Separate sewer and water services, and to the extent feasible, separate gas, electric, telephone, and other utilities shall be provided to each dwelling unit.

    d. The two-family units must be constructed in a side-by-side manner.

e. Where the subdivision of an existing or proposed two-family dwelling is requested, the lot size for each individual unit shall not be less than four thousand (4,000) square feet in area or such greater minimum required by Shoreland or other overlay.

f. If the property has not been surveyed, a certificate of survey shall be submitted showing the newly created lot line and the legal description of each lot.

g. A request for the division of a two-family dwelling shall be approved administratively by the Planning Administrator assuming all conditions are satisfied.

D. Standards for Multi-Family and Townhome Development

1. Apartments meeting the state building codes with a minimum dwelling space of three hundred (300) square feet for studio apartments and four hundred and fifty (450) square feet for one (1) bedroom apartments are allowed.

2. Any multi-family or townhome development with thirty (30) units or more shall require a conditional use permit. High density housing development in other districts shall be approved as a planned unit development. Whenever a public road is to be dedicated to the public, the development must be approved as a planned unit development or a major subdivision.

E. Standards for Multi-Family/Mixed Use Development
Mixed-use buildings require a conditional use permit in all zoning districts

Section 402. Lot Size and Bulk Regulations by Zoning District

A. Conservation Area (C)	
Lot Size:	
Minimum lot area:	5 acres
Minimum lot width:	330 feet
Minimum lot depth:	200 feet
Setbacks, Height, Impervious:	
Front yard	50 feet
Side yard, principal structure	15 feet
Side and rear yard, accessory structures	15 feet
Rear yard	30 feet
Riparian lots	10 feet reduction in rear yard setback*
Height of Structures	35 feet
Maximum Impervious Surface Coverage	15%

* Township roads only

B. Rural Area (R-1)	
Lot Size:	
Minimum lot area:	2 acres
Minimum lot width:	300 feet
Minimum lot depth:	200 feet
Setbacks, Height, Impervious:	
Front yard	50 feet
Side yard, principal structure	15 feet

Side and rear yard, accessory structures	15 feet
Rear yard	30 feet
Corner lot, exterior side yard	20 feet
Riparian lots	10 feet reduction in rear yard setback*
Height of Structures	35 feet
Maximum Impervious Surface Coverage	25%

* Township roads only

C. Suburban Residential - (R-2)		
Lots in the suburban residential – sewered district may be developed without central sewer. Unsewered lots within this district shall comply with the specific standards prescribed in this Section.		
Lot Size:	**Unsewered Lots**	**Sewered Lots**
Minimum lot area:	45,000 square feet	15,000 square feet*
Minimum lot width:	150 feet	100 feet
Minimum lot depth:	200 feet	100 feet
Setbacks, Height, Impervious:		
Front yard	30 feet	
Side yard, principal structure	7.5 feet**	
Side and rear yard, accessory structures	7.5 feet**	
Rear yard	30 feet	
Corner lot, exterior side yard	20 feet***	
Alley	20 feet, except as may be permitted****	
Riparian lots	10 feet reduction in rear yard setback*****	
Height of Structures	35 feet	
Maximum Impervious Surface Coverage	30%	

* Except for all parcels subject to Mississippi Headwaters Board Ordinance standards which shall require thirty thousand (30,000) square feet.
**Not applicable in shoreland
*** Minimum thirty (30) feet where driveway access exists or is proposed.
**** When an alley exists, the accessory structure setback may be reduced to five (5) feet with a side loaded garage.
***** Township roads only

D. High Density Residential (R-3)	
Lot Size:	
Minimum lot area: (Single Family)	6,000 square feet
Minimum lot area: (Duplex, Tri-Plex, Quad)	5,000 Square Feet, plus 2,000 Square Feet per additional dwelling unit.
Minimum lot width: (Single Family)	60 feet
Minimum lot width: (Duplex, Tri-Plex, Quad)	50 feet plus 20 feet per total dwelling units
Minimum lot depth:	100 feet
Setbacks, Height, Impervious:	
Front yard	30 feet
Side yard, principal structure	7.5 feet *
Side and rear yard, accessory structures	5 feet*
Rear yard	25% of lot depth up to 25 feet
Corner lot, exterior side yard	20 feet**

Alley	20 feet, except as may be permitted***
Riparian lots	10 feet reduction in rear yard setback****
Height of Structures	35 feet
Maximum Impervious Surface Coverage	40%

*Not applicable in shoreland
** Minimum thirty (30) feet where driveway access exists or is proposed.
*** When an alley exists, the accessory structure setback may be reduced to five (5) feet with a side loaded garage.
**** Twnship roads only

E. Multiple Family (R-4)		
Unsewered lots within this district shall comply with the specific standards prescribed in this Section.		
Lot Size:	**Unsewered Lots**	**Sewered Lots**
Minimum lot area:	1 acre	18,000 square feet per lot (minimum), or 1,500 square feet for each one bedroom or studio apartments and 2,000 square feet per dwelling unit whichever is greater
Minimum lot width:	200 feet	60 feet
Minimum lot depth:	150 feet	100 feet
Setbacks, Height, Impervious:		
Front yard	50 feet	30 feet
Side yard, principal structure	15 feet	7.5 feet plus one additional structures foot for each foot of Building height greater than 40 feet
Side and rear yard, accessory structures	15 feet	5 feet
Rear yard	30 feet	30 feet
Corner lot, exterior side yard		20 feet*
Alley	20 feet, except as may be permitted**	
Riparian lots	10 feet reduction in rear yard setback***	
Height of Structures	35 feet	50 feet
Maximum Impervious Surface Coverage	25%	70%

* Minimum thirty (30) feet where driveway access exists or is proposed.
**When an alley exists, the accessory structure setback may be reduced to five (5) feet with a side loaded garage.
*** Township roads only

F. Manufactured Housing Park (MH)	
In unsewered areas manufactured housing parks may be developed in districts where they are identified as permitted or conditional uses, and are prohibited in all other districts. In sewered areas manufactured housing parks are allowed only as designated on the zoning map. The following standards apply to manufactured housing parks in sewered areas.	
Lot Size:	

Minimum lot area:	2 acres for Park and 5,000 square feet per mobile home space, excluding streets and rights-of-way
Minimum lot width:	40 feet per space generally, 45 feet for corner spaces
Minimum lot depth:	100 feet per space
Setbacks, Height, Impervious:	
Front yard	Greater of 30 feet from lot line or 55 feet from centerline
Side yard, principal structure	7.5 feet
Side and rear yard, accessory structures	7.5 feet
Rear yard	10 feet
Height of Structures	35 feet
Maximum Impervious Surface Coverage	40%

G. Commercial (B-1)	
Lot Size:	
Minimum lot area:	1 acre
Minimum lot width:	150 feet
Minimum lot depth:	200 feet
Setbacks, Height, Impervious:	
Front yard	50 feet
Side yard, principal structure	15 feet
Side and rear yard, accessory structures	15 feet
Rear yard	30 feet
Height of Structures	35 feet, 65 feet for towers and flagpoles.
Maximum Impervious Surface Coverage	60%

A. Airport Protection Overlay

The standards and requirements of the underlying zoning district shall apply, except that height restriction, setback from runway centerline, and configuration of lighting placement shall be subject to the standards contained in MN Rules, part 8800.2400 and the approved site plan. Some of the standards contained in the rule include, but are not limited to, the following:

1. Primary Zone A shall contain no buildings, temporary structures, exposed transmission lines, or other similar land use structural hazards, and shall be restricted to those uses which will not create, attract, or bring together an assembly of persons thereon. Permitted uses may include, but are not limited to, such uses as agriculture (seasonal crops), horticulture, raising of livestock, animal husbandry, wildlife habitat, light outdoor recreation (non-spectator), cemeteries, and auto parking. All that land which lies directly under an imaginary primary surface longitudinally centered on a runway and: Extending two hundred (200) feet beyond each end of Runway. The width of the primary surface is: one thousand (1,000) feet for Runway

2. Horizontal Zone B shall be restricted in use as follows. Each use shall be on a site whose area shall not be less than three acres. Each use shall not create, attract, or bring together a site population that would exceed fifteen (15) times that of the site acreage. Each site shall have no more than one building plot upon which any number of structures may be erected. The

following uses are specifically prohibited in Zone B: churches, hospitals, schools, theaters, stadiums, hotels and motels, trailer courts, camp grounds, and other places of public or semipublic assembly. All that land which lies directly under an imaginary horizontal surface one hundred and fifty (150) feet above the established airport elevation, the perimeter of which is constructed by swinging arcs of specified radii from the center of each end of the primary surface of each runway and connecting the adjacent arcs by lines tangent to those arcs. The radius of each arc is: ten thousand (10,000) feet for Runway

3. Conical Zone C is subject only to the general restrictions contained in item A. No use shall be made of any land in any of the safety zones which creates or causes interference with the operation of radio or electronic facilities on the airport or with radio or electronic communications between the airport and aircraft, makes it difficult for pilots to distinguish between airport lights and other lights, results in glare in the eyes of pilots using the airport, impairs visibility in the vicinity of the airport, or otherwise endangers the landing, taking off, or maneuvering of aircraft.

4. Approach Zone: All that land which lies directly under an imaginary approach surface longitudinally centered on the extended centerline at each end of a runway. The inner edge of the approach surface is at the same width and elevation as, and coincides with, the end of the primary surface. The approach surface inclines upward and outward at a slope of:

   50:1 for Runway 25

   The approach surface expands uniformly to a width of:
   One thousand (1,000) feet for Runway at a distance of sixteen thousand (16,000) feet, then continues at the same rate of divergence for an additional forty thousand (40,000) feet to the periphery of the conical surface.
   20:1 for Runway 7

   One thousand (1,000) feet for Runway at a distance of one thousand and five hundred (1,500) feet, then continues at the same rate of divergence for an additional five thousand (5,000) feet to the periphery of the conical surface.

See also Section 1016.Special Provisions for Airport Protection Overlay

LAND USE SAFETY ZONING

SAFETY ZONE BOUNDARIES: In order to carry out the purpose of this Ordinance, as set forth above, to restrict those uses which may be hazardous to the operational safety of aircraft operating to and from the Bemidji Airport, and, furthermore, to limit population and building density in the runway approach areas, thereby creating sufficient open space to protect life and property in case of an accident, there are hereby created and established the following land use safety zones:

Runway: 13/31
Surface: Paved
Existing Length: 7002
Planned Length: 7002
Category: Other Than Utility - Precision Instrument

1. SAFETY ZONE A:

All land in that portion of the approach zones of a runway, as defined hereof, which extends outward from the end of the primary surface a distance equal to two-thirds (2/3) of the planned length of the runway, which distance shall be: Runway 13 Length = 1700 to 4668 feet
Runway 31 Length = 2500 to 4177 feet

2. SAFETY ZONE B:
All land in that portion of the approach zones of a runway, as defined hereof, which extends outward from Safety Zone A a distance equal to one-third (1/3) of the planned length of the runway, which distance shall be:
Runway 13 Length = 2334 to 5302feet
Runway 31 Length = 2825 to 4177feet

3. SAFETY ZONE C:
All land which is enclosed within the perimeter of the horizontal zone, as defined in hereof, and which is not included in Safety Zone A or Safety Zone B and equals the Horizontal Zone

Runway: 7/25
Surface: Paved
Existing Length: 5700
Planned Length: 5700
Category: Other Than Utility - Precision Instrument

1. SAFETY ZONE A:
All land in that portion of the approach zones of a runway, as defined hereof, which extends outward from the end of the primary surface a distance equal to two-thirds (2/3) of the planned length of the runway, which distance shall be:
Runway 13 Length = 1700 to 3800 feet
Runway 31 Length = 1700 to 3600 feet

2. SAFETY ZONE B:
All land in that portion of the approach zones of a runway, as defined hereof, which extends outward from Safety Zone A a distance equal to one-third (1/3) of the planned length of the runway, which distance shall be:
Runway 13 Length = 1900 to 5302 feet
Runway 31 Length = 2100 to 4000 feet

3. SAFETY ZONE C:
All land which is enclosed within the perimeter of the horizontal zone, as defined in hereof, and which is not included in Safety Zone A or Safety Zone B and equals the Horizontal Zone

ARTICLE V: NONCONFORMITIES AND SUBSTANDARD LOTS OF RECORD

The purpose of this Article is to provide for the regulation of nonconforming buildings, structures and uses and to specify those requirements, circumstances and conditions under which nonconforming buildings, structures and uses will be operated and maintained. It is the intent of this Ordinance that nonconforming uses shall be encouraged to eventually be brought into conformity. Legally established nonconformities existing as of the date of this Ordinance, or as of the date of an amendment which resulted in the nonconformity, are allowed to be continued, but they will be restricted as to any expansion, additions, or intensification of use.

Section 501. Nonconforming Uses and Structures

Any use or structure lawfully existing upon the effective date of this Ordinance that is not located in the Shoreland Overlay District may be continued at the size and in the manner of operation existing upon such date, subject to the following conditions:

A. Except as expressly allowed in (501.B) of this Ordinance: a nonconforming use of land or nonconforming structure shall in no way be expanded, enlarged or extended either on the same property or onto an adjoining lot of record if it will increase the area of nonconformity or create another nonconformity on the parcel.

B. 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.

C. Nonconforming principal and accessory structures may be expanded or enlarged upon if the following apply:

   1. The use of the property conforms to zoning district regulations,

   2. That all parts of the new expansion or enlargement meets current zoning district regulations,

   3. The individual sewage treatment system, where existing, is in full compliance with this Ordinance and all applicable statutes and rules are complied with, and

   4. No other nonconformities are created.

   5. Such expansion or enlargement of a non-conforming principal or accessory structure may be approved by administrative site plan approval in conjunction with a building or land use permit application provided the area of the new improvements does not add to the existing nonconformity nor does it create another nonconformity.

   6. All additions or alterations which expand or enlarge the total existing structure area on the parcel which cannot meet all other current zoning district regulations may only be authorized by a variance in accordance with Article XII of this Ordinance.

D. 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 will prevent the placing of a structure into a safe condition after it has been declared unsafe by a Certified Building Official.

E. 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 Planning Administrator.

F. Whenever a nonconforming structure or use is damaged by fire, collapse, flood, explosion, earthquake, war, riot, act of God or public enemy or to the extent of fifty percent (50%) or less of its estimated market value as indicated in the records of the county assessor 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 fifty percent (50%) of its estimated market value as indicated in the records of the county assessor at the time of damage and no building permit has been applied for within one hundred and eighty (180) days of when the property was damaged.

G. When any lawful nonconforming use of any structure or land is replaced by another use or new structure of different size, 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.

H. If the nonconforming use of land is discontinued for a period of twelve (12) months, the subsequent use of the land or the structure shall be in conformity with the provisions of this Ordinance.

I. Nonconforming uses or structures which are declared by Northern Township to be public nuisances shall not be allowed to continue as legal nonconforming uses or structures.

J. If a nonconforming use is determined to be uninhabitable Northern Township may ask the property owner to demo the structure. If the structure's location and size are surveyed the owner can maintain the nonconforming location of a structure. Examples include setbacks and height of a structure.

K. 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.

Section 502. Substandard Lots of Record

A lot of record existing upon the effective date of this Ordinance may be used for the erection of a structure without meeting the minimum lot area and lot width requirements provided that:

A. The use is permitted in the zoning district;

B. The lot has been in separate ownership from abutting lands at all times since it became substandard;

C. The lot was created compliant with the official controls in effect at that time;

D. The sewage treatment and setback requirements prescribed by this Ordinance are met;

E. The lot area and width are within sixty-six percent (66%) of the minimum requirements of this Ordinance. All B-1, R-1, R-2, and R-3 districts must meet the standards of Section 502(F).

F. In the B-1, R-1, and R-2 districts, existing lots of record greater than one (1) acre and with a width of at least one hundred (100) feet, or in the R-3 district, existing lots of record greater than thirty thousand (30,000) square feet and with a width of at least one hundred (100) feet may be developed without a variance, provided all other standards of this Ordinance are met;

G. A variance from setback requirements must be obtained before any use, sewage treatment system, or building permit is issued for a structure or facility to be constructed or placed on a substandard lot that does not meet the setback provisions of this Ordinance. In evaluating the variance request, the Board of Adjustment shall consider sewage treatment and water supply capabilities or constraints of the lot, and shall deny the variance if adequate facilities cannot be provided; and,

H. Appropriate land use and/or building permit(s) is/are obtained from the Planning Administrator or building authority.

I. A nonconforming lot of record cannot be created without a variance application and Northern Township approval through the public hearing process.

ARTICLE VI: ACCESSORY USES AND STRUCTURES

Section 601. Accessory Uses and Structures

Where a lot is devoted to a permitted principal use, customary accessory uses and structures are authorized, with the issuance of a Building/Land Use Permit, except as prohibited specifically or by necessary implication in this or any other ordinance, provided that:

A. All accessory buildings and structures, including but not limited to decks, stairways, handicapped access, 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 the Ordinance applicable to the principal building.

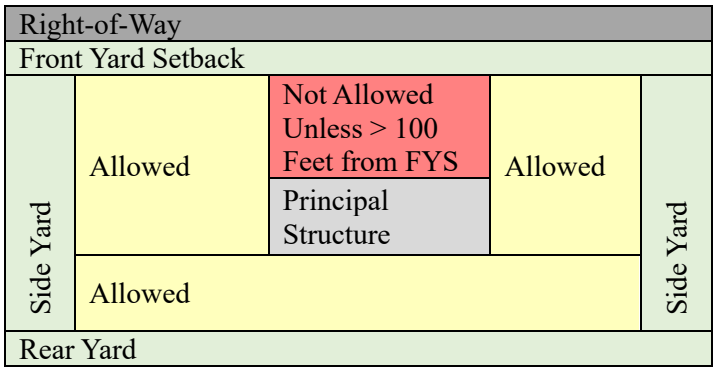
B. All detached accessory buildings shall comply with all of the requirements applicable to the principal structure and maintain a minimum of ten (10) feet between all structures.

C. No accessory building or structure shall be constructed, altered, or moved to any location within ten (10) feet of the principal building unless the structure is made an integral part of the principal building.

D. In the R-1 through R-4 Districts, there shall be no maximum size for accessory structures, provided all applicable impervious surface coverage requirements of the zoning district are met.

E. Accessory structures shall not exceed twenty-five (25) feet in height, and side walls may not exceed fourteen (14) feet in height, except that accessory structures on parcels containing one (1) acre or more in the R-1, R-2, & R-3 Districts shall not exceed thirty (30) feet in height, and side walls may not exceed sixteen (16) feet in height.

F. All detached accessory buildings or structures shall be located in the side or rear yards and shall not be placed directly between the front yard setback and principle structure. If the principle structure is set more than one hundred (100) feet from the front yard setback, then the accessory building may be placed directly between the front yard setback and principle structure. All such structures shall comply with all yard setback requirements applicable to the structures located within the zoning district.



G. Structures, with a floor area two hundred (200) square feet or less are exempt from the Building/Land Use Permit requirement, but they do count towards the maximum amount of accessory square footage allowed, and must meet all other underlying zoning requirements (i.e., setbacks, impervious surface total, etc.) per parcel.

H. Accessory structures shall not be constructed or occupied on any lot in the R-3 through R-4 zones prior to time of construction of the principal structure to which it is an accessory.

I. Accessory structures may be constructed on lots, not containing the principal structure in the R-3 through R-4 districts on the opposite side of the street or on an adjacent parcel. The accessory structure parcel shall be under the same ownership as the primary structure parcel.

J. The structure shall not be designed or used for human habitation and shall not contain sewage treatment facilities, unless the following conditions are met:

   a. SSTS is a compliant system in conformity with Article VIII of this Ordinance

K. Shipping or storage containers may be used as accessory structures, subject to the following:

   a. A Building/Land Use Permit shall be required prior to placement.

   b. Shipping or storage containers shall not be permitted on parcels consisting of one (1) acre or less in area.

   c. No more than one (1) shipping or storage container shall be permitted per parcel unless approved through a Conditional Use Permit.

   d. Containers shall be maintained in good condition and free of rust, corrosion, peeling paint, and visible corporate markings or identification numbers.

   e. Containers shall comply with all applicable accessory structure requirements of this Ordinance, including setbacks, height, and placement.

   f. Containers shall not be used for human habitation unless specifically permitted elsewhere in this Ordinance

Section 602. Accessory Buildings in Manufactured Housing Parks

No more than one storage building not to exceed one hundred and twenty (120) square feet is allowed per lot. A carport (in addition to the storage building) may also be allowed on manufactured home lots. All accessory buildings must meet setbacks. Storage and accessory buildings must be maintained and designed to enhance the general appearance of the lot.

Section 603. Accessory Recreational Facilities

Accessory recreation facilities shall comply with a five (5) foot side yard setback and front and rear yard setbacks as established by the zoning district.

Section 604. Accessory Dwelling Units.

Accessory dwelling units (ADUs) may be incorporated within or added onto an existing house, garage, or other accessory structure, or may be built as a separate structure on a lot where a single-family dwelling exists in the R-1 through R-3 Residential Districts.

Unless specifically addressed in this Section, ADUs are subject to the regulations of the underlying zoning district in regard to lot and bulk standards (e.g., height, setbacks, and pervious coverage requirements), and the Minnesota State Building Code for residential structures.

In keeping within the character and standards of single-family residential districts of Northern Township, the following standards shall apply:

1. Occupants of ADUs shall be limited to members of the family of the owner(s) of the principal structure.

2. No rental of the ADU's will be allowed.

3. No conversion of a single family house into a duplex will be allowed.
4. If a home is converted into a rental property, the ADU shall be removed.

A. Types of permits required:

1. Allowed with the issuance of a Land Use Permit:

a. Internal ADUs incorporated within an existing principal structure shall be permitted in the R-1 through R-3 districts.

b. Detached ADUs shall be permitted on lots in the R-1 and R-2 Residential Districts that contain a minimum of two (2) acres of contiguous land.

c. Attached ADUs shall be permitted on lots in the R-1 and R-2 Districts that contain a minimum of two (2) acres of contiguous land.

2. Allowed pursuant the approval of a Conditional Use Permit:

a. Detached ADUs in the R-3 Residential District, or on lots smaller than two (2) acres, shall require the issuance of a Conditional Use Permit subject to the standards of this Ordinance.

b. Attached ADUs in the R-3 Residential District, or on lots smaller than two (2) acres, shall require the issuance of a Conditional Use Permit subject to the standards of this Ordinance.

B. Property Standards:

1. ADUs shall only be permitted in residential districts when the property owner lives on the property within the principal dwelling.

2. Only one (1) ADU shall be allowed per single-family lot.

3. ADUs shall be located on the same parcel as the principle dwelling. ADUs located on back lots are prohibited.

4. ADUs shall remain under the ownership of the principal structure's occupant, and may not be sold separately or used as rental property.

5. ADUs shall not be subdivided or result in the creation of a separate tax parcel.

6. ADUs shall be prohibited on residential lots in which the permitted use of the principal structure is greater than a single-family use. This includes, but is not limited to, duplex units, twin homes, triplex units, quad units, residential facilities, etc.

7. Home Occupations are prohibited uses for ADUs in all zoning districts.

C. Design Standards

1. Minimum/Maximum Size. The maximum size of an ADU may be no more than fifty percent (50%) of the square footage of the principal dwelling unit or eight hundred (800) square feet, whichever is less.
2. Setbacks. The ADU must abide by the regular accessory structure setbacks.

3. Height. The height of the ADU shall not exceed that of the principle structure.

4. Architectural design. Attached ADUs added to the principal structure or to an existing accessory structure shall be designed to maintain the architectural design, style, appearance and character of the main building.

5. Parking. Parking requirements shall be established by Northern Township for ADUs that require approval of a CUP, and the Planning Administrator shall determine parking requirements for permitted ADUs on a case-to-case basis.

6. Conversion of an existing structure to an ADU shall only occur if the existing structure meets all other zoning standards (setbacks, height, impervious, SSTS compliance).

7. All ADU structures shall be attached to a continuous load bearing permanent perimeter foundation that meets the requirements of the State Building Code (skirting is not an allowable substitute).

ARTICLE VII: SIGN REGULATIONS

Section 701. Purpose and Intent

The purpose of this Section shall be to coordinate the type, placement, and scale of signs within the different zoning districts to recognize the commercial communication requirements of all sectors of the business community; to encourage the innovative use of design; to promote both renovation and proper maintenance; to allow for special circumstances; to provide for the safety of the traveling public by limiting distractions, hazards and obstructions; and to guarantee equal treatment under the law through accurate record keeping and consistent enforcement. These shall be accomplished by regulation of the display, erection, use and maintenance of signs. No sign shall be permitted as a main or accessory use except in accordance with the provisions of this Ordinance.

Because of its unique environmental setting, it is further the intent of this Ordinance to encourage quality and aesthetics in the size, design and the materials used for sign construction; to enhance the overall appearance and image of the community; and to assure that the public is not endangered by the unsafe, disorderly or unnecessary use of signage. It is not, however, the purpose or intent of this Ordinance to regulate the message displayed on any sign.

Section 702. Scope

The purpose of this Ordinance shall be to regulate all signs intended to be viewed from any vehicular or pedestrian public right-of-way. This Ordinance shall not regulate government signs; the copy or message displayed on signs; signs not intended to be viewed from a public right-of-way; interior window displays; product dispensers; non-dynamic display scoreboards on athletic fields; gravestones; barber poles; religious symbols; commemorative plaques; the display of street numbers; or any display or construction not defined herein as a sign.

The owner of any sign which is otherwise allowed by this Ordinance may substitute non-commercial copy in lieu of any other commercial or non-commercial copy. This substitution of copy may be made without any additional approval or permitting. The purpose of this provision is to prevent any inadvertent favoring of commercial speech over non-commercial speech, or favoring of any particular non-commercial message over any other non-commercial message. This provision prevails over any more specific provision to the contrary.

Section 703. General Provisions

It shall hereafter be unlawful for any person to erect, place, or maintain a sign in Northern Township except in accordance with the provisions of this Ordinance. Signs, other than government signs, are prohibited within all public rights-of-way and easements and on public property. Projecting signs, awnings, canopies, and under canopy signs that overhang a sidewalk or other pedestrian way shall provide a minimum clearance above the said pedestrian way of eight (8) feet.

Section 704. Prohibited Signs

The following signs are prohibited in all districts:

A. Signs on vacant or abandoned buildings, or signs located at businesses which have ceased to operate as commercial enterprises. Such signs shall be removed by the property owner within thirty (30) days of abandonment or business cessation;

B. Signs imitating or resembling official traffic or public safety signs or signals in shape, size or color;

C. Snipe signs or signs attached to trees, telephone or utility poles, public benches, streetlights, or placed on any public property or public right-of-way, with the exception of government signs;

D. Signs that interfere with the safe operation of official traffic control devices;

E. Signs that emit sound;

F. Signs anchored by guy wires, chains, cables or similar devices that project down to the ground or in any way which create an unsafe condition for pedestrians or motorists;

G. Dynamic displays on any moving motorized or non-motorized vehicle, except as may be allowed in a parade which has been officially approved by a political subdivision;

H. Roof signs without a CUP approved (excludes sloping roof signs and fascia signs on roof-like projections. Such signs may not extend higher than the peak of the roof line);

I. Swinging or other non-secured permanent signs;

J. Billboards including all dynamic billboard type displays;

K. Any vehicular signs displayed on a parked trailer or truck or other vehicle where the primary purpose of the vehicle is to advertise a product, service business, or other activity is prohibited. This regulation shall permit the use of business logos, identification or advertising on vehicles primarily and actively used for business purposes and/or personal transportation;

L. Signs tied to trees, supported by rocks or other naturally occurring landscape features; and

M. Off-premise or directional signage.

Section 705. Nonconforming Signs:

Existing signs which were legally erected, placed or maintained which do not conform to the specific provision of this Ordinance may continue in use provided that:

A. Any sign legally existing at the time of the passage of this Ordinance that does not conform to the provisions of this Ordinance shall be considered a legal nonconforming sign and may be continued through repair, replacement, restoration, maintenance, or improvement but not including, expansion. "Expansion" shall be defined as any structural alteration, change or addition that is made outside of the original sign structure or sign area, including the addition of a dynamic display.

B. When any legal nonconforming sign is discontinued for a period of more than one year, or is changed to a conforming sign, any future sign shall be in conformity with the provisions of this Ordinance. Any legal nonconforming sign shall be removed and shall not be repaired, replaced, or rebuilt if it is damaged by fire or similar peril to the extent of fifty percent (50%) or more of its estimated market value at the time of damage and no sign permit have been applied for

within one hundred and eighty (180) days of the date of destruction. The County Assessor shall be responsible for making the determination of whether a nonconforming off-premise business identification or billboard sign has been destroyed fifty percent (50%) or less of its estimated market value at the time of destruction.

C. In the event a sign permit is applied for within one hundred and eighty (180) days of the date of destruction, the Board may impose reasonable conditions upon the sign permit in order to mitigate any newly created impact on adjacent properties.

D. A lawful nonconforming sign shall not be changed to a similar nonconforming sign or to a more restrictive nonconforming sign.

E. All legal nonconforming signs that have dynamic displays are required to comply with the night time dynamic display programming requirements of this Ordinance, provided that the sign is capable of meeting programming requirements, as determined by the Planning Administrator.

Section 706. Permits Required

Unless otherwise provided by this Ordinance, all signs shall require a sign permit issued by the Planning Administrator. No permit is required for the maintenance of a sign or for a change of copy on painted or printed sign face panels.

A. General information & application:

1. All signs requiring a permit will be required to pay an application fee as specified by the Board's fee schedule.

2. In addition to a sign permit, an electrical permit must be obtained, if required, for illuminated signs or signs that have dynamic displays.

3. Unless otherwise stated herein, a permit will be valid for the life of the sign.

4. Application for a sign permit must be made on the forms provided by the Board and filed with the Planning Administrator.

5. A change in business or ownership resulting in new signage requires staff review and a new sign permit.

B. Inspections. A sign requiring a permit shall be subject to an initial inspection by the Board to determine whether the sign conforms to the provisions of this Ordinance, the permit application and other applicable laws, ordinances and regulations, including, but not limited to: sign location, size, footings, structural design, and materials used.

C. Permit Issuance. Upon the filing of a complete permit application, the Planning Administrator shall review the application materials submitted. If the proposed sign complies with this Section and other applicable laws, ordinances and regulations, the Planning Administrator shall issue a sign permit.

Section 707. Signs Not Requiring Permits

The following types of signs are exempt from permit requirements but must be in compliance with all other requirements of this Ordinance:

A. One non-illuminated sign with a commercial message that does not exceed thirty-two (32) square feet in sign area in the single family R1 – R 4 and MH Districts and forty-eight (48) square feet in sign area in all other zoning districts may be placed upon a construction site. The sign must be removed within ten (10) days after completion of construction or issuance of a certificate of occupancy, whichever occurs first.

B. Holiday decorations.

C. Identification signs.

D. *Residential districts.* Identification signs not to exceed three (3) square feet in area.

E. *Non-residential districts. Identification* signs not to exceed five (5) square feet in area.

F. Signs authorized by Minnesota Statutes Section 211B.045.

G. Government signs.

H. Commercial message signs on property that is for sale or lease according to the following standards:

Zoning District	Road Speed	Max. Size
R-1,2,3,4; MH; C	40 mph or less	6 square feet
R-1,2,3,4; MH; C	45 mph or greater	16 square feet
B-1	50 mph or less	32 square feet
B-1	55 mph or less	64 square feet

All signs allowed by this paragraph must be removed within seven (7) days after the closing date of the sale or lease of the property.

I. Window signs. For commercial uses, window signs shall be allowed only as accessory signage to a permitted permanent sign, and shall not be used as the principal wall sign of the business. If a window sign is the primary sign, then a permit is required and applicable sizes will comply.

J. Incidental signs that are two (2) square feet in sign area or less, including, but not limited, to decals, logos, and emblems.

K. Wall or building art, provided such signs do not contain any commercial messaging.

L. Flags:

1. *Location.* Flags and flagpoles shall not be located within any right-of-way.

2. *Height.* Flags shall not be higher than what is allowed in underlying zoning district for an allowed principal structure;

3. *Number.* No more than two (2) flags per lot in residential districts, no more than three (3) flags per lot in all other districts;

4. *Size.* Maximum flag size is twenty-four (24) square feet in residential districts, thirty-five (35) square feet in all other districts; and
5. Flags containing commercial messages may be used in lieu of a permitted freestanding or projecting signs, and, if so used, the area of the flag shall be included in, and limited by the computation of allowable area for signs on the property.

M. Signs of any size on vehicles traveling or lawfully parked on operating and insured vehicles, construction trailers, or equipment which are temporarily parked on a permitted construction site.

N. Freestanding or portable signs not more than four (4) square feet in size, on private property (having a garage sale) for not more than three (3) days. Property owner is responsible for removal of signs.

O. Temporary or permanent signs installed or placed by public utilities to warn the public.

P. Outdoor scoreboards in athletic stadiums that do not include dynamic displays.

Q. Static signs or banners adorning fences located in permitted outdoor recreational facilities, provided they are placed so as to only be viewed internal to the play field area and are not placed so as to orient a commercial message toward an adjacent public road right-of-way.

R. On-premise directional signs without business identification are permitted in parking lots or driveways of properties containing a multi-family residential use and in parking lots or driveways of properties located in a commercial or industrial district. Said signs shall not exceed four (4) square feet in total directional sign area, unless otherwise permitted via planned unit development. Said signs shall not exceed five (5) feet in height, unless they are placed on a building.

S. One off-premise directional sign per avenue or block leading to a commercially or industrially zoned property that has a driveway that has been permanently closed by the road authority and for which no reasonable direct access remains, as determined by the Board. Said sign shall not be illuminated, shall not exceed two (2) square feet in sign area and eight (8) feet in height. No more than three (3) off-premise directional signs shall be located on a single parcel and shall be placed on the same sign freestanding structure where feasible.

T. Bench signs located at bus stops, adjacent to sidewalks and located on other public and private resting places. Said sign shall not exceed four (4) square feet in sign area.

U. Point of purchase display signs not to exceed one (1) square foot in sign area.

V. Handicapped parking signs.

W. One non-illuminated non-commercial speech sign, not to exceed four (4) square feet, may be attached to the wall of a structure by the owner, may not be an off-premises sign, and shall not contain any dynamic display.

X. One non-commercial speech community event banner, not to exceed one hundred (100) square feet, may be allowed in designated locations. Each location shall be approved by Northern Township.

Y. Security or warning signs. On-premise signs regulating the use of the premises, including, but not limited to, “no trespassing”, “no hunting”, “no soliciting” signs, and security system signs:

a. *Residential districts*. Signs not to exceed two (2) square feet in area.

b. *Non-residential districts*. Maximum of one (1) large sign per property, not to exceed five (5) square feet in area. All other posted security and warning signs may not exceed two (2) square feet in area.

Z. Private Drive Sign. On-premise private drive signs are limited to one (1) per driveway entrance, not exceeding two (2) square feet in area.

Section 708. Sign Standards

All signs shall be properly maintained. Exposed surfaces shall be clean and painted if paint is required. Defective parts shall be replaced. The Planning Administrator shall order the repair or removal of any sign which is defective, damaged, or substantially deteriorated. Replacement of support posts, columns, pylons or other structural supports for any sign shall constitute removal of such sign, and its replacement shall be done in compliance with the terms of this Ordinance. Banners and other temporary signs when attached to non-utility poles, stakes, tents, buildings or other structures shall be well secured so that they are not blown around uncontrollably by the wind. Banners and other temporary signs shall be maintained such that they do not become ripped, torn, faded, defaced, damaged, loose, or unsecured.

A. Typical sign elevations

1. Freestanding signs

a. May be double or mutli faced and contain thematic embelishment and integral covers or cladding to conceal structural parts.



PYLON

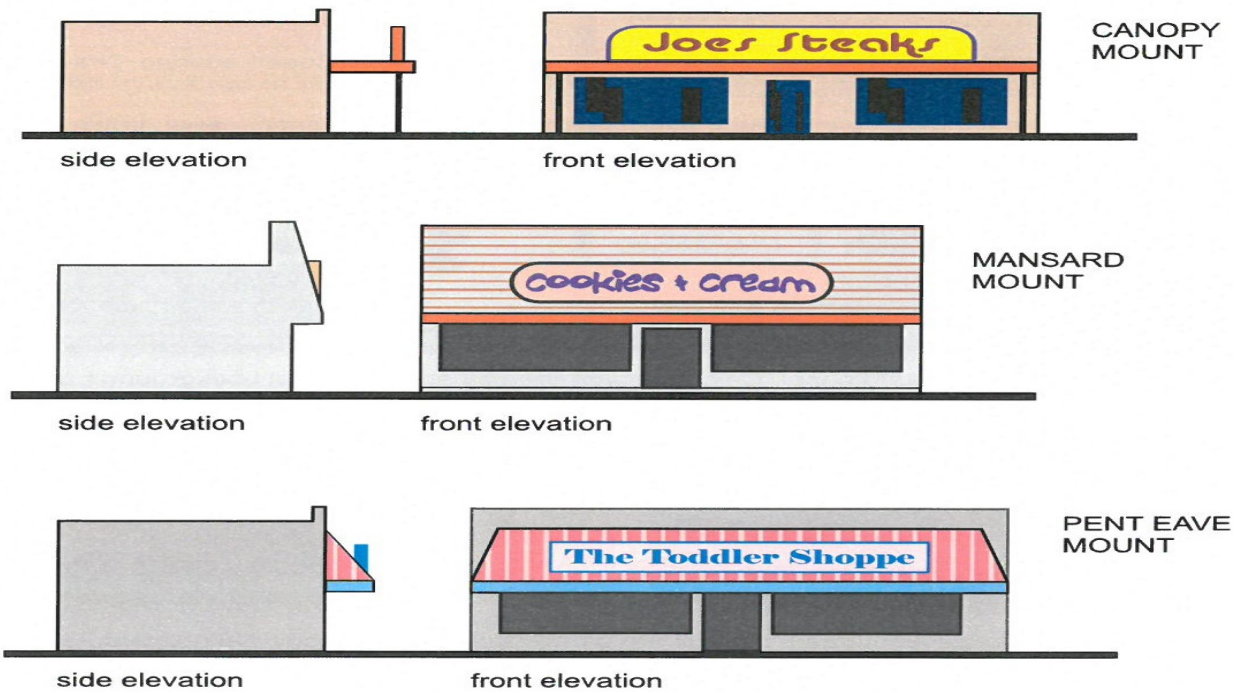


MONUMENT

2. Wall signs



3. Fascia signs (not roof signs)



B. Sign Face Area

a. Sign cabinets. The area of sign faces enclosed in frames or cabinets is determined based on the outer dimensions of the frame or cabinet

b. Double sided signs. Only one (1) side of a double sided sign is counted in determining the area of sign faces. Where the two (2) sides are not of equal size, the larger of the two (2) sides is used to determine sign area. The area of multiple-faced signs in which the interior angle formed by the faces is greater than ninety-one degrees (91°) shall be expressed as the sum of the areas of all the faces, except for multiple-faced signs containing faces that are configured back to back, in which case the area of the faces configured back to back will be calculated according to the rule for double-faced signs.

c. Round, oval & irregularly shaped signs. The area of a round, oval, or irregularly shaped sign shall be measured based on the appropriate mathematical formula to obtain the sign area.

C. Calculating Sign Area

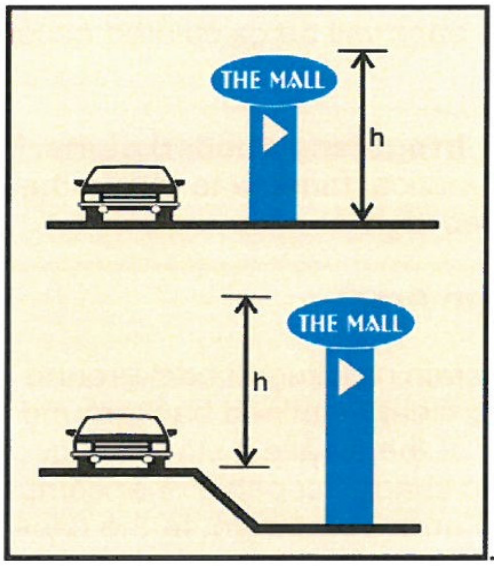
a. Signs containing integral background areas: The area of a sign containing a clearly defined background area shall be calculated based on the area of the smallest standard geometric shape or combination of geometric shapes capable of encompassing the perimeter of the background area of the sign. In the case of signs in which multiple background areas are separated by open space, sign area shall be calculated based on the sum of the areas of all separate background areas, calculated as referenced above, but without regard for any open space between the separate background areas.

b. Signs without integral background areas: In instances in which a sign consists of individual elements such as channel letters, symbols, or other graphic objects or representations that are painted, attached to, or otherwise affixed to a surface such as a wall, window, canopy, awning, architectural projection, or to any surface not specifically designed to serve as a sign background, the sign area shall be based on the sum of the individual areas of the smallest geometric shape or combination of geometric shapes capable of encompassing the perimeters of the individual elements comprising the sign.

D. Awnings and marquees.
When graphics or sign copy is incorporated into an awning, the sign area is determined by computing the area of a standard imaginary geometric shape or combination of shapes drawn around the sign copy area or graphics. When the ends of awnings or marquees are parallel and contain graphics or sign copy, only one side is counted in addition to the sign face area on the front.

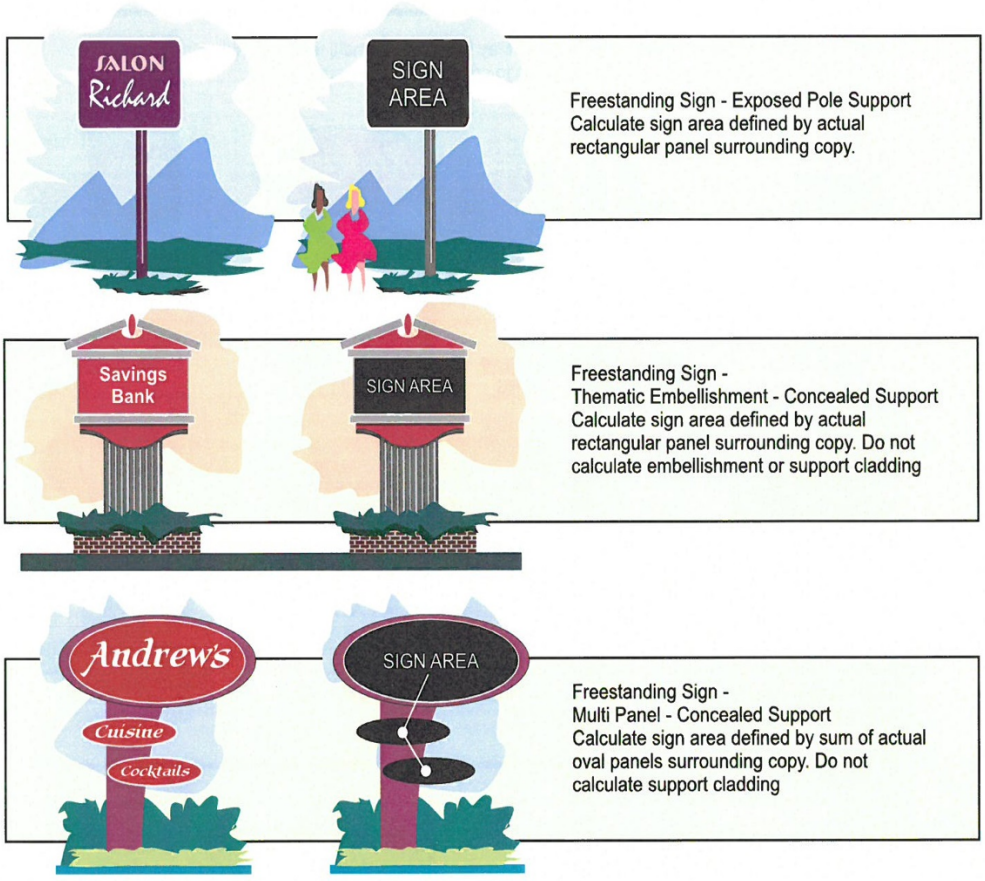
E. Height of Sign. The overall height of a freestanding sign or sign structure is measured from the lowest point of the ground directly below the sign to the highest point of the freestanding sign or sign structure.

Exception: Where a freestanding sign or sign structure is mounted along a roadway that has a higher grade level as compared to the grade level directly below the freestanding sign or sign structure, then the freestanding sign or structure's height will be measured from the roadway grade level to the highest point of the freestanding sign or sign structure.

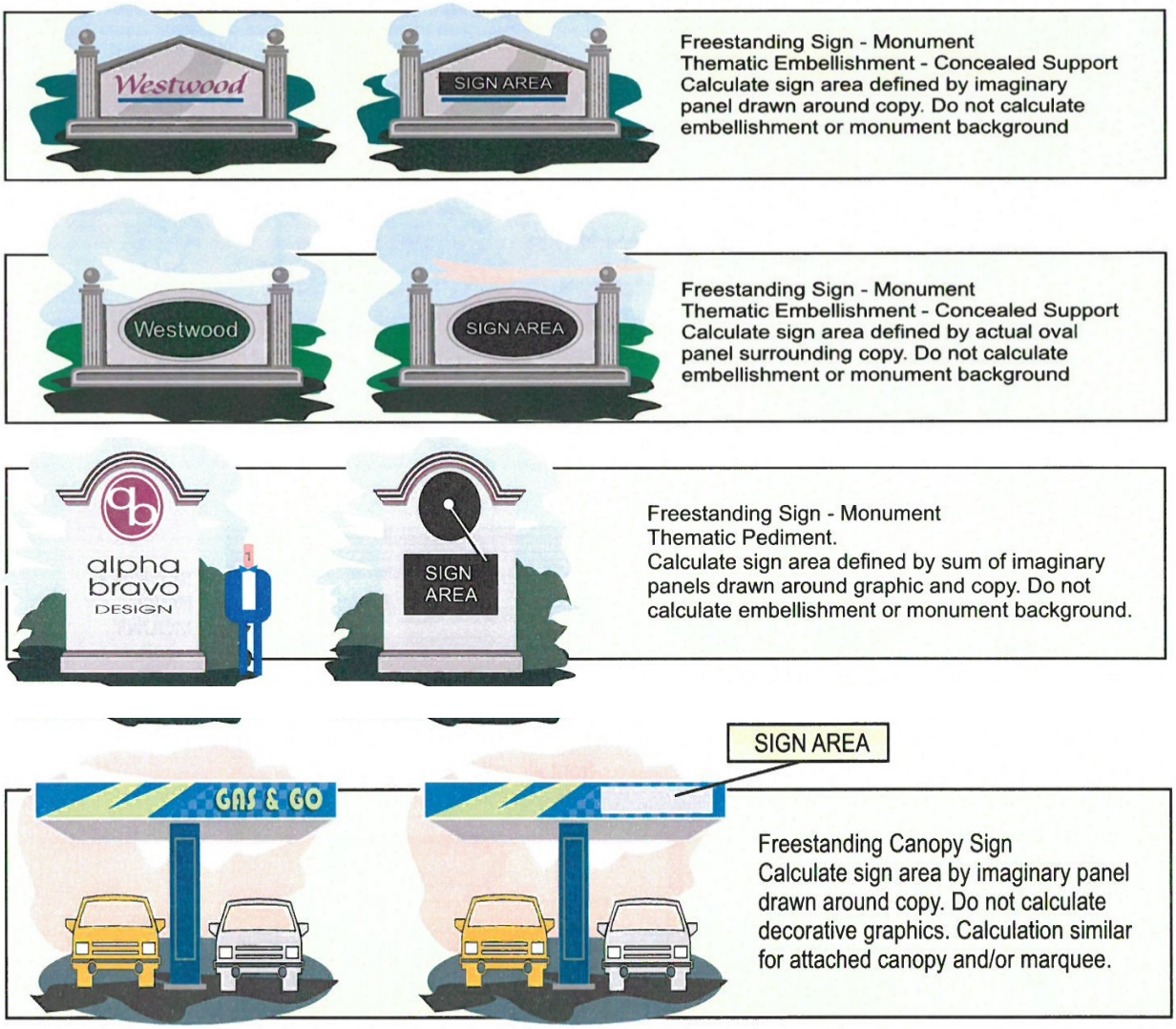


F. Illustrations: Sign calculations shall be completed and provided to Northern Township staff prior to approval. The following diagrams are meant to assist with this analysis.

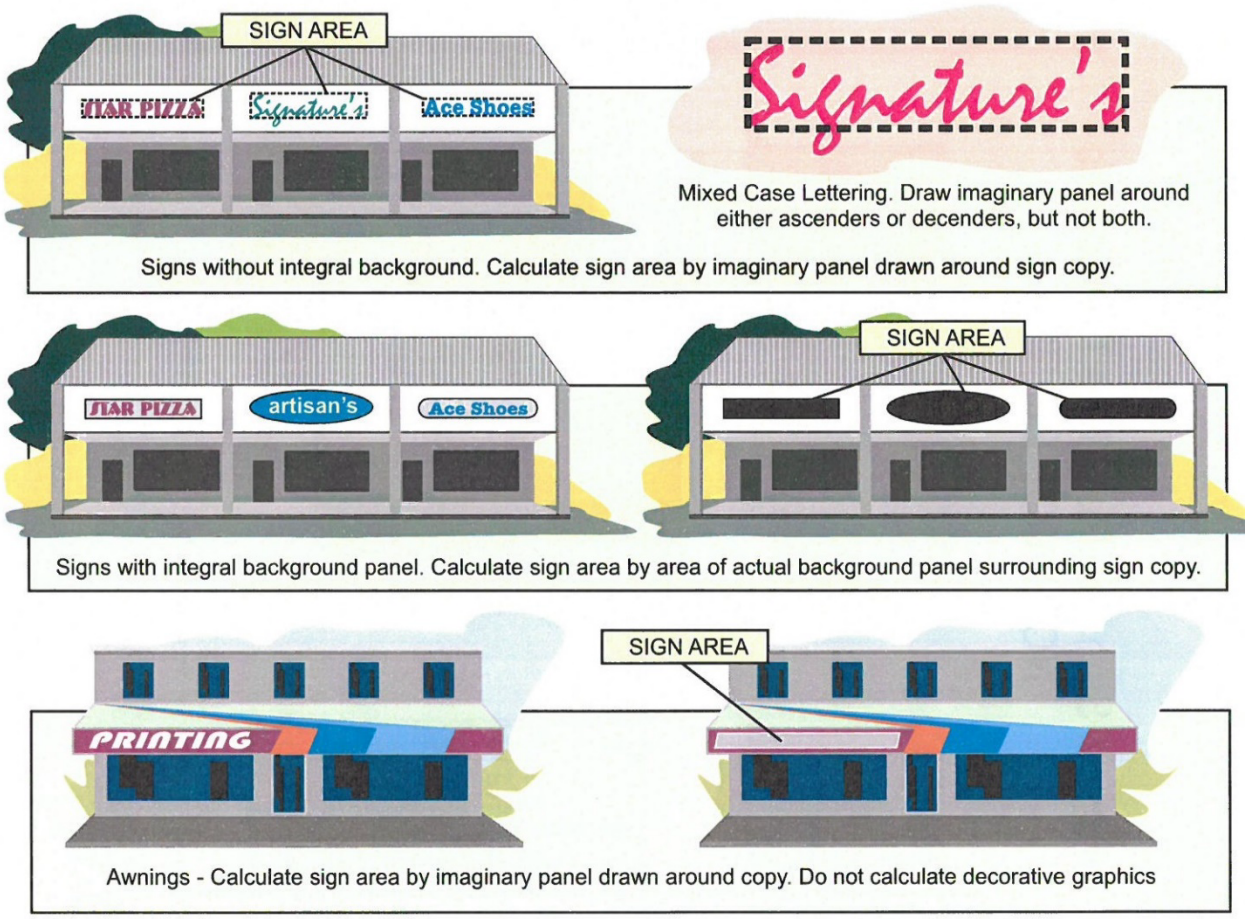
a. Freestanding Signs (pylon)



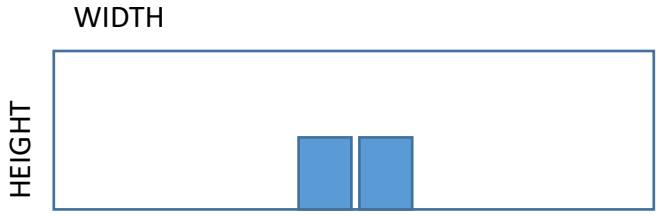
b. Freestanding – Monument



c. Wall signs



Four percent (4%) of the building's elevation



Multiply the Height X Width X 0.04 to find four percent (4%) of the building's elevation. Example: Width of building is one hundred (100) feet. Height of building is twenty (20) feet. The calculation for the sign would be 100X20X0.04 = 80 square feet of Signage Allowed.

Section 709. Signs Permitted in the (C) Conservation District

No sign may be permitted in the Conservation District, with the exception of those identified in Section 706 of this Ordinance. No sign shall be located less than ten (10) feet from a road right-of-way.

Section 710. Signs Permitted in the R-1, R-2, R-3, R-4 and MH Districts:

A. The following signs are permitted with the issuance of a sign permit in accordance with the following standards provided that no such sign may be illuminated, except in the R-4 District and for permitted non-residential uses:

1. All signs as permitted in Section 707 of this Ordinance;

2. One subdivision, neighborhood or development entryway sign per street frontage, not to exceed thirty-two (32) square feet in sign area for each location. Said sign shall not include a dynamic display;

3. One on-premise sign per entrance to each building in an apartment or condominium complex, not to exceed thirty-six (36) square feet in total sign area. Said sign shall not include a dynamic display;

4. Permitted non-residential uses, including churches, schools, and clinics, are allowed one (1) freestanding sign per street frontage not to exceed forty-eight (48) square feet in sign area;

5. Home occupations are permitted no more than one (1) sign not to exceed four (4) square feet in sign area. The sign must be located in the front yard or the side yard. The sign shall not be illuminated and shall not include a dynamic display;

6. All permitted freestanding signs shall have a maximum height limit of eight (8) feet and shall be set back at least fifteen (15) feet from any public right-of-way. The total width of the support structure of a freestanding signs shall not exceed the sign.

7. Dynamic displays may be approved as a conditional use for uses that do not contain any residences, subject to the provisions and standards of this Ordinance. Appropriate restrictions on the dynamic display size may be approved by Northern Township in order to minimize any negative impacts on the surrounding residential area.

8. Permitted non-residential uses, with the exception of home occupations, may display one (1) banner per parcel with no sign permit being required. The banner shall not exceed thirty (30) square feet in sign area and shall only be displayed for a maximum of thirty (30) days in a six (6) month period running from January 1st to June 30th and July 1st to December 31st. The days are cumulative and do not carry into the subsequent period.

B. Permitted non-residential uses, with the exception of home occupations, are allowed to display, without a permit, one (1) sandwich board sign per parcel, which may not exceed twenty (20) square feet in total sign area. There must be a minimum pedestrian clearance of five (5) feet in sidewalk or trail width. Signs are only allowed to remain outdoors during periods of time that an establishment is open and being operated.

Section 712. Signs Permitted in the (B-1) Commercial District

A. The following signs are allowed without the issuance of a sign permit in accordance with the following standards:

1. One (1) on-premise Bulletin Board Sign not to exceed nine (9) square feet in sign area in addition to the maximum signage allowed per parcel;

2. One (1) on-premise banner per parcel, not to exceed sixty (60) square feet in total sign area. Such sign shall be set back no less than five (5) feet from any lot line. Banners shall be displayed for no more than a total of thirty (30) days within a six (6) month period running from January 1st to June 30th and July 1st to December 31st. The days are cumulative and do not carry into the subsequent period.

3. Two (2) sandwich board signs per parcel, which may not exceed twenty (20) square feet in total sign area. There must be a minimum pedestrian clearance of five (5) feet in sidewalk or trail width. Signs are only allowed to remain outdoors during periods of time that an establishment is open and being operated.

4. Two (2) sail signs per parcel, which may not exceed fifteen (15) feet in height. There must be a minimum pedestrian clearance of five (5) feet in sidewalk or trail width. Sail signs are only allowed to remain outdoors during periods of time that an establishment is open and being operated;

B. The following signs are permitted with the issuance of a sign permit in accordance with the following standards:

1. One (1) portable on premise sign not to exceed sixty (60) square feet in sign area, provided that there are no signs with dynamic displays on the parcel. Such sign shall be set back no less than five (5) feet from any lot line, and shall be permitted no more than a total of thirty (30) days within a six (6) month period running from January 1st to June 30th and July 1st to December 31st. Said sign shall not contain a dynamic display.

2. Wall, Monument and Freestanding Signs:

a. One (1) freestanding sign is permitted per street frontage. The sign area shall not exceed three (3) square feet for each lineal foot of property frontage, up to a maximum of two hundred (200) square feet. Signs shall not project beyond property lines.

b. Wall signs shall not exceed twenty (20) percent of the aggregate square footage of the wall area on which they are installed. Electric awning signs shall not exceed fifteen (15) percent of the aggregate square footage of the wall area on which they are installed. The combined area of wall signs and electric awning signs shall not exceed twenty-five (25) percent of the allowable wall area.

c. One (1) under-canopy sign per separate occupancy or entrance, not to exceed eight (8) square feet in sign area. Under-canopy signs shall maintain a minimum clearance of eight (8) feet to grade.

d. Incidental signs shall not exceed four (4) square feet in aggregate area per occupancy.

e. Strip malls and multi-use buildings are permitted one (1) freestanding identification sign containing the name of the building or complex and each business within it. Said sign shall not exceed two hundred (200) square feet in sign area. Individual business signs within a strip mall or multi-use building shall be permitted as follows:

i. One (1) sign per business, not to exceed forty (40) square feet in area;

ii. The sign shall be affixed to the building in the general vicinity of the business entrance;

iii. The sign shall not exceed the height of the building.

i. .

C. Maximum Freestanding Sign Height:

1. No sign shall exceed thirty-five (35) feet in height.

D. Required Setbacks:

1. There shall be a minimum setback of fifteen (15) feet from the street right-of-way line for all other freestanding signs. Side yard setbacks shall be a minimum of ten (10) feet.

Section 716. Additional Sign Standards.

A. Illuminated Signs.

1. Where illumination is permitted, such signs shall be indirect or backlit to avoid direct casting of light upon property located in any residential district, upon public waters, or onto any public right-of-way.

B. Principal or Minor Arterial Road Signs.

1. An increase in the maximum freestanding sign height and one (1) additional freestanding sign per parcel may be approved for non-residential developments, subject to the following requirements:

a. Shall contain a minimum of one (1) acre;

b. Is adjacent to a Principal or Minor Arterial Road;

c. Does not contain a driveway with direct access to the Principal or Minor Arterial Road; and

d. The highest grade elevation of the adjacent Principal or Minor Arterial Road is fifteen (15) feet in height or greater, above the highest adjacent surface grade beneath the proposed sign location. In such cases, the applicant shall be required to provide the existing and proposed grade elevation comparison survey data. If this standard is

met, then the maximum sign height shall be based upon this highest adjacent road elevation.

Section 718. Dynamic Displays.

A. Regulations: Dynamic displays on signs, where specifically allowed by this Ordinance, shall comply with the following requirements:

1. Brightness: LED dynamic displays shall be adjusted to a night time brightness setting of no more than twenty (20) percent of their maximum brightness setting. LED dynamic displays may operate at up to a one hundred (100) percent of their maximum brightness during the day time. Incandescent dynamic displays shall be adjusted to a night time brightness setting of no more than sixty (60) percent. Incandescent dynamic displays may operate at up to a one hundred (100) percent of their maximum brightness during the day time. Constant night time displays of bright or "hot colors" such as complete red or white display background shall be prohibited. All dynamic displays shall be equipped with a night time manufacturer auto dim feature and operated according to manufacturer night time intensity specifications. Legal non-conforming dynamic displays without a manufacturer auto dim feature shall comply with this requirement to the extent feasible within the limits of the dynamic display's programming.

2. Time/duration: Full dynamic display animation electronic programming without any minimum frame hold display time duration is allowed for all display displays during the day time. The night time minimum frame hold display time duration for all dynamic displays, including legal non-conforming displays shall not be less than three (3) seconds. There shall be no animation, motion, blinking, scrolling, rotating, oscillating, or other apparent flashing or movement on any dynamic display during the night time.

3. Dynamic display size and percentage of sign area: Dynamic displays may be permitted in certain zoning districts on freestanding and monument signs or as a wall sign, as specified by this Ordinance. Dynamic displays for freestanding signs may occupy no more than forty-five (45) percent of the total allowable sign area of a freestanding or monument sign(s) permitted on a parcel. Dynamic displays may occupy no more than forty-five (45) percent of the total allowable wall sign area for a parcel. No dynamic display may exceed fifty-five (55) square feet in sign area, except as may be approved as a conditional use permit condition for a comprehensive sign plan with a PUD in the LD District.

4. Maximum number: There shall be no more than one freestanding dynamic display sign permitted per property, except as may be permitted by this Ordinance for additional signage along one-way pairs. Where a dynamic display is requested to be mounted as part of the building wall signage, there shall be no more than one (1) dynamic display permitted per wall elevation and the maximum number of wall elevations per building shall be two (2), including multi-tenant centers. Dynamic displays which are mounted in a back-to-back configuration shall count as one (1) dynamic display, provided the total angle for mounting does not exceed sixty (60) degrees.

5. Spacing from residential uses: No dynamic display shall be located within one hundred (100) feet of a residential district. The distance shall be measured based upon a

horizontal line beginning at the nearest residential property line and the leading edge of the dynamic display, or a viewing radius of forty-five (45) degrees, whichever is closer.

6. Spacing from traffic control signals: No dynamic display shall be located within fifty (50) feet of an official traffic control signal. The distance shall be measured based upon a horizontal line beginning at the leading edge of the dynamic display and any portion of the traffic control device.

7. Restriction on additional temporary signage: When a dynamic display exists on a parcel, there shall be no additional temporary signage, including, but not limited to, banners and portable signs allowed or permitted on the parcel, except in accordance with Section 718 of this Ordinance with an approved Special Event Sign Permit.

8. Commercial off-premise advertising shall be prohibited.

Section 719. Special Event Signs

A. Temporary signs may not be displayed at a special event without first applying for and obtaining a special event sign permit from Northern Township Staff. Upon the filing of a complete special event sign permit application, the Planning Administrator shall review the application materials submitted. If the proposed signs comply with this Ordinance and all other applicable laws, ordinances and regulations, Northern Township Staff shall issue a special event sign permit for the signs.

B. District Requirements: A special event sign permit may be approved for a parcel in accordance with the following standards:

1. All permitted commercial and multi-family uses may be permitted up to one (1) special event sign permit for up to thirty (30) consecutive days in any four (4) month period per calendar year, or five consecutive days per month for an entire calendar year.

2. Special Event Sign Permits are not required for public parks or properties where community festivals open to the public are held.

C. Permitted Devices:

The devices described below are permitted, in addition to the maximum allowable temporary sign area, with a special event sign permit provided that they are correctly and safety installed and the following requirements are met:

1. Balloons:

a. Small balloons, as either an individual or group of connected balloons shall not exceed four (4) feet as the largest dimension. Balloon arches may be approved extending across private driveways, but shall not exceed twenty (20) feet in height and may not be placed in the public right-of-way. Balloon arches over public streets are exempt from special event sign permit requirements, but the street must first be closed by the road authority.

b. Balloons may be multicolored and incorporate logos and messages.

c. Helium balloons must be regularly maintained and refilled.

d. Helium or inflated balloons may be extended into the sky provided that they are securely attached and anchored to the ground. The length from the vertical attachment point shall not exceed a total site horizontal distance greater than any radial point of the parcel property line or any overhead utility service line. No balloon shall extend to a height greater than one hundred (100) feet from the ground without prior approval of the Bemidji Airport Manager.

2. Tents:

a. Tents displaying signs, including all ties, ropes, stakes and other equipment, shall be located entirely upon the property identified by the special event sign permit and shall comply with the setback requirements for accessory structures. Tents shall also comply with all applicable building and fire code requirements, if applicable.

3. Bannerettes:

a. Bannerettes may be placed on light standards or flagpoles.

b. No more than one (1) bannerette shall be allowed per light standard or flagpole on the parcel. Multiple bannerettes may be staked in the ground on the parcel, provided they are set back a minimum of ten (10) feet from the street right-of-way line and do not exceed a height of four (4) feet.

4. Banners:

a. Banners may be attached to non-utility poles, tents, and buildings, provided they are well secured and are prevented from being blown around uncontrollably by the wind.

b. A total of two (2) banners may be permitted. Each banner may be up to one hundred (100) square feet in sign area. For multi-tenant centers, three (3) or more tenants may each display a banner with a special event sign permit, provided that all of the banners are attached to the building and no individual banner exceeds thirty (30) square feet in sign area.

c. Banners shall not be higher than the front wall of the principal building on the lot.

d. All banners shall be maintained so that they do not become ripped, torn, defaced, damaged, loose, or unsecured.

5. Inflatable Devices:

a. A maximum of one (1) inflatable device may be permitted per parcel. It shall not exceed a height of twenty-four (24) feet.

b. Inflatable devices may be multicolored and incorporate banners, logos and non-dynamic signs.

c. Individual helium inflatable devices larger than four (4) feet in diameter shall be prohibited.

d. Inflatable devices must be anchored or tethered in a safe manner and must be kept in a weather tight and presentable condition.

e. Inflatable devices may be located on green space or in parking lot areas, but shall not be located on rooftops.

f. Inflatable devices larger than four (4) feet in diameter shall comply with the set- back requirements for accessory structures.

6. Portable Manual Copy or Dynamic Display Signs:

a. A maximum of one portable manual copy or dynamic display not to exceed sixty (60) square feet may be allowed per parcel per special event sign permit. Such signs may be allowed in addition to any approved manual copy or permanent dynamic display(s) on the parcel, unless otherwise specified by this Ordinance.

b. The temporary placement of a portable manual copy or dynamic display sign shall comply with all permanent sign setbacks for the district in which the parcel is located.

c. A portable dynamic display sign shall only be operated in a stationary position on the parcel and cannot be moved to and from, or upon the parcel, while in operation.

d. The portable dynamic display sign shall comply with all programming requirements for dynamic displays as specified by this Ordinance.

7. Pennants, Streamers, temporary light strings, or any similar displays provided:

a. Such devices shall be anchored, secured or tethered in a safe manner and shall not be secured to any power pole or transformer.

b. Such devices shall provide a minimum clearance of fourteen (14) feet from the surface directly below the displays.

D. Off-Premises or Directional Signs:

1. Off-premises or directional signs shall be prohibited. Any violation of this provision shall be sufficient cause for immediate revocation of an approved special event sign permit.

E. Special Events:

1. The following are prohibited together with any other sign not specifically allowed by the Ordinance:

2. Animated or dynamic display signs, beacons and flashing light bulb strings located in minimum required setback areas;
3. Displays or special features on roofs;

4. Swinging signs;

5. Large balloons exceeding four (4) feet in diameter, or collections of small balloons exceeding four (4) feet in diameter, except for approved balloon arches;

6. Any sign in the public right of way; and

7. Hot air inflatable devices.

F. Duration and Removal:

1. Special event signs and devices must be removed within twenty-four (24) hours of the expiration of the special event sign permit.

2. A special event sign permit shall not be issued for any parcel which a prior special event sign permit in the same calendar year has been revoked.

Section 720. Enforcement

A. Violation.

1. It is a violation of this Ordinance for any person, entity or organization to provide, erect, display or fail to remove any signs or other device without first obtaining the appropriate sign permit.

B. Notice.

1. Any person who violates any provision of this Ordinance shall receive a notice of the violation by hand delivery or U.S. Mail indicating that they must correct the violation within the time prescribed by the Planning Administrator up to a maximum of thirty (30) days.

Section 721. Appeal

An applicant whose sign permit or special event sign permit has been denied or for which a sign permit has been revoked, may appeal the decision to the Board provided that he or she files written notice of the appeal with the Planning Administrator within fifteen (15) days of the date of the decision to deny. Such appeal shall be considered by the Board at its next regular scheduled meeting held after the Board's receipt of the written notice of the appeal, provided that the notice of appeal is received by the Board a minimum of twenty (20) full business days before the meeting. The Board shall conduct an appeal hearing and allow the applicant and any of his or her witnesses to address the Board and to submit additional information. The Board shall make its final determination on the appeal no more than thirty (30) business days after the appeal hearing. The Board shall notify the applicant of its decision and provide reasons for the decision.

ARTICLE VIII: SANITATION STANDARDS

Section 800. Sewage Treatment Standards

A. No premises may be used for human occupancy unless equipped with a method of sewage treatment that complies with Individual Sewage Treatment System Standards [SSTS], Minnesota Rules, Chapter 7080. All sewage treatment systems shall be inspected for compliance and approved by the Beltrami County Environmental Services Department or other authorized agent of the Township for conformity to this Ordinance and to Chapter 7080. All ISTS inspection reports shall be filed with the Township.

B. In the creation of new lots where individual sewage treatment systems are anticipated to be installed, documentation shall be provided at the time of creation of the lot and again at issuance of a land use permit that there is adequate space for both a primary and alternate individual sewage treatment system.

Section 801. Non-Conforming Sewage Treatment Systems

It is unlawful for any person to maintain, occupy or otherwise use any building intended for habitation that is not provided with a wastewater treatment system that disposes of wastewater in a manner that complies with provisions of this Ordinance.

All failing or non-conforming systems shall be corrected to Chapter 7080 standards within 120 days from the date of the citation of the failure or non-conformity. A Septic Compliance Statement or a 'stipulation agreement' from Beltrami County Environmental Services, must be obtained.

Section 802. Water Supply Standards

All public or private supplies of water for domestic purposes shall meet or exceed the standards for water quality of the Minnesota Department of Health and the Minnesota Pollution Control Agency.

ARTICLE IX: SHORELAND REGULATIONS

Section 900. Scope and Classification of Public Waters

The shoreland overlay district shall be overlaid upon the zoning districts established by Northern Township so that any parcel of land located within shoreland shall also lie in an established zoning district. All structures and uses shall be required to meet the requirements of the regulations for the zoning district in which such structure or use is located (please also see underlying zoning districts in Articles II, III and IV of this Ordinance). In addition, such structures and uses shall be required to meet the requirements of the shoreland overlay district. No permits may be issued, and no approvals may be made until all such necessary requirements have been met.

The public waters of Northern Township as shown below have been classified according to criteria found in Minnesota Rules, Part 6120.3300, the MHB Plan and the Protected Waters Inventory Map for Beltrami County, Minnesota. The shoreland jurisdiction for water bodies listed below shall be within the distances as defined in this Ordinance and as shown on the official Zoning Map for Northern Township.

A. General Development Lakes

Lake Name:	**Lake I.D. Number:**
Lake Bemidji*	4-130

*Also subject to MHB Ordinance No. 10

B. Recreational Development Lakes

Lake Name:	**Lake I.D. Number:**
Big Bass	4-132
Movil	4-152

C. Sensitive Area Lakes

Lake Name:	**Lake I.D. Number:**
Bakkum	4-149

D. Special Protection Lakes

Lake Name:	**Lake I.D. Number:**
Little Gnat	4-133
Britten	4-147
Sumac	4-150
Alice	4-151

*Also subject to MHB Ordinance No. 10

E. Forested River Segments (FR)

River Name:	From:	To:
Mississippi	North Section line, Section 36 T147N, R33W	East Section line, Section 36 T147N, R33W

F. Tributary River Segments (TR)

River Name:	From:	To:
Unnamed	Outlet of Big Bass Lake in Section 24, T147N, R33W	Inlet of Lake Bemidji in Section 23, T147N, R33W
Balsam West	West Section Line of 18 T147N, R33W	Inlet of Lake Alice in Section 18, T147N, R33W

Balsam	Outlet of Lake Alice Section 18, T147N, R33W	Inlet of Lake Bemidji Section 28, T147N, R33W

All protected watercourses in Northern Township shown on the Protected Waters Inventory for Beltrami County, which is hereby adopted by reference, not given a classification in Section 900 of this Ordinance, shall be considered "Tributary."

Section 901. Bulk Density and Lot Sizes

The following standards apply to lots located within shoreland areas. Whenever these standards conflict with the requirements of the underlying zoning district the stricter standards shall apply.

A. Minimum Size of Lots

Lots Served by Municipal Sewer on General Development Lakes *		
Structure:	**Riparian lots: (safe.)**	**Nonriparian lots: (safe.)**
Single-family	15,000	15,000
Duplex	26,000	26,000
Triplex	38,000	38,000
Quad	49,000	49,000

*** For parcels subject to MHB Ordinance, lot area must contain a minimum of thirty thousand (30,000) square feet of contiguous land that is not a Type 1-8 wetland for Riparian lots and a minimum of forty thousand (40,000) square feet of land that is not Type 1-8 wetland for Non-Riparian lots. Non-Riparian lots connected to municipal sewer and water may be twenty thousand (20,000) square feet in area.**

Lots Not Served by Municipal Sewer on General Development Lakes *		
Structure:	**Riparian lots: (safe.)**	**Nonriparian lots: (safe.)**
Single-family	20,000	40,000
Duplex	40,000	80,000
Triplex	60,000	120,000
Quad	80,000	160,000

*** For parcels subject to MHB Ordinance, lot area must contain a minimum of thirty thousand (30,000) square feet of contiguous land that is not a Type 1-8 wetland for Riparian lots and a minimum of forty thousand (40,000) square feet of land that is not Type 1-8 wetland for Non-Riparian lots.**

Lots Served by Municipal Sewer on Recreational Development Lakes*		
Structure:	**Riparian lots: (safe.)**	**Nonriparian lots: (safe.)**
Single-family	20,000	15,000
Duplex	35,000	26,000
Triplex	50,000	38,000
Quad	65,000	49,000

*** No Recreational Development Lake currently served by Municipal Sewer**

Lots Not Served by Municipal Sewer on Recreational Development Lakes*		
Structure:	**Riparian lots: (safe.)**	**Nonriparian lots: (safe.)**
Single-family	40,000	40,000
Duplex	80,000	80,000
Triplex	120,000	120,000

Quad	160,000	160,000

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

Lots on Sensitive Area Lakes *		
Structure:	**Riparian lots: (safe.)**	**Nonriparian lots: (safe.)**
Single-family	130,690 Sq. Ft. (3 acres)	130,690 Sq. Ft. (3 acres)

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

Lots on Special Protection Lakes		
Structure:	**Riparian lots: (safe.)**	**Nonriparian lots: (safe.)**
Single-family	217,800 Sq. Ft. (5 acres)	217,800 Sq. Ft. (5 acres)

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

1. Lots on Rivers or Tributaries

   a. The minimum lot size for the Scenic River Segment of the Mississippi is five (5) acres.

   b. The minimum lot size for all other lots located within the shoreland of rivers or tributaries will be governed by the requirements of the underlying zoning district as prescribed by this Ordinance.

B. Lot Width: All lot widths shall be measured at both the building line and at the ordinary high water level.

Lots Served by Municipal Sewer on General Development Lakes *		
Structure:	**Riparian lots: (safe.)**	**Nonriparian lots: (safe.)**
Single-family	100	100
Duplex	135	135
Triplex	195	195
Quad	255	255

Lots Not Served by Municipal Sewer on General Development Lakes *		
Structure:	**Riparian lots: (safe.)**	**Nonriparian lots: (safe.)**
Single-family	100	150
Duplex	180	265
Triplex	260	375
Quad	340	490

Lots Served by Municipal Sewer on Recreational Development Lakes*		
Structure:	**Riparian lots: (safe.)**	**Nonriparian lots: (safe.)**
Single-family	100	100
Duplex	135	135
Triplex	195	190

Quad	255	245

* **No Recreational Development Lake currently served by Municipal Sewer.**

Lots Not Served by Municipal Sewer on Recreational Development Lakes		
Structure:	**Riparian lots: (safe.)**	**Nonriparian lots: (safe.)**
Single-family	150	150
Duplex	225	265
Triplex	300	375
Quad	375	490

Lots on Sensitive Area Lakes		
Structure:	**Riparian lots: (safe.)**	**Nonriparian lots: (safe.)**
Single-family	300	300

Lots on Special Protection Lakes		
Structure:	**Riparian lots: (safe.)**	**Nonriparian lots: (safe.)**
Single-family	400	400

Lots on Rivers*			
Structure:	**Remote:**	**Forested:**	**Transitional:**
Single-family	300	200	250
Duplex	450	300	375
Triplex	600	400	500
Quad	750	500	625

***On Scenic River Segment of Mississippi the minimum width is three hundred and thirty (330) feet.**

Lots on Tributaries.		
Structure:	**Riparian lots: (safe.)**	**Nonriparian lots: (safe.)**
Single-family	100	150
Duplex	115	200
Triplex	150	250
Quad	190	300

C. **Lot Coverage:** The maximum ground coverage percentage shall be twenty-five percent (25%) on all lots within the shoreland district. This shall include all structures, paving, cement, and all other impermeable surfaces.

D. **Setbacks:** Structure setbacks in the shoreland overlay district are as follows:

1. General Development Lakes	**Distance in Feet**
Structure setback from ordinary high water level (unsewered)	75
Structure setback from ordinary high water level (sewered)	50
Structure setback from top of bluff	30
Structure setback from side lot line	10

Structure setback from unplatted cemetery	50
Structure setback from federal, State, or County right-of-way	50
Structure setback from right-of-way of other roads	20
Sewage treatment system setback from ordinary high water level	75
***Outside City limits, Lake Bemidji setback from OHWM (unsewered)**	**100**

2. Recreational Development Lakes	**Distance in Feet**
Structure setback from ordinary high water level (unsewered)	100
Structure setback from ordinary high water level (sewered)	75
Structure setback from top of bluff	30
Structure setback from side lot line	10
Structure setback from unplatted cemetery	50
Structure setback from federal, State, or County right-of-way	50
Structure setback from right-of-way of other roads	20
Sewage treatment system setback from ordinary high water level	100

3. Sensitive Area Lakes	**Distance in Feet**
Structure setback from ordinary high water level	150
Structure setback from top of bluff	30
Structure setback from side lot line	10
Structure setback from unplatted cemetery	50
Structure setback from federal, State, or County right-of-way	50
Structure setback from right-of-way of other roads	20
Sewage treatment system setback from ordinary high water level	150

4. Special Protection Lakes	**Distance in Feet**
Structure setback from ordinary high water level	150
Structure setback from top of bluff	30
Structure setback from side lot line	10
Structure setback from unplatted cemetery	50
Structure setback from federal, State, or County right-of-way	50
Structure setback from right-of-way of other roads	20
Sewage treatment system setback from ordinary high water level	200

5. Forested River Segment	**Distance in Feet**
Structure setback from ordinary high water level	150
Structure setback from top of bluff	30
Structure setback from side lot line	10
Structure setback from unplatted cemetery	50
Structure setback from federal, State, or County right-of-way	50
Structure setback from right-of-way of other roads	20
Sewage treatment system setback from ordinary high water level	150

6. Tributary River Segments	**Distance in Feet**
Structure setback from ordinary high water level (unsewered)	100
Structure setback from ordinary high water level (sewered)	50

Structure setback from top of bluff	30
Structure setback from side lot line	10
Structure setback from unplatted cemetery	50
Structure setback from federal, State, or County right-of-way	50
Structure setback from right-of-way of other roads	20
Sewage treatment system setback from ordinary high water level	100

E. **Maximum Building Height:** No structure in residential districts in the shoreland overlay, except religious institutions and agricultural structures, shall exceed thirty (30) feet in height. All other height limitations shall be as prescribed for the underlying zoning district.

Section 902. Design Criteria for Structures

In shoreland areas, no structure may be placed, and no lots may be developed, except in accordance with the following design criteria.

A. 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 basement, is placed or flood-proofed must be determined as follows:

1. For lakes, by placing the lowest floor at a level at least three feet above the highest known water level; or three (3) feet above the ordinary high water level, whichever is greater.

2. 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 mark, 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, hydrologist, or registered land surveyor consistent with Statewide Floodplain Management 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.

B. 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. New stairways and lifts shall be permitted by building or land use permit. Stairways, lifts and landings must meet the following design requirements:

1. Stairways and lifts must not exceed four (4) feet in width on residential lots. Wider stairways may be used for commercial properties, public open-space recreational properties, and planned unit developments if specifically authorized in a Conditional Use Permit.

2. Landings for stairways and lifts on residential lots must not exceed thirty-two (32) square feet in area. Landings larger than thirty-two (32) square feet may be allowed for commercial properties, public open-space recreational properties, and planned unit developments, 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 that the dimensional and performance standards of this Section, and the requirements of the State Building Code, Minnesota Rules 1341, are complied with.

C. Accessory Uses and Structures: Where a shoreland lot is devoted to a permitted principal use, customary accessory uses and structures are authorized, except as may otherwise be specifically prohibited. In addition to the applicable requirements of Article VI of this Ordinance, the following standards shall also apply:

1. Piers and docks are allowed, but shall be controlled by applicable State and local regulations. Docks or piers on riparian lots shall be under the control and ownership of the abutting land owner. Dock space rental and/or usage rights for anyone else is prohibited, except under the provisions of this Ordinance under Section 918 Controlled Access and Recreation Lots.

2. Each riparian lot may have one water-oriented accessory structure not meeting the normal setback from the ordinary high water level as specified in Section 901 of this Ordinance, provided that such structure complies with the following provisions:

   a. Such structure shall not exceed ten (10) feet in height, exclusive of safety rails, and shall not occupy an area greater than one-hundred-and-twenty (120) square feet;

   b. The setback of the structure from the ordinary high water level must be at least ten (10) feet;

   c. The structure must be treated to reduce visibility as viewed from public waters and adjacent shore lands by vegetation, topography, increased setbacks, or color assuming summer, leaf-on conditions;

   d. The roof may be used as a deck with safety rails, but shall not be enclosed as a storage area; and

   e. The structure shall not be designed or used for human habitation and shall not contain an SSTS.

D. Fences, Landscape Walls, and other similar features in addition to the fence provisions of Section 1004 of this Ordinance, shall be restricted within the required front yard setback between the structure and OHWM to no greater than three (3) feet in height.

Section 903. Nonconforming Structures Substandard in Shoreland Overlay District

Structures which were legally constructed prior to the adoption of shoreland controls or prior to adoption of this Ordinance, but that do not meet the provisions of this Ordinance may be continued at the size existing upon such date, subject to the following conditions:

A. Routine maintenance of a nonconforming structure in the Shoreland Overlay District is permitted, including any necessary or nonstructural repairs and incidental alterations which do not expand or enlarge the nonconforming structure. Nothing in this Section will prevent the placing of a structure into a safe condition after it has been declared unsafe by the Building Official or Planning Administrator.

B. The outside dimensions of a nonconforming principal or accessory structure, including the height, bulk or area in the Shoreland Overlay District, may be expanded or enlarged provided that:

1. The use of the property meets current zoning district regulations;

2. A building or land use permit is obtained.

3. The lot size is a minimum of fifteen thousand (15,000) square feet, and is at least one-hundred (100) feet wide at the building line, and, for riparian lots, one-hundred (100) feet in wide at the ordinary high water mark. There shall be no expansion or enlargement permitted on the side of the building that faces the water, with the exception of decks as set forth in Section 904 of this Ordinance; and

4. Shall be subject to all other provisions of Section 501 above.

C. Lots of record in the office of the County Recorder as of the date shoreland regulations were adopted by Northern Township that are located within the Shoreland Overlay District and do not satisfy the requirements of this Ordinance for lot size or lot width is subject to the following:

1. A nonconforming single lot of record located within the Shoreland Overlay District may be allowed as a building site without variances from lot size or lot width requirements, provided that:

a. All structure and septic system setback distance requirements can be met;

b. A Type 1 sewage treatment system consistent with Minnesota Rules Chapter 7080, can be installed or the lot is connected to a public sewer; and

c. The impervious surface coverage does not exceed twenty-five percent (25%) of the lot.

2. In a group of two (2) or more contiguous lots of record under a common ownership, the smaller of the two (2) lots can be considered an individual lot to be considered a separate parcel of land for the purpose of sale or development, if it meets the following requirements:

a. The lot must be at least sixty-six percent (66%) of the dimensional standard for lot width and lot size for the shoreland classification consistent with Minnesota Rules Chapter 6120 and Beltrami Co. Shoreland Ordinance;

b. The lot must be connected to a public sewer, if available, or must be suitable for the installation of a Type I sewage treatment system consistent with Minnesota Rules Chapter 7080 and local government controls;

c. Impervious surface coverage must not exceed twenty-five percent (25%) of each lot; and

d. Development of the lot must be consistent with the comprehensive plan.

3. A lot subject to paragraph 2 above not meeting the requirements of paragraph 2 must be combined with one or more contiguous lots so they equal one or more conforming lots as much as possible.

4. Notwithstanding paragraph 2, contiguous nonconforming lots of record in the Shoreland Overlay District under a common ownership must be able to be sold or purchased individually if each lot contained a habitable residential dwelling at the time the lots came under common ownership and the lots are suitable for, or served by, a sewage treatment system consistent with the requirements of Minnesota Rules Chapter 7080 or connected to a public sewer.

5. In evaluating all variances, zoning and building permit applications or conditional use permit requests, Northern Township shall require the property owner to address, when appropriate, storm water runoff management, reducing impervious surfaces, increasing setback, restoration of wetlands, vegetative buffers, sewage treatment and water supply capabilities and other conservation-designed actions.

6. A portion of a conforming lot may be separated from an existing parcel as long as the remainder of the existing parcel meets the lot size and sewage treatment requirements of the zoning district for a new lot and the newly created parcel is combined with an adjacent parcel.

D. An existing resort may maintain and replace its structures and expand to the extent allowed in Minnesota Statutes Section 103F.227.

E. Whenever a nonconforming structure is damaged by fire, collapse, flood, explosion, earthquake, war, riot, act of God or public enemy to the extent of fifty percent (50%) or less of its estimated market value as shown on the records of the county assessor at the time of damage, it may be reconstructed. The nonconforming structure shall not be permitted to be reconstructed if the damage is greater than fifty percent (50%) of the estimated market value as shown on the records of the county assessor at the time of damage and no building permit has been applied for within one-hundred-and-eighty (180) days of when the structure was damaged. When a nonconforming structure in this district with less than fifty percent (50%) of the required setback from the water is destroyed by fire or other peril to greater than fifty percent (50%) of its estimated market value, as indicated in the records of the county assessor at the time of damage, the structure setback may be increased if practicable and reasonable conditions are placed upon a zoning or building permit to mitigate created impacts on the adjacent property or water body.

F. When any lawful nonconforming structure is replaced by another structure, the new structure must conform to the provisions of this Ordinance and it shall not thereafter be changed to any nonconforming structure.

G. If the nonconforming structure is discontinued for a period of twelve (12) months, the subsequent use of the structure shall be in conformity with the provisions of this Ordinance.

H. Alterations may be made to a building containing nonconforming residential units when the alteration 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 Northern Township.

I. 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.

Section 904. Deck Additions to Nonconforming Structures in Shoreland

Deck additions are allowed to structures that do not meet the minimum setback from the ordinary high water level, or to those structures that minimally meet the setback requirement to the ordinary high water level, without a variance, provided:

A. The structure existed on the date the structure setbacks were established;

B. A thorough evaluation of the property reveals no reasonable location (no rear or side yard setbacks remain on the site) for a deck which meets or exceeds the established setback from the ordinary high water level;

C. The deck encroachment toward the ordinary high water level does not exceed fifteen (15) percent of the existing setback of the structure from the ordinary high water level, and does not encroach closer than thirty (30) feet; and,

D. The deck is constructed primarily of wood, and is not roofed or screened.

Section 905. Significant Historic and Cultural 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.

Section 906. Steep Slopes

No construction of structures, sewage treatment systems, roads or driveways or other improvements may be undertaken on steep slopes within the jurisdiction of this Ordinance without the completion of a Vegetative Management Plan by the Beltrami Soil and Water Conservation District or other qualified entity. The Planning Administrator shall evaluate possible soil erosion impacts and development visibility from public waters before issuing a permit for the construction of sewage treatment systems, roads, driveways, structures, or other improvements on steep slopes. Upon evaluation of the Vegetative

Management Plan, the Planning Commission 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.

Section 907. Bluff Impact Zones.

No structures, with the exception of stairways, lifts and landings, may be placed within bluff impact zones. All structures must be set back at least thirty (30) feet from the top of a bluff. Walkout basements shall not be allowed in bluff impact zones.

Section 908. Vegetative Alterations

Intensive vegetative clearing within shore and bluff impact zones and on steep slopes is not allowed with the following exceptions:

A. 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 of an erosion and sedimentation plan prepared by the Beltrami Soil and Water Conservation District or other qualified entity, and approved by Northern Township.

B. In shore and bluff impact zones and on steep slopes, limited clearing of trees and brush and cutting, pruning and the 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 water craft areas provided that:

    1. Vegetation alterations shall in no case exceed fifty percent (50%) of the brush and twenty-five percent (25%) of the trees within the shore and bluff impact zones or on steep slopes. For the purpose of this Section, trees less than four (4) inches in diameter as measured at a height of four (4) feet from the ground shall be considered brush.

    2. The screening of structures, vehicles, or other facilities as viewed from the water, assuming summer, leaf-on conditions, is not substantially reduced; and,

    3. Along rivers, existing shading of water surfaces is preserved.

C. Vegetative alterations necessary for the construction of structures, sewage treatment systems, or roads and parking areas regulated by Section 908 of this Ordinance are allowed without a separate permit;

D. The above provisions are not applicable to the removal of trees, limbs, or branches that are dead, diseased, or pose safety hazards.

E. Harvesting of timber as regulated under Section 910 of this Ordinance.

Section 909. Topographic Alterations/Grading and Filling

Topographic alterations, including grading and filling, shall not be allowed without obtaining a Conditional Use Permit from Northern Township.

A. 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. Walls or other related structural components necessary to meet state building code requirements shall be excluded from excavation and fill calculation standards for shoreland alteration. However, the grading and filling standards prescribed in this Section must be incorporated into the issuance of said permits.

B. Excavation where the intended purpose is connection to public water such as boat slips, canals, lagoons and harbors are allowed only with a Conditional Use Permit issued by Northern Township. Such Conditional Use Permit shall only be granted after the Commissioner of Natural Resources has approved the proposed connection to public waters.

C. Extractive uses are not allowed without the issuance of a Conditional Use Permit by the Planning Commission. The following conditions shall be incorporated into all Conditional Use Permits granted for extractive uses in shoreland areas.

1. 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.

2. Processing machinery must be located consistent with setback standards for structures from the ordinary high water level of public waters and from bluffs.

D. No permit shall be issued under this Section unless the following conditions are complied with:

1. Grading or filling in any type 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 Planning Administrator.

2. Alterations must be conducted in a manner that ensures that only the smallest amount of bare ground is exposed for the shortest time possible.

3. 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.

4. Methods to minimize soil erosion and to trap sediments before they reach any surface water feature must be used.

5. 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.

6. Fill or excavated material must not be placed in a manner that creates an unstable slope;

7. Excavated materials shall not be placed in such a manner as to create finished slopes of thirty percent (30%) or greater. Plans to place fill or excavated material on steep slopes must be prepared and approved by a registered engineer, a registered land surveyor, or the Beltrami Soil and Water Conservation District to ensure continued slope stability.

8. Fill or excavated material must not be placed in bluff impact zones.

9. 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.

10. 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.

11. Placement of natural rock riprap, including associated grading of the shoreline and placement of a filter blanket, may be permitted if the design is prepared for the individual site by the SWCD or DNR in accordance with required standards and with a finished slope which does not exceed three (3) feet horizontal to one foot vertical, the landward extent of the riprap is within ten (10) feet of the ordinary high water level, and the height of the riprap above the ordinary high water level does not exceed three (3) feet. A shoreland alteration permit is required prior to any excavation for these purposes. Proposals over and above these standards shall require the issuance of a CUP in accordance with Article XII of this Ordinance.

Section 910. Placement and Design of Roads, Driv eways and Parking Areas

A. 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 Planning Administrator 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.

B. Roads, driveways, and parking areas must meet structure setbacks and must not be placed within bluff or shore impact zones or wetland areas when other reasonable and feasible placement alternatives exist. If no alternatives exist, they may be placed within these areas if designed to minimize adverse impacts but only with a conditional use permit and only if the grading and filling requirements under this Ordinance are met.

C. Public and private water craft 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 and public facilities, the grading and filling

provisions prescribed in Section 907 of this Ordinance must be met. Private and public water craft access ramps require a Conditional Use Permit. No private watercraft access ramps are allowed if fill would be needed to be placed in a type 2 through 8 wetland. No private watercraft access ramps will be allowed on lakes where there is an existing public access except that a private watercraft access ramp, approach road and access-related parking area for a Surface Water-oriented Commercial Use may be allowed only by a conditional use permit.

D. Private access across wetlands is allowed, with the issuance of a permit, provided that the following conditions are met:

1. Access across wetland areas must be by means of a constructed board walk.

2. The board walk must not exceed six (6) feet in width or two (2) feet in height above grade.

3. If required, permits from and compliance with other official controls.

Section 911. Special Provisions for Agricultural Uses

Agricultural practices and associated uses are allowed only under the following circumstances:

A. Agricultural practices and associated uses conducted consistent with the provisions of Agricultural and Water Quality "Best Management Practices for Minnesota", shall be allowed without a permit. A copy of this document is on file at the offices of the Planning Administrator.

B. General cultivation farming, grazing, nurseries, horticulture, truck farming, sod farming, and wild crop harvesting are permitted uses if steep slopes and shore and bluff impact zones are maintained in permanent vegetation or operated under a conservation plan approved by the Beltrami Soil and Water Conservation District.

C. New animal feedlots are not allowed in shoreland areas. Legally established nonconforming feedlots must meet the following standard:

1. Modifications or expansions to existing feedlots that are located within three-hundred (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. All feedlots must comply with Minnesota Pollution Control Agency Rules Chapter 7020.

D. Use of fertilizer, pesticides, or animal wastes within shoreland areas must be done in such a way as to minimize impact on the shore impact zone or public water by proper application or use of earth or vegetation.

Section 912. Special provisions for Forest Management

The harvesting of timber and associated reforestation or conversion of forested use to a non-forested use must be conducted such that timber harvesting 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 at the office of the Planning Administrator.

Section 913. Standards for Commercial, Industrial, Public, and Semipublic Uses

No surface water-oriented commercial uses and industrial, public or semipublic uses shall be allowed on parcels or lots with frontage on public waters without a Conditional Use Permit issued by Northern Township. The issuance of such a permit shall be subject to the following conditions:

A. In addition to meeting impervious coverage limits, setbacks, and other zoning standards presented elsewhere, the uses must be designed to incorporate topographic and vegetative screening of parking areas and structures.

B. Uses that require short-term water craft 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.

C. Uses that depend on patrons arriving by water craft may use signs and lights to convey needed information to the public, subject to the following general standards:

1. No sign shall be erected or placed in shoreland areas without a sign permit issued by the Planning Administrator.

2. 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 Beltrami County Sheriff.

3. Signs may be placed within the shore impact zone, when necessary and in compliance with the underlying zoning district, only if they are designed and sized to be the minimum necessary to convey needed information. They must only convey the location and name of the establishment and the general types 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 ten (10) feet above the ground, and must not exceed thirty-two (32) square feet in size. If illuminated by artificial lights, the lights must be shielded or directed to prevent illumination out across public waters.

4. 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 does not preclude use of navigational lights.

5. Uses without water-oriented needs must be located on lots or parcels without public waters frontage, or, be set back double the normal ordinary high water level setback and be substantially screened from view from the water by vegetation or topography, assuming summer, leaf-on conditions.

6. Other sign regulations may apply depending on the underlying zoning district as noted in Article VII of this Ordinance.

Section 914. Storm Water Management

A. All construction within the shoreland overlay shall require a storm water management plan prior to issuance of any permit, except for one and two family dwellings. Plan shall include as a

minimum, contour intervals, volume of water, drainage easements, direction of flow and any other pertinent data requested at time of application.

B. If a project cannot meet the shoreland limitation for impervious surface of twenty-five percent (25%) maximum, an engineering plan, provided by a licensed civil engineer, or registered land surveyor, indicating that there will be no additional post development runoff with the addition of alternative impervious surfaces (including rain gardens, pervious pavers or pavement systems, green roofs, underground treatment, etc.) may be submitted for review and approval by the Planning Administrator, subject to prior engineering review and a maintenance plan. Approved alternative pervious surfaces of up to an additional twenty-five percent (25%) of the current limits for traditional impervious surface materials may be considered for approval.

C. No new drainage way for storm water runoff may be constructed without a Conditional Use Permit issued by Northern Township. The issuance of such a 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 storm water runoff before discharge to public waters.

2. All 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 storm water 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 man-made materials and facilities.

4. Impervious surface coverage of lots must not exceed twenty-five percent (25%) of the lot area, except existing commercial lots and as otherwise permitted in accordance with Section 914 (B) above.

5. When constructed facilities are used for storm water management, they must be designed and installed consistent with the field office technical guide of the Beltrami Soil and Water Conservation District.

6. Newly constructed storm water out falls to public waters must provide for filtering or settling of suspended solids and skimming of surface debris before discharge.

7. A complete and adequate drainage system plan for the project shall be provided. The plan shall be designed by a professional engineer, or registered land surveyor for areas where greater than one (1) acre of site disturbance is involved. The plan shall include a storm sewer system or a system of open ditches, culverts, pipes, and catch basins, or both systems. Such system or systems shall be designed in conformity with the adopted Policy Guidelines of the “Surface Water Management Plan and Stormwater Design Guide Report Dated January 2008, as may be amended; and/or other applicable standards and

policies of Northern Township. Stormwater management and Erosion Control Plans shall conform to all required local, state and federal permit and ordinance provisions as they may apply to land development in a specific location.

Section 915. PUD Site Suitability Evaluation in Shoreland Areas

Proposed new planned unit developments (PUDs) or expansions to existing PUDs shall be evaluated using the following procedures and standards to determine the suitable area for the dwelling unit/dwelling site evaluation described in this Section.

In shoreland areas, the project parcel must be divided into tiers by locating one or more lines approximately parallel to a line that identifies the ordinary high water level at the following interval, proceeding landward:

A. General Development lakes (GD) 200 feet, additional tiers 267 feet

B. Recreational Development lakes (RD) 267 feet

C. Rivers and Tributaries (ex. Scenic) 300 feet

The suitable area is next calculated by excluding all wetlands, bluffs, and land below the ordinary high water level of public waters. In shoreland areas the suitable area shall be calculated for each tier. This suitable area and the proposed development are then subjected to either the residential or commercial planned unit development density evaluation steps to arrive at an allowable number of dwelling units or sites within each tier.

Section 916. Shoreland PUD Density Evaluation

The procedures for determining the allowable density of residential and commercial PUDs in unsewered shoreland areas are as follows: Allowable densities may be transferred from a tier to any other tier farther from the public water, but shall not be transferred to any tier closer to the public water.

A. To determine the allowable density for Residential Planned Unit Developments:

1. For lakes, the suitable area within each tier is divided by the single residential lot size standard for the applicable management district.

2. Proposed locations and numbers of dwelling units or sites for residential PUDs are then compared with the tier, density, and suitability analyses herein and the maintenance and design criteria prescribed in Section 1104 of this Ordinance.

B. To determine the allowable density for Commercial Planned Unit Developments:

1. The average inside living area size of dwelling units or sites is computed for each tier. Computation of inside living area need not include decks, patios, stoops, steps, garages, porches or basements unless such areas are habitable space;

2. The appropriate floor area ratio is then selected from the following table based upon the average unit floor area for the appropriate public water classification, as noted below:

Average Unit Floor Area Square Feet	GD Lakes (Tier 1); Areas	GD Lakes (Other); Recreational Development Lakes
200 or Less	.040	.020
300	.048	.024
400	.056	.028
500	.065	.032
600	.075	.038
700	.082	.042
800	.091	.046
900	.099	.050
1,000	.108	.054
1,100	.116	.058
1,200	.125	.064
1,300	.133	.068
1,400	.142	.072
1,500	.150	.075

For recreational camping areas, use the ratios listed for the average floor area of four hundred (400) square feet. Manufactured home sites in recreational camping areas shall use a ratio equal to the size of the manufactured home, or if unknown, shall use the ratio listed for the average floor area of one thousand (1,000) square feet.

3. The suitable area within each tier is multiplied by the floor area ratio to yield the total floor area in each tier allowed to be used for dwelling units or sites;

4. The total floor area for each tier is divided by the average living area size to yield the number of dwelling units or sites allowed for each tier;

5. Proposed locations and numbers of dwelling units or sites for the commercial planned unit developments are then compared with the tier, density and suitability analyses herein and the maintenance and design criteria prescribed in Section 1104.

C. Increases to the dwelling unit base densities as determined by the Base Density Evaluation prescribed by this Section are allowed provided that the density standards prescribed by Section 901 and design criteria provided in Section 1104 are complied with. The allowable density increase presented in this Section will only be allowed if structure setbacks from the Ordinary High Water Level are increased to at least fifty percent (50%) greater than the minimum setback. The allowable dwelling unit density increases for residential planned unit developments is as follows:

Density Evaluation Tiers	Maximum Percent Outside City Limits	Density Increase Inside City Limits
First	50	50
Second	0	100
Third	0	200
Fourth	0	200

The multiplier shall not apply to any river or stream segments nor to natural environment, sensitive area and special protection lakes.

Section 917. Shoreland Residential PUD Density Evaluation and Flexibility Option

Planned unit developments served, or to be served, by municipal sewer, shall be allowed with the issuance of a Conditional Use Permit by Northern Township, and shall be administered in accordance with the provisions of Section 913 of this Ordinance. In the LD and UR districts only, a flexibility option to normal development is available to allow greater densities and taller buildings in redeveloping areas in accordance with the rules established below:

In lieu of following the tier and base density evaluation standards under Section 913 of this Ordinance, a residential planned unit development may be developed at a minimum setback of two-hundred (200) feet from the Ordinary High Water Mark from a public water, provided such use is allowed in the underlying zoning district, in accordance with the use table located in Article III. of this Ordinance. If the minimum setback of two-hundred (200) feet is elected, the proposed development may be permitted to transfer all allowable densities from the back tiers forward, starting at the two-hundred (200) foot setback line. The proposed development shall otherwise meet the minimum shoreland standards for residential planned unit developments, except that the tier impervious surface limitation may be relaxed to accommodate the allowable increased density, as long as the development as a whole does not exceed the allowable impervious surface defined in the underlying zoning district(s). The lot size standard used for the calculation of base density in a sewered residential planned unit development shall be as defined in Section 901 Minimum Size of Lots, except in the LD and UR zoning districts. Property in the LD and UR zoning districts shall comply with all other requirements of the Ordinance with the exception of the following modified performance based zoning criteria;

A. If flexibility is elected, a proposed residential PUD project shall not exceed allowable impervious surface area as defined in the underlying zoning district.

B. The maximum height for a Residential PUD is thirty five (35) feet. That height may be increased in accordance with the formulas in 3 & 4 below. In no case shall the maximum height exceed sixty-five (65) feet.

C. For each one percent (1%) of additional pervious surface preserved beyond the minimum required in the underlying zoning district the developer may add an additional two (2) feet of height not to exceed the maximum sixty-five (65) feet.

D. For each additional five (5) feet of setback beyond the required two-hundred (200) foot setback, the proposed development may add an additional two (2) feet of height not to exceed the maximum sixty-five (65) feet.

E. A combination of 3 & 4 above may be used to calculate the maximum allowable height not to exceed a total height of sixty-five (65) feet.

F. Structures that exceed thirty-five (35) feet in height shall exhibit an uneven horizontal façade approximately parallel to the OHWM wherein the area of the building that exceeds the maximum height of sixty-five (65) feet shall have an equal amount of building façade parallel to the OHWM that is below the thirty-five (35) foot mark.

G. In the UR district, Northern Township shall review each proposal to determine the feasibility of additional green space beyond that required in the underlying district. Approval shall include dedicated additional green space if feasible.

Section 918. Controlled Access and Recreation Lots

Controlled access in recreation lots. A riparian lot which is intended to be used as a controlled access to public waters for non-riparian lots and/or dwelling units in any existing or proposed subdivision, out lot development or planned unit development shall require a conditional use permit and shall comply with the following:

A. Access lots must meet the minimum width and area requirements for residential lots and shall be suitable for access. In addition, the access lots shall have a minimum width of two-hundred (200) feet at the water line and shall extend a minimum of four-hundred (400) feet back from the ordinary high-water level or to the back limits of the development, whichever is greater. If docking, mooring, or over-water storage of watercraft is allowed at a controlled access lot, the width of the lot must be increased by the percent of the minimum lot width requirement for riparian residential lots for each watercraft beyond six, consistent with the following table:

Ratio of Lake Size (in Acres) to Shore Length (in miles)	Required Increase in Frontage (%)
Less than 100	25
100-200	20
201-300	15
301-400	10
More than 400	5

B. A minimum of twenty-five (25) foot side yard area on both sides of the private access lots shall be maintained with vegetative cover screening abutting lots.

C. The ownership and the responsibility for the maintenance and upkeep of a private access shall be vested in an incorporated association of the dwelling unit owners and their successors in interest who have access privileges over and upon such lots. The non-riparian dwelling units and lots shall be subjected to restrictive conditions and covenants for the equitable proration and assessment of the cost of maintenance and upkeep of the private access lot. Covenants must be developed which specify which lot owners have authority to utilize the access lot and activities that are allowed on such lots. Further, the covenants shall limit the total number of vehicles parked and watercraft moored, docked, beached or otherwise situated to be visible to users of the public water to a maximum of one of each per lot served. Covenants must require centralization of all facilities and activities in the most suitable locations of the lot to minimize topographic and vegetative alterations. They must also require all buildings, parking areas and other facilities to be screened by vegetation or topography, as much as practical, from view from the public water, assuming summer, leaf-on conditions.

D. The construction of any facility, including docks, roadways, launching facilities, playgrounds, parking facilities, or sports and game facilities, on any private access lot shall require the issuance of a conditional use permit. The application for such permit shall be made by the corporation charged with the maintenance and upkeep of the lot. All facilities, with the exception of docks, must meet the setback provisions specified in Section 901 (D) of this Ordinance.

E. No watercraft access lot may provide access rights for more than twenty-five (25) foot non-riparian lots not served by municipal sewer.

F. Reversion of developed or undeveloped controlled access and recreation lots, whether specifically implied or inferred, and whether originally approved via a CUP, PUD, Plat, CIC, and/or any other public approval process or not; may only be permitted for the individual development of a parcel by approval of a CUP as required by Section 1205 of this Ordinance.

ARTICLE X: PERFORMANCE STANDARDS

Section 1001. Purpose

The performance standards established in this Section are designed to encourage a high standard of development by providing assurance that neighboring land uses will be compatible. These standards are also designed to prevent and eliminate conditions that cause blight. Before any land use or building permit is approved, the Planning Administrator shall determine whether the proposed use will conform to the performance standards. An applicant shall supply data necessary to demonstrate such conformance.

The performance standards shall apply to future development and to existing development within compliance periods as noted in individual sections. Compliance may be waived by Northern Township if a building condition created under prior ordinances physically precludes the reasonable application of the standards

Section 1002. Exterior Storage and Outdoor Display of Merchandise

A. Purpose:

1. Northern Township desires to regulate nuisance exterior storage and outdoor display of merchandise. Encouraging properties to maintain an image of Northwood's character from the view of public right-of-way, limit conflicts between residential and commercial land uses, and to protect property values.

B. Public Nuisance:

Any exterior storage in violation of this Section constitutes a public nuisance and is a violation of this Ordinance. Upon notice by Northern Township to correct a violation the owner shall bring the property into compliance within thirty (30) days or such other reasonable period as identified in the notice.

C. Exterior Storage:

1. In R-1, R-2, R-3, R-4, and MH, Districts, all materials (trash, waste, refuse or any other items deemed a nuisance by Northern Township Staff) and equipment shall be stored within a building or be fully screened so as not to be visible from adjoining properties. Exceptions include:

   a. Construction and landscaping equipment, materials, etc., currently being used on the premises in connection with an approved land use, building, or site plan approval permit. Such items shall not be allowed to remain upon expiration of such permit(s), or when the work is completed, whichever occurs sooner;

   b. Agricultural equipment and materials if being actively used for farming, and intended for use on, or off of the premises on a regular basis;

   c. Off-street parking of operable passenger automobiles and pick-up trucks;

   d. In R-2 Districts, boats, trailers, recreational vehicles, and campers less than forty (40) feet in length, if stored at least ten (10) feet from all property lines. In R-3,

R-4 and MH Districts, boats, trailers, recreational vehicles, and campers less than twenty (20) feet in length, if stored in a rear yard at least ten (10) feet from all property lines. All vehicles that are deemed inoperative shall be screened with an opaque fence.

2. For all uses, except one and two family residences, which provide exterior and/or accessory trash, recycling or associated storage incidental to the permitted use, the following standards shall be required:

   a. Such areas shall be completely screened and enclosed on all sides, except the roof, with an enclosure or screening wall a minimum of six (6) feet in height.

   b. The enclosure shall be provided with a secure door and/or opening device to allow regular servicing and pick up of materials.

   c. The construction materials for the enclosure shall be of a durable and fully opaque material which cannot be seen through.

   d. The enclosure exterior design materials shall be compatible or of the same composition and appearance with that of the principal structure.

   e. The enclosure, if designed as an accessory structure with a roof or located within ten (10) feet of the principal or accessory structure where building code inspections are required, shall be permitted in accordance with the requirements of the building code.

3. Exterior storage accessory to a permitted principle use.

   a. The exterior storage area shall also only be located upon an improved hard surface in accordance with Section 1009 of this Ordinance.

   b. Exterior storage shall not be allowed within the front yard setback.

   c. The exterior storage area shall meet the screening requirements of Section 1005 of this Ordinance. For areas where it may be impractical to fully screen with the exact provisions of Section 1005 the Planning Administrator may approve an alternate to allow densely planted evergreen trees.

D. Outdoor Display of Merchandise and Open Sales Lots:

1. The following standards shall apply to any outdoor displays of merchandise and open sales lots in all districts where permitted:

   a. Shall be set back a minimum of fifteen (~~1~~5) feet from any front yard property line, street or alley right-of-way line.

E. Outdoor Display of Merchandise for Major Open Sales Lots:

1. The following standards shall apply to any outdoor display of merchandise and major open sales lots in all districts where permitted by IUP: All standards set forth in this

Section above shall be met, except as may be approved in accordance with the following:

a. Merchandise display area shall not exceed more than seventy-five percent (75%) of the maximum allowable impervious surface requirements of the district in which it is located.

b. A live landscaping plan shall be approved with the IUP in order to provide the appearance of a North Woods Character on the parcel. Landscape planting shall be in accordance with Section 1006 of this Ordinance.

Section 1003. Sight Visibility Triangle

Notwithstanding any other provision of this Ordinance, no buildings, structures, permanent or portable signs, parking spaces, fences, utility equipment, landscaping nor any other object may be erected, placed, planted, or allowed to grow in such a manner as to impede vision between a height of three (3) feet and ten (10) feet above curb grade, or street centerline elevation where no curb exists, except for sign support poles less than eight (8) inches in diameter within the required sight visibility triangle of a street intersection or driveway intersection with a street.

Required Corner Visibility	
Speed Limit (miles per hour)	Size of Corner Visibility Triangle
30 or less	25 feet measured from curb or paving
35	30 feet measured from curb or paving
40	25 feet measured from property line
45	33 feet measured from property line
<50	43 feet measured from p/l or curb
>55	60 feet measured from p/l or curb

At intersections of two streets, the sight visibility triangle for the street with the higher speed limit applies. The size of the triangle may be increased by Northern Township, or road authority, when deemed necessary for traffic safety alignment or other factors that require increased corner visibility. For purposes of this Section, that "distance measured from curb" at an intersection of two streets or roads shall be determined from a point where the extension of the curb from the two streets or roads meet and, at an intersection of a street or road and a driveway, the distance shall be measured from the point of the curb cut for the driveway.

Section 1004. Fences

This Section shall apply to all fences constructed after adoption of this Ordinance. All boundary line fences shall be entirely located upon the property of the person constructing such fence unless the owner of the property adjoining agrees, in writing, that such fence may be erected on the division line of the respective properties. Fences shall not exceed four (4) feet in height within the required front or exterior side yard setback in residential districts, six and one-half (6 ½) feet in height within the required side or rear yards in residential districts. On corner lots in residential districts fences shall not exceed a height of three (3) feet above curb grade, or street centerline elevation where no curb exists within the required sight distance triangle unless the fence is made of open, decorative, or ornamental materials which are a maximum of fifty percent (50%) opaque, and which do not create a site obstruction for drivers.

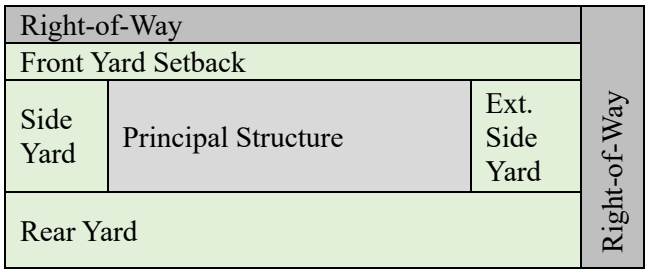
Fences shall not exceed eight (8) feet in height in the required side or rear yard setback in non-residential districts Fences shall not obstruct the required sight distance triangle in non-residential districts. Fences

shall not exceed six (6) feet in height in the required front yard setback nor shall they obstruct the view of the principle structure from the street except with the issuance of a CUP, IUP or variance.

When determining the allowable height of a fence the graphic below shall determine location of Front Yard and Exterior Side Yard Setback, allowing for corner lots to have a privacy fence in the back yard.

Any posts or similar structural member used in the construction of a solid board fence shall be constructed to face inward towards the property being fenced, so as not to be visible from adjacent properties. Fence designs which partially conceal posts and structural members such as alternating board and basket weave fences are exempt from this requirement.

Fences constructed in the rear yard on parcels defined as a through or double fronted lot, may be erected and/or maintained up to the maximum height allowed for the district provided the fence is not located within the sight visibility triangle and there is no driveway access from the adjacent roadway. Fences in violation of this standard are nonconforming and shall be removed within six (6) months of notice from Northern Township Staff or any other governmental authority.



Section 1005. Screening

Screening shall be provided on all parcels where:

A. Any off-street parking area contains more than four (4) parking spaces and is adjoining a residential zone.

B. Where any business or industrial use (i.e. structure, parking or storage) is adjacent to or within one-hundred (100) feet of property zoned for residential use, that business or industry shall provide screening along the boundary of the residential property. Screening shall also be provided where a business or industry is across the street from a residential zone, but not on that side of business or industry that is considered to be the front. The screening required shall consist of a wall, fence or densely planted compact evergreen hedge not less than five (5) feet or more than eight (8) feet in height that blocks direct vision but shall not extend to within fifteen (15) feet of any street right-of-way. Landscaping shall be required between the screening and pavement. All required screening shall be installed by the owner of property which creates the need for said screening. Compact Evergreen Hedges may initially be planted according to the Landscaping Requirements as a potted or ball and burlap plant measuring a minimum of no less than three (3) feet in height. While many evergreens are slow growing, others can grow quite quickly once established. Most evergreens, such as pine or spruce trees, and other coniferous landscape approved species are allowed to grow naturally to required minimum heights. Such plantings to meet this definition shall ensure there is enough room on all sides for such trees to spread out and achieve their normal expected maturity height and width. An approved planting plan shall also be defined so as to ensure there is adequate room for roots to spread out. If tree roots are confined to a small area because of buildings, walks, driveways, roads, alleys, adjoining site improvements, etc. (roots will not grow under hard surfaces), the root system will eventually be too small to provide for the size of the tree or hedge. If the trees or hedge then stops growing, declines, or eventually dies, or leaves gaps in the approved screening barrier, then the definition of a compact evergreen tree or hedge for required screening under this Ordinance shall no longer exist and may

be subject to compliance or enforcement actions as defined under this Ordinance. For foundation plantings or shrub beds, many dwarf evergreens species shall be defined as meeting this definition. Such species shall include, but not be limited to various common names such as, Arborvitae, Japanese Yew, Hemlock, Junipers, etc.

Section 1006. Landscaping Requirements

In all zoning districts, all open areas on a lot not used for approved buildings, driveways, parking, patios, pools and similar improvements, shall have a vegetative cover, including grass seed or sod, and be kept free of noxious weeds and plants. Vegetative cover may include lawns, other landscaping vegetation, or indigenous plant species, provided that the vegetative cover also complies with other applicable property maintenance code requirements.

Section 1008. Lighting

Exterior lighting shall not be allowed unless such lighting is arranged so that it is hooded or otherwise shielded in order to deflect light away from adjoining property, public waters, and public streets. Bare light bulbs or other illumination sources shall not be permitted in view from adjacent properties, public waters, or public rights-of-way. Lighting shall be directed downward in order to minimize adverse impact on surrounding properties and rights-of-way. All development which requires a land use or building permit, excluding single and two-family residences, shall be required to submit a lighting plan which, at a minimum, must include the site placement of all exterior lighting components and the specific fixture design features of each light. For the purposes of this Section, any property which contains lighting which is determined to be non-conforming by Northern Township Staff shall be brought into compliance upon written notice. Such non-conformity shall herein be defined as a public nuisance and shall not be entitled to the provisions of legal non-conforming uses as prescribed in Article V of this Ordinance. Minor changes to fixture direction or changes of illumination source which easily bring such lighting violations into compliance shall be made within the prescribed time frame. Substantial changes which require new lighting fixtures, the addition of fixture shields, and removal and/or replacement of lighting standards shall be completed so as to bring the property into compliance within one (1) year of written notice.

Section 1009. Off-Street Parking, Loading & Surfacing Standards

The regulation of off-street parking spaces in this Ordinance is to alleviate or prevent congestion of the public right-of-way and to promote the safety and welfare of the public by establishing minimum requirements for off-street parking of motor vehicles. In all zoning districts all structures built and uses established hereafter shall provide off-street parking in accordance with the regulations of this Ordinance. When an existing use or structure is expanded, off-street parking shall be provided in accordance with the regulations of this Ordinance for the total area or capacity of such expansion and shall meet all surfacing requirements.

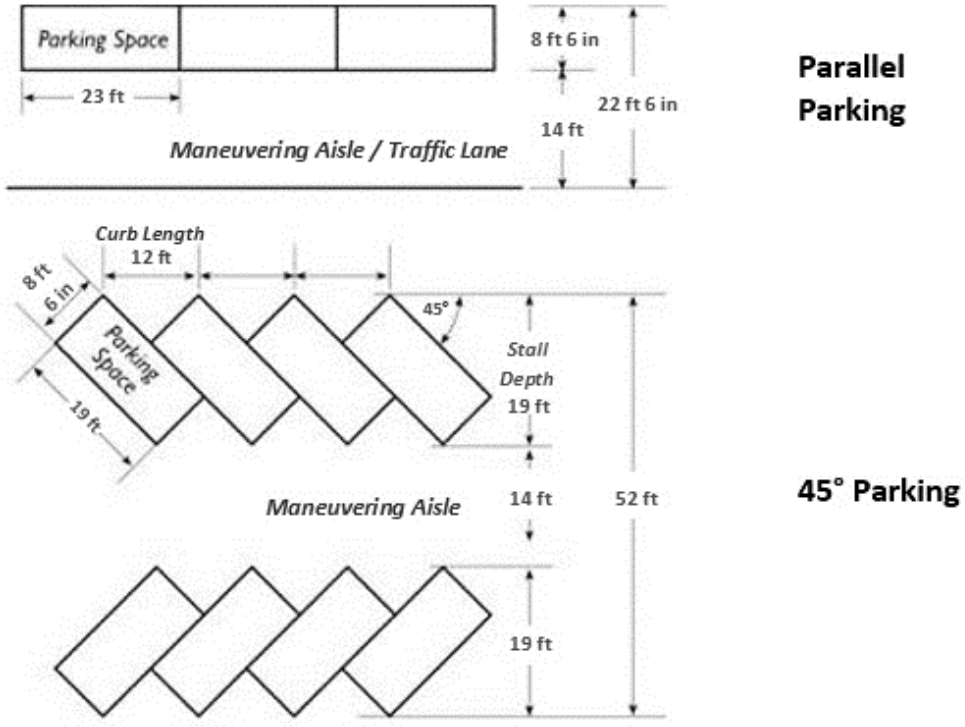
A. Design and Maintenance. The design and maintenance of parking spaces shall comply with the following:

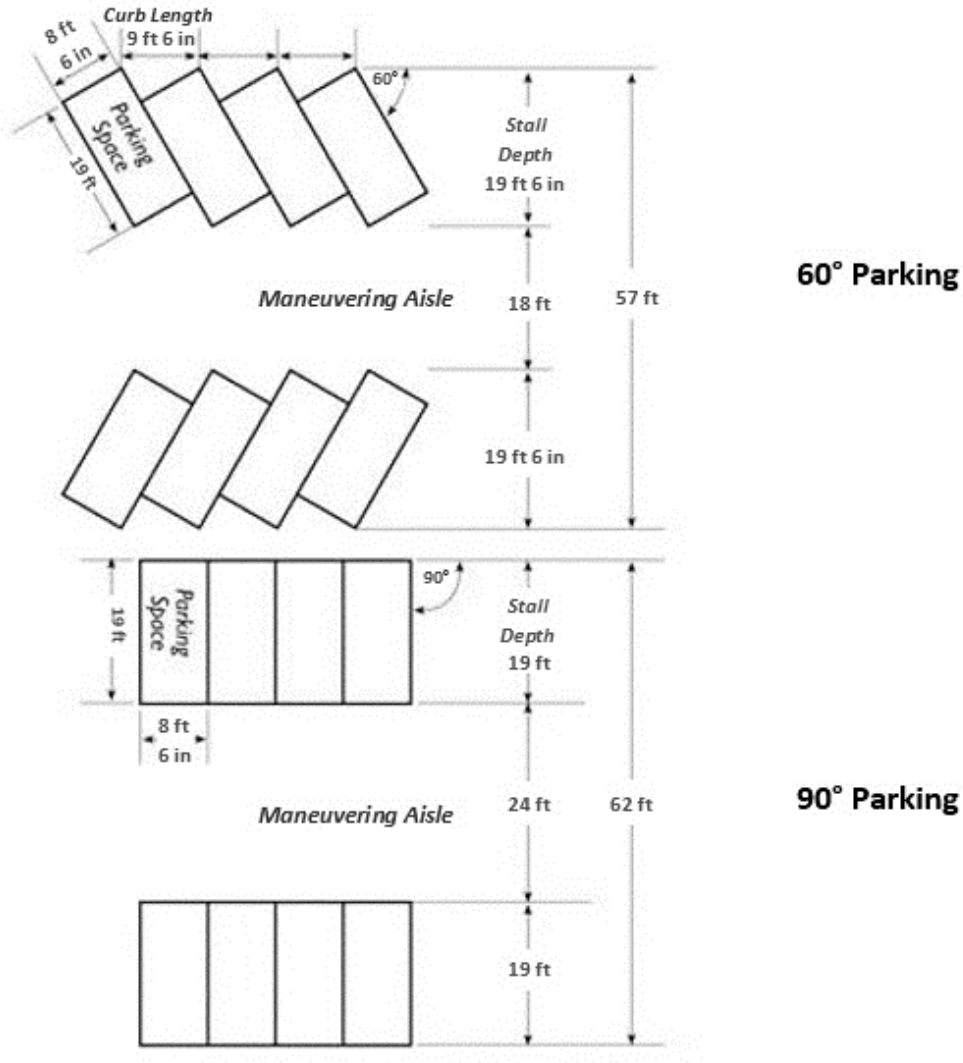
1. Parking spaces, aisles and driveway dimensions are listed below. A standard parking space shall not be less than nineteen (19) feet in length and eight and one-half (8 ½) feet in width, exclusive of access drives.

    a. Parallel parking spaces shall be a minimum of twenty-three (23) feet in length.

b. Except in the case of single family, two-family, townhouse, and four-plex dwellings, minimum driveway and traffic lane widths shall be developed in compliance with the dimensions listed below:

Angle of Parking	Stall Width	Curb Length Per Stall	Stall Depth	Aisle/Driveway Width
Parallel	8′6″	23′0″	8′6″	14′
30°	8′6″	17′0″	19′0″	14′
45°*	8′6″	12′0″	19′0″	14′
60°*	8′6″	9′6″	19′6″	18′
75°	8′6″	9′0″	19′6″	24′
90°*	8′6″	8′6″	19′0″	24′
*Most frequently or commonly used				





2. Off-street parking, driveways, loading and maneuvering areas shall be improved with a bituminous, concrete, pavers, or pervious paving/paver system. Pervious paving/paver systems shall only be used provided appropriate soils and site conditions exist for the pervious systems to function adequately. Minnesota Department of Transportation (MnDOT) Class V Aggregate Base and other similar aggregate bases are not classified as an acceptable material. Off-street parking and driveways for all single-family and two-family residential properties in an R-1, R-2, R-3, and R-4 Residential Zoning Districts may use a Class V aggregate base or another similar aggregate base in lieu of a surfacing material such as bituminous, concrete, pavers, or pervious paving/paver system.

    a. An exception can be made for outdoor storage and loading and maneuvering areas that does not directly adjoin to or is adjacent to a street in the B-1 zoning districts where Minnesota Department of Transportation (MnDOT) Class V Aggregate Base and other similar aggregate bases can be used within the defined outdoor storage area compliant with Section 1002 of this Ordinance, only as approved by Conditional Use Permit, provided the site is completely screened in accordance with Section 1005 of

this Ordinance. Dust control provisions including sealant must be applied at least twice a year or more often if needed. This exception does not apply to mini-storage units or other similarly heavily utilized public commercial areas.

b. A land use permit shall be issued by Northern Township prior to the creation or the redevelopment of any parking lot.

3. In all zoning districts the following limitations shall apply:

   a. Vehicle parking for single and two family residences is prohibited between the street and the principal structure along all street frontages of the parcel, except upon a driveway or approved parking surface. Driveways in these areas may not exceed twenty (20) feet in width unless a designed parking area has been designed and approved by the Planning Administrator. Platted alleys are exempt from these two (2) specific limitations.

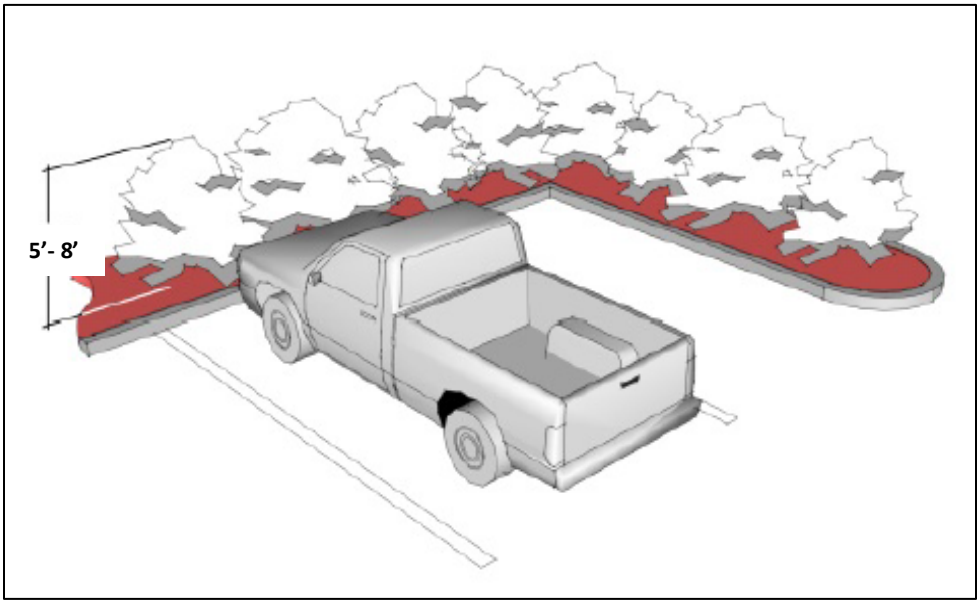
   b. Off street parking on grass, landscaped areas, or any unapproved driveway surface on a parcel is prohibited; except in R-1, R-2, & R-3 Districts for parcels one (1) acre in size or greater. Approved driveway and parking surfaces shall constitute an impervious surface subject to the limitations set forth in this Ordinance.

   c. The public street or alley right-of-way area devoted to driveway purposes shall not be considered in determining whether off-street parking requirements have been met. Parking in alleys or unimproved street rights-of-way shall be prohibited.

   d. Enclosed buildings, carports, and any other permanent or temporary structure containing off-street parking shall be subject to structure setback requirements applicable to the district in which located.

   e. Type II and Type III Home Occupation off-street parking areas and driveways hall be improved with a bituminous, concrete, pavers, pervious paving/paver system.

4. All open off-street parking areas containing more than four (4) parking spaces shall be effectively screened on each side that adjoins any residentially zoned property by a wall, fence or densely planted compact evergreen hedge not less than five (5) feet, or more than eight (8) feet in height.



5. Any lighting used to illuminate off-street parking areas shall be in accordance with Section 1008 of this Ordinance.

    a. Setbacks.

        i. Front, side and rear setbacks of at least five (5) feet from property lines shall be maintained from parking areas in all zoning districts.

        ii. No area used by motor vehicles, other than driveways for ingress to and egress from the site, shall be located within the public street right-of-way.

    b. More than One Use. Except for a multi-tenant commercial building, for structures containing two (2) or more types of uses the parking requirements of each use shall be calculated and a reduction of up to ten percent (10%) may be made for non-usable space. The resulting net figure shall be utilized to determine the off-street parking requirement.

    c. Snow Storage in Parking Stalls. Provision shall be made in the parking area for adequate snow storage or removal in order to ensure that the required numbers of spaces are available at all times during the year. If snow storage is moved from parking areas to a greenspace area, then greenspace areas shall be restored to a satisfactory landscaped condition each spring.

    d. Use of Required Area. Required off-street parking spaces in any district shall not be utilized for open storage, sale or rental of goods, except in accordance with the regulations of Section 1002 of this Ordinance, or any storage of inoperable vehicles.

    e. Vehicular traffic generated by a use shall be channeled and controlled in a manner which will avoid congestion or interference with other vehicular transportation systems or pedestrian traffic and which will avoid creating traffic hazards or excessive traffic through residential areas. The adequacy of any proposed traffic circulation system to accomplish these objectives shall be determined by the Planning

Administrator in conjunction with an engineer, which may require such additional measures for traffic control as deemed necessary, including but not limited to: directional signalization, channelization, standby turn lanes, sidewalks, driveway spacing, illumination and other facilities within the site to prevent a backup of vehicles on public streets.

f. Streets Not Used. Except in the case of single-family, two-family and townhouse dwellings, parking areas shall be designed so that circulation between parking bays or aisles occurs within the designated parking lot and does not depend upon a public street or alley. Except in the case of single, two-family and townhouse dwellings, parking area design which requires backing into the public street is prohibited. Parking spaces in a public right-of-way cannot be utilized to meeting required off-street parking standards.

6. Curb Cut and Driveway Access Location

a. Curb Cut Proximity to Intersection. No curb cut or other driveway access shall be located less than forty (40) feet from the intersection of two (2) or more street rights-of-way. This distance shall be measured from the intersection of lot lines, not curb lines.

b. Curb Cut Maximum. No curb cut access shall exceed twenty-four (24) feet in width, except upon approval by the Planning Administrator and Road Authority.

c. Curb Cut and Driveway Spacing Minimum. Curb cut openings or driveway access shall be located at a minimum of ten (10) feet from the side yard lot line in all districts. This standard shall not apply to shared driveways serving two (2) or more properties where such access is established through a recorded easement and approved by the Township.

d. Curb Cut Separation (multifamily, commercial and industrial). Driveway access curb openings on a public street, except for single, two-family and townhouse dwellings, shall not be located less than forty (40) feet from one another, except on approval by the Planning Administrator and Road Authority. Driveway access curb openings on the opposite side of the public street shall comply with the same separation standard along the street, unless they are in direct alignment.

e. Curb Cut Separation (single family residential). Driveway access curb openings on a public street, for single, two-family and townhouse dwellings, shall not be located less than twenty (20) feet from one another, except on approval by the Planning Administrator and Road Authority. Driveway access curb openings on the opposite side of the public street shall comply with the same separation standard along the street, unless they are in direct alignment.

7. Truck Loading and Maneuvering Area Requirements, Design and Maintenance:

a. Requirements. Truck loading docks or berths are not required for off-street parking areas. When such facilities are planned for residential and commercial developments they shall meet the design provisions of this Section. Such requirements will not be applied to B-1 Zoning District.

b. All loading areas shall consist of a maneuvering area in addition to the berth and shall not use any of those portions of the site containing parking stalls. Maneuvering areas shall be of such size as to permit the backing of truck tractors and coupled trailers into a berth, without blocking the use of other berths, drives or maneuvering areas or on public right-of-way. The construction and setback standards listed in this Section also shall apply to all loading areas.

c. Landscaping and Screening of Loading Berths. Loading berths shall be screened from all property lines if adjacent to residential zoning districts and directly facing them. Said screening shall be accomplished by a solid wall or fence and shall be so designed with building materials as to be architecturally similar or compatible with that of the principal structure. Screening plantings may be substituted, provided such plantings fully screen the loading area to the top of any docked semi-trailer.

d. Location.

i. Off-Street. All required loading berths for a non-residential use shall be off-street and located on the same lot as the building or use to be served.

ii. Distance from Intersection. All loading berth curb cuts shall be located a minimum of fifty (50) feet from the intersection of two (2) or more street rights-of-way. This distance shall be measured from the property line.

iii. Distance from Residential Use. No loading berth for a non-residential use shall be located closer than one hundred (100) feet from a residential district unless located completely within a structure, except on approval by the Planning Administrator.

a.) Pedestrians. Loading berths shall not conflict with pedestrian movement.

b.) Visibility. Loading berths shall comply with sight visibility requirements.

c.) General Compliance. Loading berths shall comply with all other requirements of this Section.

iv. Traffic Interference. Each loading berth shall be located with a means of vehicular access to a street or public alley in a manner which will cause the least interference with traffic.

v. Accessory Use; Parking and Storage. Any space allocated as a required loading berth or access drive so as to comply with the terms of these zoning regulations shall not be used for the storage of goods, inoperable vehicles, container storage, or snow and shall not be included as part of the space requirements to meet off-street parking requirements.

B. Minimum Off-Street Parking Spaces Required

Off-street parking shall be provided in sufficient quantity to serve the proposed use without generating overflow onto public streets, adjacent properties, or public rights-of-way.
A parking plan demonstrating adequate off-street parking shall be submitted for all new development, redevelopment, expansion, or change of use subject to review under this Ordinance. The Planning Administrator shall review and approve the parking plan based on site-specific conditions, including but not limited to: type of use, building size, number of employees, expected volume and turnover of customer traffic, expected frequency of delivery or service vehicles, availability of shared parking, and applicable parking data or standards for similar uses.

Shared parking with an adjoining property may be approved, provided an executed parking easement or similar recorded agreement is submitted to Northern Township as a condition of approval.

If, following establishment of the use, the approved parking plan proves inadequate based on actual site operation, the Township may require the property owner to submit a revised parking plan and implement reasonable corrective measures.

The following tables provide reference standards to guide parking plan preparation and Planning Administrator review. They are not mandatory minimums.

Minimum Recommended Parking Spaces for Residential Uses	
Use	**Minimum Number of Spaces Recommended**
One and two-family dwellings (owner occupied)	One (1) space per bedroom, except that all dwelling shall have two (2) spaces. Garage space may be included in this calculation. Existing owner occupied dwellings with deficient parking shall not be required to increase parking spaces until the use of the property changes from an owner occupied status.
One and two-family dwellings (licensed rentals)	One (1) space per bedroom or one (1) space per licensed occupancy, whichever is greater (maximum of 4 required). Garage space may be included in this calculation. No more than two (2) cars can be "stacked" in a driveway, without providing for additional off-street parking. Additional off-street parking must be designed, approved and permitted prior to rental license approval. Parking areas will consist of an improved surface and a hardscape edger capable of stopping cars per Section 1009 A. (2).
Multi-Family Dwellings**	One (1) space per bedroom, plus 0.25 additional space per dwelling unit for guest parking.
Manufactured/Mobile Home Parks	Two (2) Spaces per dwelling unit.
Dormitories, Fraternities, Sororities and other lodging facilities designed primarily for unmarried student occupancy.	One (1) space per dwellings each first twenty (20) units, and a total number of spaces not less than seventy-five percent (75%) of the total number of units.

Housing for Seniors and/or Physical Handicapped Persons	One (1) space per dwelling unit for each of the first twenty (20) units, and a total number of spaces not less than seventy-five percent (75%) of the total number of units.
Nursing Homes	Six (6) spaces for the first three thousand square feet of floor area and one (1) space for each additional one thousand (1,000) square feet, with a minimum of six (6) spaces per establishment.
Assisted Livings***	0.5 spaces for each unit, plus one (1) space for each employee on max shift.
Lodging or Rooming Houses	One (1) space per dwelling unit.
Residential Care Facility***	One (1) space per three (3) bedrooms, plus one (1) space for each employee on max shift. There shall be a minimum of four (4) spaces.
Minimum Recommended Parking Spaces for Commercial Uses	
Use	**Minimum Number of Spaces Recommended**
Business and Professional Offices***	One (1) space for each three-hundred (300) square feet of gross floor area , plus one (1) space for each employee on max shift.
Retail and Grocery Stores***	One (1) space for each three-hundred (300) square feet of gross floor area used for the sale of goods, plus one (1) space for each employee on max shift.
Personal Services and Repair***	One (1) space for each four-hundred (400) square feet of gross floor area, plus one (1) space for each employee on max shift.
Restaurants, Bars, Taverns or Cafes	One (1) space per three (3) seats based on maximum fixed seating design capacity for restaurants without liquor service, provided that drive-in restaurants shall have at least ten spaces. For restaurants with liquor service, an additional 30% shall be required in addition to the one (1) space per three (3) fixed seats standard.
Hotels/Motels/Resorts	Two (2) spaces plus one (1) space per rental unit, plus additional spaces required for restaurants, assembly rooms and affiliated facilities
Hospitals	One (1) space for each hospital bed, plus one (1) space for each two (2) employees other than doctors, plus one (1) space for each doctor assigned to the staff.
Clinics – Medical, Dental, Chiropractic, etc.	Three (3) spaces per examination or treatment room.
Theaters	One (1) space for each four (4) seats of design capacity.
Bowling Alleys	At least five (5) spaces per bowling lane, plus such additional spaces as may be required herein for affiliated uses such as restaurants and other similar uses.
Commercial Daycare or Day-Nurseries	One (1) space per six (6) persons of licensed capacity of the facility, plus one (1) space per employee.
Automobile Service Stations	Two (2) spaces for each service bay, plus one space for each employee, but not less than a total of five (5) spaces.

Open Sales Lots – Automobile Showrooms and Sales Facilities (New and Used), Mobile Home and Trailer Sales/Rental Lots, and Boat and Other Recreational Equipment/Vehicle Sales	One (1) space for each four hundred (400) square feet of enclosed floor area and one (1) space for each three thousand (3,000) square feet of open lot area devoted to sales and display.
Fuel and Convenience Stores***	One (1) space for each three-hundred (300) square feet of gross floor area, plus one (1) space per full-time employee. Each fuel station parking space doesn't contribute toward the minimum parking requirement.
Furniture and Appliance Stores	One (1) space for each four hundred (400) square feet of enclosed floor area and one (1) space for each three thousand (3,000) square feet of open lot area devoted to sales and display.
Warehouse, Storage or Wholesaling***	One (1) space for each three (3) employees on maximum shift.
Manufacturing, Fabrication or Processing of Product or Material, Assembly/Disassembly***	One (1) space for each three (3) employees on maximum shift.
Mini-Storage Facilities	Four (4) spaces, two (2) spaces for the manager's office and two (2) for potential customers, if there is a manager's office.
Minimum Recommended Parking Spaces for Assembly, Institutional and Community Uses	
Use	**Minimum Number of Spaces Recommended**
Religious Institutions, Temples, or other places of Assembly	One (1) space for each four (4) seats of design capacity.
Funeral Homes	One (1) space for each four (4) seats maximum capacity, plus one (1) space for each employee and one (1) space for each vehicle garaged on the premise.
Schools – Elementary and Middle School (Primary and Intermediate schools)***	One (1) space per each faculty member of full-employee status.
Schools – High School (Secondary School)***	One (1) space per eight (8) students, based upon the maximum number of students attending classes on the premises at any one time in a twenty-four (24) hour period, plus one space for each faculty or other full time employee.
Schools – College, Trade and Commercial School***	One (1) space for each three (3) students, and (1) space for each faculty member and other full time employee.
Sports Arenas, Auditoriums, Gymnasiums, Stadiums and similar places of Assembly	One (1) space for each three (3) persons, based on the maximum design capacity.
Public/Private Clubs and Lodges	One (1) space for each three (3) persons, at maximum design capacity.
Community Center, Library, Museum or Art Gallery	One (1) space per three-hundred (300) square feet of floor area.
Country Club or Golf Course***	Four (4) spaces per green, plus one (1) space per employee on the largest shift.

*** Uses not listed above shall be presented to the Zoning Administrator to determine the total number of parking spaces required.**

**** For licensed rental dwellings, all provisions of Section 1009 (B.-2.) above shall apply.**

***** Parking for employees shall be based on the maximum number of employees present during the largest work shift.**

**** **No parking area shall be allowed to be increased greater than fifty (50) percent of the minimum standard without approval of a Conditional Use Permit by Northern Township.**

***** **When determining the number of off-street parking spaces required by this Section, a fraction of less than one-half (1/2) may be disregarded, and a fraction of one-half or more shall be counted as one required space.**

C. Drive-Through Facilities

1. Intent and Purpose

Drive-through facilities shall be designed to lessen congestion in the streets and to allow the safe conduct of drive-through transactions without interference by or to other on-site activities.

2. Applicability

Any site with new development, redevelopment, or change in use that uses drive-through facilities for some or all of its transactions shall comply with this section.

3. Exemptions

Facilities without proposed drive-throughs are exempt.

4. Existing Nonconformities

Existing sites not meeting the requirements contained in this section shall be brought into full compliance under one or more of the following conditions:

a. If an existing use is improved or remodeled in a value of twenty-five (25) percent or more of the valuation of the existing principal structure as reflected on the Property Appraiser's current records.

b. If an amendment, other than a minor amendment, is required to an existing approved site plan.

c. If a change in use generates a requirement for more or larger loading spaces.

5. Drive-Through Design Requirements



a. All Drive-in Facilities and accessory drive-through car washes shall be so located and designed that they will not create a traffic hazard or nuisance because of their location in relation to similar uses, buildings or proposed buildings on or adjacent to the building site and the traffic patterns from such uses or buildings.

b. Drive-in Facilities and accessory drive-through car washes shall be so located and designed as to minimize turning movements in relation to their driveway access to streets and intersections, and to minimize turning



movements across sidewalks and pedestrian access ways which may disrupt pedestrian circulation within activity centers

c. Drive-through entrances shall be marked by the property owner with durable warning signage that directs traffic in a way that does not create hazardous congestion. Signage shall also be placed to prevent queues from extending into either the public right-of-way or roadways.

Section 1010. Non-Motorized Transportation

A. Purpose and Rational

There is an important relationship between the built environment and the ability of people to be physically active in the public setting. Northern Township will seek to enhance the safety, access, convenience and comfort of all transportation users of all ages and abilities, including pedestrians (including people requiring mobility aids), bicyclists, transit users, and motorists, through the design, operation and maintenance of the transportation network so as to create a connected network of facilities accommodating each mode of travel that is consistent with and supportive of the local community, recognizing that all streets are different and that the needs of various users will need to be balanced in a flexible manner non-motorized transportation seeks to:

1. Ensure that each development is designed to be pedestrian friendly.

2. Create a healthy built environment in which individuals have opportunities to incorporate physical activity, such as walking and bicycling, into their daily routine.

3. Create an environment where the risk of pedestrian injuries or fatalities is minimized through the application of appropriate design standard by minimizing bicycle, pedestrian and motorized vehicle conflict.

B. Requirements

Active Transportation Requirements shall apply to all private on site improvements in all zoning districts except C, R1, and R2. It will be important to ensure that the project development process includes early consideration of the land use and transportation context of the project, the identification of gaps or deficiencies in the network for various user groups that could be addressed by the project, and an assessment of the tradeoffs to balance the needs of all users. The context factors that should be given high priority include the following:

1. Whether the corridor provides a primary access, to a significant destination such as a community or Regional Park or recreational area, a school, a commercial area, grocery store, or an employment center. Any destination that is within a half (1/2) mile shall meet these criteria.

2. Whether the corridor is in an area where a relatively high number of users of non-motorized transportation modes can be anticipated.

3. Whether a public road corridor provides important continuity or connectivity links for an existing or proposed trail, path, or sidewalk network.

When one or more of the context factors listed in this Section is met, new development, major alterations, conditional/interim use permits, and subdivisions requests shall include on-site access

and circulation design for pedestrians, bicyclists, and motor vehicles, and integrate these facilities with adjacent properties to support the safe travel of persons of all ages and abilities. Pedestrian and bicycle facilities shall have a paved surface width of not less than five feet and shall provide ADA (Americans with Disabilities Act) compliant accessibility.

C. Exemptions
Non-motorized transportation facilities shall be included in all development and land use projects based in the Context Factors and Standards listed in Section 1010 (B) above, except under one or more of the following conditions:

1. The Planning Administrator and/or the Road Authority Engineer (when applicable) jointly determine that the construction of such facilities is not practically feasible or cost effective specifically because of significant or adverse environmental impacts to streams, flood plains, remnants of native vegetation, wetlands, steep slopes, or other critical areas, or due to impacts on neighboring land uses. Cost alone is not a reasonable factor.

2. The Planning Administrator and/or the Road Authority Engineer (when applicable) jointly determines there is insufficient space to safely accommodate new facilities or there are relatively high safety risks.

3. There is a lack of need for the facilities due to a failure to meet each of the context factors listed in this Section. If a residential development proposal does not meet both context factors 2 and 3 as outline in Section 1010 (B) above, the Planning Administrator can waive the non-motorized transportation requirements.

4. Permits for accessory uses, paving of driveways, sign requests, landscaping, farm animals and other actions that do not result in new development, major alterations, conditional/interim uses, or subdivision of land are exempt from the Non-Motorized Transportation Standards.

5. If the road the serves as the primary access to the proposed development is not paved, and any new roads will not be paved as a result of the development, the Non- Motorized Transportation Standards shall not apply.

Section 1011. Temporary Uses or Structures

The following temporary uses of land are allowed, subject to the regulations and time limits identified below, unless a permit is specifically required by this Ordinance. These temporary uses are, however, subject to all other zoning regulations applicable within the specific zoning district in which the use is permitted.

A. Christmas tree sales in any commercial or industrial district for a period not to exceed forty-five (45) days. Display of such trees need not comply with the yard and setback requirements provided that no trees shall be displayed within thirty (30) feet of the intersection of the curb line of any two (2) streets.

B. Contractors' offices and equipment sheds accessory to an ongoing permitted construction project, provided that no sleeping or cooking accommodations are provided.

C. Real estate offices incidental to a new housing development, provided that no sleeping or cooking accommodations are provided, until the initial sale or lease of all dwelling units in the development.

D. Seasonal sale of farm produce (including Christmas trees) grown on the premises in the C and R-1 districts, to continue for not more than four (4) months per year. Structures incidental to such sale need not comply with the front yard setback if the structures are removed or moved back behind the setback line at the end of the season in which they used.

E. Promotional activities of retail merchants involving the display only of goods and merchandise that are for sale within the principal structure, conducted outside of such structure for a period of not more than two (2) consecutive weeks in any three (3) month period, provided that:

1. No portion of the display shall be on publicly owned property unless the applicant shall have first obtained approval for such use from Northern Township;

2. No required off-street parking or loading area will be utilized for such display, storage or dispensing;

3. No food or drink shall be displayed outside the building except in accordance with standards and prior approval of the health department; and,

4. These provisions shall in no way be deemed to authorize the outdoor display of automobiles, trailers, equipment rental, or the sale of used furniture, appliances, plumbing, housewares, building materials, or similar display or sale in any business district except as otherwise permitted by this Ordinance.

F. Garage or yard sale at a residential dwelling property limited to three (3) consecutive days no more than twice in any twelve (12) consecutive month period. Where such sale is conducted on premises exterior to any structure, all sale items shall be removed from such exterior premises within one day following the day the sale is conducted.

G. Temporary storage containers/semi-trailers

The purpose of this section is to regulate the use of temporary storage containers and semi-trailers within Northern Township. These regulations are intended to preserve and protect the visual quality and character of neighborhoods, and promote the safety and health among the residents and businesses of Northern Township by ensuring the use of such storage containers does not become a public nuisance.[1]

[1] The scope of this section, with respect to semi-trailers, is limited to the use of such trailers for storage when they are disconnected from a truck tractor. This section does not apply to the handling of semi-trailers when connected to a truck tractor.

Residential Districts: The use of a temporary storage container/semi-trailer is prohibited in residential districts, except in accordance with the following:

A temporary storage container/semi-trailer may be used to support construction activities occurring on the same property, subject to the following:

1) A land use permit is required if more than a combined total of two temporary storage containers/semi-trailers are to be located on a property;

2) The temporary storage container/semi-trailer may only be on the property while the construction activities are occurring on the same property;

3) A current building or land use permit has been issued for the construction activities;

4) The temporary storage container/semi-trailer is removed within seven (7) calendar days after completion of construction or the expiration of the building permit, whichever occurs first.

A temporary storage container/semi-trailer for the limited purpose of temporary storage to accommodate a move, a remodeling project, or the clean-up of a casualty loss may be on a property for no more than fifteen (15) consecutive days in a calendar year. Keeping a temporary storage container/semi-trailer on a property for more than forty-eight (48) consecutive hours requires the issuance of a land use permit. The keeping of a temporary storage container/semi-trailer for more than fifteen (15) consecutive days within any twelve (12) month period, shall require an interim use permit.

Commercial Districts/Business Areas: In commercial districts, up to two temporary storage containers/semi-trailers per property are allowed with the issuance of a land use permit. An interim use permit is required if more than a combined total of two temporary storage containers/semi-trailers are located on a property. The use of a temporary storage container/semi-trailer in these districts is subject to the following:

No temporary storage container or semi-trailer shall exceed four hundred (400) square feet, unless expressly authorized in an interim use permit;

The temporary storage container/semi-trailer is counted toward impervious surface requirements;

The temporary storage container/semi-trailer may only be located in the side or rear yard of a property, and shall not be located within the front yard setback, on greenspace, in a right-of-way, or other areas on which the placement of a structure is prohibited;

The temporary storage container/semi-trailer shall be screened with sight-obscuring fencing or landscaping approved by Northern Township staff;

The land use permit must be renewed annually or the temporary storage container/semi-trailer shall be removed.

Any existing unpermitted storage container/semi-trailer shall be brought into compliance with this section by obtaining the required permit within one (1) year of the effective date of this section or it shall be removed from the property.

Contractor's shops and storage facilities (see definition per Section 109) are exempt from the requirement to obtain land use permit for their temporary storage containers and job trailers that are regularly transported to and from the contractor's shop or storage facility as part of its on-going business activities. However, all temporary storage containers and job trailers are subject to screening, impervious surface/greenspace, and setbacks requirements. All storage containers and job trailers shall be parked in the side or rear of the property.

Standards: The following standards apply to an allowed temporary storage container/semi-trailer:

It must be kept free of nuisances (grass, weeds, trash, vermin, holes, peeling paint, rust, damage, etc.) or it can be deemed a nuisance and be subject to legal action or revocation of the applicable permit;

It shall not exceed four hundred (400) square foot each, except in a commercial or business district with the issuance of an interim use permit;

It shall not be used for any advertising purpose and shall be kept free of all alpha-numeric signage and writing, except for identifying information required by law and job trailers used on a construction site;

It shall not occupy any required off-street parking or loading areas;

It shall be placed so as to comply with setbacks applicable to the zoning district in which it is located;

It shall not be stacked on top of another temporary storage container/semi-trailer;

Materials shall not be piled or stacked on, against, or next to a temporary storage container/semi-trailer;

The maximum height of a temporary storage container/semi-trailer is fifteen (15) feet; and

A temporary storage container/semi-trailer in violation of this section shall be removed from the property within thirty (30) days of notification of the violation by Northern Township. An extension for the removal may be granted by the Planning Administrator if a building or land use permit is obtained for on-site construction to correct the violation.

H. Temporary construction office, office, or classroom

1. Temporary storage containers and construction job trailers incidental to the construction of a permitted use may be allowed on-site for the duration of construction and must be removed within seven (7) days after the completion of construction.

2. Temporary office or classroom space may be permitted for one hundred and eighty (180) days or less with a building or land use permit as appropriate. Any time extension shall require an Interim Use Permit.

I. Tents, recreational vehicles (RV) and other temporary assembly structures may be located on a property for temporary assembly uses for a period not to exceed fifteen (15) days without a permit. A permit is required for any temporary structure erected for more than fifteen (15) days.

Section 1012. Special Provisions for Type II and Type III Home Occupations

Customary Type II home occupations shall be allowed with the issuance of a Home Occupation Permit provided that they meet the following conditions. Type III home occupations shall be allowed only via the issuance of an Interim Use Permit and must meet the provisions of this Section in addition to any standards or conditions prescribed by Northern Township in the issuance of said permit.

A. Such occupation is carried on in the principal building and may not be conducted in an accessory building other than a private garage.

B. Not more than twenty-five percent (25%) of the gross floor area of the residence or garage is used for this purpose.

C. Only articles made or originating on the premises shall be sold on the premises, unless such articles are incidental to a permitted commercial service. Retail sales, including used goods and garage sales are prohibited from being the primary business. No more than two (2) garage sales may occur at a dwelling in any year. A garage sale may not exceed a period of more than three (3) consecutive days.

D. No articles for sale shall be displayed so as to be visible from the street.

E. Not more than one person other than those who reside on the premises shall be employed.

F. No mechanical or electrical equipment shall be used if the operation of such equipment violates existing nuisance ordinance controls, creates a public nuisance, or otherwise interferes unreasonably with the desired quiet residential environment of the neighborhood or if the health and safety of the residents is endangered. No equipment shall be used in the home occupation which will create electrical interference to surrounding properties.

G. Such occupation must provide off-street parking. Parking spaces shall be clearly identified on an approved site plan of the parcel at the time the permit is issued. Parking of vehicles associated with the home occupation on streets or alley ways is prohibited. The on-site parking spaces must be sufficient to accommodate all traffic generated by the home occupation. No more than six vehicles in addition to the vehicles registered to drivers living at the residence may be parked on a parcel at any one time.

H. There shall be no exterior storage of equipment or materials used in the home occupation, except personal automobiles used in the home occupation may be parked on the site.

I. One sign no larger than four (4) square feet shall be permitted on site.

J. No permitted home occupation shall be conducted between the hours of 10:00 PM and 6:00 AM.

K. An owner of a home occupation shall maintain adequate sewage treatment facilities, and shall provide documentation of compliance with the standards prescribed in Article VIII upon request of the Planning Administrator.

L. No home occupation shall require exterior or significant interior renovation or alteration not customarily found in dwellings except where required to comply with local and state fire and police recommendations.

M. Home occupations which create noise, odor, dust, electrical glare or vibrations discernible off of the premises shall not be permitted.

Section 1013. Manufactured Home Park Standards

In order that a manufactured home park may be harmonious within itself and with the surrounding area, the following performance standards are required:

A. Area and Open Space Requirements:

1. The minimum area for a manufactured housing park connected to municipal services shall be two (2) acres and five thousand (5,000) square feet per mobile home, excluding streets and rights-of-way.

2. The minimum area for a manufactured housing park not connected to city utility services and operating on SSTS shall be ten (10) acres.

3. A minimum of five hundred (500) square feet per mobile home shall be provided in a definable play area and/or open space. Lot yards shall not be included in this space, nor shall any areas of less than twenty (20) feet in length or width. All areas not used for access, parking circulation, buildings and service shall be completely landscaped and the entire area maintained in good condition, consistent with the provisions of this Ordinance.

B. Streets
Streets must follow subdivision requirements concerning grading and must be a minimum of twenty-four (24) feet in width and, at a minimum, a driving surface of Class V gravel. When a manufactured home park reaches seventy-five percent (75%) occupancy, streets will be required to be paved with a bituminous or concrete surface. The right-of-way width will be a minimum of forty (40) feet. On-street parking is not allowed.

C. Parking
A minimum and maximum of two (2) off-street parking spaces will be provided on each lot. These spaces will be clearly defined with a border and gravel or cement surface. A parking compound must be provided by the developer to accommodate one additional parking space for every two (2) manufactured homes. All boats, campers and trailers must be parked in this designated parking compound.

D. Screening
All manufactured home parks located adjacent to residential, recreational, commercial or industrial land uses shall provide screening such as fences, shrubs or trees along the property boundary line separating the park and other uses and shall be maintained in a neat and orderly

manner. Screening shall be a minimum of five (5) feet in height. Landscaping shall be provided between the screen and property boundary. A landscape plan is required as part of the platting process for a manufactured home park.

E. Accessory Buildings
One storage building of not more than one hundred and twenty (120) square feet is allowed per lot. A carport may also be allowed on manufactured home lots. All accessory buildings must meet applicable setbacks. Storage and accessory buildings must be maintained and designed to enhance the general appearance of the lot.

F. Manufactured Home Requirements
All manufactured homes shall be skirted and shall be in accordance with the decor of the manufactured home and in good repair. Each home shall be parked upon a jack or block approved by Northern Township. Each manufactured home shall be anchored to resist damaging movement by wind or storm. Each manufactured home base shall have a suitable hardstand of durable material capable of supporting the vehicle wheels, stands or jacks. A minimum of five hundred (500) square feet shall be required for all manufactured homes in a manufactured housing park.

G. Sanitary Sewer
All manufactured homes in manufactured housing parks shall be connected to municipal sanitary sewer if such services are within six hundred (600) feet of the boundaries of the park and within the Orderly Annexation Areas adopted under the Orderly Annexation Agreement. In areas where municipal sewer services are unavailable sanitary sewer services shall be provided consistent with Article VIII of this Ordinance, and any state requirements.

H. Miscellaneous Requirements
Owners of the manufactured housing park are responsible for meeting the following standards:

1. Park management shall notify park occupants of all applicable provisions of this Section and inform them of their duties and responsibilities under this Section.

2. The Park Operator shall maintain a record of all mobile home owners and occupants located with the park. The register shall contain the following information: The name and address of each manufactured home occupant, the name and address of the owner of each manufactured home and motor vehicle by which it is towed; the make, model, year and license number of each manufactured home and motor vehicle, the state, territory or country issuing such license; and the date of arrival and departure of each manufactured home. The operator shall make this available to law enforcement officers, public health officers, and other officials whose duty necessitates acquisition of the information in the register. The register record for each occupant registered shall not be destroyed for a period of three (3) years of the registrant moving from the park.

3. No part of any park shall be used for non-residential purposes, except such uses that are required for the direct serving and well-being of park residents and for the management and maintenance of the park.

4. All manufactured home parks shall comply with the State of Minnesota Department of Health requirements for manufactured home park licensing. The platting requirements of

manufactured home parks shall meet the subdivision standards as prescribed in Article XI of this Ordinance, unless specifically exempted in this Section.

5. All manufactured home parks shall have a designated storm shelter to accommodate park density per Minnesota Statutes or State of Minnesota Department of Health requirements.

Section 1014. Special Provisions for Development in Sensitive Areas

This section intentionally left blank (no Sensitive Area Overlay included in this Ordinance)

Section 1016. Special Provisions for Airport Protection Overlay

Airports and the lands surrounding them are subject to certain minimum standards imposed by the federal and state governments in order to protect the safety of air travelers and those living and working around airports. Specifically, Minnesota Rule, part 8800.2400 identifies three land use safety zones around an airport, which are called Zone A, Zone b and Zone C, and imposes certain minimum standards within these zones. The Airport Protection Overlay district encompasses all land within the designated safety zones, as shown on the safety zone map which was incorporated into the zoning map, and the land within these safety zones are subject to the minimum standards imposed by the state.

The Bemidji Regional Airport Authority Commission has delegated its authority under Minnesota Statutes, Section 360.061 to 360.074 to adopt, administer, and enforce airport zoning regulations within the safety zones to Northern Township. Northern Township may adopt regulations which are stricter than the state required minimum standards, but may not adopt regulations which are less strict than those standards. The Commission has, in turn, adopted by reference, the airport zoning regulations adopted by Northern Township to ensure their consistent application through the safety zones. Northern Township will coordinate with the Airport Manager to facilitate the prompt review and action on zoning requests related to land within the Airport Protection Overlay district.

Lands within the safety zones , and thus the Airport Protection Overlay district, are subject to the regulations applicable to the underlying zoning district as well as the applicable standards imposed by Minnesota Statutes, Chapter 360, Minnesota Rules , part 8800.2400, and such other laws as may apply. Such lands are also subject to the following:

A. Before accepting consideration or signing an agreement to sell or transfer real property that is located in safety zone A, B, or C, the seller or transferor, whether executing the agreement in the seller or transferor's own right, or as executor, administrator, assignee, trustee, or otherwise by authority of law, must disclose in writing to the buyer or transfer the existence of airport zoning regulations that effect the real property.

B. Future transfers of real property within the safety zones shall contain a deed restriction or advisory stating that the real property is subject to airport zoning regulations.

Zoning applications and requests made with respect to land within the Airport Protection Overlay district shall be processed and acted upon in accordance with the procedures required under this Ordinance and in accordance with the applicable provisions of Minnesota Statutes, Section 360.061 to 360.074.

Section 1018. Transitional Housing, Homeless Shelters, and Warming Centers.

A. Purpose:
It is the purpose of this Section to provide standards for transitional housing, homeless shelters and warming centers in order to promote the health, safety, morals, and general welfare of Northern Township and to establish uniform regulations to:

1. To promote the health, safety and welfare of shelter clients.

2. Prevent deterioration of neighborhoods and its consequent adverse effect on real estate values of properties within the neighborhood.

3. To minimize their impacts on the residential neighborhood and provide for the greatest level of safety within the neighborhood.

4. To minimize the public costs and impacts of community service delivery and enforcement efforts necessary to ensure adequate levels of regulation and safety where such uses are located.

B. Land use requirements for Transitional Housing, Homeless Shelters, and Warming Centers:

1. Except as may otherwise be allowed or required by this Ordinance, no structure shall be erected, converted, enlarged, reconstructed, or altered, and no structure or land shall be used or occupied for Transitional Housing, a Homeless Shelters, or a Warming Center unless it is connected to Municipal water and sewer services and is in full conformity with the provisions of this Ordinance, and all other applicable federal, state and local laws, rules, regulations, codes, and ordinances.

2. Transitional Housing, Homeless Shelters, and Warming Centers are interim uses and are allowed in the R1, R2, R3, R5, and R6 Districts upon issuance of an interim use permit. Except as may be provided for by law, no such uses shall occur in these Districts unless an Interim Use Permit has been applied for and obtained pursuant to the procedures provided for in this Ordinance.

3. No new Transitional Housing, Homeless Shelter, or Warming Center use shall be located on a parcel that has a boundary that is within five hundred (500) feet from the boundary of a parcel containing any of the following uses;

    a. Any other Transitional Housing, Homeless Shelter, or Warming Center, or licensed care facilities for vulnerable adults and children.

    b. Licensed Daycares, schools, libraries, parks, and trails.

4. All Transitional Housing, Homeless Shelters and Warming Centers shall be required to meet all applicable building, safety, fire and health code requirements.

5. Signage may be permitted in accordance with applicable sign regulations with the issuance of a sign permit.

6. The application for an interim use permit for a Homeless Shelter, transitional Housing, or Warming Center shall provide a list of its Board of Directors, Executives and Officers and the owner of the proposed facility and the operator of the facility.

7. Transitional Housing, Homeless Shelters, and Warming Centers lawfully established prior to the effective date of this Section shall be allowed to continue provided they comply with applicable building, safety, fire and health code requirements. Transitional Housing, homeless shelters, and warming centers which are lawful nonconforming uses may expand the use within the existing structure in which it is located provided the expanded use continues to comply with the applicable building, safety, fire and health code requirements. However, no relocation of the use or expansion of the structure in which it is located shall be allowed except in conformity with the requirements of this Ordinance. Furthermore, if any such nonconforming use is discontinued for period of one year or more, it shall not be re-established except in conformity with the requirements of this Ordinance.

Section 1019. Special Provisions for Bed and Breakfast Establishments

Bed & Breakfast Establishments are a conditional use in all residential zoning districts and shall meet the following requirements:

A. A site plan showing location of home, garage and provision for guest parking is to be provided.

B. At least one parking space per guest room is to be established and at least two spaces for the homeowner are to be provided.

C. One (1) information sign is allowed, not exceeding three (3) square foot.

D. No exterior alterations shall be made to the residential structure other than those necessary to meet health and safety codes.

E. The structure is to be owner occupied.

F. The bed and breakfast operation shall not use more than seventy percent (70%) of the floor area of the principle residence.

Section 1020. Short Term Rentals

A. Purpose. The purpose of this Section is to allow Short-Term Rentals where appropriate while mitigating impacts upon surrounding properties by implementing balanced regulations to protect the integrity of the area's neighborhoods as well as protect the general public health, safety and welfare.

B. Requirements. It is unlawful for any person to use property for a short-term rental unless it complies with all of the provisions of this paragraph and this ordinance.

1. Zoning Districts. Short-Term Rentals are only allowed within one of the following zoning districts; all other zoning districts are prohibited: a. R-1, R-2, R-3 and R-4.

2. Annual Short-Term Rental License. An annual short-term rental license must be obtained from the Planning Administrator in accordance with paragraph C of this section.

3. Compliance and Additional Approvals. The short-term rental must be conducted in accordance with this section and all applicable federal, state, and local laws, rules, regulations, and ordinances. All other approvals that may be required to use the property for a short-term rental must be obtained including, but not limited to, a license from the Minnesota Department of Health.

C. Short-Term Rental License. No property may be used for a short-term rental without first obtaining a Short-Term Rental License from the Planning Administrator. A request for a Short Term Rental License shall be submitted and processed in accordance with the Township's Short-Term Rental Ordinance. A Short Term Rental License shall terminate upon a change in ownership of the property for which it is issued, and the new owner shall pay all fees that would be required for any new application for a Short-Term Rental License.

Section 1021. Farm Animals

A. The following terms, as used in this ordinance, shall have the meaning prescribed below:

1. Farm Animals shall mean all livestock or poultry generally found on farms and/or considered to be agricultural commodities, including but not limited to horses, donkeys, cattle, pigs, sheep, goats, alpacas, chickens, turkeys, and other fowl. Farm Animals do not include small pets typically kept for companionship or non-commercial purposes, such as rabbits, hamsters, guinea pigs, or similar animals.

2. Chickens shall mean male or female chickens.

3. Chicken Coop shall mean a structure to house chickens that is properly ventilated and designed to be protected from the weather, vermin, and predators.

B. No farm animals shall be kept on less than two (2) acres of land, except the keeping of chickens shall be allowed upon approval by the Township subject to the standards set forth by this ordinance.

C. All farm animals kept within the Township shall be confined to the private property of the respective owner by use of fencing and/or barriers sufficient to prevent the running at large or trespass of farm animals on public or private property. Failure to confine farm animals or prevent their escape from enclosures shall constitute a violation of this ordinance.

D. All farm animals and the premises they are kept on shall be maintained under orderly and sanitary conditions so that the keeping of farm animals shall not become either a public or private nuisance due to conditions including, but not limited to, damage to the property of others, posing an attractive nuisance, an accumulation of feces, the threat of disease, or a discernible increase in the presence of vermin, odors, or noise.

E. Chicken keeping shall be subject to the following standards:

1. Chickens shall only be kept on a residential parcel on which there is an occupied dwelling. No chickens shall be kept in townhouse communities, apartment complexes, or mobile home parks.

2. The chickens must be provided with a chicken coop.

3. If the coop is larger than 200 square feet, the owner shall obtain a building permit.

4. The chicken coop must be located at least twenty (20) feet from any property line. Multiple contiguous parcels under the same ownership shall be treated as one.

5. During daylight hours, chickens must have access to the chicken coop as well as an outdoor area that is adequately fenced to protect the chickens from predators and to prevent the chickens from roaming onto neighboring properties. Chickens must be closed in a chicken coop from dusk to dawn.

F. Beekeeping.

Beekeeping in Northern Township shall employ the best management practices as prescribed by the Minnesota Department of Agriculture, and are additionally subject to the following standards:

1. Setback of hives must be set back ten (10) feet from all property lines and at least twenty-five (25) feet from a principle building on an abutting lot. Hives will be no closer than fifteen (15) feet from a public sidewalk.

2. Each beekeeper shall ensure that a convenient source of water is available at all times to the honey bees so that the honey bees are discouraged from congregating at swimming pools, bibcock, pet water bowls, birdbaths or other water sources where they may cause human, or domestic pet contact.

3. Any hive which has been abandoned by the beekeeper, is unlawful and may be summarily destroyed or removed from the municipality by an appropriate designee. The beekeeper will have thirty (30) days from the time of the complaint to bring the hive/hives into compliance.

4. Beekeeping shall be prohibited on residentially zoned properties that contain a use greater than a single-family dwelling including, but is not limited to, multifamily units, duplex units, triplex units, quad units, residential facilities, etc. Unless an Interim Use Permit has been obtained and the surrounding property owners and renters have signed a bee keeping approval agreement.

Section 1022. Towers and Antennas

A. Purpose.

In order to accommodate the communication and sustainable energy needs of residents and businesses while protecting the public health, safety, and general welfare of the community, Northern Township finds that these regulations are necessary to:

1. Maximize the use of existing and approved towers and buildings to accommodate new antennas and towers in a manner which reduces the number of new towers necessary to serve the community.

2. Ensure antennas and towers are designed, located, and constructed in accordance with all applicable code requirements to avoid potential damage to adjacent properties from failure of the antenna and tower through structural standards and setback requirements.

3. Encourage wind energy conversion systems to be located on properties in a manner which minimizes potential negative impacts upon adjacent properties.

4. Maintain community aesthetics by minimizing adverse visual effects of antennas and towers.

B. Regulatory Applicability.

1. These regulations shall only apply to towers which are not permitted as a land use by another governmental agency. Where such provisions exist in conflict with these requirements, the more restrictive provision shall apply. Such approval, however, shall not supersede any other applicable permitting requirements and/or other regulations contained elsewhere in this Ordinance.

2. It shall be unlawful for any person, firm or corporation to erect, construct, place, replace, or make structural repairs to any tower without first securing a building or land use permit as required by this Section, unless otherwise exempted herein.

C. Height and Permit Requirements.

The following permit requirements in relationship to tower height shall apply:

1. Less than thirty-five (35) feet in height – No permit required, unless attached to a principal or accessory structure in which case a building permit shall be required where building codes are enforced and inspections required.

2. Thirty-five (35) to seventy-five (75) feet in height – Requires a Building or Land Use Permit.

3. Greater than seventy-five (75) feet in height - Requires an Interim Use Permit (IUP).

D. Setbacks.

All towers shall conform to a minimum setback requirement from all property lines at a horizontal distance of the total tower height, plus ten (10) feet from any property line. Setback requirements are required even with engineering collapse analysis.

E. Lighting.

Towers shall not be illuminated by artificial means and shall not display strobe lights unless such lighting is specifically required by the Federal Aviation Administration or other federal or state authority for a particular tower. When incorporated into the approved design of the tower for camouflage purposes, light fixtures used to illuminate ball fields, parking lots, or similar areas may be attached to the tower.

F. Signs and Advertisements.

No signage, advertising, or identification of any kind intended to be visible from the ground or other structures is permitted, except applicable warning and equipment information signage required by the manufacturer or by federal, state, or local authorities.

G. Accessory Utility Buildings.

All utility buildings and structures accessory to a tower shall be architecturally designed to blend in with the surrounding environment and shall meet the minimum setback requirements for accessory structures of the underlying zoning district. Such buildings shall be exempt from the maximum number of accessory structures allowed or permitted under Section 601 (E) of this Ordinance.

H. Design Standards.

Towers in all districts shall be of a monopole type unless otherwise permitted via CUP or IUP or other permit. They shall be designed to blend into the surrounding environment to the maximum extent possible through the use of building materials, colors, texture, screening, landscaping, and other camouflaging architectural treatment, except in instances where the color is dictated by federal or state authorities such as the federal aviation administration. Guyed towers and antennas (including antenna cables), with the exception of WECS, shall be prohibited within all zoning districts, except in R-1, , and Districts. Northern Township may approve alternatives, via IUP, where no other alternative is available.

I. Tower Collocation Requirements.

All antennas erected, constructed, or located within Northern Township shall co-locate on existing towers or structures, except where a comprehensive analysis reveals that there are no technical or structural alternatives. Such analysis shall be certified by an appropriately licensed individual at the time of application.

J. Special Requirements for WECS.

WECS shall be prohibited in R-2, R-3 and R-4 Districts; and within all Shoreland Overlay areas.

1. Small Commercial WECS may only be permitted in R-1 and B-1Districts.

2. WECS greater than seventy-five (75) feet in height shall be prohibited in Airport Zones A, B, and C.

3. WECS may only be permitted on parcels which are one (1) acre in size, or greater.

4. A maximum of one WECS per acre shall be allowed.

5. WECS shall maintain a minimum blade clearance of twelve (12) feet from the ground.

6. WECS height is measured from the highest blade point to the top of existing grade at the base.

7. WECS shall not exceed MN Rules 7030 governing noise.

K. Tower Construction Requirements.

All towers erected, constructed, or located within Northern Township shall comply with the following requirements:

1. Structural Engineer's Report: The applicant shall provide a report from a licensed structural engineer which demonstrates the tower's compliance with all applicable structural and electrical, standards, including, but not limited to, the Minnesota State Building Code, and IBC. The report shall include analysis of the base construction and the soils into which the tower will be placed. The report shall include the engineer's certification.

2. Exceptions: Building or land use permits are not required for:

   a. Adjustment, repair, or replacement of existing antennas or the elements of an antenna array affixed to a tower or antenna; provided that adjustments or replacement does not reduce the safety factor.

   b. Routine maintenance (e.g., painting) and other nonstructural related repairs of towers.

   c. Antennas and/or towers erected temporarily for test purposes, for emergency communication, or for broadcast remote pick up operations, provided that all requirements of subsection (E) and (F) of this Section are met. Temporary antennas shall be removed within seventy-two (72) hours following installation, unless additional time is approved by Northern Township. Temporary towers erected for emergency purposes may be exempt from setback requirements of this Section.

L. Existing Antennas and Towers.

Antennas and towers in existence as of the effective date hereof which do not conform or comply with this chapter are subject to the following provisions:

1. Towers may continue in use for the purpose used and existing as of the effective date hereof, but may not be replaced or structurally altered without complying in all respects with this chapter.

2. If such towers are subsequently damaged or destroyed due to any reason or cause whatsoever, the tower may be repaired and restored to its former use, location, and physical dimensions upon obtaining a land use or building permit for the repair or restoration, but without otherwise complying with this chapter, in accordance with Section 501 (E) of this Ordinance.

M. Abandoned, Unused Towers and Tower Decommissioning.

All abandoned or unused towers and associated facilities shall be removed within twelve (12) months of the cessation of operations at the site unless a time extension is approved by Northern Township. After the facilities are removed, the site shall be restored to its original or an improved state.

N. Interference with Public Safety Telecommunications.

No new or existing telecommunications service or WECS shall interfere with public safety telecommunications or air traffic.

O. Additional Submittal Requirements.

In addition to the information required elsewhere in this title, an application for a land use or building or interim use permit for towers and antennas shall include the following supplemental information:

A report from a qualified and licensed structural engineer which includes the following:

1. Describes the tower height and design including a cross section and elevation.

2. Documents the height above grade for all potential mounting positions for collocated antennas and the minimum separation distances between antennas.

3. Describes the tower's structural integrity and capability of the base, including the number and type of antennas that it can accommodate.

P. Exemptions.

Satellite TV antennas that are six (6f) feet or less in diameter are exempt from the requirements under this Section.

Section 1023. Solar Energy Systems

A. Purpose

It is the purpose of this regulation to promote the safe, effective and efficient use of solar energy systems installed to reduce the on-site consumption of utility supplied energy and/or hot water as a permitted accessory use while protecting the health, safety and welfare of adjacent and surrounding land uses through appropriate zoning and land use controls. A solar energy system shall be permitted in any zoning district as an accessory to a principal use herein and subject to specific criteria as set forth below.

B. Requirements

1. A solar collection device or combination of devices shall be designed and located to avoid glare or reflection onto adjacent properties and adjacent roadways and shall not interfere with traffic or create a safety hazard.

2. Roof mounted solar collection devices shall not extend more than ten (10) feet from the top of the roof. The total height of the building including the solar collection devices shall not extend more than ten (10) feet above the height regulations in the applicable zoning district.

3. Solar collection devices shall not exceed forty-five (45) feet in height.

4. A solar energy system connected to the utility grid shall provide written authorization from the local utility company to acknowledge and approving such connection.

5. The minimum solar energy system setback distance from the property lines shall be equivalent to the building setback requirement of the underlying zoning district.

6. Before any construction can commence on any solar energy system the property owner must acknowledge that he/she is the responsible party for owning and maintaining the solar energy system.

C. Exemption

1. Ground mounted solar energy systems shall not be included in calculation of impervious surface if mounted on a pole.

2. Ground mounted solar energy systems are considered an accessory structure and will not be required to be screened as equipment.

Section 1024. Mining and Extractive Uses

A. Requirements

Mining and extractive uses shall require an Interim Use Permit (IUP) from Northern Township as prescribed in Article XII of this Ordinance, and shall be subject to all requirements of this Section. All requests for an IUP shall include a restoration plan complete with final elevations and a timetable for final restoration.

B. Information Requirements

In addition to the information required on the permit application, the following information shall be provided, in writing, by the person requesting the permit:

1. Maps of existing conditions, proposed operations and proposed end use of the site. Maps shall include the site and all areas within one-half (1/2) mile of the site. All maps shall be drawn at a scale of one inch to one hundred (100) feet. Such maps shall include the following information:

   a. Map of existing conditions shall include: contour lines at five (5) 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. Reclamation Map shall include: Final grade of proposed site showing elevations and contour lines at five (5) foot intervals, location and species of vegetation to be replanted, location and nature of any structures to be erected.

2. A soil erosion and sediment control plan.

3. A plan for noise and dust control.

4. A full description of all phases of the proposed operation, including the expected duration of the mining or excavation operation.

5. Any other information deemed necessary by the Planning Commission in order to make an informed decision.

C. Standards

1. The area shall be kept free of noxious weeds according to the requirements of State and Local Laws.

2. All equipment used for mining or 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.

3. The mining or excavation operation shall not be allowed to interfere with surface water drainage beyond the boundaries of the site. The mining or 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 mining or excavation operator shall perform any water treatment necessary to comply with this provision.

4. Any mining or excavation operation within three hundred (300) feet of two (2) or more residential structures shall be bound by the following standards:

   a. Where man-made or artificial collections of water occur that are one and one-half (1 1/2) feet or more in depth, existing for any period of at least one (1) 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 (4) feet in height.

   b. In locations where slopes occur that are steeper than one (1) foot vertical to three (3) feet horizontal existing for a period of one (1) 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 (4) feet in height.

5. 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.

6. To minimize problems of dust and noise, and to shield mining or 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 five hundred (500) feet of any mining, excavation or processing operations. The screening barrier shall be planted with

a species of fast growing trees such as Jack Pine and/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.

7. Mining or excavation operations shall not be conducted closer than fifty (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 five hundred (500) feet from the ordinary high water level of any classified lake, river, or stream.

8. 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.

9. All equipment used for mining or excavation operations shall be constructed, maintained and operated in such a manner as to conform to Minnesota Pollution Control Agency Rules, Chapter 7011 which govern air quality/dust conditions which are injurious or substantially annoying to persons living within six hundred (600) feet of the mining or excavation operations site. All access roads from the mining or excavation operations to public highways, roads or streets or to adjoining property shall be paved or surfaced with gravel to minimize dust conditions.

10. All mining or excavation sites shall be reclaimed immediately after excavation operations cease. Reclamation shall be completed within one (1) year. The following standards shall apply:

    a. Within a period of three (3) months after the termination of a mining or excavation operation, or within three (3) months after abandonment of such operation for a period of six (6) months, or within three (3) months after expiration of an interim use permit, all buildings, structures and plants incidental to such operation shall be dismantled and removed by, and at the expense of, the mining or 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 eighteen (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 (6) 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. Mining or excavations completed to a water producing depth need not be backfilled if the water depth is at least ten (10) feet and if banks are sloped to the waterline at a slope no greater than three (3) feet horizontal to one (1) 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 mining or

excavation operations have been conducted. The finished plan shall restore the mining or excavation site to a condition whereby it can be utilized for the type of land use proposed to occupy the site after mining or excavation operations cease.

d. The permit holder shall provide Northern Township with a permanent financial guarantee which ensures these reclamation requirements shall be satisfied. The amount shall be determined according to Northern Township Fee Schedule, or an amount as otherwise determined by Northern Township prior to final approval. Failure to maintain such financial guarantees on record with Northern Township may be cause for immediate review of the permit and possible revocation after conduct of a formal review hearing.

Section 1025. Special Provisions for Asphalt Plants and Processing Facilities

No asphalt plant or asphalt processing facility is permitted except in conformance with the following standards:

A. No asphalt plant or processing facility may be located closer than five hundred (500) feet from the nearest property line of the premises or building used as a dwelling or residence, place of worship, school, public park, licensed family daycare, licensed group family daycare, or licensed child care or daycare center.

B. All asphalt plants must be surrounded by an earthen berm at least eight (8) feet above the average grade at the placement of the processing facility or equipment.

C. This use is only allowed in the R-1, B-1, and zoning districts by conditional use permit. For temporary operations an interim use permit shall be required.

Section 1026. Special Provisions for Adult Entertainment

A. Purpose
It is the purpose of this Section to provide standards for Adult Oriented Establishments in order to promote the health, safety, morals, and general welfare of Northern Township and to establish uniform regulations to:

1. Prevent additional criminal activity within the community;

2. Prevent deterioration of neighborhoods and its consequent adverse effect on real estate values of properties within the neighborhood;

3. To locate Adult Oriented Establishments away from residential areas, schools, religious institutions, parks and playgrounds;

4. Prevent concentration of Adult Oriented Establishments.

The provisions of this Ordinance have neither the purpose nor effect of imposing a limitation or restriction on the content of any communicative materials, including Adult oriented materials. Similarly, it is neither the intent nor effect of this Ordinance to restrict or deny access by adults to adult oriented materials protected by the First and Fourteenth Amendments to the Constitution of the United States or to deny access by distributors

and exhibitors of Adult oriented entertainment to their intended market. This Ordinance represents a balancing of the legitimate ends of the Community by imposing incidental, content-neutral place, time and manner of regulation of sexually oriented entertainment and businesses without limiting alternative avenues of communication, The special regulations deemed necessary to control the undesirable effects arising from these enterprises are set forth in this Ordinance. *See City of Erie v. Pap's A.M.,* 529 U.S. 277, 297 (2000) (holding that municipalities may "reasonably rely on the evidentiary foundation set forth in *Renton* and *American Mini Theatres* to the effect that secondary effects are caused by the presence of even one adult entertainment establishment" in a community); *California v. LaRue*, 409 U.S. 109, 111 (1972) (describing illicit "sexual conduct between dancers and customers" which included oral copulation and prostitution, as well as public masturbation, indecent exposure, attempted rape, rape, and assaults on law enforcement officers); *see also Young v. American Mini Theatres, Inc.*, 427 U.S. 50 (1976), *Renton v. Playtime Theatres, Inc.*, 475 U.S. 41 (1986), and *Barnes v. Glen Theatre, Inc.*, 501 U.S. 560 (1991) (noting cases of prostitution linked with nude dancing establishments).

B. Application of this Ordinance

Except as may otherwise be permitted in this Ordinance, no structure shall be erected, converted, enlarged, reconstructed, or altered, and no structure or land shall be used, for any purpose nor in any manner which is not in conformity with this Ordinance.

No Adult Oriented Business shall engage in any activity or conduct, or permit any other person to engage in any activity or conduct, in or about an establishment which is prohibited by any Ordinance of Northern Township, a participating community in Northern Township, the laws of the State of Minnesota or the United States of America. This Ordinance shall supersede any similar regulations imposed by Beltrami County MN. However, nothing in this Ordinance shall be construed as authorizing or permitting conduct which is prohibited or regulated by other statutes or ordinances, including but not limited to statutes or ordinances prohibiting the exhibition, sale, or distribution of obscene material generally, or the exhibition, sale or distribution of specified material to minors.

C. Licensing

1. No person, firm or corporation shall own or operate an adult oriented business in the Zoning District without having first secured a license from Northern Township.

2. Accessory uses that use less than two hundred (200) square feet or ten (10) percent of the total floor area (square footage), whichever is less, of the establishment, space, structure or building in which it is located are exempted from obtaining a license.

D. Nonconforming Uses

Any legally established adult oriented business existing on the effective date of the adoption of this Ordinance may be continued subject to the provisions of Article V of this Ordinance and the following provisions:

1. No such adult oriented business shall be expanded or enlarged except in conformity with the provisions of this Ordinance;

2. A non-conforming adult oriented business shall be required to apply for and receive an adult oriented establishment license from Northern Township. Northern Township does not require a public hearing before issuing a license for the nonconforming adult oriented businesses.

E. Interim Use Permit Required.
Adult oriented establishments may be located only in the Zoning District, as defined in Article III of this Ordinance, with an Interim Use Permit issued by Northern Township.

F. Location Conditions of Interim Use Permit
An adult oriented establishment located in the Zoning District shall be subject to the following conditions:

1. No adult oriented establishment shall be located closer than three hundred (300) feet from any other adult use or sexually oriented business in the Township or County. Measurements shall be made in a straight horizontal line, without regard to local government boundaries, intervening structures or objects, from the nearest point of the actual business premises of the adult use or sexually oriented business to the nearest point of the actual business premises of any other adult use or sexually oriented business.

2. No adult oriented establishment shall be located closer than five hundred (500) feet from any residential lot line, place of worship, school, public park, licensed family daycare home, public library, or licensed child care or daycare center in the township or county. Measurements shall be made in a straight horizontal line, without regard to local government boundaries, intervening structures or objects, from the nearest point of the actual business premises of the adult use or sexually oriented business to the nearest property line of the premises or building used as a dwelling or residence, place of worship, school, public park, licensed family daycare home, licensed group family daycare home, public library or licensed child care or daycare center. Any post-secondary or post high school educational building, including any college or other vocational technical college, shall not be deemed a school for purposes of adult sexually oriented business distance restrictions under this Ordinance.

3. No adult oriented establishments shall be located closer than five hundred (500) feet from any residential lot line, any residential zoning district or any residential planned unit development (PUD). Measurements shall be a straight horizontal line, without regard to local government boundaries, intervening structures or objects, from the nearest point of the actual business premises of the adult oriented establishment to the nearest property line of the premises or building used as a dwelling or residence, residential zoning district or PUD

4. No adult oriented establishments shall be located closer than five hundred (500) feet from any state or federal trunk highway or two hundred (200) feet from Carr Lake Road (CSAH 404) and Paul Bunyan Drive SE (CSAH 50).

5. The building owner or operator of an adult oriented use is prohibited from having more than one (1) of the following uses, tenants or activities in the same building structure:

   a. Adult body painting studio;

b. Adult book store;

c. Adult cabaret;

d. Adult car wash;

e. Adult companionship establishment;

f. Adult entertainment facility;

g. Adult hotel or motel;

h. Adult modeling studio;

i. Adult sauna/steam room/bathhouse;

j. Adult motion picture theater;

k. Adult mini-motion picture theater;

l. Adult massage parlor;

m. Adult health/sports club;

n. Adult novelty business;

o. Any business or establishment in which there is an emphasis on the presentation, display depiction, or description of "specified sexual activities" or "specified anatomical areas" that the public can see.

6. An adult oriented establishment shall not sell or dispense non-intoxicating or intoxicating liquors, nor shall it be located within five hundred (500) feet of a building that contains a business that sells or dispenses three and two-tenths percent (3.2%) malt liquor beverage or intoxicating liquors. An adult use oriented establishment shall not allow the consumption of non-intoxicating or intoxicating liquors anywhere on a parcel containing that use or business.

7. No adult oriented establishment's entertainment shall engage in any activity or conduct or permit any other person to engage in any activity or conduct in or about the adult use establishment that is prohibited by any local government ordinance, the laws of the State of Minnesota or the United States of America. Nothing in this Ordinance shall be construed as authorizing or permitting conduct that is prohibited or regulated by other statutes or ordinances prohibiting the exhibition, sale, or distribution of obscene material generally, or the exhibition, sale or distribution of specified materials to minors.

8. No adult use oriented establishment shall be conducted in any manner that permits the perception or observation from any property not approved as an adult use, of any materials depicting, describing or relating to "specified sexual activities" or "specified anatomical areas" by any visual or auditory media, including display, decoration, sign, show window, sound transmission or other means.

9. All adult use oriented establishments shall prominently display a sign at the entrance and located within two (2) feet of the door opening device of the adult use establishment or section of the establishment devoted to adult books or materials which states: "This business sells or display material containing adult themes. Persons under eighteen (18) years of age shall not enter".

10. No adult oriented establishments (principal) shall be open to the public between the hours of 10:00 p.m. and 10:00 a.m. on the days of Monday through Saturday. No adult oriented establishments (principal) shall be open to the public on Sunday.

11. Adult use accessory shall be prohibited from both internal and external advertising and signing of adult materials and products.

12. An adult oriented establishment shall prevent off-site viewing of its merchandise, which if viewed by a minor would be in violation of Minnesota Statutes Chapter 617 or other applicable federal or state statutes or local ordinances.

13. All entrances to the establishment with the exception of the emergency fire exits which are not useable by patrons to enter the business shall be visible from a public right-of-way.

14. The layout of the display areas shall be designed so that the management of the establishment and any law enforcement personnel inside the store can observe all patrons while they have access to any merchandise offered for sale or viewing including but not limited to books, magazines, photographs, video tapes, or any other material.

15. Illumination of the premises exterior shall be adequate to observe the location and activities of all persons on the exterior premises.

16. Signage shall also be in compliance with Section F. of this Ordinance.

17. No Adult Oriented Establishment may be granted a conditional use permit under this Section unless it is applied for and received a business license from the Northern Township. Applications for a business license and a conditional use permit may happen concurrently or a conditional use permit may be granted under the Section subject to the applicant receiving a license from the Northern Township. An applicant for a conditional use permit under this Section shall also include a copy of the application for the business license.

G. Appeals.
In the event of a denial of an Interim use permit by Northern Township, the applicant may seek prompt judicial review of such administrative action in any court of competent jurisdiction. The administrative action of Northern Township shall be promptly reviewed by the court.

Section 1027. Special Provisions for Fire Protection and Safety

The current Minnesota State Fire Code (MN Statutes 299F.011) and reference standards, including all subsequent amendments and updates thereto, shall be required for all commercial site improvements.

Section 1028. Special Provisions for Outdoor Shooting Ranges

A. Purpose

It is the purpose of this Section to provide standards for Outdoor Shooting Ranges, which shall include pistol/rifle ranges and shotgun ranges, in order to promote the health, safety, and general welfare of Northern Township and to establish uniform regulations of the following:

1. Safety standards

2. Noise standards

3. Environmental standards

B. General Requirements

1. Conditional Use Permit required: Outdoor shooting ranges shall be permitted uses exclusively in R-1 Rural Districts of Northern Township and solely pursuant to a Conditional Use Permit subject to the standards of this Ordinance.

2. Outdoor shooting ranges shall meet all applicable standards established in the 1999 edition of the National Rifle Association (NRA) Range Source Book.

3. Outdoor shooting ranges shall meet all applicable State and Federal regulations including, but not limited to: the Minnesota Department of Natural Resources, Environmental Protection Agency, the Occupational Safety and Health Administration or the Beltrami County Sherriff's Department.

4. Documentation indicating compliance with the standards cited hereinafter shall be submitted with the site plan including the development of a community relations plan, which describes exactly how positive relationships with the surrounding neighborhoods and communities will be established and maintained. The key components of this plan shall include: (1) A *noise management plan* that describes exactly how the impacts of sound and noise potential will be addressed and mitigated; (2) A *environmental plan* that addresses lead deposits, cleanup, containment, and recycling methods; (3) and a *safety management plan* that show that the range's operational safety conditions are adequate.

C. Nonconforming Uses/Exemptions

The terms of this Ordinance shall not apply to indoor shooting ranges, public outdoor shooting ranges developed and operating as of the effective date of the Ordinance codified in this chapter, private outdoor shooting ranges where no fee is charged or membership required for the use of the facility and where firing occurs less than five times per month by other than the property owner or lessee, or to ranges used exclusively for archery; provided, any expansion of a public outdoor shooting range beyond that developed and operating as of the effective date of said Ordinance, or beyond the terms of a permit issued hereunder, shall require issuance of a new Conditional Use Permit and the total facility shall be subject to the standards of this Ordinance.

D. Standards

1. Safety Standards
    a. Setbacks:

1. All shooting stations on a range facility shall be located a minimum of two hundred (200) feet from any adjacent property line.
2. All shooting stations on a range facility shall be located at least seven hundred and fifty (750) feet from any existing occupied dwelling.

b. Range Design/shot containment

1. Pistol/rifle range – Pistol and rifle firing range design shall include sufficient land area under control of the applicant for a safety fan (direct fire zone, safety zones and ricochet zones) to accommodate the ballistics of the highest powered firearms and ammunition to be used on the range. Such geographic areas shall be based on the guidelines contained in the NRA Source Range Handbook.

2. Shotgun range – Shotgun ranges shall meet all applicable standards established in the 1999 edition of the National Rifle Association (NRA) Range Source Book.

c. Security

1. The outdoor shooting range shall be fenced in a manner so as to prohibit entrance onto the property by members of the public.

2. The outdoor shooting range shall have signs posted at one hundred (100) foot intervals warning members of the public of the danger. A sign shall be constructed on the range site listing allowable types of firearms, and stating the rules of the operation of the range.

d. Operations

Outdoor shooting ranges shall meet all applicable standards established in the 1999 edition of the National Rifle Association (NRA) Range Source Book in terms of the operational procedures of the range.

2. Noise Standards

Shooting range facilities shall be designed to minimize off-site noise impacts generated by the activities conducted on the range facility. All firing line locations shall be located such that the sound levels generated by the discharge of firearms comply with the standards established by the Minnesota Department of Natural Resources. All noise studies shall be at the applicant's expense and shall be performed by a professional engineer registered in the State of Minnesota.

3. Environmental Standards

Wetland and wildlife preservation: Firing ranges shall be developed such that there are no streams, ponds, lakes, or other water courses or wetlands located between any firing line or within any shotgun shotfall zone.

Lead management program: Shooting range facilities shall implement best management practices for lead management as specified by the Environmental Protection Agency's (EPA) most current edition of Best Management Practices for Lead at Outdoor Shooting Ranges.

Section 1029. Cannabis Zoning and Land Use

A. Purpose.

The purpose of this Section is to establish zoning regulations for cannabis businesses in accordance with Minnesota Statutes, Chapter 342. These regulations aim to ensure that cannabis businesses operate in appropriate zoning districts while mitigating potential impacts on surrounding properties and protecting the public health, safety, and welfare of the community.

B. Requirements.

It is unlawful for any person or entity to establish or operate a cannabis business unless it complies with all provisions of this Section and applicable state and local regulations.

A. **Zoning Districts.**
Cannabis businesses are only allowed within the following zoning districts; all other zoning districts are prohibited:

1. Cannabis Cultivator: R-1 and B-1
2. Cannabis Manufacturer: B-1
3. Hemp Manufacturer: B-1
4. Cannabis Testing Facility: B-1
5. Cannabis Wholesaler: B-1
6. Cannabis Retailer: B-1
7. Cannabis Event Organizer: B-1
8. Cannabis Transporter: B-1
9. Cannabis Delivery Service: B-1
10. Lower-Potency Hemp Edibles Retail: B-1

B. **Interim Use Permit Required**
No cannabis business may operate within Northern Township until it has applied for and obtained an interim use permit from the Township in accordance with Section 1205. A cannabis business shall not begin any operations until the interim use permit has been issued and all other permits, licenses, and registrations have been obtained. A cannabis business shall comply with all conditions placed on the interim use permit. Failure to comply with any of the permit conditions, or with any applicable laws, rules, regulations, or ordinances, may result in the revocation of the interim use permit.

C. **Cannabis License**

No property may be used as a cannabis business without first obtaining a preliminary license approval or a license from the MN Office of Cannabis Management, and an approved registration by the Northern Township as provided in Minnesota Statutes, Section 342.22.

D. **Cannabis Business Registration.**

Any cannabis business must obtain all necessary state licenses and be registered with Northern Township in accordance with the Cannabis Business Ordinance.

E. **Change of Ownership.**

A cannabis business registration shall terminate upon a change in ownership of the property or business. A new owner must comply with all requirements for obtaining a new registration, including applicable fees and approvals.

F. **Buffer Requirements.**

Cannabis businesses must comply with minimum buffer distance requirements as specified in the Cannabis Business Ordinance, including but not limited to:

1. 1,000 feet from a school.
2. 500 feet from a daycare, residential treatment facility, or public park attractions regularly used by minors.
3. 500 feet of a residential treatment facility.
4. 500 feet of an attraction within a public park that is regularly used by minors, including a playground or athletic field.

G. **Hours of Operation.**

Cannabis businesses are limited to retail sales between the hours of 10:00 a.m. and 10:00 p.m.

H. **Compliance and Additional Approvals.**

Cannabis businesses must comply with this section and all applicable federal, state, and local laws, rules, regulations, and ordinances.

Section 1031. Environmental Review

A. The provisions of Minnesota Statutes, Chapter 116D and Minnesota Rules, Chapter 4410 are hereby adopted by reference as they may be amended and are declared to be part of this Ordinance.

B. Under state law certain projects, because of their potential to produce significant environmental effects, are required to prepare an environmental assessment worksheet ("EAW") or an environmental impact statement ("EIS") before Northern Township can issue any final zoning approvals for these projects. Mandatory EAWs are identified in Minnesota Rules, parts 4410.1000; 4410.4300; and 4410.4400, and mandatory EISs are identified in Minnesota Statutes, Section 116D.04 and Minnesota Rules, part 4410.2000. Northern Township is also authorized under Minnesota Rules, part 4410.1000 to exercise its discretion, either on its own initiative or in response to a petition, to determine based on the nature or location of a project to require an EAW. Upon the review of an EAW and related comments, Northern Township may also require an EIS if it determines the project has the potential for significant environmental effects. The law also expressly exempts certain projects from the environmental review process.

C. The Minnesota Environmental Quality Board oversees the environmental review process and provides a great deal of materials and information to assist affected parties and local governments to understand and work through the process.

D. The purpose of this Section is to incorporate the environmental review process into the Ordinance and to help inform project proposers of its requirements. Nothing in this Section is intended, or shall be interpreted, as establishing standards or procedures that are less strict than those required

by law. To the extent any provision in this Section is found to be less strict, or directly contrary to, state law, the applicable provisions of state law shall be controlling.

E. The provisions of this Section shall apply to any project subject to environmental review under law.

F. The Planning Administrator is responsible for the administration of this Section. Northern Township shall make the determination of whether a project may have the potential for significant environmental effects and to otherwise exercise the discretion allowed by law to determine whether an EAW or EIS shall be required for proposed projects.

G. Northern Township shall, to the greatest extent permitted by law, serve as the responsible governmental unit for the purposes of the environmental review process for projects occurring within its jurisdictional boundaries.

H. Environmental Assessment Worksheets (EAW).

(1) An EAW shall be required if mandated by law or if Northern Township exercises its discretion under Minnesota Rules, part 4410.1000, subpart 3 to require an EAW.

(2) The Planning Administrator shall identify when a mandatory EAW is required or when, based on the nature or location of the proposed project, Northern Township may wish to consider a discretionary EAW. In either case, the Planning Administrator shall report to Northern Township on the environmental review process related to the proposed project.

(3) Upon the Planning Administrator's report to Northern Township, or if Northern Township receives a petition for an EAW as provided in Minnesota Rules, part 4410.1100, Northern Township shall decide whether to require a discretionary EAW. Northern Township may forward the matter to the Planning Commission for review and a recommendation before deciding whether to require a discretionary EAW. Notice of Northern Township's decision shall be provided to the project proposer.

(4) If an EAW is required, the proposer of the project shall submit an "Application for Environmental Review" along with the completed data portions of the EAW. The applicant shall agree in writing, as part of the application, to reimburse Northern Township prior to the issuance of any permits for all reasonable costs, including legal and consultants' fees, incurred in preparation and review of the EAW. The proposer shall make a deposit with Northern Township an amount identified in the fee schedule, or as may otherwise be determined by Northern Township, to be held in escrow for the payment of these costs. The proposer shall be required to deposit additional funds as may be required to fully reimburse Northern Township. Any unexpended funds shall be returned to the proposer within thirty (30) days of Northern Township's decision.

(5) The Planning Administrator shall promptly review the application for completeness and accuracy. If the Planning Administrator determines that the submittal is incomplete, the submittal shall be returned to the proposer within five days for completion of the missing data. If the Planning Administrator determines that the submittal is complete, the proposer shall be notified of the acceptance of the submittal within five days. Northern Township shall have thirty (30) days from notification to add supplementary material to the EAW, if necessary, and to approve the EAW for distribution.

(6) Upon completion of the EAW for distribution by the Planning Administrator, Northern Township shall provide mailed notice of the availability of the EAW and date of the meeting at which the Planning Commission will consider the matter to all property owners within at least seven hundred and fifty (750) feet of the boundaries of the property which is the subject of the EAW. Said notice shall be mailed at minimum ten (10) days before the date of the Planning Commission meeting during which the EAW will be considered. Failure of a property owner to receive notice shall not invalidate any such proceedings on the EAW or the underlying land use proposal.

(7) The Planning Administrator shall receive and collect all written comments on an EAW submitted during the thirty (30) day EAW review and comment period. The Planning Commission and Northern Township may take public comment on the EAW during the thirty (30) day period, provided that notice of the comment time is published and mailed to the proposer at least ten (10) days prior to the date the Planning Commission or Northern Township plans to take public comment.

(8) When reviewing an EAW or EIS, Northern Township staff and the Planning Commission may suggest design alterations which would lessen the environmental impact of the action. Northern Township may require these design alterations to be made as a condition for approving the land use proposal when it finds that the design alterations are necessary to lessen the environmental impact of the action.

(9) The Planning Commission shall review the EAW and all public commentary after the close of the comment period, and make a recommendation to Northern Township regarding the need for an EIS. Northern Township shall meet no less than three and no more than thirty (30) days after the close of the comment period to decide whether and EIS is needed for the land use proposal. Both the Planning Commission and Northern Township shall use the standards and procedures set forth in Minnesota Rules, parts 4410.1700 and 4410.2000 to guide their recommendations and decisions.

I. If determines that an EIS is necessary, they shall apply and follow Minnesota Statutes, Section 116D.045, Minnesota Rules, parts 4410.1700-4410.3000 in the preparation and review of an EIS.

ARTICLE XI: SUBDIVISIONS AND PLANNED UNIT DEVELOPMENTS

Section 1101. Subdivisions of Land

Lot division or boundary line realignment is defined as the division of land into two (2) but not more than three (3) lots, parcels or other division of land for sale, development or other use. Parcels receiving approval of division yet unrecorded are not considered legal divisions, unless the land owner can demonstrate a legal basis for lack of recordation.

A parcel may be divided no more than twice, and into no more than three (3) total parcels without subdividing, in accordance with the remaining provisions of this Section. A parcel of record is a parcel that is twenty (20) acres or larger as a unit or as contiguous units on the current tax roll.

Parcels which are adjacent to platted, but not accepted for maintenance, roads, may be approved administratively in accordance with the provisions of this Ordinance. No land use or building permits shall be issued until a Certificate of Survey (COS) has been filed with the Beltrami County Recorder, and a new parcel identification number has be issued for each new parcel created. No lot may be created that would require the issuance of a variance in order to obtain a building/land use permit.

No new lot shall be created that does not meet the minimum dimensional standards of the encompassing zoning district and any applicable overlay districts. Except in the case of a planned unit development, each lot shall have access directly onto an abutting public street. All new lots being created in the R-1 through R-3 zoning districts shall not only meet the minimum dimensional standards, but shall contain a minimum of sixty-six percent (66%) of contiguous land that is not a Type 1-8 wetland. New lots being created in all other zoning districts shall meet the minimum dimensional standards on contiguous land that is not a Type 1-8 wetland.

Each new subdivision becomes a permanent unit in the basic physical structure of the community, a unit to which the future community will of necessity be forced to adhere. Piecemeal planning of such subdivisions, without correlation to a Plan, will bring a disconnected patchwork of plats and poor circulation of traffic. In order that new subdivisions will contribute toward an attractive, orderly, stable and wholesome community environment, adequate services and efficient movement of traffic, all subdivisions hereafter platted within the jurisdiction of Northern Township, shall, in all respects, fully comply with the regulations hereinafter set forth in these Regulations.

The provisions of these Regulations shall be the minimum requirements adopted for the protection of the public health, safety and general welfare. No subdivision of a lot, tract or parcel into two or more lots may be undertaken, except in compliance with the following provisions. No lot may be created that would require the issuance of a variance in order to obtain a building/land use permit. No subdivision of a lot, tract, or parcel into two or more lots, and no Planned Unit Development (PUD) or Common Interest Community (CIC) may be established, except in compliance with the following provisions.

A. Simple Subdivision
The division of a parcel into up to and involving no more than four lots after a twenty (20) acre parcel of record has been subdivided, with a COS indicating necessary easements.

1. A Simple Subdivision may be approved which includes the realignment of existing parcels of record or the creation of up to three (3) new parcels, including the remainder, assuming one or more of the following conditions exist:

a. The parcel being subdivided has direct access to a public road. Each new parcel not abutting a public road must contain a minimum thirty-three (33) foot wide easement for ingress, egress and utilities subject to the provisions outlined in Section 401 (A) of this Ordinance regarding private roads and driveways.

b. Aside from the remainder parcel, which shall retain direct access to a public road, the new parcel(s) being created do not have the potential to be further subdivided and the creation of any new parcel does not compromise the orderly development of the remaining property or adjoining property. Each new parcel not abutting a public road must contain a minimum thirty-three (33) foot wide easement for ingress, egress and utilities subject to the provisions outlined in Section 401 (A) regarding private roads and driveways.

c. If a new parcel has the potential of being further subdivided, the parcel shall be benefited by one of the following:

i. A sixty-six (66) foot wide easement for ingress, egress and utilities granted with the authority to enable the future sub divider to unilaterally dedicate the easement as a public way if deemed necessary at the time of future development. The cost of developing the public way shall be the sole responsibility of the future sub divider. Until the time of future development, the parcel shall be subject to the provisions outlined in Section 401 (A) regarding private roads and driveways.

ii. A portion of the new parcel shall contain at minimum a sixty-six (66) foot wide strip of land providing direct access to a public way. This strip would be for the sole purpose of being donated or dedicated as a public way in the event of future development. Care should be taken to ensure that said strip of land does not compromise the orderly development of the remaining property or adjoining property.

2. The Planning Administrator reserves the discretion to request additional information for any Simple Subdivision.

3. To accomplish a Simple Subdivision, a Certificate of Survey (COS) or Plat of the entire original parcel shall be prepared including identification of all structures and facilities, public or private easements, wells and septic systems on such parcels, and legal descriptions of the parcels and their components, shall be filed with the Planning Administrator. A lot division shall be approved for such division provided that all requirements of this Ordinance are met. Parcels which are adjacent to platted but unaccepted roads may be approved only IAW Section 1204 of this Ordinance. No land use or building permits shall be issued until said COS has been filed with the Beltrami County Recorder, and a new parcel identification number has be issued for each new parcel created. Approvals issued shall expire one (1) year after approval unless such approval and the COS are recorded. An extension of approval may only be considered by the Planning Administrator in the case of exceptional circumstances.

B. Minor Subdivisions

Real estate parcels that are platted in accordance with Minnesota Statutes 505. A minor subdivision plat does not create more than eight (8) parcels. Roadways created under the minor subdivision process will be constructed as public roads; adhering to all requirements of the road authority of the local government unit in which it is created. Minor Subdivisions shall comply with the requirements for platting and obtain approval through Northern Township.

A minor subdivision may be approved by Northern Township without the need for a prior preliminary plat, subject to the following standards:

1. The plat delineates existing parcels or complies with the Simple or Minor Subdivision Procedures outlined herein.

2. The plat does not include the dedication or donation of any new public ways; however, existing public streets or utilities shall dedicate easements and Right-of-Way on said plat in accordance with the appropriate road standards of this Ordinance, Northern Township Transportation Plan, and applicable Road Authority requirements.

3. New drainage and utility easements shall be created if the review engineer deems needed.

4. The land shall be properly zoned and suitable in its natural state for the intended purpose.

5. Lot areas and dimensions shall conform to the requirements of this Ordinance, except as may otherwise be approved by a variance.

6. Lot layouts shall be compatible with the existing layout of adjoining properties, and/or shall not constrain the future development of any remainder parcel or adjacent properties.

7. All lots to be created shall have legal access to a public road, or be in full conformity with the provisions of Section 401 (A) of this Ordinance.

8. The Road Authority reviews the plat for consideration of access and active transportation connections to the public way or trails and provides written comments regarding accessibility of each proposed lot to the public way within thirty (30) days of the request by the Planning Administrator.

9. The plat shall be reviewed and approved by the Beltrami County Surveyor or another independent Licensed Land Survey in accordance with Minnesota Statutes 505.021, Subd. 9(c) for compliance with Minnesota Statues 505.

C. Major Subdivisions
Real estate parcels that cannot be divided through the simple or minor subdivision process. Major Subdivisions shall comply with the requirements for platting and obtain approval through Northern Township.

D. Replat of an existing subdivision / conversion of existing development to a CIC / Condo
In certain cases, including but not limited to, historical errors, additional land purchases, rerouting of a road and other similar situations arise. An applicant can apply for a replat of an existing platted area through a simplified process. A replat application includes minor changes and is reviewed by the planning administrator and approved through by consent of Northern Township.

For existing development where ownership is proposed by multiple parties of one (1) building or one (1) parcel, a conversion replat may be required. A replat application including the new CIC or condominium conversion documents will be reviewed by the planning administrator and approved through by consent of Northern Township.

E. Planned Unit Developments (PUDs)

In order to permit the use of more flexible land use regulations, and to facilitate use of the most advantageous techniques of land development, planned unit developments are authorized under the provisions of this Article. Planned unit developments shall be created in harmony with the general purpose and intent of this Article and with Northern Township Comprehensive Plan, but may differ in one or more respects from the zoning regulations applicable within the districts in which they are located.

No PUDs may be allowed for new projects on undeveloped land, redevelopment of previously built sites, or conversions of existing buildings and land except in those zoning districts where specifically identified in Article III of this Ordinance. No PUDs are allowed without the issuance of a conditional use permit by Northern Township, with the following exception:

In shoreland areas, the expansion of an existing commercial PUD involving six (6) or fewer new dwelling units or sites after the effective date of this Ordinance shall be allowed one (1) time only as a permitted use, with the issuance of a land use or building permit, provided that the total project density does not exceed the allowable densities prescribed in this Ordinance. Additional expansions will require a Conditional Use Permit.

F. Tiny House Subdivision

Tiny house subdivisions will consist of individual dwelling structures one hundred and fifty (150) to eight hundred (800) square feet. The purpose of small lot subdivision is to encourage affordable housing, infill development and sustainable practices. All PUD and subdivision standards shall apply to Tiny Home Subdivisions. Additional standards are required as follows:

a. Tiny House subdivisions may only be approved with the review and approval of a PUD / CUP.

b. Tiny house subdivisions can occur in R-1, R-2 and R-3 zoning districts.

c. The density of a Tiny House Subdivision will be no more than one and one-half (1.5) times the underlying zoning.

d. Small lot subdivisions are not condominiums, multi-family, mobile homes or recreational vehicles. Properties are titled in fee simple.

e. Small lot homes must be structurally independent, with no shared foundations or common walls.

f. Small lots may be irregularly shaped, a minimum area of six hundred (600) square feet, and at least sixteen (16) feet wide.

g. There are no yard or setback requirements along alleys, streets, or between lots within the approved subdivision.

h. Fifty percent (50%) open space is required.

i. Design of structures must be approved by Northern Township.

j. Appropriate water, waste water and other utilities will be provided. These standards will fall in line with MN Building Code and Northern Township SSTS Zoning Ordinance.

Section 1102. Land Suitability

A. Each lot created through the subdivision process must be suitable in its natural state for the proposed use. Suitability analysis by Northern Township will consider susceptibility to flooding, existence of wetlands, soil or rock formations with severe limitations for development, severe erosion potential, steep topography, inadequate water supply or sewage treatment capabilities, presence of significant historic sites, or any other feature of the natural land likely to be harmful to the health, safety or welfare of future residents of the proposed subdivision or of Northern Township. In shoreland areas, land suitability will also consider near-shore aquatic conditions, suitability for water-based recreation, and the presence of important fish and wildlife habitat.

B. Sufficient information must be submitted by the applicant to enable Northern Township to make a determination of land suitability. The information shall include at least the following:

1. Topographic contours at two (2) foot intervals showing limiting site characteristics.

2. The surface water features required by Minnesota Statutes, Section 505.02, subdivision 1, to be shown on plats, obtained from the United States Geological Survey quadrangle topographic maps or more accurate sources.

3. Information regarding adequacy of domestic water supply.

4. Extent of anticipated vegetation and topographic alterations.

5. Near-shore aquatic conditions including depths, types of bottom sediments, and aquatic vegetation.

6. Proposed methods for controlling storm water runoff and erosion both during, and after, construction activities.

7. Location of one hundred (100) year floodplain areas and floodway districts from existing adopted maps or data;

8. A delineation of all wetlands;

9. A line or contour representing the ordinary high water level, the toe and the top of bluffs, and the minimum building setback distances from the top of bluff, and from the public waters.

10. Location with respect to Airport Safety Zones.

C. Northern Township shall make its decision, in writing, specifying the facts upon which the suitability determination is made. If a determination is made that the land is not suitable for development the applicant will be notified, in writing, regarding the particular facts leading to such determination. The applicant will be afforded the opportunity to appeal such determination in accordance with the procedure for appeal specified in Section 1207 of this

Ordinance.

D. Preliminary Plat/Pre-application Advisory Meeting

1. If the parcel cannot be divided through the lot division process described in Section 1108 A above, a sketch map shall be prepared and submitted for staff review. A pre-application advisory meeting shall be required for all plats, CIC's or PUDs which include public improvements or contain more than 5 new lots. The sketch map shall not constitute filing of a preliminary plat with Northern Township, but will serve as the basis for preliminary discussion between the sub divider and staff. This discussion will help the sub divider by providing information regarding the extent to which the proposed subdivision conforms to the requirements of this Ordinance, and possible modifications necessary to secure approval of the plan. The sketch map shall include at least the following information:

   a. A site location map showing the boundaries of all parcels, the location of existing and proposed streets within and adjacent to the property, the location of existing and proposed structures, and other significant development;

   b. A North arrow and scale;

   c. The topography and physical features, including wetlands and public waters;

   d. The proposed lot size and orientation; and

   e. A vicinity map.

2. Before dividing any tract of land into two (2) or more lots or parcels, with the exception of lot divisions authorized under Section 1108 A of this Ordinance, an owner or sub divider shall file with Northern Township:

   a. Full-size copies of the Preliminary Plat, folded to 8½ x 11, and 11 x 17 copies, in quantities as determined by the Planning Administrator based on the needs of the review process. Digital copies in an approved file format shall be submitted in accordance with current Township submittal requirements.

   b. A cash payment as established by Northern Township. This fee will be used for public expenses in connection with approval or disapproval of said plat and final plat which may be submitted thereafter. Each plat filed in addition to the preliminary plat must be accompanied by an additional fee as designated by Northern Township;

   c. If the sub divider requests or Northern Township requires that any existing special assessments which have been levied against the premises described in the subdivision be divided and allocated to the respective lots in the subdivision plat, the County Assessor or Township Clerk shall estimate the clerical cost of preparing the revised assessment roll, filing the same with the County Auditor, and making such division and allocation, and upon approval by the appropriate jurisdiction of such estimated cost the same shall be paid to the respective jurisdiction, to cover the cost of preparing and filing such revised assessment; and

d. The sub divider shall fill out a "Request for Subdivision" form or other application form provided by Northern Township.

3. The Planning Commission shall consider the preliminary plat officially filed after the Planning Administrator has examined it and advised the Commission that it is in the proper form, and the appropriate fee has been paid.

4. On the same date that the Planning Administrator places the preliminary plat on file, the Planning Administrator shall:

   a. Set a date for a public hearing on the preliminary plat, subject to Item 5 below. The Planning Administrator shall cause notice of said hearing to be sent by mail to all property owners of record within five hundred (500) feet of the proposed subdivision boundaries at least ten days prior to the hearing. The Planning Commission shall hold the public hearing at a regular meeting, or at a special meeting called for that purpose.

   b. Refer a copy of the preliminary plat to the appropriate persons based on the distribution policy of Northern Township.

5. The Planning Commission shall make its report to Northern Township.

6. Northern Township shall act on the preliminary plat within sixty (60) days of the date on which it was received and verified as complete by the Planning Commission.

7. If the preliminary plat is not approved by Northern Township, the reasons for such action shall be recorded in the proceedings of Northern Township and transmitted to the applicant. If the preliminary plat is approved, such approval shall not constitute final acceptance of the subdivision until approval of the final plat.

E. Necessary Data for Preliminary Plat

The preliminary plat shall be clearly and legibly drawn. The size of the map shall not be less than 11 x 17. All subdivision maps shall be drawn at a scale not smaller than a scale of one (1) inch equals one hundred (100) feet, unless otherwise required by Northern Township. The preliminary plat of the proposed subdivision shall contain or have attached thereto information in accordance with the data and submission requirements for the Preliminary Plat and CIC/PUD Submission Checklist approved by Northern Township.

F. Qualifications Governing Approval of Preliminary Plat

The Planning Commission may return a conditional report to Northern Township may require such changes or revisions as it deems necessary for the health, safety, general welfare and convenience of the community. The approval of a preliminary plat by the Planning Commission and Northern Township is tentative only, involving merely the general acceptability of the layout as submitted. Subsequent approval will be required of the engineering proposals pertaining to water supply, storm drainage, sewerage and sewage disposal, sidewalks, gas and electric service, grading, gradients and roadway widths and the surfacing of streets and by other public officials having jurisdiction, including airport zoning approval, prior to the approval of the final plat by Northern Township. No plat will be approved that includes an area subject to periodic flooding, or that lacks adequate drainage, unless the sub divider agrees to make improvements to the property as are needed and, in the

opinion of a Registered Engineer, are sufficient to allow for development of the property and to provide adequate drainage of the lots, streets, and other areas within the plat. No plat will be accepted that cannot be adequately serviced with sanitary sewer or other approved disposal system.

G. Final Plat.

1. The owner or sub divider shall file copies of the Final Plat to the Planning Administrator for the Planning Commission not later than six months after the date of approval of the preliminary plat by Northern Township, otherwise, the preliminary plat and final plat will be considered void unless an extension is requested in writing by the sub divider and, for good cause, granted by Northern Township. Copies shall be submitted in quantities determined by the Planning Administrator based on the needs of the review process. Digital copies shall be submitted in accordance with current Township submittal requirements. The owner or sub divider shall also submit at this time either an up-to-date certified Abstract of Title or Torrens Certificate of Title and/or evidence of Title Insurance Commitment as Northern Township Attorney may require showing title or control in the property by the applicant;

2. The final plat will have incorporated all changes or modifications approved in the preliminary plat; in all other respects it shall conform to the preliminary plat. It may constitute only that portion of the approved preliminary plat which the sub divider proposed to record and develop at the time, provided that such portion conforms to all of the requirements of this Article;

3. Prior to submitting the final plat to Northern Township, the sub divider shall submit a copy of the final plat to the township, the office of the Beltrami County Surveyor and the County Planning Commission for review and comment;

4. The Planning Commission shall consider the final plat officially filed after the Planning Administrator has examined it and advised the Planning Commission that it is in proper form;

5. As soon as the final plat is placed on file the Planning Administrator shall distribute copies of the final plat to the Planning Commission, and the remainder of the distribution list as approved by Northern Township. The Abstract of Title or Torrens Certificate of Title and/or Title Insurance Commitment shall be referred to Northern Township Attorney for examination and report. The Attorney's report shall be given to the Planning Commission within fifteen days. Following preliminary approval the applicant may request final approval by Northern Township, and upon such request Northern Township shall certify final approval within sixty (60) days if the applicant has complied with all conditions and requirements of applicable regulations and all conditions and requirements upon which the preliminary approval is expressly conditioned either through performance or the execution of appropriate agreements assuring performance. If Northern Township fails to certify final approval as so required, and if the applicant has complied with all conditions and requirements, the application shall be deemed finally approved, and upon demand Northern Township shall execute a certificate to that effect;

6. If the final plat is approved by Northern Township, the sub divider shall record it with the County Recorder within six (6) months after the date of approval; otherwise, the approval of the final plat shall be considered void;

7. The sub divider shall, immediately upon recording, furnish Northern Township and appropriate Engineer’s Office with one transparent reproducible Mylar of the final plat showing evidence of

the recording and paper prints of the plat for the Planning Administrator, Assessor's Office, and Building Inspector's Office, as applicable;

8. The sub divider shall furnish the required type and number of final plat drawings for review and approval, including the necessary plat data, according to the approved Final Plat Application Checklist provided and approved by Northern Township.

Section 1103. Necessary Data for Final Plat

The final plat shall be prepared by a land surveyor who is registered in the State of Minnesota, shall conform to all State and County requirements and shall include the following:

A. Accurate angular and lineal dimensions for all lines, angles, and curvatures used to describe boundaries, streets, alley, easements, area reserved for public use, and other important features. Dimensions of lot lines shall be shown in feet and hundredths of a foot;

B. Names and right-of-way width of each street, highway, easement, or other right-of-way as required by state law;

C. An identification of all lots and blocks, including lot lines and dimensions;

D. Accurate location of all monuments as required by state law;

E. Names and location of adjoining subdivision, streets and unplatted properties;

F. Municipal, townships, county or section lines accurately tied to the lines of the subdivision by distance and angles;

G. Radii, internal angles, points and curvatures, tangent bearings, and lengths of all areas.

H. Certification on plat of title showing that the applicant is the owner and a statement by that owner dedicating streets, rights-of-way and any other sites for public use;

I. Accurate outlines and legal description of any areas to be dedicated or reserved for public use, or for the exclusive use of property owners within the subdivision with the purposes indicated therein;

J. Public drainage and utility easements along the entire internal and external boundary lines of every lot in the plat;

K. Certification by a registered surveyor in the form required by Section 505.03 Minnesota Statutes;

L. Execution by all owners of any interest in the land any holders of a mortgage thereon of the certificate required by Section 505.03 Minnesota Statutes, and which certificate shall include a dedication of the utility easements and any other public areas in such form as shall be approved by Northern Township Attorney;

M. Certification showing that all taxes and special assessments currently due on the property to be subdivided have been paid in full;

N. Location of public waters as required by state law;

O. Letters of approval of highway access points and service roads from the Commissioner of the Department of Transportation and County Engineer, as applicable, shall be submitted with the final plat;

P. Form of approval by local authorities, either by Northern Township and/or the governing body of the jurisdiction(s) where the plat is located, as may be required under Minnesota Statutes Chapter 505, may be worded substantially as follows:

> Approved by Northern Township
> Northern Township, Minnesota
> this Xth day of MONTH, 20XX.
> Northern Township Chair

Q. Form for approval by County authorities as required by law.

R. Stormwater management above and beyond platted roadway ditches and centerline culverts shall be completed by a Civil Engineer Licensed in the State of Minnesota.

Section 1104. Absence of Utilities and Land Suitability

Where sewer and water are not available and individual wells and disposal systems are to be utilized, the sub divider may be required to submit a showing of land suitability pursuant to Section 1102 of this Ordinance, including the results of tests to ascertain subsurface soil, rock, and ground water conditions. The results of such tests may make it necessary, at a minimum, to vary the required lot size.

Section 1105. General Provisions for PUDs

A. A PUD is a type of development where Northern Township allows greater flexibility than otherwise allowed under the zoning or subdivision code in return for a coordinated development that provides public benefits not otherwise part of the development process. Flexibility in the regulations and standards of this Ordinance is only granted to the extent it is expressly set out the flexibility expressly granted in the approval of the PUD shall apply and the PUD is otherwise subject to all applicable regulations and requirements.

B. A PUD may be established as a residential planned unit development, a commercial planned unit development, or a general planned unit development as permitted under Article III of this Ordinance.

C. Minimum area. A planned unit development shall contain a minimum contiguous area of one (1) acre.

D. The PUD review process consists of three (3) phases
   a. Concept Review. Due to the nature of a PUD there are many details and questions which need answers that arise in the planning and analysis phase. Applicants have expressed an interest in having a clear picture of Northern Township's opinions, specifically if they are choosing not to support a project. In creating a concept approval process, Northern Township is answering two (2) questions. 1.) Does this project's density and sample layout work within the confines of its location? 2.) What pieces of information would we

require in order to make a final recommendation to the applicant? The concept approval of density and layout is in no way an approval of the project, the final layout, the preliminary or final plat, the roadway access, the utilities or any other change to the underlying property.

i. Site plan
ii. Traffic patterns
iii. Utilities needed and proposed
iv. Landscaping layout
v. Any and all plans and studies required by Northern Township staff to support approval. Examples include traffic study, wetland evaluation, tree removal approval etc.

b. Preliminary Review. Upon approval of the Concept Plan, an applicant is then allowed to submit for a preliminary / final approval. The preliminary approval of density and layout is in no way an approval of the project, the final layout, the preliminary or final plat, the roadway access, the utilities or any other change to the underlying property. Preliminary and Final approval can be combined if Northern Township Staff recommends. The applicant will be required to provide all preliminary and final plans. Items required with preliminary application:

i. Site plan
ii. Preliminary Plat
iii. Traffic patterns
iv. Utilities layout
v. Landscaping layout
vi. Preliminary elevations of buildings
vii. Preliminary drainage
viii. Any and all plans and studies required by Northern Township staff to support approval. Examples include traffic study, wetland evaluation, tree removal approval etc.

c. Final Approval. At this stage in the PUD process Northern Township will make a determination of denial or approval. Finalized plans are required as part of this final application.

i. Site plan
ii. Final Plat
iii. Traffic plan
iv. Utilities layout
v. Landscaping layout
vi. Elevations of buildings
vii. Post development drainage

E. Any and all plans and studies required by Northern Township staff to support approval. Examples include traffic study, wetland evaluation, tree removal approval etc. Flexibility options will be provided upon the applicants' agreement to provide a selection of amenities including but not limited to the following items:

Amenity	Standards
Active uses as part of a parking garage	Include housing, office, or other active uses around the perimeter of all floors of a parking garage that face a public street, sidewalk, or pathway.
Green roof	Installation of a green roof system that covers a minimum of fifty (50) percent of the total roof area proposed for the development.
Historic preservation	Preservation, rehabilitation or restoration of designated historic landmarks as a part of the development.
Public right-of-way dedication & construction	Dedication of land and construction of a public road, alley, pathway, or greenway that is part of an approved LGU capital improvements plan. Points shall not be awarded for the reconstruction or relocation of an alley to facilitate an alley vacation.
Underground parking	All parking shall be located underground.
Conservation of the built environment	Significant renovation, rehabilitation and adaptive reuse of an existing building(s), rather than demolition.
Garden(s) or on-site food production	Permanent and viable growing space and/or facilities such as a greenhouse or a garden conservatory at a minimum of sixty (60) square feet per dwelling unit to a maximum required area of five thousand (5,000) square feet, which provide fencing, watering systems, soil, secured storage space for tools, solar access, and pedestrian access as applicable. The facility shall be designed to be architecturally compatible with the development and to minimize the visibility of mechanical equipment.
On-site renewable energy	Use of a photovoltaic or wind electrical system, solar thermal system and/or geothermal heating and cooling system for at least seven percent (7%) of the annual energy costs in new and existing buildings.
Open space	For commercial PUDs open space that is related to and proportional with the bulk of the building and landscaped with trees and shrubs. Rain gardens, where appropriate, are encouraged. For residential developments minimum of fifty percent (50%) of the site not occupied by buildings shall be landscaped outdoor open space. Minimum of fifty percent (50%) of the provided open space shall be contiguous.
Outdoor children's play area	An active, outdoor children's play area with a minimum of fifty (50) square feet for each unit containing three (3) or more bedrooms but not less than five hundred (500) square feet of play area to a maximum required area office five thousand (5,000) square feet.

Art feature	Provision of art. The art shall be maintained in good order for the life of the principal structure. The art shall be located where it's highly visible to the public. The art shall be valued at not less than one-fourth (1/4) of one percent (1%) of the capital cost of the principal structure.
Energy efficiency	Utilization of energy design assistance programs or commissioning to ensure that building systems are designed to operate efficiently and exceed the Minnesota State Energy Code by at least thirty percent (30) of the annual energy costs. The developer must submit documentation to the township including a letter signed by the owner or a licensed design professional that shows the project will comply with this standard.
Natural features	Site planning that preserves significant natural features or restores ecological functions of a previously damaged natural environment.
Pedestrian improvements	A site and building design that allows for exceptional and accessible pedestrian and/or bicycle access through and/or around a site that exceeds the requirements.
Enhanced exterior lighting	Lighting plan that highlights significant areas of the site or architectural features of the building(s)
Enhanced landscaping	A landscaping plan of exceptional design that has a variety of native tree, shrub, and plant types that provide seasonal interest and that exceed the requirements. The landscaped areas shall have a resource efficient irrigation system. The landscaping plan shall be prepared by a licensed landscape architect.
Enhanced storm water management	Provide capacity for infiltrating storm water generated onsite with artful rain garden design that serves as a visible amenity. Rain garden designs shall be visually compatible with the form and function of the space and shall include for long-term maintenance of the design. The design shall conform to requirements of the storm water management plan approved by public works.
Heated drives or	Heated drives or sidewalks that are designed to provide snow and ice free
Tree islands	The inclusion of additional or larger tree islands in the interior of parking lots that exceed the requirements of Chapter 530, Site Plan Review. Larger tree islands shall have a minimum width of ten (10) feet in any direction and shall provide shrubs, plant materials, and/or rain garden plantings in addition to the trees.
Water feature	A water feature, including but not limited to a reflecting pond, a children's play feature or a drinking fountain shall be located where it is highly visible to and useable by the public.
Amenities proposed by the applicant or others	Northern Township may consider other amenities not listed.

F. Residential PUDs and flexibility Option.

In non-shoreland areas, a development plan may provide for a greater number of dwelling units per acre than would be permitted by the zoning regulations otherwise applicable to the site.

In no case may a PUD exceed by more than fifty percent (50%) the number of dwelling units per acre permitted by the zoning regulations otherwise applicable to the site. The Planning Commission, in determining the reasonableness of a proposed increase in the number of dwelling units per acre, shall recognize that increased density may be compensated for by additional private amenities and by increased efficiency in public services to be achieved by the amount, location and proposed use of common open space, and the location, design and type of dwelling units.

The Planning Commission shall, in its determination, also consider that the physical characteristics of the site may make increased densities appropriate in the particular location.

The Planning Commission shall recommend to and, in its final determination Northern Township may also authorize an additional use other than residential in a residentially zoned PUD.

G. General PUDs and flexibility Option.

Within the B-1 district developers are encouraged to provide a mixed use, residential and commercial, development when replacing former commercial uses.

H. Upon approval of qualifying amenities the Planning Commission may, in its determination allow flexibility in the following standards:

Zoning code standard	**Alternative**
Setback standards	Allow a change in the setbacks required by the underlying zoning.
Lot sizes and density (commercial)	1) To increase the maximum impervious area 2) To increase the maximum height of structures.
Lot sizes and density (residential)	1) To allow reductions in lot sized, including square footage, width and length 2) To allow a density bonus to increase the maximum number of dwelling units by not more than twenty percent (20%).
Yards	To allow a reduction or elimination of required yards within the planned unit development.
Signs	To allow alternatives to the sign standards.

Off-street parking and loading	To allow alternatives to the following: 1) Minimum and maximum amount of required off-street parking and loading. 2) Minimum width of parking aisles. 3) Minimum and maximum width of driveways.

I. PUD in Shoreland Overlay

Density is determined by allowable impervious surface area and height. In lieu of dividing a proposed development parcel into tiers to calculate base density, a proposed general development may be approved at a minimum setback of one hundred and fifty (150) feet from the ordinary high water mark (OHWM) from public water if the structures involve a minimum of twenty percent (20%) of commercial uses. Whenever individual structures do not contain twenty percent (20%) commercial uses a minimum two hundred (200) foot setback from the OHWM is required to exercise the flexibility density calculations.

The entire parcel may then be developed as one General PUD with the following standards applied accordingly;

1. If flexibility is elected, a proposed General PUD project shall not exceed allowable impervious surface area as defined in the underlying zoning district.

2. The maximum height for a General Development is forty-five (45) feet. That height may be increased according to the formulas in 3 & 4 below. In no case shall the maximum height exceed sixty-five (65) feet.

3. For each one percent (1%) of additional pervious surface preserved beyond the minimum required in the underlying zoning district the developer may add an additional two (2) feet of height not to exceed the maximum sixty-five (65) feet.

4. For each additional five (5) feet of setback beyond the required two hundred (200) foot setback, the proposed development may add an additional two (2) feet of height not to exceed the maximum sixty-five (65) feet.

5. A combination of 3 & 4 above may be used to calculate the maximum allowable height not to exceed a total height of sixty-five (65) feet.
6. Structures within the General PUD that do not contain a minimum of twenty percent (20%) proposed commercial are limited to a maximum height of forty-five (45) feet.

7. All land identified as part of the General PUD shall be zoned as one zoning district prior to application for a general PUD.

8. Structures that exceed forty-five (45) feet in height shall exhibit an uneven horizontal façade approximately parallel to the OHWM wherein the area of the building that exceeds the maximum height of forty-five (45) feet shall have an equal amount of building façade parallel to the OHWM that is below the forty-five (45) feet mark.

J. Shoreland Commercial PUDs

1. Flexibility Option.

a. If flexibility is elected, a proposed Commercial PUD project shall not exceed allowable impervious surface as defined in the underlying zoning district.

b. The maximum height for a Commercial PUD is forty-five (45) feet. That height may be increased in accordance with the formulas in 3 & 4 below. In no case shall the maximum height exceed sixty-five (65) feet.

c. For each one percent (1%) of additional pervious surface preserved beyond the minimum required in the underlying zoning district the developer may add an additional two (2) feet of height not to exceed the maximum sixty-five (65) feet.

d. For each additional five (5) feet of setback beyond the required one hundred and fifty (150) foot setback, the proposed development may add an additional two (2) feet of height not to exceed the maximum sixty-five (65) feet.

e. A combination of 3 & 4 above may be used to calculate the maximum allowable height not to exceed a total height of sixty-five (65) feet.

f. Structures that exceed forty-five (45) feet in height shall exhibit an uneven horizontal façade approximately parallel to the OHWM wherein the area of the building that exceeds the maximum height of forty-five (45) feet shall have an equal amount of building façade parallel to the OHWM that is below the forty-five (45) feet mark

2. Redevelopment.
A commercial planned unit development may be redeveloped as a new commercial planned unit development with a Conditional Use Permit under the following conditions:

a. The proposed redevelopment will be evaluated using the criteria specified in Section 913 or 914 of this Ordinance, as applicable. Inconsistencies between existing features of the development and the minimum standards shall be identified.

b. Deficiencies involving impervious surface coverage, storm water management vegetation, screening, setbacks, open space, and shore recreation facilities must be corrected or evaluated and reasonable improvements made as part of the redevelopment proposal.

c. Shore and bluff impact zone deficiencies must be evaluated and reasonable improvements made as part of the redevelopment. These improvements must include, where applicable, the following:

i. Removal of extraneous buildings, docks, or other facilities that no longer need to be located in shore or bluff impact zones;

ii. Remedial measures to correct erosion sites and improve the vegetative cover and screening of buildings and other facilities as viewed from the water; and,

iii. If existing dwelling units are located in shore or bluff impact zones, conditions that preclude exterior expansions in any dimension or substantial alteration are attached to approvals of all redevelopment. The conditions must also provide for future

relocation of dwelling units, where feasible, to other locations meeting all setback and elevation requirements when they are rebuilt or replaced.

d. Existing dwelling site densities (square footage of habitable rental space as measured by using interior walls of habitable dwelling space) that exceed standards prescribed in this Ordinance may be allowed to continue but shall not be increased, either at the time of the redevelopment or in the future. Efforts shall be made during any such redevelopment to limit impacts of high densities by requiring seasonal use, improving vegetative screening, centralizing shore recreation facilities, developing storm water management plans, or other means deemed necessary by Northern Township.

Section 1106. Design and Maintenance Standards and Criteria for PUDs

A. For all PUDs, a development plan shall be submitted to Northern Township or its agent consistent with the following general standards for use of land, and the use, type, bulk, design, and location of buildings, the density of use, the common open space, the public facilities and the development by geographic division of the site. The development plan, which may be submitted and evaluated simultaneously with the preliminary plat, shall demonstrate compliance with the following criteria:

1. The application for a planned unit development shall be filed jointly by all owners;

2. A PUD which meets the definition of a Common Interest Community (CIC) may be approved in accordance with Minnesota Statutes 515(B), including the articles of incorporation. A PUD development which meets the definition of a Subdivision (Plat) in accordance with Minnesota Statutes 505 may also be approved. When a Plat or Re-plat creates one or more parcels consisting of private common property improvements including, drives, parking, roads, stormwater areas, green space, utilities, etc., proof of the creation of an Association, including the articles of incorporation, consistent with Minnesota Statutes 317(A), may also be approved. All PUD's not under single ownership must have a Property Owners Association. Association articles of incorporation shall be approved by Northern Township prior to approval and the release of documents for recording.

   Any easements, restrictions or other provisions, if part of an approved PUD may only be modified, removed or released upon consent of Northern Township. The association shall, at a minimum, include restrictive covenants and bylaws that identify individual and joint ownership properties, rights and responsibilities consistent with approval requirements of the PUD. The association documents shall specifically provide for enforcement by the landowners within the development;

3. The planned development can be substantially completed within the period of time specified in the schedule of development submitted by the developer;

4. The planned development will not substantially injure or damage the use, value and enjoyment of surrounding property, nor hinder or prevent the development of surrounding property in accordance with Northern Township Comprehensive Plan;

5. The site will be accessible from public roads that are adequate to carry the traffic that will be imposed upon them by the proposed development, and will be adequate to serve the

residents, occupants, or users of the proposed development. An appropriate traffic control plan will be required by the road authority responsible for accepting and maintaining public roads. The Minnesota Manual on Uniform Traffic Control Devices will be used to justify when signals are needed in order to prevent traffic hazards or congestion in adjacent streets;

6. Public streets and roads shall meet all requirements of the respective road authority. Private streets and roads shall be constructed to meet and all requirements of the respective road authority;

7. The development will not impose an undue burden on public services and facilities, such as fire and police protection;

8. The location and arrangement of structures, parking areas, walks, lighting and appurtenant facilities shall be compatible with the surrounding land uses, and any part of a planned unit development not used for structures, parking and loading areas, or access ways, shall be landscaped or otherwise improved, unless said open space would accomplish the intent of this Article if left in its natural state;

9. There shall be a minimum of ten (10) feet between all buildings;

10. Nonresidential uses of an educational or recreational nature shall be designed or intended primarily for the use of the residents of the planned unit development;

11. Wetlands shall be managed in accordance with the Wetland Conservation Act;

12. Maintenance and grounds keeping shall be undertaken consistent with statute;

13. A complete set of plans shall be submitted which shall include the projected cost of the project, location and design of roads, septic system design if applicable, and any other information deemed necessary by Northern Township at the time of application;

14. A complete and adequate drainage system for the development shall be designed by a professional engineer. The plan shall include a storm sewer system or a system of open ditches, culverts, pipes, and catch basins, or both systems. Such system or systems shall be designed in conformity with the adopted Policy Guidelines of the "Surface Water Management Plan and Storm water Design Guide Report Dated January 2008, as may be amended; and/or other applicable standards and policies of Northern Township. Storm water management and Erosion Control Plans shall conform to all required local, state and federal permit and ordinance provisions as they may apply to land development in a specific location.

B. In unsewered areas, the development plan shall demonstrate compliance with the following additional criteria:

1. A managed, self-contained, collective well and septic system shall be provided for all planned unit developments including more than four (4) dwelling units, except where the individual units exceed one (1) acre with a minimum one hundred (100) feet in width and the soils analysis demonstrates an ability to support an SSTS and a well on each unit so designated. No more than forty percent (40%) of the total possible number of lots allowed may be so developed.

C. In shoreland areasthe development plan shall demonstrate compliance with the following additional criteria:

1. Deed restrictions, covenants, permanent easements, public dedication and acceptance, or other equally effective and permanent means shall be provided to ensure the following protections:

   a. Commercial uses shall be prohibited in residential planned unit developments;

   b. Vegetative and topographic alterations, except for routine maintenance, shall be prohibited;

   c. Construction of additional buildings or the storage of vehicles and/or other materials is prohibited;

   d. Uncontrolled beaching of watercraft shall be prohibited.

2. All planned unit developments must contain open space meeting all of the following criteria:

   a. Dwelling units or sites, road rights-of-way, land covered by road surfaces, parking areas, structures, and any impervious surfaces are developed areas and shall not be included in the computation of open space;

   b. Open space must include those areas with physical characteristics unsuitable for development in their natural state, and areas containing significant historic sites or unplatted cemeteries;

   c. Open space may include outdoor recreational facilities for use by owners of dwelling units or sites, by guests staying in commercial dwelling units or sites, and by the general public;

   d. Open space may include subsurface sewage treatment systems provided the use of the space is restricted to avoid adverse impacts on such systems; Open space must not include commercial facilities or uses;

   e. The appearance of open space areas, including topography, vegetation, and allowable uses, must be preserved by use of restrictive covenants, permanent easements, public dedication and acceptance, or other equally effective and permanent means; and,

   f. The shore impact zone, based upon normal structure setbacks, must be included as open space. For residential planned unit developments, at least fifty percent (50%) of the shore impact zone of existing developments and at least seventy percent (70%) of the shore impact zone area of new developments must be preserved in its natural or existing state. For commercial planned unit developments, at least fifty percent (50%) of the shore impact zone must be preserved in its natural state.

3. As part of Storm Water Management Plan, Erosion Control Plans completed by a registered engineer and approved under the terms of a NPDES permit shall be required. The PUD must:

    a. Be designed, and the construction managed, to minimize the likelihood of serious erosion occurring either during or after construction. This must be accomplished by limiting the amount and length of time of bare ground exposure. Temporary ground covers, sediment entrapment facilities, vegetative buffer strips, or other appropriate techniques must be used to minimize erosion impacts on surface water features.

    b. Be designed and constructed to effectively manage reasonably expected quantities of storm water runoff. Impervious surface coverage within any tier must not exceed twenty-five (25%) percent of the tier area, except if permitted under exercise of flexibility option.

4. Centralization and design of facilities and structures must be done according to the following standards:

    a. Planned unit developments must be connected to publicly owned water supply and sewer systems, if available. On-site water supply and sewage treatment systems must be centralized and designed and installed to meet or exceed applicable standards or rules of the Minnesota Pollution Control Agency, Minnesota Department of Health and Article VIII of this Ordinance. On-site sewage treatment systems must be located on the most suitable areas of the development, and sufficient lawn area free of limiting factors must be provided for a replacement soil treatment system for each sewage system;

    b. Dwelling units or sites must be clustered into one or more groups and located on suitable areas of the development. They must be designed and located to meet or exceed the following dimensional standards for the applicable shoreland classification: setback from the ordinary high water level; elevations above the surface water features; and maximum height;

    c. Shore recreation facilities, including but not limited to swimming areas, docks and watercraft mooring areas and launching ramps must be centralized and located in suitable areas. Evaluation of suitability must include consideration of land slope, water depth, vegetation, soils, depth to groundwater and bedrock, or other relevant factors. The number of spaces provided for continuous beaching, mooring, or docking of watercraft must not exceed one for each allowable dwelling unit or site in the first tier (not withstanding existing mooring sites in an existing commercially used harbor). A small dock for loading and unloading equipment may be provided for use by occupants of dwelling units or sites located in other tiers;

    d. Structures, parking areas, and other facilities must be treated to reduce visibility as viewed from public waters and adjacent shore lands by vegetation, topography, increased setbacks, color, or other means, assuming summer, leaf-on conditions. Vegetative and topographic screening must be preserved, if existing, or may be required to be provided;

e. Accessory structures and facilities, with the exception of one water-oriented accessory structure, must meet the required principal structure setback, and must be centralized.

5. Where a building or development contains multiple businesses and/or occupants, a Master Sign Plan shall be created by the land owner and provided to Northern Township prior to issuance of sign permits. The plan shall identify, within the standards of this article, how multiple wall and/or freestanding signs shall be allocated for the property or development.

Section 1107. Conversion to PUDs

Land uses and/or facilities may be converted to PUDs, with the issuance of a Conditional Use Permit, provided all of the following standards are met.

A. Proposed conversions must be initially evaluated using the same procedures as for planned unit developments involving all new construction. Inconsistencies between existing features of the development and the PUD standards shall be identified.

B. Deficiencies involving water supply and sewage treatment, structure color, impervious surface coverage, open space and shore recreation facilities must be corrected as part of the conversion, or as specified in the Conditional Use Permit.

C. Shore and bluff impact zone deficiencies must be evaluated and reasonable improvements made as part of the conversion. These improvements must include, where applicable, the following:

1. Removal of extraneous buildings, docks, or other facilities that no longer need to be located in shore or bluff impact zones;

2. Remedial measures to correct erosion sites and improve the vegetative cover and screening of buildings and other facilities as viewed from the water; and,

3. If existing dwelling units are located in shore or bluff impact zones, conditions that preclude exterior expansions in any dimension or substantial alteration are attached to approvals of all conversions. The conditions must also provide for future relocation of dwelling units, where feasible, to other locations meeting all setback and elevation requirements when they are rebuilt or replaced.

D. Existing dwelling unit or dwelling site densities that exceed standards prescribed in Section 914 of this Ordinance may be allowed to continue but shall not be increased, either at the time of conversion or in the future. Efforts must be made during any such conversion to limit impacts of high densities by requiring seasonal use, improving vegetative screening, centralizing shore recreation facilities, installing new sewage treatment systems, or other means.

Section 1108. Procedures for Approval of Subdivisions and PUDs.

No subdivision of a lot, tract, or parcel into two or more lots, and no Planned Unit Development (PUD) or Common Interest Community (CIC) may be established, except in compliance with the following provisions.

A. Lot Division

In any case where the division of a parcel of land for the purpose of transfer of ownership or building development, and where no creation of a new street or way is required, does not come within the definition of subdivision as defined by this Ordinance, but shall not be exempt from the dedication requirements of Section 1109 of this Ordinance where a new parcel is created for the purpose of establishing a new buildable parcel(s) a Certificate of Survey (COS) of the entire original parcel shall be prepared including identification of all structures and facilities, public or private easements, wells and septic systems on such parcels, and legal descriptions of the parcels and their components, shall be filed with the Planning Administrator. A lot division shall be approved for such division provided that all requirements of this Ordinance are met.

A parcel of record may be divided no more than twice, and into no more than three total parcels without subdividing, in accordance with the remaining provisions of this Section. Parcels which are adjacent to platted but unaccepted roads may be approved only IAW Section 1113 of this Ordinance No land use or building permits shall be issued until said COS has been filed with the Beltrami County Recorder, and a new parcel identification number has be issued for each new parcel created.

Section 1109. Minimum Subdivision Design Standards

A. The proposed subdivision shall conform to Northern Township Comprehensive Plan.

B. The arrangement, character, extent, width, grade, and location of all streets shall conform to Northern Township Transportation Plan and to these regulations, and shall be considered in their relation to existing and planned streets, to reasonable circulation of traffic, to topographical conditions, to run-off of storm water, to public convenience and safety, and in their appropriate relation to the proposed uses of the land to be served by such streets.

1. Continuation of Existing Streets.
   The arrangement of streets in any new subdivision shall make provision for the appropriate continuation of the existing streets in adjoining areas.

2. Future Projection of Streets.
   Where adjoining areas are not subdivided, but may be subdivided, the arrangement of streets in a new subdivision shall make provision for the proper projection of streets into adjoining areas by carrying the new streets to the boundaries of the new subdivision at the appropriate locations.

C. Streets.

1. Residential Road Widths. All residential right-of-way widths and pavement widths (face to face of curb or total surface width) shall conform to the following minimum dimensions, in addition to any requirements of the road authority that will be asked to accept the particular street:

Classification	**Right of Way/Pavement Width**
Urban Street with Curb and Gutter (R-3, R-4 districts)	66 feet / 32 feet
Suburban Street with Curb and Gutter	66 feet / 32 feet

(R-3 district)	
Suburban Street without Curb and Gutter (R-3 district)	66 feet / 24 feet
Rural Streets without Curb and Gutter (R-1 and R-2 districts)	66 feet / 24 feet

Additional width may be required at discretion of the road authority to provide for parking, turn lanes or high traffic projections. Two (2) foot shoulders are required for all roads built without curb and gutter. Platted roadways designated to be arterials or major collectors and roadways in plats in non-residential zoning districts shall be built to standards based on estimated twenty (20) year average daily traffic and meet geometric standards as prescribed by Chapter 8820 of Minnesota Rules. Additional street right-of-way width shall be required for designated arterials and major collectors in the Future Functional Classification System of Northern Township Transportation Plan, according to the minimum planned design right-of-way of the road authority. The road authority may also approve a decrease the above minimum standards when a specific compact development plan concept supports a smaller standard. In such cases, a full or partial on-street parking restriction shall be required for such approval.

2. Deflections. When connecting street lines deflect from each other at any one point by more than ten degrees, they shall be connected by a curve with a radius of not less than that allowed for in the current version of the Minnesota Department of Transportation Road Design Manual for the appropriate design speed of the roadway. In no case shall the design speed be less than thirty (30) mph.

3. Grades. Minimum grade for curb and gutter streets shall be two-tenths of a percent (0.35%).

4. Vertical Curves. Different connecting street gradients shall be connected with vertical curves. The minimum length of these curves shall conform to the standards specified in the current version of the MN DOT Road Design Manual.

5. Minor Streets. Minor streets shall be so aligned that their use by through traffic will be discouraged.

6. Cul-de-sacs, dead-ends, or a one (1) inlet or outlet street. Maximum length shall be five hundred (500) feet measured along the centerline from the intersection of origin to end of right-of-way. Cul-de-sacs shall have a minimum permanent turn-around area radius of fifty-three (53) *fire is 48*feet to the edge of the finished street or curb line, and a minimum right-of-way radius of sixty (60) feet.

7. Marginal Access Streets. Where a subdivision abuts or contains an existing or planned major thoroughfare or a railroad right-of-way, Northern Township may require a street approximately parallel to and on each side of such right-of-way for adequate protection of residential properties and to afford separation of through and local traffic. Such marginal access streets shall be located at a distance from the major thoroughfare or railroad right-of-way suitable for the appropriate use of the intervening land, as for park purposes in residential districts, or for commercial or industrial purposes in appropriate districts. Such distances shall also be determined with due regard for the requirements of approach grades and future grade separations. For platted, unimproved streets see Section 1113.

8. Half Streets. Half streets shall be prohibited, except where essential to the reasonable development of subdivision in conformity with the other requirements of these regulations; and except where Northern Township finds it will be practicable to require the dedication of the other half when the adjoining property is subdivided. Wherever there is a half street adjacent to a tract to be subdivided, the other half of the street shall be platted within such tract. For platted, unimproved streets see Section 1113.

9. Reserve Strips. Reserve strips controlling access to streets shall be prohibited, except that a lot frontage below minimum lot width requirements may be created via the administrative lot division procedure for purposes of future access to property. This shall only be permitted where future subdivision of land is feasible according to the zoning classification of a parcel. Such statement shall be recorded on the Certificate of Survey and recorded against the property with approval.

10. Private Streets. Private streets shall not be approved unless part of an approved planned unit development, nor shall public improvements be approved for any private street.

11. Hardship to Owners of Adjoining Property Avoided. The street arrangements shall not be such as to cause hardship to owners of adjoining property in platting their own land and providing convenient access to it.

D. Intersections.

1. Angle of Intersection. The angle formed by the intersecting of streets shall not be less than eighty-five degrees (85°).

2. Size of Intersection. Intersections of more than four (4) corners shall be prohibited.

3. Corner Radii. Roadways of street intersections at the curb shall be rounded by a radius of not less than twenty (20) feet. Roadways of alley-street intersections shall be constructed according to appropriate MN DOT Standard Plates. Corners at the entrance to the turn-around portions of cul-de-sacs shall be rounded by a radius of not less than fifteen (15) feet.

E. Drainage.

A complete and adequate drainage system for the subdivision shall be designed by a professional engineer. The plan shall include a storm sewer system or a system of open ditches, culverts, pipes, and catch basins, or both systems. Such system or systems shall be designed in conformity with the adopted Policy Guidelines of the "Surface Water Management Plan and Storm Water Design Guide Report Dated January 2008, as may be amended; and/or other applicable standards and policies of Northern Township. Storm water management and Erosion Control Plans shall conform to all required local, state and federal permit and ordinance provisions as they may apply to land development in a specific location.

F. Curb and Gutter.

In areas served by storm sewer, concrete curb and gutter shall be included as a part of the required street surface improvements and shall thus be designed for installation along both sides of all roadways in accordance with the standards of Northern Township.

G. Ditches.
In areas without storm sewer the right of way shall be grubbed to a minimum of twenty (20) feet on either side of a center line in an embankment section; or such addition as may be required in a ditch section. (Except, see Section 1111 A.2.a.) The width between shoulder lines shall be uniform and shall be a minimum of fourteen (14) feet either side of center line. In slopes and back slopes shall not be steeper than three (3) feet on the horizontal to one (1) foot on the vertical. The ditch separation shall be a minimum of two (2) feet with a ditch bottom of three (3) feet minimum.

H. Sidewalks and Shared Use Paths.
In all major subdivisions that include paved roads: sidewalks or paved shared-use paths at not less than five (5) feet on both sides of the road. Active Transportation requirements outlined in Section 1010 also apply with respect to connections to adjacent development.

I. Water Supply.
Extensions of the municipal water supply system shall be designed so as to provide water service to each lot. The design of said extension shall be in accordance with the design standards proposed to and approved by Northern Township.

J. Sewage Disposal.
Extensions of the municipal sanitary system shall be designed so as to provide sewer service to each lot. The design of said extensions shall be in accordance with the design standards proposed to and approved by Northern Township, and shall meet all requirements of Article VIII of this Ordinance.

K. Street Names.
Names of new streets shall not duplicate existing or platted street names unless a new street is a continuation of or in alignment with the existing or platted street, in which event it shall bear the same name of the existing or platted street so in alignment. Street names and numbers shall conform to the established pattern in Northern Township and shall be subject to the approval of the Planning Commission.

L. Blocks.
Block length and width or acreage within bounding streets shall be such as to accommodate the size of residential lot required in the area by the zoning provisions and to provide for convenient access, circulation control, and safety of street traffic.

M. Lots.

1. Location. All lots shall abut on a publicly dedicated street or a street that has received legal status as such with the exception of Common Interest Communities meeting all other requirements of this Ordinance.

2. Size. The lot dimensions in subdivisions designed for single family detached dwelling use shall not be less than the minimum dimensions required to secure the minimum lot area specified in this Ordinance.

3. Side Lot Lines. Side lines of lots shall be substantially at right angles to the street line, with the exception of lots in cul-de-sacs.

4. Natural Features. In the subdividing of any land, due regard shall be shown for all natural features such as tree growth, water courses, historic spots or similar conditions, which if preserved will add attractiveness and stability to the proposed development.

5. Lot Remnants. All remnants of lots below minimum size left over after subdividing of a larger tract must be added to adjacent lots, rather than allowed to remain as unusable parcels.

Section 1110. Required Improvements on the Site

A. Improvements Listed and Described.

Prior to the approval of a final plat by Northern Township, the sub divider shall have agreed, in the manner set forth in this Section, to install or pay for the installation in conformity with construction plans approved by the Registered Engineer and in conformity with all applicable standards and Code provisions, the following improvements on the site:

1. Monuments.

   Monuments of a permanent character, as required by MS Chapter 505, shall be placed in locations on the boundary of the subdivision and within it as required;

2. Street and Alley Improvements.

   a. Grading. The full width of the right-of-way of each street dedicated in the plat shall be graded with due regard to prominent trees, historic spots and appropriate aesthetic considerations.
   b. Pavements. All streets shall have an adequate sub-base and shall be improved with all-weather, permanent surface approved by the Northern Township.

   c. For platted, unimproved streets see Section 1113.

3. Sewage Disposal.

   The developer shall be required to install sanitary sewer mains and service connections to all residential lots on the subdivision where it is within three hundred (300) feet of an existing sewer line. All installation and connection costs shall be borne by the developer. Where connection to the municipal sewage system is not required, individual disposal systems shall be installed according to the requirements of this Ordinance.

4. Drainage.

   A system that will adequately take care of the water runoff within the subdivision shall be provided, based on a storm water runoff plan prepared by a Registered Engineer and approved by Northern Township. If Northern Township, upon the recommendation of the Registered Engineer, determines that it is feasible for the sub divider to install storm sewers connected to the existing storm system of the community within or adjacent to the subdivision, or an extension of the community system which will be extended to the boundary of the subdivision within eighteen months of the filing of the final plat, the appropriate governing body shall require installation of a storm sewer system to provide

drainage. If a storm system is installed and connections to the community system are not immediately available, the storm sewers shall be capped and temporary provisions made for drainage by other means. The cost of storm sewers shall be assessed against the benefiting properties, based on the assessment policy of the governing body, including those which may lie outside the boundaries of the proposed subdivision.

5. Street Sign.

   Street signs shall be installed in all new subdivisions by the appropriate governing body at the expense of the developer.

6. Underground Electric, Telephone and Cable TV Service.

   All electric, telephone, and cable TV service shall be installed underground in new subdivisions.

B. Optional Community Construction Permitted.

In lieu of doing actual construction work in improvements required to be made by the sub divider under this Section, the sub divider may petition the appropriate governing body to do the construction work required. Such petition shall include a request that the benefited property be assessed for the cost of such improvements where appropriate. Such petition shall be presented to the governing body by September 1st for construction during the next season. This option shall apply to streets, alleys, curb and gutters, water and sanitary sewer facilities. In no event shall such design and construction result in a cost to be borne by tax payers of the community generally except in those instances where part of the benefit of the construction is deemed by the appropriate governing body to extend beyond the properties contained in the proposed subdivision.

C. Payment for Installation of Improvements.

The costs of the required improvements, which are listed and described in Subdivision A above, are to be furnished and installed at the sole expense of the sub divider and at no expense to the community, unless otherwise stated. In the case of an improvement, the cost of which would by general policy of the governing body be assessed only in part to the improved property and the remaining cost paid out of general tax levy or other funds, the governing body may make provisions for payment of a portion of the cost by the sub divider and the remaining portion of the cost by the governing body, and provided further, that if any improvement installed within the subdivision will be of substantial benefit to lands beyond the boundaries of the subdivision, the governing body may make provision for causing a portion of the cost of the improvement, representing the benefit to such lands to be assessed against the same and in such case the sub divider will be required only to pay for such portion of the whole cost of said improvement as will represent the benefit to the property within the subdivision.

D. Required Developer's Agreement Providing for Proper Installation of Improvements.

Prior to installation of any required improvements and prior to approval of the final plat, the sub divider shall enter into a contract in writing with the governing body requiring the sub divider to furnish and construct said improvements at his sole cost and in accordance with plans and specifications and usual contract conditions all approved by the governing body, which

shall include provision for supervision of details of construction by the Registered Engineer and grant to the Registered Engineer authority to correlate the work with any other work being done or contracted by the governing body in the vicinity. The agreement shall require the sub divider to make an escrow deposit or in lieu thereof, to furnish the performance bond as specified in Subsection E. hereof, the amount of the deposit and the penal amount of the bond to be equal to the Registered Engineer's estimate of the total cost of the improvements to be furnished under the contract, including the cost of inspection by the governing body. On request of the sub divider, the contract may provide for completion of part of all of the improvements covered thereby prior to acceptance of the plat, and in such event the amount of the deposit or bond shall be reduced in a sum equal to the estimated cost of the improvements to be furnished after the acceptance of the plat only. The time for completion of the work and the several parts thereof shall be determined by the governing body upon recommendation of the Registered Engineer after consultation with the sub divider and shall be reasonable in relation to the work to be done, the seasons of the year, and proper correlation with construction activities in the subdivision. The provisions of this Subsection shall be waived or amended as deemed appropriate by the governing body upon advice of the Registered Engineer on those improvements which the governing body has agreed to install under the provisions of Subsection B. hereof.

E. Construction Plans.

Construction plans for the required improvements conforming in all respects with the standards of the Registered Engineer and local Code provisions shall be prepared at the sub divider’s expense by a professional engineer who is registered in the State of Minnesota, and said plans shall contain his seal. Such plans together with the quantities of construction items, shall be submitted to the Registered Engineer for his estimate of the total cost of the required improvements; upon approval they shall become a part of the contract required in Subsection D. hereof. The original plans approved by the Registered Engineer plus two (2) prints and a copy in electronic format shall be furnished to the appropriate jurisdiction to be filed by the Registered Engineer as a record in the Engineering Department. Following construction, the sub divider shall furnish to the appropriate road authority a reproducible Mylar "Record Drawings" plus two (2) sets of prints showing the actual field dimensions as measured during construction.

F. Inspection.

All required improvements on the site that are to be installed under the provisions of this Article shall be inspected during the course of construction by the Registered Engineer at the sub divider’s expense, and acceptance shall be subject to the Registered Engineer's certificate of compliance with the contract.

G. Improvements Completed Prior to Approval of Final Plat.

Improvements within a subdivision which have been completed prior to application for approval of the final plat or execution of the contract for installation of the required improvements shall be accepted as equivalent improvements in compliance with the requirements of Subsection A hereof only if the Registered Engineer shall certify that he is satisfied that the existing improvements conform to applicable to appropriate community standards.

Section 1111. Variances

In accordance with Section 1206 of this Ordinance, the Planning Commission may grant a variance in any particular case where the sub divider can show that by reason of exceptional topography or other physical conditions the strict compliance with these regulations could cause practical difficulties for the enjoyment of a substantial property right provided such relief may be granted without detriment to the public welfare and without impairing the intent and purpose of the regulations.

In support of a variance application under Section 1206, the sub divider/applicant shall, for consideration by the Board of Adjustment, supplement the application with maps, plans or other additional data which may aid the Board of Adjustment in the analysis of the proposed project. The plans for such development shall include such covenants, restrictions or other legal provisions necessary to guarantee the full achievement of the plan. Any variance or modification thus granted shall be recorded in resolution form and entered in the minutes of the Board of Adjustment setting forth the findings of fact which justified the action.

Section 1112. Land Use or Building Permits

No land use or building permits shall be issued for construction on any lot until all requirements of this Article have been fully complied with. All lots or parcels must have a parcel identification number prior to the issuance of any permit.

A building or land use permit shall not be issued for a platted lot whose only access is a street that is not part of the road authority's system of publicly maintained streets, unless the developer has entered into an agreement with the road authority which set out the specific improvements required before the road authority will accept maintenance of the streets, including a timeline for making the improvements, and provides for the private maintenance of the street until it is accepted for pubic maintenance . A copy of the executed agreement with the road authority must be provided to Northern Township before any permits will be issued. A road authority is not responsible for maintaining or improving a platted street until it acts to expressly take over such maintenance. Furthermore, a decision of the road authority to not take over the maintenance of a platted street shall not be deemed an abandonment of the street.

Section 1113. Copies of Plat

Copies of all of such plats or subdivisions, after the same have been submitted, approved and recorded as provided in this Article, shall be filed and kept by Northern Township at a place designated as the official repository of the records of Northern Township, and with the appropriate road authority.

Section 1114. Enforcement and Penalty

Unless approved as a final plat as provided herein, no subdivision shall be entitled to record in the County Recorder's Office or have any validity; and neither the Building Official nor Planning Administrator shall cause to be issued building permits or land use permits for any structure on a lot in any proposed subdivision, with the exception of permits that may have been granted without approval of such subdivision. Northern Township shall not permit any public improvements to be installed unless the preliminary plat is approved and shall not permit any services until approval of the final plat and recording of same. It is unlawful for any person to violate, omit, neglect or refuse to comply with or to resist the enforcement of any of the provisions of these regulations, or to sell or offer for sale or lease any lot or block of land herewith regulated before all the requirements of these regulations have been complied with; and each day that a violation is permitted to exist shall constitute a separate offense. Every

person violates a Section, subdivision, paragraph or provision of this Article when he performs an act thereby prohibited or declared unlawful, or fails to act when such failure is thereby prohibited or declared unlawful, and upon conviction thereof, shall be punished as for a misdemeanor except as otherwise stated in specific provisions hereof. Northern Township may enjoin such conveyance by action for injunction or may recover such penalty by a civil action in any court of competent jurisdiction.

Section 1115. Dedication of Parks, Open Spaces, Trails and Public Sites

This section intentionally left blank.

Section 1116. Lot Combinations

The combination of two (2) or more contiguous tax parcels into one (1) lot of record. In order to allow for a lot combination to occur, all parcels shall be owned under the same common ownership as well as the same zoning classification defined on Northern Township zoning map, per Section 203 of this Ordinance. The combination of two (2) or more parcels shall be accomplished by the submittal of a lot combination application to Northern Township Staff followed by the recording of a deed and plat in the public deed records of the county and filing with Beltrami County property tax authorities. The combined lot shall not thereafter be subdivided in a manner that reduces the area of the lot on which it is located below the applicable minimum lot size. All property taxes for the parcels shall be up-to-date and paid in full at Beltrami County before lot combination can be finalized.

ARTICLE XII: ADMINISTRATION

Section 1201. Planning Administrator

Northern Township shall appoint one or more Planning Administrators. The Planning Administrator(s) shall perform the following duties:

A. Enforce and administer the provisions of this Ordinance;

B. Issue necessary permits for permitted uses and/or activities which comply with and as called for under the provisions of this Ordinance;

C. Maintain permanent and current records of this Ordinance, including but not limited to applications, plats, official zoning maps, amendments, variances and conditional uses;

D. Receive, file and forward, along with recommendations, all applications for appeals, variances, conditional uses or other land use matters and requests to the designated official bodies and authorities responsible for official reviews and approvals;

E. Institute, in the name of Northern Township, any appropriate actions or proceedings against a violator as provided for in this Ordinance, or otherwise by law.

F. Coordinate with and assist other zoning and/or regulatory authorities and their administrators regarding matters which are subject of shared concern and exercise of official controls within Northern Township.

Section 1202. Planning Commission

A. The Planning Commission is an advisory body appointed by Northern Township to engage in the process of community planning in Northern Township. The Planning Commission is charged with the following responsibilities:

1. To prepare and update as needed the Northern Township Comprehensive Plan, or any component thereof, and the regulations designed to effectuate the Plan including zoning, subdivision, and shoreland management. In addition, the Planning Commission shall undertake a complete review of the Comprehensive Plan, or its components, and prepare recommended revisions to Northern Township for its consideration at least every five years.

2. To participate in the implementation of the Comprehensive Plan, or its components, by reviewing applications for the subdivision of land, zoning amendments, and conditional use permits, and forwarding recommendations for approval or denial, as well as conditions for approval, to Northern Township, as further specified below.

    a. Assist Northern Township in the formulation of goals, policies and programs for the future development of Northern Township;

    b. Assist Northern Township in the preparation of development controls designed to promote development consistent with adopted goals and policies;

c. Review applications for conditional use permits, conduct public hearings in accordance with the provisions of the Ordinance, and make recommendations to Northern Township;

d. Review subdivision proposals for compliance with the provisions of this Ordinance, conduct public hearings, and forward final plats, along with recommendations, to Northern Township;

e. And in general have the authority to review and make recommendations on any proposed plans for the implementation of any planning, improvement, or redevelopment of any area or neighborhood, notwithstanding whether those plans fall within the purview of the existing Zoning Ordinance and related regulations. This advisory role includes recommendations on proposed improvements in neighborhoods, areas or districts that have been destroyed in whole or in part by fire, earthquake, tornadoes, wind storms or other natural disasters, as well as by deterioration due to disinvestment.

f. Any other such duties as required or requested by Northern Township to further goals and policies in furtherance of the intent of this Ordinance.

B. The Planning Commission shall consist of five (5) members. Those members shall be appointed from names recommended by the Northern Township Board. The initial appointments shall be made by Northern Township so that each its appointees serving terms of one, two and three years respectively. There is no limit to the number of terms that a Planning Commissioner may serve.

1. The Planning Commission shall meet at least monthly, and its first regular meeting in January shall be designated as its Annual Meeting.

2. No Planning Commission member may be an employee of Northern Township.

Section 1203. Board of Adjustment

The Northern Township Board shall act as the Board of Adjustment and Appeals.

Section 1204. Land Use and Other Administrative Permits

Separate permits shall be required for the following permitted activities: building construction, alteration, tree removal, signs, Type II home occupations, specific group living and daycare activities in unsewered areas, subsurface sewage treatment system installation or alteration, and grading or filling in shoreland areas. All permits issued shall be in accordance with the standards prescribed in this Ordinance. Permit Types include:

A. Building Permits. All property owners, contractors, subcontractors, builders or other persons having charge of the erection, alteration, moving, change, or remodeling of any building or structure shall apply for a Land Use Permit from Northern Township, as applicable, prior to commencing such work, including any footing or foundation work for a structure. Northern Township Staff may require a pre-application meeting for land use for developments more complex than one and two family dwellings. After the appropriate fee has been paid, and if the proposed work does not conflict with any portion of this Ordinance or related regulations, the

permit shall be granted. If the permit is not granted, the reasons for such denial shall be provided, in writing, to the applicant.

B. Land Use Permits are the Township version of City Building Permits.

C. SSTS and Shoreland Alteration Permits. Permits for the installation of subsurface sewage treatment systems or grading and filling in shoreland areas must also be obtained from Beltrami County Staff before such installation or shoreland alteration has begun.

D. Sign Permits. Permits for the construction or placement of signs must be obtained from Northern Township Planning Staff before such construction or placement shall be allowed.

All building, sign, excavation and related installation permits shall expire one year from the date of approval unless the project has been substantially completed. SSTS permits shall expire at the end of the calendar year in which they are issued. A request for an extension may be considered by the Planning Administrator or Northern Township pursuant to M.S. Chapter 462.

Site plan improvements for all new, expanded, or redevelopment projects, shall meet all performance standard requirements of this Ordinance. These improvements may be waived or modified by the Planning Administrator, provided the structure(s) and/or site impervious footprint is not expanded or intensified greater than twenty-five percent (25%) of the current limits.

Section 1205. Conditional Use or Interim Permits

Any use listed as a Conditional or an Interim Use in this Ordinance shall be permitted only upon application to the Planning Office, review and recommendation of the Planning Commission, approval and issuance of a Conditional/Interim Use Permit by Northern Township, and only after any additional approval required under applicable official controls of any other governmental jurisdiction. The applicant for a conditional/interim use permit shall fill out and submit to the Planning Office an Application for Conditional/Interim Use Permit. When such permit is completed and submitted, the appropriate fee shall be paid in order for the application to be considered complete and to receive consideration by the Planning Commission. A thorough site evaluation shall be conducted by Northern Township Planning Staff and, as applicable, the Planning Commission prior to consideration of the permit by Northern Township. An applicant seeking a CUP or IUP for a use existing as a lawful preexisting nonconforming use shall, upon approval of such permit, be subject to the terms and conditions of the CUP or IUP, which shall apply in lieu of the rights attaching to the nonconforming use. An applicant's acceptance of the conditions of the CUP or IUP shall constitute an intentional waiver of the rights applicable to the nonconforming use and agreement that the use shall be controlled by the terms and conditions of the permit, including the cessation of the use upon revocation of the permit.

A. Required Findings of Fact. The Planning Commission shall during its public hearing consider and include in its recommendation to Northern Township consideration of the following findings-of-fact:

1. Whether the proposed use adversely affects the public safety, health, morals, convenience and general welfare of the occupants of surrounding land;

2. Whether the proposed use adversely affects traffic conditions and parking on adjacent streets and land;

3. Whether the proposed use adversely affects property in the surrounding area;

4. Whether the proposed use is in conformance with the community's Comprehensive Plan; and,

5. Whether adequate utility, drainage and other such necessary facilities have been or can be provided.

B. In consideration of the granting of any conditional use permit throughout Northern Township, the Planning Commission and Northern Township shall evaluate the effect of the proposed use upon:

1. The maintenance of the public health, safety and welfare;

2. The location of the site with respect to existing and proposed access roads;

3. Its compatibility with adjacent land uses;

4. Its compatibility with the intent of the zoning district in which such use is proposed;

5. Its compatibility with the objectives of this Ordinance and its consistency with Northern Township Comprehensive Plan.

6. The ability to provide pedestrian and bicycle access, as noted in the site plan, to any customer/tenant ingress/egress of the building, including from a public right-of-way and off-street parking area that serves the use in a manner which minimizes non-vehicular/vehicular conflicts.

C. In consideration of the granting of any conditional use permit in shoreland areas, the Planning Commission and Northern Township shall also evaluate the effect of the proposed use upon:

1. The prevention and control of water pollution, including sedimentation and nutrient loading;

2. Existing topography and drainage features and vegetative cover on the site;

3. The erosion potential of the site based upon the degree and direction of slope, soil type and existing vegetative cover

4. The need for the proposed use for a shoreland location;

5. The amount of liquid waste to be generated and the adequacy of the proposed sewage treatment system;

6. The visibility of structures and other facilities as viewed from public waters;

7. Adequacy of the site for water supply and on-site sewage treatment systems if central utilities are not available;

8. The potential adverse impact on historic or cultural sites;

9. The types, uses and numbers of watercraft that the project will generate in relation to the suitability of public waters to safely accommodate the watercraft.

D. Upon consideration of the factors listed above, the Planning Commission may attach such reasonable conditions, in addition to those required elsewhere in this Ordinance, which it deems necessary for the furtherance of the purposes set forth in this Ordinance. Such conditions attached to conditional use permits may include, but shall not be limited to:

1. Increased yards and setbacks;

2. Limitations on odor, dust, noise, and light pollution;

3. Periods and/or hours of operation;

4. Minimum number of off-street parking spaces;

5. Type of construction;

6. Adequate access for all pedestrians, including those using wheelchairs or any other mobility aid, subject to requirements in Section 1010 of this Ordinance and the Americans with Disabilities Act.

7. Deed restrictions;

8. Landscaping and vegetative screening;

9. Type and extent of shore cover;

10. Specified sewage treatment and water supply facilities;

11. Location of signs, parking, docks and piers;

12. Requirement to notify the Planning Commission within thirty (30) days of the transfer of ownership of a property subject to a conditional use permit;

13. Any other reasonable requirements necessary to fulfill the purposes and intent of this Ordinance.

E. An applicant for a Conditional/Interim Use Permit may be required to furnish to Northern Township Staff, in addition to the information required for the building or other permit, the following:

1. A plan of the proposed project area showing contours, soil types, ordinary high water level, ground water conditions, bedrock, slope, and vegetative cover;

2. Location of existing and proposed buildings, parking areas, traffic access, driveways, walkways, piers, open spaces and vegetative cover;

3. Plans for buildings, sewage treatment facilities, water supply systems, and arrangements of operations;

4. Specifications for areas of proposed grading, filling, dredging, lagooning, or other topographic alterations;

5. Other pertinent information necessary to determine if the proposal meets the requirements and intent of this Ordinance.

F. The Planning Commission and Northern Township, in evaluating a conditional/interim use application, may request the Beltrami Soil and Water Conservation District, or other qualified entity, to make available expert assistance to assist in the evaluation and consideration of such application.

G. The procedure for applying for a conditional/interim use permit is as follows:

1. An applicant desiring a conditional/interim use permit shall fill out and submit to Northern Township Office a completed Conditional/Interim Use Permit Request form, copies of which are available from Northern Township Office. The appropriate fee shall be paid in order for the application to receive consideration by the Planning Commission.

2. Northern Township Planning Staff shall make a written recommendation to the Planning Commission and schedule a public hearing to be conducted within thirty (30) days of the receipt of the application.

3. The Planning Commission shall hold a public hearing in accordance with M.S. 462 and the provisions of this Ordinance.

4. The Planning Commission will forward its recommendation to Northern Township for consideration at its next scheduled meeting. If it recommends approval of the conditional/interim use permit, the Commission may recommend conditions it considers necessary to protect the public health, safety and welfare.

5. Northern Township will act upon the request within fifteen (15) days of receipt of the recommendation, and within sixty (60) days from receipt of the application. Northern Township may, at its discretion, extend the review period by no more than sixty (60) additional days provided that it notifies the applicant, in writing, of the reason for such extension. Northern Township may affirm, deny or modify the recommendation provided by the Planning Commission. If it grants the conditional/interim use permit Northern Township may impose reasonable conditions it considers necessary to protect the public health, safety and welfare. Such conditions may include a time limit for the use to exist or operate.

6. If a time limit or periodic review is included as a condition by which a conditional/interim use permit is granted, the conditional/interim use permit may be reviewed at a public hearing with notice of said hearing published at least ten (10) days prior to the review. It shall be the responsibility of the Planning Administrator to schedule such public hearings and the owner of land having a conditional/interim use permit shall not be required to pay a fee for said review. A waiver from a public hearing for annual review of

conditional/interim use permits may be granted by Northern Township at the time of review at its discretion.

7. Conditional/Interim Use Permits issued shall be recorded in the office of the Beltrami County Recorder as per Minnesota statutes.

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

I. The Planning Administrator shall maintain a record of all conditional and interim use permits issued including information on the use, location, and conditions imposed by Northern Township, time limits, review dates, and such other information as may be appropriate. Any major Permit modification including, but not limited to, hours of operation, additional employees, expansion of structures, structural alterations and/or premises, operational modifications resulting in increased traffic, enlargement, intensification of use, or similar change not specifically permitted by the original Conditional or Interim Use Permit issued shall require an amended interim or conditional use permit and all procedures of this Section shall apply as if a new permit were being issued. Proposed permit modifications shall be classified as major or minor, as determined by the Planning Administrator. Major and minor permit modifications shall be further subject to and processed as follows:

1. Major Permit Modifications:

   a. Any modification that exceeds twenty percent (20%) of a quantifiable standard of any condition of a permit shall be considered a major modification.

   b. Qualifications: Any permit modification not classified or qualifying as major shall be classified as minor.

   c. Applications for substantial modification of uses that were granted prior to the establishment of Northern Township and which require a conditional or interim use permit according to Article III of this Ordinance shall require a Major Permit Modification according to the requirements of this Section.

   d. Procedure: Major permit modifications shall be processed according to all provisions of this Section and shall be subject to all requirements and standards of this Ordinance.

2. Minor Permit Modifications: In addition to other considerations noted above, minor permit modifications shall meet the following criteria:

   a. Sites shall be in nonresidential zoning districts, and shall not abut any residentially zoned property.

   b. All sites must be legal parcels of record at the time of application and shall not contain more than one principal use on the parcel.

   c. All applications for permit modification shall be complete and in full compliance with all the requirements of this Ordinance. All applicable fees shall be paid.

d. All permit modification proposals shall meet or exceed the current standards of all applicable codes, ordinances, and policies and shall be free of any variances from those standards.

e. Applications for modification of existing structures, infrastructure or other physical characteristics of a site upon which a conditional or special use was granted prior to the establishment of Northern Township; may be approved as a Minor Permit Modification, provided all requirements of the current standards of this Ordinance are met for administrative approval.

f. Intensification of previously permitted conditional, interim or special uses may be allowed as a Minor Permit Modification provided the intensification does not result in a net increase of greater than twenty percent (20%) of the existing use or impervious surface of the existing parcel and it does not exceed existing quantifiable standards.

3. Procedure: Administrative approval of minor permit modifications shall be subject to the requirements of Section 1204 of this Ordinance.

J. A conditional use permit shall expire and become void if the use it allows is not substantially started within twelve (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. Northern Township may, upon written request of the owner, grant an extension to this deadline not to exceed an additional twelve (12) months.

K. Restriction on Application Resubmittal. A conditional use permit or an interim use permit application shall not be accepted for processing for any special use where that special use was part of a conditional or interim use permit application on the same property and for the same or substantially the same conditional or interim use that was denied by the supervisors in the previous six (6) months.

Section 1206. Variances, Appeals and Adjustments

A. The Board of Adjustment and Appeals shall have the exclusive power to order the issuance of variances from the terms of this Ordinance, including restrictions placed on nonconformities. All such variances shall be granted in accordance with M.S. Chapter 462.357 (Subd. 6), or as may be amended.

B. Appeals to the Board of Adjustment and Appeals may be taken by any affected person upon compliance with any reasonable conditions imposed by the Zoning and Subdivision Ordinance. The Board of Adjustment and Appeals has the following powers with respect to the Zoning and Subdivision Ordinance:

1. To hear and decide appeals where it is alleged that there is an error in any order, requirement, decision, or determination made by the Planning Administrator in the enforcement of the Zoning and Subdivision Ordinance.

2. To hear requests for variances from the requirements of the Zoning and Subdivision Ordinance, including restrictions placed on nonconformities. Variances shall only be permitted when they are in harmony with the general purposes and intent of the Zoning and Subdivision Ordinance and when the variances are consistent with the

comprehensive plan. Variances may be granted when the applicant for the variance establishes that there are practical difficulties in complying with the zoning Ordinance.

3. Practical difficulties, as used in connection with the criteria for granting of a variance, means:

   a. The property owner proposes to use the property in a reasonable manner not permitted by the Zoning and Subdivision Ordinance;

   b. The plight of the landowner is due to circumstances unique to the property not created by the landowner;

   c. The variance, if granted, will not alter the essential character of the locality;

   d. Economic considerations alone do not constitute practical difficulties.

   Practical difficulties include, but are not limited to, inadequate access to direct sunlight for solar energy systems. A variance shall be granted for earth sheltered construction as defined in Minnesota Statutes, Section 216C.06, subdivision 14, when in harmony with the Zoning and Subdivision Ordinance. The Board of Adjustment and Appeals may not permit as a variance any use that is not allowed under the Zoning and Subdivision Ordinance for property in the zone where the affected person's land is located.

A. The Board of Adjustment and Appeals or other governing body, as the case may be, may impose conditions in the granting of variances. A condition must be directly related to and must bear a rough proportionality to the impact created by the variance.

D. The Board of Adjustment and Appeals must make an affirmative finding on all four criteria listed above in order to grant a variance. The applicant for a variance has the burden of proof to show that all of the criteria listed above have been satisfied. A variance shall not be granted for a use that is not permitted under the terms of this Ordinance.

E. The Board of Adjustment and Appeals may impose conditions upon a variance that relate to the purposes and objectives of this Ordinance to ensure compliance and to protect adjacent properties.

F. The procedure for applying for a variance is a follows:

1. An applicant desiring a variance shall fill out and submit to the Northern Township Office a completed Variance Request form, copies of which are available from the Northern Township Office. The appropriate fee shall be paid in order for the application to receive consideration by the Board of Adjustment and Appeals.

2. The Planning Staff shall make a written recommendation to the Planning Commission and Board of Adjustment and Appeals. A public hearing shall be conducted within thirty (30) days of receipt of the application.

3. The Planning Commission shall hold a public hearing in accordance with M.S. 462 and the provisions of this Ordinance. The Planning Commission shall make a recommendation to the Board of Adjustment and Appeals.

4. The Board of Adjustment and Appeals will act upon the request within thirty (30) days of receipt from the Commission, and within sixty (60) days from the receipt of the completed application. The Board of Adjustment and Appeals may, at its discretion, extend the review period by no more than sixty (60) additional days provided that it notifies the applicant, in writing, of the reason for such extension. The Board of Adjustment and Appeals may approve, deny, or modify the recommendation of the Planning Commission.

G. The procedure for filing an appeal:

An appeal of an administrative decision made in the enforcement of this Ordinance shall be made by filling out and submitting to the Planning Administrator an Application for Appeal, which application is available from the Northern Township Office. An application for an appeal must be submitted within fourteen (14) days of the administrative decision being appealed. The appropriate fee shall be paid in order for the application to receive consideration by the Board of Adjustment and Appeals. Such appeal shall be heard by the Board of Adjustment and Appeals, and a decision shall be made, within sixty (60) days of the date that such completed application is submitted to the Planning Administrator. The Board of Adjustment and Appeals may, at its discretion, extend the review period by no more than sixty (60) additional days provided that it notifies the applicant, in writing, of the reason for such extension.

H. A variance shall expire and become void if the use it allows is not substantially started within twelve (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. Northern Township may, upon written request of the owner, grant an extension to this deadline not to exceed an additional twelve (12) months.

I. Restriction on Application Resubmittal. A variance permit application shall not be accepted for the processing of any variance request for any property that had the same variance or a similar request in which was recently denied by the supervisors in the previous six (6) months; unless authorized for resubmittal by Northern Township.

Section 1207. Amendments; Text or Zoning District

The Board may adopt amendments to the Zoning and Subdivision Ordinance, including the zoning map in relation to land uses within a particular district or to the location of the district lines. Such amendments shall not be issued indiscriminately, but shall only be used as a means to reflect changes in the goals and policies of the community as reflected in Northern Township Comprehensive Plan, or changes in conditions of Northern Township.

A. Findings

1. Findings Required for Amendments to Text.
When a proposed amendment would result in a change in the text of this chapter but would not result in a change of zoning classification of any specific property, the recommendation

of the Planning Commission shall contain a statement as to the nature and effect of such proposed amendment and findings as to the following:

a. Whether such change is consistent with the interest and purpose of this Ordinance;

b. The areas which are most likely to be directly affected by such change and in what way they will be affected; and,

c. Whether the proposed amendment is made necessary because of change or changing conditions in the areas and zoning districts affected and, if so, the nature of such changed or changing conditions

2. Findings Required for Amendments to Change Zoning Districts.
When a proposed amendment would result in a change of the zoning classification of any specific property, the recommendation of the Planning Commission shall contain statements as to the present classification, the classification under the proposed amendment, and the reason for seeking such reclassification, and findings as to the following:

a. Whether the change in classification would be consistent with the intent and purpose of this Ordinance;

b. Whether every use that would be permitted on the property if it were reclassified would be compatible with the uses permitted on other property in the immediate vicinity;

c. Whether adequate sewer and water facilities, and all other needed public services, exist or can be provided to serve the uses that would be permitted on the property if it were reclassified;

d. Whether the proposed amendment would correct an error in the application of this Ordinance; and,

e. Whether the proposed amendment is made necessary because of changed or changing conditions in the area affected, and, if so, the nature of such changed or changing conditions.

B. The procedure for amendments to this Ordinance shall be as follows:

1. An amendment may be initiated by a property owner, Northern Township staff, the Planning Commission or Northern Township. Property owners, or their representative, wishing to initiate a text amendment may do so one of two ways. The first is an informal request. In such instances, and after consult with the Planning Administrator, they may appear before the Planning Commission without completing an application and submitting a fee for a non-'binding discussion' on the subject. The Planning Administrator will take the discussion into account and proceed to administer the Ordinance accordingly. Property owners wishing to initiate a formal text or map amendment shall complete an Application for Amendment, available from the Planning Administrator. Such application shall be filled out and submitted to the Planning Administrator together with the appropriate fee. The applicant shall appear before the Planning Commission to answer any questions that Commission members may have concerning the amendment request. The application shall

be deemed complete only after receipt of the completed form, payment of required fees, and meeting with the Planning Commission.

2. A public hearing on the amendment request shall be conducted by the Planning Commission within thirty (30) days following receipt of the application. The public hearing shall be conducted in accordance with M.S. 462;

3. The Planning Commission shall make its recommendation to Northern Township within fifteen (15) days after the proceedings of this public hearing.

4. Northern Township shall consider the recommendation of the Planning Commission within thirty (30) days after the public hearing is conducted, and within sixty (60) days of the receipt of the completed application. Northern Township may, at its discretion, extend the review period by no more than sixty (60) additional days provided that it notifies the applicant, in writing, of the reason for such extension. The applicant shall be notified in writing of the action of Northern Township.

No application of a property owner for an amendment to the text of the Ordinance or the zoning map shall be considered by the Planning Commission within the one-year period following a denial of such request, except the Planning Commission may permit a new application, if in the opinion of the Planning Commission, new evidence or a change in circumstances warrant it.

Section 1208. Public Notice and Hearing Requirements

A. In addition to the procedures described in preceding sections of this Ordinance, all conditional use permit requests, variance requests, requests for amendments, and preliminary plat approval shall be reviewed at a public hearing conducted at least ten (10) days following official public notification including publication in the official newspaper of Northern Township and mailed notice to all property owners within the following distances from affected property when such notice is applicable: In the case of Variances, Conditional Use Permits and Preliminary Plats, all property owners within three hundred and fifty (350) feet of the property must be notified; In the case of amendments to official controls which involve changes in district boundaries of five acres or less, all owners of property within three hundred and fifty (350) feet must be notified.

B. The Commissioner of Natural Resources must also receive mailed notice at least ten (10) days prior to hearings to be conducted concerning applications for conditional use permits, variances, amendments or preliminary plat approvals, in shoreland areas. Notice of hearings to consider subdivisions must include copies of the proposed preliminary plat.

C. The Commissioner must also receive a copy of approved conditional use permits, variances, zoning amendments and finals plats in shoreland areas, postmarked within ten (10) days of final action.

Section 1209. Nuisance

Creating, maintaining, or allowing to continue any condition, use, or structure declared to be, or that otherwise constitutes, a public nuisance under this Ordinance is prohibited and is a violation of this Ordinance subject to enforcement and penalties provided for hereunder or as may otherwise be applicable by law.

Section 1210. Enforcement and Penalties

A. The Planning Administrator or his or her agent shall have the right, at all reasonable times, to enter upon private property for the purpose of administration or enforcement of this Ordinance. This includes the right to conduct investigations, inspections, sampling, test borings and other actions necessary for the enforcement of this Ordinance.

B. In the event of violation or threatened violation of this Ordinance, Northern Township may institute appropriate actions or proceedings to prevent, restrain, correct or abate such violations or threatened violations.

C. Any person, firm or corporation who shall violate any of the provisions herein, or who shall fail to comply with any of the provisions herein, or who shall make any false statement in any document required to be submitted under such provision, shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by such penalties and fines provided by law. Each day that the violation continues shall constitute a separate offense.

Section 1211. Fees

In order to defray the administrative costs associated with the processing of applications for building and related permits, conditional use permits, interim use permits, variance requests, amendments, appeals, and subdivision plat approval, a schedule of fees shall be adopted by Northern Township. The schedule of fees shall be adopted by ordinance, reviewed by Northern Township on an annual basis, and amended as needed. The Fee Ordinance shall be posted at Northern Town Hall, and may be altered or amended only by ordinance of Northern Township.

(The remainder of this page intentionally left blank. Signature page follows.)

This Ordinance shall become effective upon its passage and the first day of publication.

Adopted this _____ Day of _____, 20___.

Ayes:

Nays:

Absent:

ATTEST: APPROVED:

_____ _____

Township Clerk Chairperson