

TOWNSHIP OF COMFORT - - - - ORDINANCE NO. 1

ZONING REGULATIONS

Zoning Regulations – Ordinance No. 1

THE ZONING ORDINANCE OF COMFORT TOWNSHIP, MINNESOTA, RELATING TO AND REGULATING THE LOCATION, SIZE, USE AND HEIGHTS OF BUILDINGS, THE ARRANGEMENT OF BUILDINGS ON LOTS, AN THE DENISITY OF PUPULATION IN THE TOWNSHIP OF COMFORT AND FOR THE PURPOSE OF PRESERVING AGRICULTURIOUS LAND, PROMOTING THE PUBLIC HEALTH, SAFETY, ORDER, CONVENIENCE, PROSPERITY AND GENERAL WELFARE IN SAID TOWNSHIP AND FOR SAID PURPOSE TO DIVIDE THE TOWNSHIP INTO DISTRICTS, AND MAKE DIFFERENT REGULATIONS FOR DIFFERNET DISTRICTS.

The Town Board Supervisors for Comfort Township does ordain as follows:

Section 1. – TITLE

101. This Ordinance shall be known, cited and referred to as the Comfort Township Zoning Ordinance except as referred to herein, where it shall be known as “this ordinance”.

Section 2. – INTENT AND PURPOSE

201. This Ordinance is adopted for the purpose of:

1. Protecting the public health, safety, morals, comfort, convenience and general welfare.
2. Preserving Prime agricultural land to use for agricultural purposes.
3. Preventing overcrowding of land and undue concentration of structures by regulating the use of land and buildings and the bulk of buildings in relation to the land and buildings surrounding them.
4. Providing for the compatibility of different land uses and the most appropriate use of land throughout the Township of Comfort.
5. Protecting and guiding the development of rural areas.
6. Conserving and developing natural resources.
7. Fostering agriculture and other industries.
8. Preventing a wasteful scattering of population.
9. Securing a safety from flood.
10. Reducing of waste from excessive mileage of roads.
11. Conserving the natural and scenic beauty and attractiveness of roadsides.
12. Providing for the administration of this ordinance and amendments thereto.
13. Defining the powers and duties of the administration officers and bodies, as provided hereinafter.
14. Prescribing penalties for the violation of the provisions of this ordinance or any amendment thereto.

Section 3. – ORDINANCES ADAPTED BY REFERENCE

301. The Board of Supervisors of Comfort Township adapted by reference and ordains that the rules and regulations herein adapted shall govern and be in force in Comfort Township just as though they had each been passed by the Board of Supervisors of the Township.

1. Kanabec County Ordinance No. 4.

The regulatory provisions of Kanabec County Ordinance No. 4 being an ordinance for regulation of Subdivision Platting, wherein it is not inconsistent with any of the provisions of this Ordinance is adopted as the Platting Ordinance regulating Subdivision Platting within the Township and is hereby incorporated in and made a part of this Ordinance completely as if set out herein in full.

2. Kanabec County Ordinance No. 5

The regulatory provisions of Kanabec County Ordinance No. 5, being an Ordinance for the management of shoreline areas wherein it is not inconsistent with any of the provisions of this ordinance is adapted as the regulation regulating the use of shoreline areas within the Township and is hereby incorporated in and made a part of this ordinance completely as if set out herein in full.

3. Kanabec County Ordinance No. 6

The regulatory provisions of Kanabec County Ordinance No. 6, being an Ordinance for the regulation of sewerage disposal wherein it is not inconsistent with the provisions of this ordinance is adopted as the regulations regulating the disposal of sewerage within the Township and is hereby incorporated in and made a part of this ordinance completely as if set out herein in full.

4. Kanabec County Ordinance No. 9

Flood Plain – the areas adjoining a watercourse which have been or hereafter may be covered by the regional flood.

5. This section is not used.

Section 4. – RULES OF DEFINITIONS

401. Rules

The language set forth in the text of this Ordinance shall be interpreted in accordance with the following rules of construction:

1. The singular number includes the plural and the plural the singular.
2. The present tense includes the past and future tenses, and the future the present.
3. The word “shall” is mandatory, and the word “may” is permissive.
4. Whenever a word or term defined hereinafter appears in the text of this Ordinance, its meaning shall be constructed as set forth in such neuter genders.
5. The masculine gender includes the feminine and neuter genders.
6. All measured distances expressed in feet shall be to the nearest tenth of a foot. In event of conflicting provisions, the more restrictive provision shall apply.

402. DEFINITIONS

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

1. Accessory Use of Structure – A use or structure or portion of a structure subordinate to a serving the principal use structure on the same lot and customarily incidental thereto.
2. Administrator – The duly appointed person charged with enforcement of this Ordinance.
3. Agriculture – The art of science of cultivating the soil and activities incident thereto; the growing of soil crops in the customary manner on open tracts of land; the accessory raising of livestock and poultry; farming. The term shall include incidental retail selling by the producer of products raised on the premises, provided that space necessary for parking of vehicles of customers shall be furnished off the public right-of-way.
4. Animal Unit – A unit of measure used to compare differences in the production of animal waste which has a standard for the amount of waste produced on a regular basis by a slaughter steer or heifer. For purposes of these regulations, the following equivalents apply:

	Animal Units
Slaughter steer or heifer	1
Mature dairy cow	1.4
Swine, over 55 pounds	.4
Sheep	.1
Turkey	.018
Chicken	.01
Duck	.2

5. Apartment – A room or suite of rooms with cooking facilities available which is occupied as a residence by a single family. Includes buildings with two or more dwelling units and efficiency units.
6. Auto or Motor Vehicle Reduction Yard – A lot or yard where five or more unlicensed motor vehicles, or the remains thereof, are kept for the purpose of dismantling, wrecking, crushing, repairing, rebuilding, sale of parts, sale of scrap, storage, or abandonment.
7. Basement – A portion of a building located partly underground but having less than half its floor-to-ceiling height below the average grade of the adjoining ground.
8. Bluffline – A line along the top of a slope connecting the points at which the slope becomes less than 13%. This applies to those slopes within the land use district(s) which are beyond the setback provisions from the ordinary high-water mark.
9. Boardinghouse – (Rooming or Lodging House) A building other than a motel or hotel where, for compensation and by prearrangement for definite periods, meals or lodging are provided for three (3) or more persons, but not to exceed eight (8) persons.
10. Buildable Land – Land suitable for structural development i.e., must not be subject to flooding or high-water table; soils must be structurally adequate to support buildings. Slopes must be less than twelve (12) percent at building sites; land must not be classified as wetlands.
11. Building – Any structure having a roof which may provide shelter or enclosure of persons, animals, chattel, or property of any kind and when said structures are divided by party walls without openings, each portion of such building so separated shall be deemed a separate building.

12. Business – Any occupation, employment or enterprise wherein merchandise is exhibited or sold, or which occupies time, attention, labor and materials, or where services are offered for compensation.
13. Building Line – A line parallel to the street right-of-way line at any story level of a building and representing the minimum distance which all or any part of the building is set back from said right-of-way.
14. Building Line, Shoreland – A line measured across the width of the lot where main structure is placed in accordance with set-back provisions from the ordinary high-water mark.
15. Building Height – The vertical distance to be measured from the grade of a building line to the top to the cornice or a flat roof, to the deck line of a mansard roof, to a point on the roof directly above the highest wall of a shed roof, to the upper most point on a round or other arch type roof, to the mean distance of the highest gable on a pitched or hip roof.
16. Carport – An automobile shelter having one or more sides open.
17. Cellar – That portion of the building having more than one-half (1/2) of the floor-to-ceiling height below the average grade of the adjoining ground.
18. Curb Level – The grade elevation established by the governing body of the curb in front of the center of the building. Where no curb level has been established, the engineering staff shall determine a curb level or its equivalent for the purpose of this Ordinance.
19. Comprehensive Plan or Policies Plan – A compilation of goals, policy statements, standards, programs, and maps for guiding the physical, social, and economic development, both public and private, of the Township, as defined in Minn. Stat § 394.21, et Seq., as amended, or part of such plan separately adopted and any amendment to such plan or parts thereof.
20. Church – A building, together with its accessory buildings and uses, where persons regularly assemble for religious worship and which building, together with its accessory buildings and uses, is maintained and controlled by a religious body organized to sustain public worship.
21. Club – A non-profit association of persons who are bonafide members paying annual dues. Their club structure, meeting place or lodge is premises restricted to club members and their guests where food and drink may be served on such premises, providing adequate dining room space and kitchen facilities are available in compliance with the applicable Federal, State, and Municipal laws.
22. Commercial Recreation – Bowling Alley, cart track, jump center, pool hall, vehicle racing, dance hall, skating, theatre, firearms range, golf driving range, roller rink and archery.
23. Commercial Feed Lot – An area where 15 or more non-domestic animals are confined and fed feed or forage, the major quantities of which are purchased by the feed lot owner and not grown on his own land.
24. Commissioner – Commissioner of Department of Natural Resources.

25. Conditional Use – Means a land use or development as defined by ordinance that would not be appropriate generally but may be allowed with appropriate restrictions as provided by official controls upon a finding that (1) certain conditions as detailed in the zoning ordinance exist, and (2) the use or development conforms to the comprehensive land use plan of the township and (3) is compatible with the existing neighborhood.
- B. Interim Use – Is a use which is judged by the Town Board to be presently acceptable within an area but may not be acceptable in the future or which may be replaced in the future by a permitted or conditional use within the respective district. New interim uses shall meet the standards for and be processed like a Conditional Use as set forth in Section 6, 605 of this Ordinance; conform to applicable performance standards of the ordinance; shall be allowed as an interim use in the respective zoning district; the date or event that will terminate the use can be identified with certainty; the use will not impose additional costs on the public if it is necessary for the public to take the property in the future; and the user agrees to any conditions the Town Board deems appropriate for permission of the use. An Interim Use shall terminate on the happening of any of the following events, whichever occurs first; the date stated in the permit; upon violation of conditions under which the permit was issued; upon change in the Township’s zoning regulations which renders the use non-conforming; or redevelopment of the property upon which it is located to a permitted or conditional use as allowed within the respective zoning district.
26. Condominium – A form of individual ownership within a multi-family building or mobile home park with joint responsibility for maintenance and repairs. In a condominium, each apartment, townhouse or lot is owned outright by its occupant, and each occupant owns a share of the land and other common property of the building.
27. Conservancy- A zoned area, the purpose of which is to manage areas unsuitable for development.
30. County Board – Kanabec County Board of Commissioners.
31. Dog Kennel – Any place where four or more dogs over six months of age are kept, except a veterinary clinic.
32. Cluster Development – A pattern of subdivision development which places housing units into compact groupings while providing a network of commonly owned or dedicated open space.
33. Depth of Lot – The mean horizontal distance between the mean front and the mean rear lot line. The greater frontage of a corner lot is its depth, and its lesser frontage is its width.
34. Depth of Rear Yard – The mean horizontal distance between the rear line of the building and the center line of an alley, where an alley exists, otherwise a rear lot line.
35. District – A section of the Township for which the regulations governing the height, area, use of buildings and premises are the same.
36. Dwelling – Any building or part thereof which is designed or used exclusively for residential purposes by one or more human beings, not including mobile homes or basement homes.
37. Dwelling, Farm – A dwelling located on a farm where the resident of said dwelling either owns, operated or is employed thereon.
38. Dwelling, Multiple – A residence designed for or occupied by two (2) or more families, with separate housekeeping and cooking facilities.
39. Dwelling, Non-Farm – A dwelling located on a parcel of land contiguous to or surrounded by a farm land which is under separate ownership and whose occupants do not derive a major portion of household income from agriculture.

40. Dwelling, One Family Detached – A dwelling designed for or occupied exclusively by one (1) family, not attached to another dwelling and surrounded by open space on the same lot; not including mobile homes.
41. Equal Degree of Encroachment – A method of determining the location of encroachment lines so that the hydraulic capacity of flood plain lands on each side of a stream are reduced by an equal amount when calculating the increased in flood stages due to flood plain encroachments.
42. Exterior Storage – The storage of goods, materials, equipment, manufactured products and similar items not fully enclosed by a building.
43. Extraction Pit – Any artificial excavation of the earth exceeding fifty (50) square feet of surface area or two (2) feet in depth, excavated or made by the removal from the natural surface of the earth, of sod, soil, sand, gravel, stone or other natural matter, or made by turning, or breaking or undermining the surface of the earth. Excavations ancillary to other construction of any installation erected or to be erected, built, or placed thereon in conjunction with or immediately following such excavation shall be exempted, if a permit has been issued for such construction for installation.
44. Family – A number of individuals living together on the premises as a single housekeeping unit, as distinguished from a group occupying a boarding house, lodging house or hotel.
45. Farm – A tract of land, which is principally used for agricultural activities such as the production of cash crops, livestock or poultry farming. Such farm may include an agricultural dwelling and accessory buildings and structures necessary to the operation of the farm and must meet the definition of “farm” under Minnesota’s Green Acres Law, M.S.A. 273.111.
46. Farming – The cultivation of the soil and all activities incidental thereto; agriculture.
47. Floor Areas – The sum of the gross horizontal areas of the several floors of the building or portion thereof devoted to a particular use. However, the floor area shall not include: basement or cellar floor area other than area devoted to retailing activities, the production or processing of goods, or to business or professional offices.
48. Feedlots, Livestock – The place of confined feeding of livestock or other animals for food, fur, pleasure or resale purposes in yards, lots, pens, buildings, or other areas not normally used for pasture or crops and in which substantial amounts of manure or related other wasted may originate by reason of such feeding of animals.
49. Fence – A fence is defined for the purpose of this Ordinance as any partition, structure, wall or gate erected as a dividing marker, barrier or enclosure and located along the boundary, or with the required yard.
50. Flood – A temporary rise in stream flow or stage that results in inundation of the areas adjacent to the channel.
51. Flood Frequency – The average frequency, statistically determined, for which it is expected that a specific flood stage or discharge may be equaled or exceeded.
52. Flood Fringe – That portion of the flood plain outside of the floodway and which has been or hereafter may be covered by the regional flood.
53. Flood Proofing – A combination of structural provisions, changes or adjustments to properties and structures subject to flooding primarily for the reduction or elimination of flood damages.

54. Floodway – The channel of the watercourse and those portions of the adjoining flood plains which are reasonably required to carry and discharge the regional flood.
55. Frontage – That boundary of a lot which abuts an existing or dedicated public street.
56. Garage, Private – A garage which is erected as an accessory building.
57. Garage, Public – Any premises, except those described as a private garage, used for the storage or care of power-driven vehicles, or where any such vehicles are equipped for operation, repair or are kept for remuneration, hire or sale.
58. Governing Body – The Comfort Board of Supervisor
59. Hardship – As used in connection with the granting of a variance means the property in question cannot be put to a reasonable use if used under the conditions allowed by the official controls; the plight of the landowner is due to circumstances unique to his property, not created by the landowner.
60. Home Occupation – Any gainful occupation or profession engaged in by the occupant of a dwelling at or from the dwelling when carried on within a dwelling unit and not in an accessory building provided that no signs other than those normally utilized in a residential district are present, no stock in trade is stored outside on the premises, over-the-counter retail sales are not involved, and entrance to the home occupation is gained from within the structure. Such uses include professional offices, minor repair services, photo or art studios, dressmaking, barber shops, beauty shops, tourist homes, restaurants, or similar uses.
61. Hotel – A building which provides a common entrance, lobby, halls and stairway and in which lodging is offered with or without meals to 8 or more guests.
62. Junk Yard – Any establishment, place of business, or place of storage of deposit, which is maintained, operated, or used for storing, keeping, buying or selling junk, or for the maintenance or operation of an automobile graveyard containing all or parts of five or more unregistered vehicles.
63. Kennel, Animal (except dogs) – Any place where four or more of any single type of domestic animal, over four months of age, are owned, boarded, bred, or offered for sales. (See Par. 402 (31) for definition of dog kennel)
64. Landscaping – Planting, such as trees, grass, and shrubs.
65. Livestock Waste Lagoon – A dike enclosure for disposal of livestock wastes by natural process.
66. Lot – One unit of a recorded plat or subdivision occupied or to be occupied by a building and its accessory buildings, and includes as a minimum such open spaces as are required under this Ordinance and having frontage on a public street.
67. Lot Area- The lot area is the land area within the lot lines.
68. Lot Depth – The mean horizontal distance between the mean front road right-of-way line and mean rear lot line. The greater frontage of a corner lot is its depth, and its lesser frontage is its width.
69. Lot Lines – The lines bounding a lot, as defined herein. When a lot abuts a road, street, highway, avenue, park or other public property, except an alley, such line shall be known as right-of-way line, and when a lot line abuts on an alley, it shall be known as an alley line.

70. Lot Line Front – That boundary of a lot which abuts an existing or dedicated public street and in the case of a corner lot it shall be the short by the dimension on a public street. If the dimensions of a corner lot are equal, the front lot line shall be designated by the owner and filed with the Town Board. In a Shoreland Area, the Lot Line Front shall be the boundary of a lot which abuts the river or lake.
71. Lot Line Rear – That boundary of a lot which is opposite the front lot line. If the rear lot line is less than ten (10) feet in length, or if the lot forms a point at the rear, the rear lot line shall be a line ten (10) feet in length within the lot, parallel to, and at the maximum distance from the front lot line.
72. Lot Line Side – Any boundary of a lot which is not a front lot line or a rear lot line.
73. Lot Record – Shall be any lot which was of record by deed or plat filed in the office of the County Recorder on or before the effective date of this Ordinance; or any lot where sufficient proof can be shown that an unrecorded contract for deed was entered into on or before the effective date of this Ordinance.
74. Lot Substandard – A lot of record or parcel of land for which a deed has been recorded in the office of the Kanabec County Recorder upon or prior to the effective date of this Ordinance which does not meet the minimum lot area, structure setbacks or other dimensional standards of this Ordinance.
75. Lot Width – The width of a lot is its own mean width measured at the building setback line.
76. Manufacturing – All uses which include the compounding, processing, packaging, treatment, or assembly of products and materials provided such use will not generate offensive odors, glare, smoke, dust, noise, vibrations, or other objectionable influences that extend beyond the lot on which the use is located. Generally, these are industries dependent upon raw materials refined elsewhere. Such uses include but are not limited to the following: lumber yard, machine shops, products assembly, sheet metal shops, plastics, electronics, general vehicle repair, body work, painting, contractor shops, storage yard, food and non-alcoholic beverage, signs, displays, printing, publishing, fabricated metal parts, appliances, clothing and textiles.
77. Mobile Home – Is living quarters designed for transportation after fabrication on streets and highways on its own wheels or on flatbed or other trailers, and arriving at the site where it is to be occupied as a dwelling complete and ready for occupancy, except for minor and incidental unpacking and assembly operations, location on jacks or permanent foundations, connection to utilities and the like. A mobile home will be defined by reference to the latest publication of the United States of America Standards Institute Standard for Mobile Homes.
78. Mobile Home Park – Any site, lot, field, or tract of land under single ownership designed, maintained or intended for the placement of two (2) or more occupied mobile homes. “Mobile Home Park” shall include any buildings, structure, vehicle, or enclosure intended for use as part of the equipment of such mobile home park.
79. Mobile Home Stand – The part of an individual mobile home lot which has been reserved for placement of the mobile home, appurtenant structures, or additions.
80. Modular Home – A non-mobile housing unit that is basically fabricated at a central factory and transported to a building site where final installations are made, permanently affixing the module to the site.
81. Motel (Tourist Court) – A building or group of detached, semi-detached, or attached buildings containing guest rooms or dwellings, each of which has a separate outside entrance leading directly from the outside of the building, with garage or parking space

conveniently located to each unit, and which is designed, used or intended to be used primarily for the accommodation of automobile transients.

82. Multiple Residence (Apartment Buildings) – Three or more dwelling units in one structure.
83. Non-Conforming Use – Means any legal use, structure, or parcel of land already in existence 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.
84. Nursing Home – A building with facilities for the care of children, the aged, infirm, or place of rest for those suffering bodily disorder. Said nursing home shall be licensed by the State Board of Health as provided for in Minnesota Statute, Section 144.50.
85. Official Map – A map adopted in accordance with Minn. Stat. §394.361 which may show existing county roads and county state aid highways, proposed future county roads and highways and the area needed for widening existing public purposes, including public facilities such as parks, playgrounds, schools, and other public buildings, civic centers, and travel service facilities.
86. Open Sales Lot (Exterior Storage) – Any land used or occupied for the purpose of buying and selling any goods, materials, or merchandise and for the storing of same under the open sky prior to sale.
87. Ordinary High-Water Mark - A mark delineating the highest water level which has been maintained for a sufficient period of time to leave evidence upon the landscape. The ordinary high-water mark is commonly that point where the natural vegetation changes from predominantly aquatic to predominantly terrestrial. In areas where the ordinary high-water mark is not evident setbacks shall be measured from the stream bank of the following water bodies that have permanent flow or open water: the main channel, adjoining side channels, backwaters and sloughs.
88. Parking Space – A suitable surfaced and permanently maintained area of privately owned property either within or outside of a building of sufficient size to store one standard automobile.
89. Planned Unit Development – An urban development having two or more principal uses or structures on a single plat of land and developed according to an approved plan. Where appropriate, this development control advocates: (1) a mixture of land uses, one or more of the non-residential uses being regional in nature, (2) the clustering of residential land uses providing common and public open space, the former to be maintained either by the residents of the development or the local community.
90. Principal Structure or use – One which determines the predominant use as contrasted to accessory use or structure. A “Principal” use may be either permitted or conditional.
91. Plot – A tract other than one unit of a recorded plat or subdivision and occupied and used or intended to be occupied and used as an individual site and improved or intended to be improved by the erection thereon of buildings and having a frontage upon a public road or highway or upon a traveled or used road and including as a minimum such open spaces as required under this Ordinance.
92. Planning Commission – The Planning Commission of this Township unless otherwise designated.
93. Premises – A lot or plot with the required front, side and rear yards for a dwelling or other use allowed under this Ordinance.

94. Public Utility (essential services) – Underground or overhead transmission facilities of electrical power, gas, steam, water, telephone and railroad companies. These include: electric power transmission lines and gas pipe lines (but not substations) telephone facilities, poles, conduits, cables, fire alarm boxes, police call boxes, traffic signals hydrants, and similar equipment, and not including buildings.
95. Reach – A hydraulic engineering term to describe longitudinal segments of a stream or river influenced by a natural or man-made obstruction. In an urban area, the segment of a stream or river between two consecutive bridge crossings would most typically constitute a reach.
96. Recreation Equipment (in residential districts) – Play apparatus such as swing sets and slides, sandboxes, poles for nets, unoccupied boats and trailers not exceeding 20 feet in length, picnic tables, lawn chairs, barbecue stands, and similar equipment or structures but not including tree houses, swimming pools, playhouse exceeding 25 square feet of floor area or sheds utilized for storage of equipment.
97. Regional Flood – A flood which is representative of large floods known to have occurred generally in Comfort Township and reasonable characteristic of what can be expected to occur on an average frequency in the magnitude of the 100 years recurrence interval.
98. Regulatory Flood Protection Elevation – A point not less than one foot above the water surface profile associated with the regional flood plus any increases in flood heights attributable which uses regulated by the Ordinance are required to be elevated or flood proofed.
99. Road – A public right-of-way affording primary access by pedestrians and vehicles to abutting properties, whether designated as a street, highway, thoroughfare, parkway, throughway, road, avenue, boulevard, lane, service road, place or however otherwise designated.
100. Setback – The minimum horizontal distance between a building and a highway or road right-of-way line or center line. The minimum horizontal distance from the side property line, and the minimum horizontal distance from the rear property line.
101. Shoreland – Land located within the following distances from public waters (1) 1,000 feet from the normal high-water mark of a lake, pond or flowage; and (2) 300 feet from a river or stream, or the landward extent of a flood plain designated by ordinance on such a river or stream, whichever is greater. The practical limits of shorelands may be less than the statutory limits whenever the waters involved are bounded by natural topographic divides which extend landward from the waters for lesser distances and when approved by the Commissioner.
102. Shoreland Setback – The minimum horizontal distance between a structure and the normal high-water mark.
103. Sign – A name, identification, description, display, illustration or device which is affixed to or represented directly or indirectly upon a building, structure or land in view of the general public and which directs attention to a product, place, activity, person, institution or business.
104. Sign, Advertising – A sign which directs attention to a business, commodity, service, activity or entertainment not necessarily conducted, sold or offered upon the premises where such sign is located; a billboard.

105. Sign, Business – A sign which directs attention to a business or profession or to a commodity, service or entertainment sold or offered upon the premises where such sign is located.
106. Sign, Flashing – Any illuminated sign on which such illumination is not kept stationary or constant in intensity and color at all times when such sign is in use.
107. Sign, Illuminated – Any sign which has characters, letter, figures, designs or outlines illuminated by electric lights or luminous tubes as a part of the sign.
108. Sign, Pylon – A free standing sign erected upon a single pylon or post which is in excess of ten (10) feet in height with the sign mounted on the top thereof.
109. Sign, Rotating – A sign which revolves or rotates on its axis by mechanical means.
110. Sign, Surface Area of – The entire area within a single, continuous perimeter enclosing the extreme limits of the actual sign surface. It does not include any structural elements outside the limits of such sign and not forming an integral part of the display. Only one side of a double-face or V-type sign structure shall be used in computing total surface area.
111. Missing
112. Story – The portion of a building included between the surface of any floor and the surface of the next floor above it or, if there is no floor above it, the space between the floor and the ceiling next about it.
113. Story, Half – That portion of a building under a gable, hip or gambrel roof, the wall plates of which, on at least two opposite exterior walls, are not more than two feet above the floor of such story.
114. Street – A public right-of-way which affords the principal means of access to abutting property.
115. Structure – Anything constructed or erected, the use of which required location on the ground or attachment to something having a location on the ground.
116. Structural Alterations – Any change in the supporting members of a building, such as bearing walls, columns, beams or girders.
117. Subdivision – A subdivision is a dividing of any parcel or land into two or more parcels.
  - a. Platted Subdivision – If any resultant parcel is less than five (5) acres in area and less than three hundred (300) feet in width and the subdividing was done for the purpose of transfer of ownership to effectuate building development or if a new street or road is involved, regardless of the size of the parcel and/or its width, subsequent parcels must be platted in accordance with the terms and procedure of the Kanabec County Regulations.
  - b. Unplatted Subdivision – A division of any parcel of land into two or more parts wherein all parts are at least five (5) acres and at least three hundred (300) feet in width and where no road is involved. These do not require platting. However, a Certificate of Description shall be required when no section corners are available and a Certificate of Survey shall be required if section corners are available.
118. Thoroughfare – Shall be those roads and streets as shown on the Township Official Map.
119. Traditionally tilled land – Land that has been cropped or harvested once within the preceding five (5) years, as determined from ASCA aerial photograph record.

120. Travel Trailer – A vehicle without motor power used or adaptable for living, sleeping, business, or storage purposes, having no foundation other than wheels, which does not meet building code requirements and has been or reasonably may be equipped with wheels or other devices for transporting the structure from place to place. The term “Trailer” shall include camp car, camp bus, camper and house car: A permanent foundation shall not change its character unless the entire structure is erected in accordance with the Minnesota Building Code.
121. Used Auto Parts – The processing, storage, and sale of secondhand or used automobile or other vehicle parts provided such use is established entirely within enclosed buildings.
122. Use – The purpose or activity for which the land, structure or building thereon is designed, arranged or intended, or for which it is occupied or maintained.
123. Use, Accessory – A use subordinate to and serving the principal use or structure on the same lot and customarily incidental thereto.
124. Use, Non-Conforming – Use of land, buildings or structures legally existing at the time of adoption of this Ordinance which does not comply with all the regulations of this Ordinance or any amendments here to governing the zoning district in which such use is located.
125. Use, Permitted – A public use which is itself conforms with the purposes, objectives, requirements, regulations and performance standards of a particular district.
126. Use, Principal – The main use of land or buildings as distinguished from subordinate or accessory uses. A “principal use” may be either permitted or conditional.
127. Variance – A modification or variation of the provisions of this Ordinance where it is determined that by reason or special and unusual circumstances relating to a specific lot, that strict application of the Ordinance would cause an undue or unnecessary hardship, or that strict conformity with the provisions of this Ordinance would be unreasonable, impractical or unfeasible under the circumstances.
128. Waterfront Uses (Residential) – Boat docks and storage, fish house, fish cleaning, water recreation equipment and other uses normally incidental to a lakeshore or river residence provided such uses are for the exclusive use of the occupants and non-paying guest.
129. Water Influence Zone – Pertains to land area adjacent to any stream or river which contains natural scenic features such as bluffs, meadows, marsh areas and woodlands.
130. Wetland – Land which is annually subject to periodic or continual inundation by water and commonly referred to as a bog, swamp, or marsh.
131. Veterinary – Those uses concerned with the diagnosis, treatment, and care of animals, including animal or pet hospitals.
132. Wholesaling (Warehousing) – The selling of goods, equipment and materials by bulk to another business that in turn sells to the final customer.
133. Yard – A required open space on a lot which is unoccupied and unobstructed by a structure from its lowest level to the sky except as permitted in this Ordinance. The yard extends along the lot line at right angles to such lot line to a depth or width specified in the setback regulations for the zoning district in which such lot is located.

134. Yard, Rear – The portion of the yard on the same lot with the principal building located between the front and rear yards to a depth or width required by setbacks regulations for the zoning district in which such lot is located.
135. Yard, Side – The yard extending along the side lot line between the front and rear yards to a depth or width required by setbacks regulations for the zoning district in which such lot is located.
136. Yard, Front – A yard extending along the full width of the front lot line between side lot lines and extending from the abutting street right-of-way line to depth required in the setback regulations for the zoning district in which such lot is located.
137. Zoning Amendment – A change authorized by the governing body either in the allowed use within a district or in the boundaries of a district.
138. Zoning District – An area or areas within the limits of the Township for which the regulations and requirements governing use are uniform.

#### Section 5 – GENERAL PROVISIONS

##### 501. Application of this Ordinance

1. 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 morals and welfare.
2. Where the conditions imposed by any provision of this Ordinance are either more restrictive or less restrictive than comparable conditions imposed by any other law, ordinance, statute, resolution or regulation of any kind, the regulations which are more restrictive, or which impose higher standards or requirements shall prevail.
3. Except as in this Ordinance specifically provided, 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.

##### 502. Separability

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

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

##### 503. Existing lots

1. A lot or parcel of land for which a deed, recorded contract for deed or other legal conveyance has been executed prior to the effective date of this Ordinance shall be deemed a buildable lot provided it can meet the minimum setback requirements in the zoning district where it is located.
2. If two or more contiguous lots in total meet the lake frontage and/or square footage requirements of this Ordinance and are held by the same owner on the effective date of this Ordinance they must remain one lot.

504. Non-Conforming Uses and Structures

Any structure or use existing upon the date of the adoption of this Ordinance and which does not conform to the provisions of the Ordinance may be continued for a certain period of time subject to the following conditions.

1. No such use shall be expanded or enlarged except in conformity with the provisions of this Ordinance.
2. If a non-conforming use is discontinued for a period of one year, further use of the structures or property shall conform to this Ordinance. The county Assessor shall notify the Zoning Administrator or Planning Commission in writing of all instances of non-conforming uses which have been discontinued for a period of twelve consecutive months.
3. If a non-conforming structure is destroyed by any cause, to an extent exceeding fifty percent of its fair market value as indicated by the records of the County Assessor, a future structure on the site shall conform to this Ordinance.
4. Normal maintenance of a building or other structure containing or related to a lawful non-conforming use is permitted, including necessary non-structural repairs and incidental alterations which do not extend or intensify the non-conforming use.

505. Lot Provisions

1. A lot or parcel of land for which a deed or contract for deed had been recorded in the office of the Register of Deeds upon, or prior to, the effective date of this Ordinance shall be deemed a buildable lot provided it had frontage on a public right-of-way and an area of at least 15,000 square feet.
2. Except in Planned Unit Developments there shall be no more than one (1) principal building on one lot in all residence districts.
3. An access drive to every principal building shall be provided and constructed according to minimum standards of this Township when such building is 300' or more from a thoroughfare or street.
4. Access to any street shown on the Official Map shall require a curb cut permit issued by the Zoning Administrator.

506. Accessory Building and Structures

1. No accessory building or use shall be constructed or developed on a lot prior to the time of construction of the principal building except by Conditional Use Permit.
2. No accessory building in a residential district shall exceed the height of the principal building except subject to Section 4 paragraph and 126. [note 507.6]
3. When a private garage is oriented so as to face onto a public right-of-way it shall not have less than the minimum required setback for the principal structure as measured from the lot line.
4. Accessory buildings in the Residential District may not be located within ten (10) feet of the side and the rear lot line.
5. Accessory Buildings in Commercial District shall not be closer than 10 feet from side and rear lot lines subject to provisions for abutting residential zone provided herein.
6. No detached garages or other accessory building shall be located nearer the front line than the principal building.

7. No accessory building in a commercial district shall exceed the height of the principal building except by Conditional Use Permit.
8. An accessory building may be located within the rear yard setback provided said accessory building does not occupy more than 25% of a required rear yard.
9. A private garage in a residential district shall not be utilized for business service or industry. Further, that not more than one-half of the space may be rented for the private vehicles of persons not resident on the premises, except that all the space in a garage of one or two car capacity may be so rented. Such garage shall not be used for more than one commercial vehicle. The gross weight of such commercial vehicle shall not exceed 12,000 pounds gross weight.
10. Vehicles exceeding 10,000 pounds gross weight shall be parked in a garage or along the side or rear of the residential lot. Such vehicles shall not be parked in the front yard.

507. Permitted Encroachments

The following shall not be considered as encroachments on setback and height requirements subject to other conditions hereinafter provides:

1. In any yards: posts, flues, belt course, leaders, sills, pilasters, lintels, cornices, caves open terraces, open canopies, steps, flag poles, chimneys, ornamental features, open fire escapes, sidewalks, fences, walls or hedges not exceeding six (6) feet in height provided they do not create a traffic hazard and second story projections or overhangs or roof projections not in excess of thirty (30) inches.
2. In side and rear yards (not along a street): Detached outdoor picnic shelters or living rooms or patio decks may extend to within five (5) feet of a side or rear lot line except that no such structures shall exceed five hundred (500) square feet.
3. On a corner lot, nothing shall be placed or allowed to grow in such a manner as materially to obstruct vision between a height or two and one-half feet and ten feet above the centerline grades of the intersecting streets within fifteen (15) feet of the street intersecting right-of-way lines.
4. In no event shall off-street parking space, structures of any type, buildings or other features cover more than 75% of the lot area resulting in less than 25% landscaped area in Residential Districts.
5. In rear yards: Recreational and laundry drying equipment, picnic tables, detached outdoor living rooms, and outdoor eating facilities, provided these are not less than five (5) feet from any lot.
6. Height limitations shall not apply to barns, silos and other structures on farms, to church spires, belfries, cupolas and domes, monuments, chimneys and smokestacks, flag poles, public and public utility facilities, transmission towers or commercial and private radio broadcasting station, television antennae and parapet walls extending not more four (4) feet above the limiting height of the building except as hereinafter provided.
7. In any yards: Terraces, steps, exposed ramps (wheelchair), uncovered porches, stoops, or similar features provided they do not extend above the height of the ground floor level of the principal structure or to a distance less than three (3) feet from any lot line nor less than one (1) foot from any existing or proposed access drive. Yard lights and name plate signs in Residential Districts, trees, shrubs, plants, floodlights, or other source of light illuminating parking areas, loading areas or yards for safety and security reasons, provided the direct source of light is not visible from the public right-of-way or adjacent residential property.

508. Farming Operations

One of the primary purposes of this zoning Ordinance is to protect prime agriculture land to be used for agricultural purposes. All farms in existence at the effective date of this Ordinance shall be a permitted use and farms are encouraged to clear and develop suitable land for agricultural purposes.

509. Vacated Streets

Whenever any street, alley, easement or public way is vacated by official action, the zoning district abutting the centerline of the said vacated area shall not be affected by such proceeding.

510. Platting

All buildings hereafter erected upon unplatted land shall be so placed that they will not obstruct proper street extensions or other features of proper subdivision and land planning. ***Any lot or lots of five (5) acres or less, or less than 300 feet in width, created by any means for purposes of erecting a structure must be as approved by the governing body.*** The plan for each subdivision shall be reviewed by the Planning Commission which shall submit a report to the governing body.

511. Mobile Homes

Any mobile home which is occupied outside a Mobile Home Park for more than 90 days, shall be located on a building lot to conform with the lot area as shown in Paragraph 66 of this Ordinance, shall be placed on a foundation or pier, so as to substantially affix it to the site, be skirted on all sides and connected to a water supply, waste disposal system and an electrical supply similar to an immobile home.

512. Dwelling Units Prohibited

**No cellar, garage, tent, travel trailer, basement with unfinished structure or accessory building shall at any time be used as a dwelling unit.**

513. Relocated Structures

Before any house or other structure can be moved onto a new location, a building permit or land use permit must be obtained from the Zoning Administrator. Before the Zoning Administrator issues such a permit, he must refer the application to the Planning Commission with a request that the Planning Commission advise the Zoning Administrator if the building in its relocated position will depreciate the value of other structures in the area. If the Planning Commission makes the determination that the building in its new location will depreciate the value or other structures in the area, no building permit will be issued. Applications for a structure to be moved to be accompanied with photographs taken from two (2) or more angles of the structure to be moved, and also furnish photographs of the lot on which the structure is to be located. One or more photographs of the adjacent lots and structures must be furnished the Zoning Administrator with the application. This requirement does not apply to construction sheds and other temporary structures which will be located on a lot for 18 months or less.

514. Front Setback

In a FR district where adjoining principal buildings existing at the time of adoption of this Ordinance have a lesser setback from that required, the required front yard of a new structure shall not be less than the average front yard of the buildings on each side lot for 400 feet and in no case shall be less than twenty (20) feet.

515. Side and Rear Setbacks

In all commercial districts the side and rear setback requirements may be excluded provided party walls are used; party wall being defined as a wall which divided two adjoining properties has rights of enjoyment. Such exclusion from side and rear setbacks shall be permitted only after issuance of a Conditional Use Permit.

516. Setbacks Adjacent to Residential Areas

Where a commercial district is adjacent to a residential district, the minimum building setback from the lot line shall be thirty-five (35) feet.

517. Setbacks Along Roads

Along roads indicated on the Official Map, minimum setback from such road for all buildings shall be thirty-five feet from the planned right-of-way line. Where the right-of-way width has not been established on the Official Map, a one-hundred-foot minimum setback from the centerline of the existing road shall be required.

518. Height

The height of structures used for churches, schools, multiple and similar uses may extend to 45 feet in residential districts, with non-occupancy structures of greater height requiring a Conditional Use Permit. The required setback from any residential lot shall be at least equal to the height of the principal structure. Any structure exceeding 45 feet in height shall require a Conditional Use Permit in all Districts.

519. Planned Unit Developments

Planned developments shall include all developments having two (2) or more principal uses or structures on a single parcel of land and shall include townhouses, mobile homes, modular homes, single and two-family homes, apartment projects, residential subdivision submitted under "density zoning" provisions, multi-use structures such as an apartment building with retail at ground floor level, churches and church schools, schools, industrial complexes, and similar projects. Such developments may be excluded from certain requirements of this ordinance providing:

A complete detailed plan must be submitted to the Planning Commission showing the location of all proposed structures, driveways, landscaping, parking, screening, access drives, land uses and such other information as may be requested.

It must be shown that Planned Unit Development would produce urban development and an urban environment of equal or superior quality to that which would result from strict adherence to the provisions of this ordinance.

It must be shown that variances will not constitute a threat to the property values, safety, health or general welfare of the owners or occupants of adjacent or nearby and nor be detrimental to the health, safety, moral, or general welfare of the people.

It must also be shown that the proposed development is of such unique nature as to require consideration under conditions of a Planned Unit Development. It shall be determined that the variances are required for reasonable and practicably physical development according to a plan and are not solely on the basis of financial considerations.

The governing body, review and recommendations of the Planning Commission, shall find that the proposed development is fully consistent with the purposes of this ordinance and in conformity to the Comprehensive Plan before issuing the necessary variance to construct a Planned Unit Development.

520. Townhouses

Townhouses are attached dwelling units each with a separate entrance to front and rear yards. Townhouses may be permitted in any residential district following issuance of a Conditional Use Permit, under the Planned Unit Development Section 4, provided that each dwelling unit has at least 4,000 sq. ft. of lot area (private or shared in common with adjacent units).

521. Density Zoning

Single-family homes may be excluded from lot area and setback requirements provided a Conditional Use Permit is issued under terms of the Planned Unit Development provisions of this ordinance. Density zoning shall be interpreted to mean the permission of lower density (lot areas) standard under conditions whereby the number of dwelling units permitted is not greater than permitted by the application of the regular provision of the District, but with all land excluded from the lot area requirements added onto public or semi-public open space (park, playground, school site, walkway or other approved open green space).

522. Fences

Fences, walls and similar barriers shall be permitted in all yards subject to the following:

1. Any fence or wall may be located in any yard or along a side or rear property line, except that any fence or wall in excess of six (6) feet in height shall meet the minimum required building setback for the Zoning District in which it is located.
2. Any fence or wall or similar barrier located in the minimum required front yard setback **shall not** be over 4 feet in height or obstruct vision and thereby **create a traffic hazard**. Any such barrier shall be removed by the owner upon action of the Town Board.
3. Any fence, wall or similar barrier which is not properly maintained so as to create an Eyesore or nuisance shall be removed by the owner upon action of the Town Board.
4. A security arm for barbed wire to a maximum height of (8) feet may be permitted by Conditional Use Permit in any Manufacturing District.
5. Fences which are for the sole purpose of containing non-domestic animals are not Subject to the provisions of this ordinance.

523. Access Drives

Access drives may be placed adjacent to property lines except that drives consisting of crushed rock or other non-finished surfacing shall be no closer than one (1) foot to any side or rear lot line.

524. Land Reclamation

Under this ordinance Land Reclamation is the reclaiming of land by depositing of material so as to elevate the grade. Land reclamation shall be permitted only by Conditional Use Permits in all districts. Any lot or parcel upon which four-hundred (400) cubic yards or more of fill is to be deposited shall be land reclamation. The permit shall include as a condition thereof a finished grade plan which will not adversely affect the adjacent land, and as conditions thereof shall regulate the type of fill permitted, program for rodent control, plan for fire control and general maintenance of the site, planned controls of vehicular ingress and egress, and for control of material disbursed from wind or hauling or material to or from site.

525. Mining

The extraction of sand and gravel or other material from the land in the amount of four-hundred (400) cubic yards or more and removal thereof from the site without processing shall be mining. In all districts the conduct of mining shall be permitted only upon issuance of an Interim Use Permit. Such permit shall include as conditions thereof, a plan for a finished grade which will not adversely affect the surrounding land or the development of the site on which the mining is being conducted, the route of trucks moving to and from the site, a date or event that will terminate the use, necessary security to assure proper reclamation of the property or damage to public roads if deemed necessary, as well as any other additional condition or conditions reasonably related to the use of the property and deemed necessary by the Township.

526. Soil Processing

Processing sand, gravel, or other materials mined from the land shall be permitted only by Interim Use Permit. Such Interim Use Permit shall include a site plan where the processing is to be done showing the location of the plant, disposal of water, route of trucks moving to and from the site in removing processed material from the site and such permit shall be granted only for a specified period of time. Security may be required to assure compliance with the permit or to cover damage to public roads if deemed necessary by the Township. The Township may require any additional conditions reasonable related to the use of the property and deemed necessary by the Township.

527. Bulk Storage (Liquid)

All uses including pipelines, associated with the bulk storage of oil, gasoline, liquid fertilizer, chemicals and similar liquids shall requires Conditional Use Permit in order that the governing body may have some assurance that fire, explosion or water or soil contamination hazards are not present that would be detrimental to the public health, safety and general welfare. All existing, above ground, liquid storage tanks having a capacity in excess of one-thousand (1,000) gallons shall secure a Conditional Use within twelve months following enactment of this ordinance: the governing body may require the development of dyking around said tanks, suitably sealed, to hold a leakage capacity equal to one-hundred fifteen (115) percent of the tank capacity. Any existing storage tank that, in the opinion of the governing body, constitutes a hazard to the public safety shall discontinue operations within five (5) years following enactment of this ordinance.

528. Exterior Storage

In all districts, the governing body may order the owner of property to apply for a Conditional Use Permit to conduct an open storage use, including existing uses, provided it is found that said use constitutes a threat to

529. Service Stations

A drainage system subject to approval by the governing body shall be installed. A box curb not less than six (6) inches above grade shall separate the public right-of-way from the motor vehicle service areas, except at approved entrances and exits. No driveway at a property line shall be less than forty (40) feet from the intersection of two street right-of-way lines. No vehicles shall be parked on the premises other than those utilized for the storage, disposal, or storage of trash, debris, discarded parts, or similar items shall be fully screened. No vehicle shall be parked awaiting service longer than 30 days. Exterior storage shall be limited to vehicles of employees, vehicles awaiting service, service equipment and items offered for sale on ump island; all other exterior storage shall be limited to items offered for sale provided they are within yard requirements and are located in containers such as tire racks, metal trays, and similar structures designed to display merchandise. The entire site other than that taken up by a structure or planting shall be surfaced with asphalt, concrete, or other material approved by the governing body.

All structures and grounds shall be maintained in a neat, orderly, clean and safe manner.

530. Home Occupations

Home occupation uses may include professional offices, minor repair services, photo or art studio, dressmaking, or teaching limited to three (3) students at any one time and similar uses; however, a home occupation shall not be interpreted to include barber shops, beauty shops, tourist homes, restaurants or similar uses. **Home occupations which create a need for more than three (3) parking spaces at any given time in addition to the parking spaces required by the occupants shall not be permitted in any accessory.**

531. Quasi-Public Structures

No quasi-public structure shall be located within the public right-of-way except by permit issued by the governing body, such structure shall include but not be limited to trash containers, bicycle racks, benches, planting boxes, awnings, flag poles, light standards, stairs, stoop, light wells, loading wells, sign, others.

532. Zoning and the Comprehensive Plan

Any change in zoning granted by the governing body shall automatically amend the Comprehensive Plan in accordance with said zoning change.

533. Apartment Policy Statements

In recommending the granting of Conditional Use Permits for structures containing two or more dwelling units, the governing body shall find that the proposed development plan is in substantial compliance with the apartment policy statements on file with the Planning Commission as approved.

534. Shoreland Lots

The development of shoreland to be in accordance with Kanabec County Ordinance for the Management of Shoreland Areas, Ordinance No. 5 with amendments.

Section 6. ADMINISTRATION

601. Public Hearings Required

1. Before approving any amendment, extension or addition to this Ordinance, at least one public hearing shall be held with regard to the change. Such public hearing may be continued from time to time and additional hearings may be held.
2. Notice of the time, place and purpose of the public hearing shall be given by two publications in the official newspaper of the Township. In addition to the published notices, written notice of the public hearing regarding the application of official control to specific properties, including conditional uses, variances and subdivision, shall be sent to all property owners of record within one-half mile of the affected area.
3. The governing body may assign the responsibility to conduct public hearings for one or more purposes to the Planning Commission or the Board of Adjustment.

602. Zoning Administrator

1. Zoning Town Clerk for the purpose of administering the Zoning regulations shall be known as the Zoning Administrator.
2. The governing body may appoint any other resident of the County, including the County Zoning Administrator to be the Deputy Township Zoning Administrator.

3. The Zoning Administrator shall receive all applications for building permits or land use permits. When such applications conform to this Ordinance and all other Ordinances and regulations pertaining to the building of buildings or permits for land use, he shall issue a building or land use permit as applied for.
4. Upon the receipt of an application for a building permit or land use permit which does not conform to this Ordinance or other Ordinances or regulations enforced in the Township, the Zoning Administrator shall reject the application and advise the applicant of the procedure for applying for a Conditional Use permit, a Variance permit or how to appeal from his adverse ruling.

603. Planning Commission

1. There is hereby created within the Township a Planning Commission to consist of 4 members. Three of the members, who shall be residents of the Township, shall be appointed by the governing body. The fourth member shall be the Town Clerk who shall serve as secretary of the Planning Commission but shall have no right to vote. Two members shall constitute a quorum.
2. The members of the Planning Commission shall be appointed by the governing body for a term of three years. Initial appointment shall be so made as to cause the term of the office of the members to the Planning Commission to be staggered.
3. The Town Board, from time to time by resolution, shall set the compensation of the Planning Commission.

604. Board of Adjustment

There is hereby created within the Township a Board of Adjustment to consist of three members who shall be residents of the Township.

1. The members of the Board of Adjustment shall be appointed by the governing body for a term of three years, subject to recall members permit voting in the form of such recall. Initial appointment shall be so made as to cause the term of office of the members of the Board of Adjustment to be staggered.
2. No member of the governing body shall be eligible to serve on the Board of Adjustment. One of the three members of the Board of Adjustment, but not more than one, shall be a member of the Planning Commission.
3. The Board of Adjustment shall elect a chairman from among its members. The Town Clerk shall be the ex-office member of the Board and shall act as secretary to the Board.
4. The meetings of the Board of Adjustment shall be held at the call of the Chairman and at such other times as the Board in its rules of procedure may specify.
5. When any member of the Board of Adjustment shall miss three consecutive meetings, regular or special, he shall forfeit his appointment and the governing body shall appoint another person to fill the vacancy.
6. The governing body, from time to time by resolution, shall set the compensation of the members of the Board of Adjustment.
7. Only the Board of Adjustment shall issue variances.
8. The Board shall have the exclusive power to order the issuance of variances from the provisions of this Ordinance including restrictions placed on non-conformity. Variances shall only be permitted when they are in harmony with the general purposes and intent of this Ordinance in cases when there are practical difficulties or particular hardships in the way of carrying out the strict letter of this Ordinance and when the terms of the variance are consistent with the comprehensive plan. "Hardship" as used in connection

with the granting of a variance means the property in question cannot be put to a reasonable use if used under the conditions allowed by this Ordinance, the plight if the landowner is due to circumstances unique to his property not created by the landowner, and the variance, if granted, will not alter the essential character of the locality. Economic considerations alone shall not constitute a hardship if a reasonable use of the property exists under the terms of the Ordinance. No variance may be granted that would allow any use that is prohibited in the zoning district in which the subject property is located. The Board of Adjustment may impose conditions on the granting of variances to insure compliance and to protect adjacent properties and the public interest.

9. A certified copy of any order issued by the Board of Adjustment shall be filed with County Recorder or Register of Titles for record. The secretary of the Board of Adjustment shall be responsible for filing this Certified Copy.
10. All decisions for the Board of Adjustment in granting variances shall be final except that any aggravated person or persons, the governing body, or the State shall have the right to appeal within thirty days, after the receipt of the notice of decision, to the District Court or Kanabec County on questions of law or fact.

#### 605. Conditional Use Permit

1. Section 2 of this Ordinance indicated numerous conditional uses. Such conditional uses shall only be authorized which do not negate any of the objectives of this Ordinance as stated in Section 2 above.
2. Conditional uses shall be granted by the governing body but only after receiving a recommendation from the Planning Commission.
3. A person applying for a conditional use shall fill out and submit to the secretary of the Planning commission a petition stating in detail the need for a conditional use and the conditions which the applicant will accede to if the use is granted. This petition shall be accompanied with a fee as the governing body shall, from time to time, establish by resolution.
4. The secretary of the Planning Commission shall advise the chairman of that commission of the receipt of such application and the chairman shall call a meeting of the Planning Commission. The meeting shall be held within thirty days of the receipt of the petition for the conditional use and be held only after the notices required by Section 6 above have been given.
5. The petitioner or his representative shall appear before the Planning Commission at the meeting in order to answer questions concerning the proposed conditional use.
6. The Planning Commission shall conduct its deliberations and vote on the granting of the conditional use in an open meeting with no secret ballots. Their recommendations shall then be promptly forwarded to the governing body. The governing body must take action on the application within 45 days after receipt of the recommendation of the Planning Commission. If the governing body grants the conditional use, it may impose conditions in addition to those recommended by the Planning Commission. These conditions shall be such as to promote the public health and welfare of the community and to protect existing property rights of adjacent property owners.
7. If the governing body denies the application for conditional use, no application for such conditional use shall be submitted for a one-year period following the denial by the governing body.
8. A conditional use permit shall remain in effect so long as the conditions agreed upon are observed, provided that nothing shall prevent the governing body from enacting or amending this Ordinance to change the status of the conditional use.

9. A certified copy of the conditional use permit shall be filed by the Town Clerk with the County Auditor and the County Recorder. The conditional use permit shall include the legal description of the property involved.

606. Rezoning

The procedure for changing zoning district boundaries (rezoning) shall be as follows:

1. The governing body, the Planning Commission, or a property owner may initiate a petition for a change in zoning. If submitted by an individual, the petition shall be accompanied by a fee set by the governing body by resolution from time to time. The petition shall be submitted to the secretary of the Planning Commission. The petition shall set forth in detail the change in the zoning desire, and shall include the name and address of all property owners within one-half mile of the affected property.
2. The secretary shall refer the petition to the Chairman of the Planning Commission who shall set a date for a public hearing to be conducted within thirty days of the receipt of the application. Such public hearing shall be held only after the notices required by Section 6 have been served.
3. The Planning Commission, following the hearing, shall make a recommendation to the governing body on or before the next regular meeting of the governing body.
4. The governing body must take action on the application within 60 days following referral to it by the Planning Commission. The person making the application shall be notified of the action taken. Such action may consist of approval, denial, or referral back to the Planning Commission. If the application is referred back to the Planning Commission, it must be reviewed and returned to the governing body within 30 days.
5. No application for rezoning which has been denied wholly or in part shall be resubmitted for a period of one year from the date of said order of denial.

Section 7 – DISTRICT PROVISIONS

701. District

The zoning districts are so designated as to assist in carrying out the intent and purposes of the Comprehensive Plan, to protect agricultural land, and to control residential densities. The zoning districts are based upon the Comprehensive Plan which has the purpose of protecting the public health, safety, convenience and general welfare by controlling the needs for public utilities, protecting against traffic congestion and accident hazards, protecting the public health from adverse influences generated by non-residential uses, protecting against the danger of flood, fire, and other purposes of a similar nature.

For the purpose of this Ordinance, the Township is hereby divided into the following zoning districts:

<u>Symbol</u>	<u>Name</u>
F-R	Farm – Residential
R	Residential
C	Commercial
S	Shorelands
F-P	Flood Plains

(At the time of the adoption of this Ordinance, it is contemplated that not all of the forgoing districts will be established in the Township. The designation of those zoning districts not used is to make the classification available as the Township develops.)

1. Farm – Residential F-R

This zoning district is established for the purpose of preserving, promoting, maintaining, and enhancing the use of and for commercial agricultural purposes, to prevent scattered and leap-frog non-farm growth, to protect and preserve natural resource areas, and to stabilize increases in public expenditures for such public services as roads and road maintenance, police and fire protection, and schools.

There shall be no more than one non-farm dwelling per ½ quarter-quarter section (20 acres). Dwellings may be clustered, but the maximum overall density shall be one dwelling unit per 20 acres [*subsequently changed to two per 40*]. As a conditional use residence for employee working on the farm on which the extra residence is located.

**As a conditional use** single family residences will also be allowed at a **minimum lot size of one (1) acre** with no density requirements **in those areas of the Township** through an analysis by a soil scientist from the Soil Conservation Service (S.C.S.) **it can be demonstrated that agricultural production is either marginal or unfeasible and where it is determined that on-site sewer and water services can be adequately provided.**

Anyone building in a Farm – Residential district must accept the rural environment as it is found.

2. Residential District R

This zoning district is intended to provide a residential atmosphere for those persons desiring to live in an area of single and two-family dwellings. The minimum lot size shall be one acre.

3. Commercial District C

This zoning district is intended to provide a location for Commercial uses. These are uses for retail sales and services in such scale as to serve the surrounding neighborhood needs.

4. Shoreland District S

This zoning district encompasses all land located within the following distances from public waters: (1) 1,000 feet from the normal high water mark of a lake, pond or flowage; and (2) 300 feet from a river or stream, or the landward extent of a flood plain designated by Ordinance on such a river or stream, whichever is greater, except where limits are designated by natural drainage divides at lesser distances as designated on the Official Maps of Kanabec County, or this Township.

5. Flood Plain F-P

This zoning district is created for the purpose of protecting the public health and safety and to minimize property damage and pollution from flood waters. The standards contained in this district have been incorporated from the Kanabec County Flood Plain Management Ordinance the model flood plain Ordinance developed by the Department of Natural Resources (DNR) in conformance with the Flood Plain Zoning Act. All development within the flood plain must comply with Chapter 7, NR 8593, Department of Natural Resources.

702. Zoning District Map

The boundaries of the District as established by this Ordinance are shown on the Township Official Map, and are made a part of this Ordinance as though it were published herein. The zoning district boundary lines on the Official Map are intended to follow road right-of-ways, street center lines, or lot lines unless such boundary line is otherwise intended on the

Map. In those cases where right-of-way lines or street center lines are not used as boundaries, the district boundary lines shall be determined by the use of dimensions or the scale appearing on the Map.

All of the notations, references and other information shown on the Official Map shall have the same force and effect as if fully set forth herein and are hereby made a part of this Ordinance by reference and incorporated herein as fully as if set forth herein at length.

(the rest of this page not used)

Section 704. Permitted Uses

Classification List An open circle – “O” – appearing in the table for any use means that the use will be permitted in that district *only if* a Conditional Use Permit is granted by the Planning Commission. An “I” means that the use shall be allowed by Interim Use Permit. An “X” means that the use is permitted in the zoning district subject to the general provisions of the land-use ordinance. For uses not included on this list, application shall be made to the Planning Commission.

PERMISSIBLE USES	FR	R	C	S	FP
Abattoir (slaughter house)					
Acoustical material mfg., storage			O		
Advertising display mfg.					
Agric. Implements, distributor, display, repair, sales	O		X		
Airport, public & private, seaplane base	O	O			
Amusement Park			O		
Animal Hospital			O		
Apartment House	O	O	O		
Armory			O		
Asphalt and asphalt products processing					
Association (club & lodges, private)	O	O	X		
Asylum, private & public					
Athletic club			X		
Athletic field	X	X	X		
Auditorium, assembly hall	X	X	X		
Automobile & truck sales, repair, parts	O		X		
Automobile & truck salvage and scrap yards	O				
Bait Sales	O	O	X		
Baked goods mfg (small home type operation)	O	O	X		
Baked goods mfg sales (large industry type operation)					
Bank & Trust Co. / Loan Co	O	O	X		
Bar, Saloon, cocktail lounge, tavern			x		
Beach, private, commercial	O	O	X		
Beach, public	X	X	X		
Beauty Shop	O	O	X		
Beverages, wholesale & storage			O		
Bicycle, snowmobile & motor cycle repair & sales	O		X		
Boat or yacht club, marine	O	O	X		
Bottled gas, storage & distribution			O		
Bowling alley			X		
Broadcasting studio (radio, TV)	O	O	X		
Building contractor equip. & material storage	O		O		
Building Materials, sales & storage	O	O	X		
Bus Line Depot, garage, repair			X		
Cabin, seasonal or recreational	X	X	O		
Café, restaurant, supper club	O		X		
Camp, private	O		O		
Campground, private and/or public	O	O	O		
Carpenter shop & power woodworking	O	O	O		
Carpet & rugs sales, storage	O	O	X		
Cemetery	O	O			
Cement & concrete products, mfg, sales, storage			O		
Cesspool builder, sales, service	O		O		
Child care center & play school	O	O			
Church	X	X	X		
Clinic, public & private	O		O		
Coin machines, rental & service			X		
College, public	O	O	X		

	FR	R	C	S	FP
Community Center, town hall	X	X	X		
Contractor (general) equipment & material storage	O				
Convent	X	O			
Country Club	X	O			
Curio & souvenir shop	O		X		
Dairy farm	X	O			
Dairy products mfg, sales	O		X		
Detention or Correctional home	O				
Disposal plant, sewage	O	O	O		
Dog Pound					
Drive-in restaurant			X		
Drive-in theatre			O		
Driving range, golf	O		X		
Dry cleaning, bulk processing, pick-up station			X		
Dump (solid or liquid waste disposal)					
Dwelling, Single-Family	X	X	O		
Dwelling, Two-Family	X	X	O		
Dwelling, Multiple Family (includes condominiums)	O	O	O		
Eggs, poultry farm	X	O	O		
Electric light & power co yards, substations	O	O	O		
Elevators, grain, corn, etc			O		
Explosives, storage, distribution					
Express Co., Warehouse, garage			O		
Fairground	O				
Farmland (all types except livestock & poultry)	X	X	X		
Farmland (all types including livestock & poultry)	X	O	O		
Feed, wholesale, storage, sales			X		
Fertilizer, natural or processed, storage			O		
Filling or gasoline service station	O		X		
Fire station, fire tower	X	X	X		
Fish or meat, wholesale, curing, storage			O		
Fish hatchery, public agency					
Florist, greenhouse & nursery	X	O	X		
Florist, sales	X		X		
Forest land, private, commercial, public	X	X	X		
Frozen food or cold storage locker			X		
Fur farm, preparation, storage	O		O		
Game preserve	X	X			
Garage, public storage			X		
Gasoline bulk storage tank			O		
Golf, miniature	O		X		
Golf course, private, public	O	O			
Go-kart track	O		O		
Gravel pit	O	O	X		
Grocery store	O		X		
Heliport and STOL, VTOL	O	O			
Home, old age, children, maternity nursing	O	O	O		
Hospital, public, private	O	O	O		
Hotel			X		
Housing, (public or private multi-family project)	O	O	O		
Housing, group or cluster subdivision (Planned Unit Dev.)	O	O			
Ice mfg, sales			X		
Ice skating rink	X	O	X		

	FR	R	C	S	FP
Imported goods, warehouse, sales			X		
Irrigation facilities, canals, reservoirs, dams, etc	O	O	O		
Industrial park (planned unit development)					
Junk or Salvage Yard	O		O		
Kennel [all animals other than dogs?]	O		O		
Laboratory, research, commercial, etc.	O		X		
Laundry, bulk processing, pick-up station			X		
Liquor, off-sale			X		
Logging camp (temporary operation)	O				
Machine shop	O		O		
Metal Fabrication & processing					
Mining, quarry, equip, storage, rock crushing, tailings, pond, etc	I	I	I		
Mobile home, year-round occupancy	X	X	O		
Mobile home, seasonal or travel-trailer	O	O	O		
Mobile home park	O	O	O		
Motel	O		X		
Museum, historical display	O		X		
Mineral exploration	O	O	O		
Motor Freight Terminal			X		
Oil, fuel storage	O		O		
Paper & wood product mfg, storage	O		O		
Parking lot	O		X		
Park & playground, public (no overnight camp)	X	O	X		
Paving, temp. batch plant for cement, asphalt, etc	O		O		
Pipe, culvert, mfg, storage, sales			O		
Pipeline, gas, oil, water, etc	X	O	X		
Printing, lithograph, photo engraving, etc			X		
Professional office, engineer, doctor, etc	X	X	X		
Public building, including utility plants	O	O	X		
Public service, utility facilities, excepting plants & high lines	X	X	X		
Race Track			O		
Radio, TV transmitting station, studio	X		O		
Resort, rental cabins (inc. residence & related accessory service)	X	O	X		
Rest home [motel?]	O	O	O		
Restaurant	O		X		
Roadside park or wayside (no overnight camping)	X	O	X		
Roller skating rink			X		
Sauna, steam bath, commercial	O	O	X		
Sawmill, lumber yard	O		O		
Sawmill, portable	X		O		
School, public, private	X	X			
School, commercial (beauty business, etc)			X		
Shopping center (planned unit development)	O		X		
Sign, on site	O	O	X		
Sign, off site	O	O	X		
Sporting goods, sales, mfg			X		
Storage warehouse					
Storage yard, equipment					
Store, general retail goods	O		X		
Swimming pool, public, private	X	X	X		

	FR	R	C	S	FP
Tavern	O		X		
Taxidermist	X	O	X		
Timber harvester or logging operations	X	O	X		
Tire repairing, equip, and supplies			X		
Townhouse	O	O			
Trailer, sales	O		X		
Transportation Terminal					
Travel bureau			X		
Veterinary Clinic	X	O	X		
Warehouse	O		X		
Water reservoir systems & related facilities	X	X	X		
Welding Shop	O				
Wood Products, secondary (pallet, lath, etc. mfg)	O		O		

## Section 8 – PERFORMANCE STANDARDS

This 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. The performance standards are also designed to prevent and eliminate those conditions that cause urban blight. All future development shall be required to meet these standards. The standards shall also apply to existing development where so stated. The governing body shall be responsible for enforcing the standards.

### 801. Exterior Storage

#### 1. In Residential Districts

All materials and equipment shall be stored within a building or fully screened so as to be visible from adjoining properties, except for the following: Laundry drying and recreational equipment, construction and landscaping materials and equipment currently (within period of 12 months) being used on the premises, agricultural equipment and materials if these are used or intended for use on the premises, off-street parking or passenger automobiles and pick-up trucks, boats, and unoccupied trailers, less than 20 feet in length, are permissible if stored in the rear yard more than ten feet distance from the property line. Existing uses shall comply with this provision within 12 months following enactment of this Ordinance.

#### 2. In all Districts

The governing body may require a Conditional Use Permit for any exterior storage if it is demonstrated that such storage is a hazard to the public health, safety, convenience, morals or has a depreciating effect upon nearby property values, or impairs scenic views, or constitutes threat to living amenities.

### 802. Refuse

#### 1. In all Districts

All waste material, debris, refuse, or garbage shall be kept in an enclosed building or properly contained in a closed container designed for such purposes. The owner of vacant land shall be responsible for keeping such land free of refuse and weeds. Existing uses shall comply with this provision within six months following enactment of this Ordinance.

Passenger vehicles and trucks in an inoperative state shall not be parked in residential districts for a period exceeding thirty (30) days; inoperative shall mean incapable of movement under their own power and in need of repair. All exterior storage not included in a permitted accessory use, or included as part of a Conditional Use Permit, or otherwise permitted by provisions of this Ordinance shall be considered as refuse.

Any structure or equipment for the burning of trash not within a building shall not be located in any required front or side yard except by Conditional Use Permit. All outdoor incinerators except those for single-family homes shall be fully screened. Upon advice from the Zoning Administrator, the governing body may require a Conditional Use Permit for any incinerator.

803. Screening

Screening shall be required in residential zones where (a) any off-street parking area contains more than four parking spaces and is within 30 feet of an adjoining residential zone, and (b) where the driveway to a parking area of more than six parking spaces is within 15 feet of an adjoining residential use or zone.

Where any business or industrial use (structure, parking, or storage) is adjacent to property zoned or developed 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, parking lot, or industry is across the street from a residential zone, but not on that side of a business or industry considered to be the front (as determined by the Zoning Administrator.)

All exterior storage shall be screened. The exceptions are: (a) merchandise being display6ed for sale, (b) materials and equipment being used for construction on premises, and (c) merchandise located on service station pump islands.

The screening required in this section shall consist of a fence or wall not less than five feet high but shall not extend within 15 feet of any street. The screening shall be placed along property lines or in case of screening along a street, 15 feet from the street right-of-way with landscaping between the screening and the pavement. A fence shall block direct vision. Planting of a type approved by the Planning Commission may also be required in addition to or in lieu of fencing.

804. Landscaping

In All Districts

Land which had been committed to a use shall have a depth of twenty (20) feet or more a landscaped yard along all streets. This yard shall be kept clear of all structures, storage, and off-street parking except as herein provided.

805. Maintenance

In all Districts

All structures, required landscaping, and fences shall be maintained so as not to be unsightly or present harmful health or safety conditions.

806. Glare

In all Districts

Any lighting used to illuminate an off-street parking area, sign, or other structure, shall be arranged as to deflect light away from any adjoining residential zone or from the public streets. Direct or ski-reflected glare, where from flood-lights or from high-temperature

processes such as combustion or welding shall not be directed into any adjoining property. The source of lights shall be hooded or controlled in some manner so as not to light adjacent property. Bare incandescent light bulbs shall not be permitted in view of adjacent property or public right-of-way. Any light or combination of lights which cast light on a public street shall not exceed one (1) foot candle (meter reading) as measured from the centerline of said street. Any light or combination of lights which cast light on residential property shall not exceed 0.4 foot candles (meter reading) as measured from said property.

## 807. Signs

The purpose of this Ordinance is to provide minimum standards of safeguard of life, health, safety, property, and public welfare by regulating and controlling the design, quality of materials, construction, type, size, location, electrification, and maintenance of all signs and sign structures not located within a building.

### Definitions

#### 1. Sign

A name, identification, description, display, illustration, structure, or device which is affixed to or painted, or represented directly or indirectly upon a building or other surface not within a building and which directs attention to an object, product, place, activity, person, institution, organization, or business.

#### 2. Sign, Temporary

Any sign not exceeding ten (10) square feet placed in such a manner as not to be solidly affixed to any building structure, or land and advertising an event such as a bazaar, special sale, sporting event, or similar situation; in no event, however, shall such sign be placed on any lot or parcel of land for a period to exceed thirty (30) days out of any twelve (12) month period.

#### 3. Sign, Advertising

A sign which directs attention to a business or profession or to the commodity, service or entertainment not sold or offered upon the premises where such sign is located or to which it is attached.

#### 4. Sign, Business

A sign which directs attention to a business or profession or to the commodity, service or entertainment sold or offered upon the premises where such sign is located or to which it is attached.

#### 5. Sign, Identification

In a residential district, a nameplate sign identifying a resident (including address and profession or occupation), school, church, or other non-business use.

#### 6. Sign, Illuminated

Any sign which has characters, letter, figures, design or outline illuminated by electric lights or tubes as part of the sign proper.

#### 7. Sign, Area

The area within the frame shall be used to calculate the square footage except that the width of a frame exceeding twelve (12) inches shall constitute advertising space, or should such letters or graphics be mounted directly on a wall or fascia or in such a way as

to be without a frame, the dimensions for calculating the square footage shall be the area extending six (6) inches beyond the periphery formed around such letters or graphics in a plane figure bounded by straight lines connecting the outermost points thereof, and each surface utilized to display a message or to attract attention shall be measured as a separate sign. Double-faced signs may be permitted with the maximum square footage on each side; multi-faced signs shall not exceed two times the area of single-faced signs.

8. Sign, Flashing

An illuminated sign on which the artificial light is not maintained stationary and/or constant in intensity and color.

9. Sign Structure

The supports, uprights, braces and framework of the sign.

10. Sign, Electric

Any sign containing electrical wiring but not including signs illuminated by an exterior, unattached light source.

11. Sign, Ground

A sign which is supported by one or more uprights, poles or braces in or upon the ground other than a combination sign.

12. Sign, Combination

A Sign incorporating any combination of the features of ground, projecting, and roof signs.

13. Sign, Roof

A sign erected upon or above a roof or parapet of a building.

14. Sign, Wall

A sign attached to or erected against the wall of a building with the exposed face of the sign in a plane parallel to the plane of said wall.

15. Sign, Pedestal (Pylon)

A ground sign erected on not more than three shafts or posts solidly affixed to the ground.

16. Lot Frontage

Lot frontage shall mean that lot line which is also a public street right-of-way; all corner lots shall be considered having two lot frontages.

17. Sign, Real Estate

A sign offering property (land and/or building) for sale, lease, or rent.

18. Shopping Center

For purposes of sign regulations, a shopping center shall mean five or more adjacent commercial uses.

19. Lighting, Indirect or Diffused

Lighting designed so that direct source of light is not visible, is screen through plastic, neon tube or similar design.

20. Principal Entrance

That entrance of a building designed for use by customers, visitors and tenants; does not include loading doors, service entrances, and doors to storage areas or similar entrances.

21. Sign, Revolving

A sign which has moving parts (structural); does not include flashing signs which blink on and off but may include signs which produce moving effect through use of illumination; signs which revolve or turn on an axis point such as a pedestal, string, or post shall not be considered revolving if less than two complete revolutions per minute.

22. Sign, Identification (Name Plate)

In business or industrial district – a sign which states the name or address or both of the business, industry or occupant of the lot or may be a directory listing the names, addresses and business of occupants.

23. Permits, Fees, Licenses and Inspection

No signs shall hereafter be erected, re-erected, constructed, altered or maintained except as provided by this Ordinance and a permit for the same has been issued by the Zoning Administrator, separate permit shall be required for each sign.

The following signs shall not require a sign permit:

1. The changing of advertising copy or message on a painted or printed sign and papered billboards.
2. Maintenance, painting, re-painting or cleaning of a sign unless a structural change is made.

24. Sign Permit Fee

A fee determined on the basis of the square footage shall be determined by the governing body by resolution from time to time.

25. Design and Construction

Any sign now or hereafter existing which no longer advertises or identifies a bona fide business conducted, or a service rendered or a product sold, shall be taken down and removed by the owner, agent, or other person having the beneficial use of the building or structure upon which the sign may be found, within ten days after written notice from the Town Board.

All signs shall be maintained so as not to be unsightly to adjoining areas or create hazards to the public health, safety or general welfare. The term unsightly shall mean a condition where the sign has deteriorated to the point that one-fourth (1/4) or more of the surface or the name, identification, description or other symbol is no longer clearly recognizable to the human eye at a distance of forty (40) feet. In the case of painted signs, unsightly shall mean that the paint is peeling away from the structure surface or is faded so that it is not clearly recognizable to the human eye at a distance of forty (40) feet. All signs together with their support braces, guys, anchors, shall be kept in repair and in proper state of preservation. The display surfaces of all signs shall be kept neatly

painted or posted at all times. The Town Board may order the removal of any sign that is not properly maintained.

Upon proper presentation of credentials, the Zoning Administrator or his duly authorized representatives may enter at reasonable times any building, land or structure in the Township to inspect or re-inspect any sign.

## 26. Permitted Signs

Signs shall be permitted by zoning district in accordance with the following minimum standards:

### 1. Residential District

Type: Temporary, identification, ground, combination, wall and pedestal.

Number: One (1) per lot frontage.

Size: No more than 1 ½ square feet per dwelling; 24 square feet for non-residential signs; 6 square feet for real estate signs.

Height: Not over 10 feet above grade except as otherwise provided herein.

Projection: Any sign over one and one-half (1 ½) square feet shall be set back at least ten (10) feet from any lot line.

Illumination: Indirect or diffused lighting of signs permitted, subject to lumination controls.

### 2. Commercial District

Type: Temporary, advertising, identification, business, wall, roof, combination, ground and pedestal.

Size: The aggregate square footage of sign space per lot shall not exceed the sum of four (4) square feet per front foot of building plus one (1) square foot per front foot of property not occupied by a building. No sign shall exceed two hundred fifty (250) square feet. Advertising sign area on vacant lots shall not exceed four (4) square feet per foot of lot frontage.

Projection: Signs may project two (2) feet into any required yard.

Illumination: Illuminated and flashing signs permitted.

## General Provisions

1. No sign may be erected that by reason of position, shape, movement, color or in any other manner, interfered with the proper functioning of a traffic sign or signal or otherwise constitute a traffic hazard.
2. There shall be no flashing sign or revolving sign in the front setback area within 125 feet of a street intersection (as measured from intersection right-of-way lines), or of a residential district except where lighting for such signs is indirect or diffused and in no way constitutes a traffic hazard.
3. Service stations may erect one pylon or pedestal sign not to exceed twenty-eight (28) feet in height in setback area provided no part of any such sign shall be closer to side lot lines than the required side yard setback nor within five (5) feet of the rear lot line or street right-of-way line.

4. There shall be no use of revolving beacons, beamed lights or similar devices.
5. Signs shall not be painted directly on the outside wall of a building, fence, tree, stone or other similar objects in any district.
6. Real estate (for rent, sale or lease) signs may be placed in any yard providing such signs are not closer than ten (10) feet to any property line and do not exceed a total of six (6) square feet per lot frontage residential areas and thirty-two (32) square feet on any other lot.
7. A real estate sign for a project of five acres or more may be constructed in conformance with zoning ordinance requirements providing sign area is not over 200 square feet in area; the sign is located at least 130 feet from any home; an agreement is made to remove the sign within two (2) years unless an extension of time is granted by the governing body; after approval of a Conditional Use permit under applicable procedures in the zoning ordinance. Real estate signs over thirty-two (32) square feet per lot frontage and exceeding other sign area limits in business and industrial areas shall require a Conditional Use Permit.
8. Signs shall not be permitted within the public right-of-way or easements except as authorized by the governing body under Sub-Section 6 of this Section.
9. Temporary signs shall be permitted in any district in any yard area except that such sign shall not be within ten (10) feet of any street right-of-way line or five (5) feet of any other lot line and further provided there shall be no more than three (3) such signs on any lot and the total area of such signs shall not exceed thirty (30) square feet. (Temporary signs shall include election signs on residential property, commercial special sale signs, special occasion signs and similar signs.
10. Election signs are permitted in any district on private property; such signs must be removed within fifteen (15) days following the election date.
11. Any sign illuminated and located within 50 feet of a residential district lot line shall be diffused or indirect so as not to reflect direct rays of light into adjacent residences. All illuminated signs in business and industrial districts in close proximity to residential districts shall be designed so as to illuminate the sign and not residential property to the extent practicable.
12. In any district, any portion of any sign exceeding 1 ½ square feet shall be set back ten (10) feet from any street right-of-way line and five (5) feet from the residential (zoned) property line.
13. Signs on vacant lots shall be permitted in accordance with these regulations.
14. All corner and through lots shall be considered as having two front lot lines for application of regulations pertaining to signs; alleys shall not be considered as a public street.
15. Signs developed as an integral part of a building (such as sign parapet wall on service station) may exceed the height limits provided such excess height is not over five (5) feet.
16. Criteria for issuance of Conditional Use Permit for advertising sign:
  - a. The aggregate square footage of such sign space shall not exceed the sum of four (4) square feet per front foot of building plus one (1) square foot per front of property not occupied by a building; no developed lot shall be permitted advertising signs may be permitted on the basis of four (4) square feet per front foot of lot.

- b. No advertising sign shall be located within seventy-five (75) feet of a residential district.
  - c. No sign will be permitted that constitutes a hazard to vehicular safety.
  - d. No sign shall be permitted that may tend to depreciate nearby property values, be a detriment to scenic or pleasant views or otherwise mar the landscape.
17. No sign will be permitted that provides refuge from police surveillance, tends to accumulate debris as a fire hazard, or in any other way is a hazard to the public health, safety, convenience or general welfare.
  18. All signs shall be in accordance with applicable provisions of this Ordinance.
  19. All signs not in conformity with the provisions of this Ordinance shall be removed within or a period of two (2) years following enactment.
  20. Marquees of any type, with or without signs, shall require a Conditional Use Permit.
  21. Red, Yellow or Green lights that by position or color in any other manner tend to cause confusion in the proper reading of traffic signs or signals shall be removed.
  22. Private traffic circulation signs in parking lots and pedestrian circulation signs, and traffic warning signs in alleys or other hazardous situations may be permitted provided such individual signs do not exceed three (3) square feet, the minimum number necessary for purposes intended and permitted.
  23. Signs on benches, newsstands, cabstand signs, bus stop shelters, church directional signs, and similar places, shall require a Conditional Use Permit in accordance with procedures contained in the zoning ordinance.
  24. Decorations, banners, and other temporary signs may be permitted within the public right-of-way provided a Conditional Use Permit is used.

#### 808. Parking

##### 1. Surfacing and Drainage

Off-street parking areas shall be improved with a durable and dustless surface. Such areas shall be so graded and drained as to dispose of all surface water accumulation with the area. These requirements shall also apply to open sales lots. Durable and dustless surface shall be asphalt, concrete, or other surface (water sealed) as approved by the Zoning Inspector.

##### 2. Location

All accessory off-street parking facilities required herein shall be located as follows:

- a. Spaces accessory to one and two-family dwellings on the same lot as the principal use served.
- b. Spaces accessory to multiple family dwellings on the same lot as the principal use served or within 200 feet of the main entrance to the principal building served.
- c. Spaces accessory to uses located in a Commercial or Manufacturing District, within 400 feet of a main entrance to the principal building served.
- d. There shall be no off-street parking space within five (5) feet of any street right-of-way.

- e. No off-street open parking area containing more than four (4) parking spaces shall be located closer than five (5) feet from an adjacent lot zoned or used for residential purposes.

### 3. General Provisions

- a. Floor area – The term “Floor Area” shall mean the sum of all floor area in a building as calculated from the outside dimensions of the building. It shall not include areas used primarily as building utility rooms, office of building management or maintenance, toilets or rest rooms, dressing, fitting or alteration rooms, coolers, window displays or lobbies.
- b. Benches in places of public assembly in sports arenas, churches, and other places of public assembly in which patrons or spectators occupy benches, pews, or other similar seating facilities, each twenty-two (22) inches of such seating facilities shall be counted as one (1) seat for the purpose of determining requirements for off-street parking facilities under this Ordinance.
- c. Parking spaces – each parking space shall be not less than ten (10) feet wide and twenty (20) feet in length exclusive of an adequately designed system of access drives.
- d. Use of parking facilities – off-street parking facilities accessory to residential use shall be utilized solely for the parking of passenger automobiles and/or one truck not to exceed ten thousand (10,000) pounds gross capacity for each dwelling under no circumstances shall required parking facilities accessory to residential structures be used for the storage of commercial vehicles in excess of 12,000 pounds gross capacity or for the parking of automobiles belonging to employees, owners, tenants or customers of nearby business or manufacturing establishments.
- e. Spaces accessory to one and two-family dwellings on the same lot as the principal used served.
- f. Joint Parking facilities – off-street parking facilities for a combination of mixed buildings, structures or uses may be provided collectively in any “District” (except Residential Districts) in which separate parking facilities for each separate building, structure or use would be required, provided that the total number of spaces provided shall equal the sum of the separate requirements of each use during any peak hour parking period.
- g. Control of off-street parking facilities – when required accessory off-street parking facilities are provided elsewhere than on the lot in which the principal use served is located, they shall be in the same ownership or control, either by deed or long-term lease, as the property occupied by such principal use, and the owner if the principal use shall file a recordable document with the Township, requiring the owner and his or her heirs and assigns to maintain the required number of off-street spaces during the existence of said principal use.
- h. Use of parking area – required off-street parking space in any district shall not be utilized for open storage of goods or for the storage of vehicles which are inoperable or for sale or for rent.

### 4. Design and Maintenance of Off-Street Parking Areas

- a. Parking areas – shall be designed so as to provide adequate means of access to a building street or alley. Such driveway access shall not exceed thirty (30) feet in width and shall be so located as to cause the least interference with traffic movement.

- b. Lighting – any lighting used to illuminate an off-street parking area shall be arranged as to reflect the light away from the adjoining property.
- c. Curbing and landscaping – all open off-street parking area designed to have head-in parking along the property line or a guard or normal bumper height not less than five (5) feet from the side property line or a guard of normal bumper height not less than five (5) feet from the side property line, when said area is for six (6) spaces or more, a curb or fence not over six (6) feet in height shall be erected along the front setback line and grass or planting shall occupy the space between the sidewalk and curb or fence.
- d. Parking space for six (6) or more cars – when a required off-street parking space for six (6) cars or more is located adjacent to a residential district, a fence of adequate design not over six (6) feet in height nor less than five (5) feet in height shall be erected along the Residential District property line.
- e. Maintenance of off-street parking space – it shall be the joint responsibility of the operator and owner of the principal use, uses and/or building to maintain, in a neat and adequate manner, the parking space, access ways, landscaping and required fences.
- f. Access- all off-street parking spaces shall have access off driveways and not directly off the public street.

5. Off-Street Spaces Required (one space equals 300 sq. ft.)

1 and 2 family residence Multiple dwelling  
2 spaces per dwelling unit

Churches, Theaters, Auditoriums, Mortuaries and Other Places of Assembly  
1 space for each 3 seats or for each 5 ft. or pew length. Based upon maximum design capacity

Business and Professional Offices  
1 space for each 150 sq. ft. of gross floor space

Medical and Dental Clinics  
5 spaces per doctor or dentist

Hotel, Motel  
1 space per unit plus 1 additional space for each 8 units

Sanatorium, Convalescent Home, Rest Home, Nursing Home or Institution  
At least 1 parking space for each 4 beds for which accommodation are used

Drive-In Food Establishment  
To be determined when Conditional Use Permit is issued

Bowling Alley  
At least 5 parking spaces for each alley, plus additional spaces as may be required herein for related uses such as a restaurant

Motor Service Station  
At least 4 off-street parking spaces plus 2 off-street parking spaces for each service stall

Retail Store  
At least 1 off-street parking space for each 150 sq. ft. of gross floor area

Restaurants, Cafes, Bars, Taverns, Night Clubs

At least 1 space for each 3 seats based on capacity design

Furniture Store, Wholesale Auto Sales, Repair Shops

At least 3 parking spaces for each 1,000 sq. ft. of gross floor area. Open sales lot shall provide 2 parking spaces for each 5,000 sq. ft. of lot area, but not less than 3 spaces.

Industrial, Warehouse, Storage, Handling of Bulk Goods

At least 1 space for each 2 employees on maximum shift or 1 for each 800 sq. ft. of gross floor area, whichever is the larger

Uses Not Specifically Noted

As determined by the Township Board following review by the Planning Commission

809. Off-Street Loading and Unloading Areas

1. Location

All required loading berths shall be off-street and shall be located on the same lot as the building or use to be served. An loading berth shall not be located less than twenty-five feet from the intersection of two (2) street right-of-way no less than fifty (50) feet from a residential district unless within a building. Loading berths shall not occupy the required front yard space.

2. Size

Unless otherwise specified in the Ordinance a required loading berth shall not be less than twelve (12) feet in width, twenty-five (25) feet in length, unless stated as fifty-five (55) feet, and fourteen (14) feet in height, exclusive of aisle and maneuvering space.

3. Access

Each required loading berth shall be located with appropriate means of vehicular access to a street or public alley in a manner which will least interfere with traffic.

4. Surfacing

All loading berths and access ways shall be improved with a durable material to control the dust and drainage according to a plan approved by the Township Engineer.

5. Accessory Use

Any space allocated as a loading berth or maneuvering area so as to comply with the terms of this Ordinance shall not be used for the storage of goods, inoperable vehicles or be included as a part of the space requirements necessary to meet the off-street parking area.

6. In connection with any structure which is to be erected or substantially altered, and which requires the receipt of distribution of materials or merchandise by trucks or similar vehicles, there shall be provided off-street parking area.

7. Where noise from loading or unloading activity is audible in a residential district, the activity shall terminate between the hours of 7:00 p.m. and 7:00 a.m.

8. Required Loading Berths

a. Non-residential uses having 5,000 square feet of floor space or more net included as part of (2) or (3) below-four thousand (4,000) to twenty thousand (20,000) square

feet floor area, one loading berth; for each additional ten thousand (10,000) square feet of floor area or fraction thereof above one-fourth (1/4) one (1) additional loading berth.

- b. Retail Sales, Office, Public Administration Building, Hospitals, Schools, Hotels and Similar Uses – for each building having five thousand (5,000) to ten thousand (10,000) square feet of floor area one (1) off-street loading berth.
- c. Manufacturing, Fabrication, Warehousing, Storing, Servicing and Similar Establishment – for such a building having two thousand (2,000) to thirty thousand (30,000) square feet of floor area, one (1) loading berth fifty-five (55) feet in length.
- d. Manufacturing, Fabrication, Processing and Warehousing – for buildings have over 30,000 square feet, loading facilities shall be provided at the ratio of one loading berth fifty-five (55) feet in length for each 50,000 additional square feet plus one loading berth twenty-five (25) feet in length for each one hundred thousand (100,000) square feet. Buildings having 2,000 to 15,000 square feet shall have one loading berth, 15,000 to 30,000 one loading berth plus one fifty-five (55) loading berth.

#### 810. Traffic Control

The traffic generated by any use shall be channelized and controlled in a manner that will minimize:

1. Congestion on the public streets, 2. Traffic hazards, and 3. Excessive traffic through residential areas, particularly truck traffic. Internal traffic shall be so regulated as to ensure its safe and orderly flow. Traffic into and out of business and industrial areas, and all traffic from residential lots adjacent to a thoroughfare, shall in all cases be forward moving with no backing into streets.

On corner lots, (including rural areas) nothing shall be placed or allowed to grow in such a manner as materially to impede vision between a height of two and one-half and ten feet above the centerline grades of the intersecting streets within fifteen feet of the intersecting street right-of-way lines. This restriction shall also apply to the planting of crops and to yard grades that result in elevations that impede vision within fifteen feet of any intersecting street right-of-way lines.

#### 811. Drainage

No land shall be developed and no use shall be permitted those results in water run-off causing flooding, erosion, or deposit or minerals on adjacent properties. Such run-off shall be properly channeled into a storm drain, water course, ponding area, or other public facilities. Any change in grade-affecting water run-off onto adjacent property must be as approved by the Planning Commission

#### 812. Explosives

No activities involving the storage, utilization or manufacture of materials or products such as TNT or dynamite which could decompose by detonation shall be permitted except such as are specifically licensed by the governing body.

#### 813. Fall-Out Shelters

Fall-out shelters shall be permitted as principal or accessory uses and structures in any district, subject to the yard regulations of the district. Such shelters may contain or be contained in other structures or be constructed separately, and in addition to shelter use, may be used for any principal or accessory use permitted in the district, subject to the district regulations on such use.

814. Guest Houses

Guest houses for purpose of this Ordinance shall be an accessory building detached from the principal building where accommodations for sleeping is provided but no kitchen facility provided. The intended use is for persons visiting the occupants of this principal building. Guest houses shall be permitted in all Residential Districts and shall be located the required depth of the rear yard or more from the principal building and shall conform to the side yard requirements for the principal building.

815. Dwelling Units of Employee on Premises in Residential District

The dwelling unit of employee on premises in Residential Districts (F-R, or R-U) for purposes of this Ordinance shall be an accessory use and if located within a separate structure, such structure shall be an accessory structure. Dwelling units shall conform to the provisions applicable to the district in which located.

816. Drive-In Business

1. The entire area shall have a drainage system approved by the governing body.
2. The entire area other than that occupied by structures or planting shall be surfaced with a material which will control dust and drainage.
3. A box curb at least six (6) inches above grade shall separate the public walk area from the lot except at approved entrance of exit drives.
4. A fence of acceptable design not over six (6) feet in height or less than four (4) feet shall be constructed along the property line abutting Residential District and such fence shall be adequately maintained. The fence shall not be required within the required front yard.
5. Should the use be a drive-in theater, a solid fence not less than eight (8) feet in height extending at least to within two (2) feet of the ground shall be constructed around the property in conformance with yard requirements.
6. The lighting shall be accomplished in such a way as to have no direct source of light visible from the public right-of-way or adjacent land in residential use.

817. Radiation and Electrical Emissions

No activities shall be permitted that emit dangerous radioactivity beyond enclosed areas. There shall be no electrical disturbance, (except from domestic household appliances) adversely affecting the operation at any point of any equipment other than that of the creator of such disturbance.

818. Other Nuisance Characteristics

No noise, odors, vibration, smoke, air pollution, liquid or solid wastes, heat, glare, dust, or other such adverse influences shall be permitted in any district that will in any way have an objectionable effect upon adjacent or nearby property. All wastes in all districts shall be disposed of in a manner that is not dangerous to public health and safety nor will damage public waste transmission or disposal facilities. Minimum standards shall be as follows:

1. Noise

Octave Band Cycles per Second	Sound Level In Decibels Measured at Property Line		Period within which Existing Uses must Comply 3 years
	Residence Districts	Non-Residential Districts	
37.5 to 75	63	78	
75 to 150	59	74	
150 to 300	55	69	
300 to 600	51	66	
600 to 1200	45	60	
1200 to 2400	38	53	
2400 to 4800	31	46	
Over 4800	25	50	

2. Odors – 2 years

Table III (Odor Thresholds) in Chapter 5, "Air Pollution Manual", a copyright 1951 by Manufacturing Chemists Association, Incorporated, Washington, District of Columbia and subsequent revisions.

3. Vibration – 2 years

Any vibration discernible (beyond Property line) to the human sense of feeling for three minutes or more duration in any one hour and any vibration producing an acceleration of more than 0.1 G's or resulting in any combination of amplitudes and frequencies beyond the "Safe" range of Table 7, United States Bureau of Mines Bulletin No. 442, "Seismic Effects of Quarry Blasting", on any structure.

4. Smoke – 2 years

Any emission of visible smoke of a shade darker than No. 1 on the Ringelmann Smoke Chart, as published by the United States Bureau of Mines, except that visible gray smoke of a shade not darker than No. 3 on said chart may be emitted for not more than four minutes in any 30 minutes.

5. Air Pollution – 2 years

(Fly Ash, Dust, Fumes, Vapor, Gases, Etc.)

Any emission which can cause any damage to health, animals, or vegetation or other forms of property, or which can cause any excessive soiling at any point, and in no event any emission of any solid or liquid particles in concentration exceeding 0.3 grains per cubic foot of the conveying gas or air at any point. For measurement of the amount of particles in gases resulting from combustion, standard corrections shall be applied to a stack temperature of 500 degree Fahrenheit and 50 percent excess air.

6. Animals

Any building in which non-domestic animals and horses are kept shall be a distance of one hundred (100) feet or more from any other occupied residence – and any open or roofed enclosure in which animals are kept shall be a distance of fifty (50) feet or more from any occupied residential lot. The governing body may order the owner of any animals to apply for a Conditional Use Permit if it is deemed to be in the interest of the public health, safety or general welfare.

819. Visual Standards

It is hereby affirmed as essential public policy that ***the appearance of this community is a proper matter for public concern*** and that ***all open spaces, buildings, signs, plantings, surfaces and structures which may be seen from the public ways*** and water bodies ***are subject to the provisions of this Ordinance.***

On any building visible from a public street, the following materials shall not be permitted on exterior wall surfaces: sheet metal either corrugated or plain, unfinished structural clay tile, common concrete, masonry units, concrete brick or similar materials. Such materials, however, may be used in a proper arrangement, or combination with other materials of a permanent nature with good architectural design and appeal. Farm accessory buildings in the Residential District are exempt from the provisions of this section.

820. Height

All buildings proposed that exceed the height limits imposed by provisions of this Ordinance shall require a Conditional Use Permit and shall be governed as follows:

Buildings of greater height than expressly permitted by the Ordinance may be permitted by Conditional Use Permit provided that:

1. Adequate fire protection and other safety features are provided.
2. The height and bulk of the building will not destroy a scenic or other appropriate view, will not shut off light and air from surrounding properties or otherwise be detrimental to the public.

In no event, however, shall any building occupy more than the permitted percentage of lot area as provided in this Ordinance.

821. Coin Operated Machines

Coin operated, automatic machines dispensing food, soft drinks and other food and materials shall be governed as follow:

1. These shall not be permitted in Residential Districts except as approved by Conditional Use permit as an accessory use within buildings housing the principal use and if residential, it shall contain four or more families.
2. These shall be permitted in Residential District by Conditional Use Permit only.
3. These shall be permitted as an accessory use to recreation uses in Public Districts and Shoreland Districts provided they are within a building, under a canopy, or otherwise protected from the elements; in no instance shall they be located within any required yards.
4. These shall be permitted accessory uses in all Commercial Districts provided they are within a building or located outside the building immediately adjacent to said building protected from the elements by an eave, canopy or other permitted structures.

822. Enforcement

Ordinance –

1. This Ordinance shall be administered by the Zoning Administrator who shall be appointed by the governing body. The Zoning Administrator may institute in the name of the Township any appropriate actions or proceedings against a violator as provided by law. Any person, firm, corporation, or voluntary associated which violated or refuses to

comply with any of the provisions of this Ordinance shall be guilty of a misdemeanor, and upon conviction thereof be subject to a fine of not more than five hundred dollars (\$500.00) for every offense or to imprisonment not to exceed ninety (90) days, or both. Each day that a violation is permitted to exist shall be constitute a separate offense.

2. The application for a building permit shall be accompanied by exterior elevations of the proposed buildings which will adequately and accurately indicate the height, size, bulk, design, and the appearance of all elevations and a description of the construction and materials proposed to be used therein. A complete site plan showing landscaping, off-street parking, structure location, grades and access drives shall also be shown.

***No person shall erect, alter, raze or move any building or part thereof without first securing a building permit therefore.*** Building permit fees shall be according to a fee schedule adopted by Resolution.

#### Section 9 – VALIDITY AND DATE EFFECTIVE

The Township Zoning Plan as adopted, and thereafter amended, and all other Ordinances or parts of Ordinances of the Township in conflict with the provisions of this Ordinance are hereby repealed.

If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this Ordinance.

This Ordinance shall become effective upon its adoption and publication according to law.

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, by the Board of Supervisors of the Township of Comfort.

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Chairman of Planning Commission