

TEN LAKE
TOWNSHIP
LAND USE AND SUBDIVISION
&
PLANNED UNIT DEVELOPMENT ORDINANCE

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Ten Lake Township Land Use Ordinance

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PREAMBLE

This land use and subdivision ordinance amends the Ten Lake Township “Land Use Ordinance” dated July 12, 2005 which, in turn, amended “AN ORDINANCE DIVIDING THE UNINCORPORATED AREAS OF TEN LAKE TOWNSHIP INTO DISTRICTS AND REGULATING AND RESTRICTING THE USES OF LAND IN SAID DISTRICTS,” dated June 6, 1978. This Ordinance as amended is adopted pursuant to the Ordinance and pursuant to Minnesota Statutes, Chapter 462, by amending provisions of the July 12, 2005 adopted ordinance, striking all of the said provisions and replacing them with the provisions of this Ordinance. Accordingly, the Board of Supervisors of Ten Lake Township does hereby ordain and establish this amended ordinance, to be known as the **Ten Lake Township Land Use and Subdivision & Planned Unit Development Ordinance**, hereinafter referred to as this “Ordinance,” as follows, to wit:

PURPOSE

The purpose of this Ordinance is to insure, promote and protect the health, safety and general welfare of present and future inhabitants of Ten Lake Township by securing the most appropriate use of the land within the Township, by preventing undesirable uses of the land, by preventing undue concentrations of population, by providing for the orderly development of undeveloped areas, by encouraging and facilitating adequate and economical provision of transportation, water supply, sewage disposal, schools, recreational facilities and other public facilities, and by otherwise protecting and preserving the attractive, stable and wholesome environment, including the public trust waters and shoreland of Ten Lake Township (the “Township”).

ARTICLE I
DEFINITIONS AND GENERAL PROVISIONS

SECTION 101. DEFINITIONS AS USED IN THIS ORDINANCE

Unless specifically defined below, words or phrases used in this Ordinance shall be interpreted so as to give them the same meaning as they have in common usage and so as to give this Ordinance its most reasonable application. For the purpose of this Ordinance, the words “must” and “shall” are mandatory; the word “may” is permissive. All distances, unless otherwise specified, shall be measured horizontally. Words used in the present tense shall include the future, and words used in the singular number shall include the plural number as well.

ACCESSORY STRUCTURE OR FACILITY. Any structure or facility incidental to another structure or facility on the same lot. Examples of such structures and facilities include but are not limited to: swimming pools; tennis courts; saunas; solar collectors; wind generators; satellite dishes; detached garages; storage buildings; and recreational trailers and vehicles.

ACCESSORY USE. Any use which is incidental to the principal use of a lot.

ADMINISTRATOR. The Ten Lake Township Zoning Administrator or his/her authorized representative.

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

AGRICULTURAL STRUCTURE. Any structure, existing or erected and used principally for agricultural purposes, with the exception of dwelling units.

APPLICANT. A person or entity who/which has fee title to the land in question, or his/her/its authorized representative.

AS BUILT DRAWING. A graphical representation of the actual constructed dimensions, areas, property configurations, improvements and features of a development.

ATTORNEY. The duly appointed attorney for Ten Lake Township, in Beltrami County, Minnesota.

BLOCK. A single lot or series of contiguous lots enclosed within the perimeter of roads, property lines or boundaries of a subdivision.

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

- A. Part or all, of the feature is located within a shoreland area. The slope rises at least twenty-five (25) feet above the ordinary high water (OHW) level of the water body. The grade of the slope from the toe of the bluff to a point twenty-five (25) feet or more above the ordinary high water level averages thirty percent (30%) or greater.

- B. The slope drains toward the water body.
- C. An area with an average slope of less than 18 percent over a distance of 50 feet or more within the bluff may be exempted from the bluff standards.

BLUFF IMPACT ZONE. A bluff and land located within thirty (30) feet inland from the top of the bluff.

BOUNDARY SURVEY. A survey made to establish or to re-establish a boundary line on the ground in order to obtain data, which is represented in a Certificate of Survey.

BOARD OF ADJUSTMENT COMMITTEE. A committee of five (5) members appointed by the Ten Lake Township Board of Supervisors for purposes described in this Ordinance, including, but not limited to, the conduct of public hearings regarding variance applications and appeals from and review of any order, requirement, decision or determination made by an administrative official charged with enforcing this Ordinance for the purpose of making recommendations to the Board of Supervisors, which serves as the Board of Appeals and Adjustments, concerning all issues coming before the Board of Adjustment Committee.

BOARD OF APPEALS AND ADJUSTMENTS. The Ten Lake Township Board of Supervisors shall serve the Ten Lake Township Board of Appeals and Adjustments for the purposes of making final decisions on variances and appeals pursuant to the procedures established in this Ordinance. The Board of Appeals and Adjustments shall have all the powers provided it in Minnesota Statutes, chapter 462 and its decisions are final, subject to appeal to district court as provided in this Ordinance.

BOARD OF SUPERVISORS (TOWNSHIP BOARD or TOWN BOARD). The duly elected and serving board of supervisors of Ten Lake Township, in Beltrami County, Minnesota, having those powers accorded to such board by law and by this Ordinance.

BUILDABLE AREA. The minimum contiguous area remaining on a lot or parcel of land after all setback requirements, bluffs, areas with slopes greater than 18 percent, all easements and right-of-ways, on-site sewage treatment sites and alternative sewage treatment sites, historic sites, wetlands and land below the ordinary high water level of public waters are subtracted from the total area of a lot or parcel of land.

BUILDABLE LOT. A lot having sufficient size to meet the minimum square footage, buildable area, width standards and setbacks required by this Ordinance.

BUILDING. Any structure, either temporary or permanent, having a roof or other covering, and designed for the shelter or enclosure of any person, animal or property of any kind, including tents, awnings or vehicles situated on private property and used for purposes of a building.

CAMP. A tract or tracts of land used principally for transitory recreational purposes, with or without structures, in the nature of traditional church camps, Boy Scout or Girl Scout camps or similar land uses, not principally intended to be used for profit.

CAMPGROUND. A tract of land accessible by vehicle and containing campsites or camping spurs for tent and/or trailer camping.

CERTIFICATE OF SURVEY. A graphic representation of any parcel, tract or lot of real property, the primary purpose of which is to show the results of a boundary survey, which is certified and signed by a registered, licensed surveyor.

CHURCH. A building wherein persons regularly assemble for religious worship, which is used only for such purpose and those accessory activities as are customarily associated therewith.

CLEAR CUTTING. The removal of an entire stand of trees.

CLUSTERING or CLUSTERED. A development pattern and technique whereby structures or building sites are arranged in close proximity to one another in non-linear groups adjacent to permanently preserved common open space, so as to make the most efficient and visually aesthetic use of the natural features of the landscape and maximize visualization of permanently preserved open space.

COMMERCIAL PLANNED UNIT DEVELOPMENT. Uses that provide transient, short-term lodging spaces, rooms or parcels with primarily service-oriented operations. Hotel/motel accommodations, resorts, recreational vehicle parks and campgrounds, and other primarily service-oriented activities are examples of commercial planned unit developments.

COMMERCIAL USE. A use of land or a structure for the sale, lease, rental or trade of products, goods or services.

COMMISSIONER. The Commissioner of the Department of Natural Resources, State of Minnesota, or his/her authorized representative.

COMMON INTEREST COMMUNITY (CIC). *Subject to Minn. Stat. § 515B.* Contiguous or non-contiguous real estate within Minnesota that is subject to an instrument which obligates persons owning a separately described parcel of the real estate or occupying a part of the real estate pursuant to a proprietary lease by reason of their ownership or occupancy to pay for real estate taxes levied against insurance premiums payable with respect to maintenance of; or construction, maintenance, repair or replacement of improvements located on one or more parcels or parts of the real estate other than the parcel or part that the person owns or occupies. Real estate subject to a master association regardless of when the master association was formed shall not collectively constitute a separate common interest community unless so stated in the master declaration recorded against the real estate.

COMMON OPEN SPACE. A portion of a development site permanently set aside for public or private use held in common ownership by all individual owners within a development and *will not* be developed. Common open space shall include wetlands, upland recreational areas, wildlife areas, historic sites and areas unsuitable for development in their natural state. Common open space is not the space between buildings of a cluster in a subdivision or planned unit development and does not include any impervious surface.

COMPREHENSIVE PLAN. The policies, statements, goals and interrelated plans for private and public land and water use, transportation, and community facilities including recommendations for plan execution, documented in texts, ordinances and maps which constitute the guide for the future development and orderly growth of Ten Lake Township, as part of the Beltrami County Comprehensive Plan which may be adopted and amended from time to time by the County Commissioners.

CONDITIONAL USE. A land use or development as defined by Ordinance that would not be appropriate without restrictions or conditions, but may be allowed with such restrictions or conditions, upon findings that the use is an appropriate conditional use in the land use district, that the use with conditions conforms to the comprehensive plan, that the standards and criteria of this Ordinance shall be satisfied with the imposition of such conditions, that the use with conditions is compatible with uses in the existing neighborhood and the use with conditions would not be injurious to public health, safety, welfare, decency, order, comfort, convenience, appearance or prosperity.

CONDOMINIUM. Any real estate which satisfies the requirements set forth in the provisions of “*Minnesota Statutes, Chapter 515A, known as the Uniform Condominium Act*”.

COOPERATIVE. A common interest community in which the real estate is owned by an association, each of whose members is entitled by virtue of the member’s ownership interest in the association to a proprietary lease.

COOPERATIVE HOUSING. A common interest community in which portions of real estate in a tract are designated as units and the remainder of real estate in a tract is designated for common ownership solely by the owners of the units. In addition, undivided interests in the common elements are vested in the unit owners. One or more residential units in a building or buildings owned or leased by a corporation, association, organization, or other legal entity, the shareholders or members of which are entitled, solely by reason of their ownership of stock or membership certificates in such entity to occupy said residential units.

CONTROLLED ACCESS LOT (ACCESS LOT). Any lot, which is designated by dedication, easement, or other recorded instrument for use by landowners within a plat as a means to gain access to public water. A controlled access lot may not provide launching facilities and buildings shall not be constructed on these lots. Controlled Access lots are only allowed in Environmental Lot & Block subdivisions meeting the requirements and conditions as contained in this Ordinance.

CONVENTIONAL LOT & BLOCK SUBDIVISION. “Conventional subdivision” means a pattern of subdivision development that permits the division of land in the standard form, (Lot & Block), where lots are spread evenly throughout a parcel with little regard for natural features or common open space as compared to a “Conservation Subdivision” where lots are clustered and common open space is provided.

COUNTY. The County of Beltrami, Minnesota.

COUNTY BOARD. The Beltrami County Board of Commissioners.

CUL-DE-SAC. A vehicular turn around terminating a dead end street.

DEAD END STREET. A comparatively short street having but one end open to traffic and the other end being terminated by a vehicular turn around.

DECK. A horizontal unenclosed platform with or without attached railings, seats, trellises or other features, attached or functionally related to a principal use or site.

DESIGN STANDARDS. The specifications applicable to land owners or subdividers for the preparation of sketch plans or plats, both preliminary and final, indicating among other things the optimum minimum or maximum dimensions of such items as right-of-ways, blocks, easements and lots.

DEVELOPMENT AGREEMENT. An agreement entered into with the Township, developer and/or subdivider, and other relevant parties and that requires and ensures the provision of public services and facilities, compliance with this Ordinance, and other considerations related to the development.

DISTRICT. As in “Land Use District” or “Zoning District”, an area of land within the Township in which regulations governing the use of land are established by this Ordinance.

DOCK. A platform extending lakeward from the shoreline intended for ingress and egress for moored watercraft or to provide access to deeper water for swimming, fishing or other water-oriented recreational activities.

DRIVEWAY. A road not more than 1,000 feet in length providing access to a residential dwelling.

DUPLEX. Dwelling structures on a single lot having two dwelling units being attached by common walls and each unit having separate sleeping, cooking, eating, living and sanitation facilities.

DWELLING SITE. A designated location for residential or commercial habitation by one or more persons using permanent, temporary or movable shelter, including camping and recreational vehicle sites.

DWELLING UNIT. Any structure, or portion of a structure or other shelter designed as short or long term living quarters for one or more persons, including, but not limited to, rental or timeshare accommodations such as motel, hotel and resort rooms and cabins and similar uses.

EASEMENT. A grant by a property owner for specified use of land by a corporation, the public or specified persons.

ENVIRONMENTAL ASSESSMENT WORKSHEET (EAW). Governed by state law, a document, in worksheet format, which is part of a process, which assists local governments and state agencies to decide whether a proposed action has a potential for significant environmental effects.

ENVIRONMENTAL IMPACT STATEMENT (EIS). Governed by state law, except as otherwise described in this Ordinance. An (EIS) is an informational document which contains a thorough evaluation of the environmental effects of a proposed project. The (EIS) provides information for agencies and private persons which helps them not only to evaluate the impacts of proposed actions which have the potential for significant environmental effects, but also to consider alternatives and to institute methods for reducing environmental effects.

ENVIRONMENTAL LOT & BLOCK SUBDIVISION. A development based on Environmental properties, setbacks and requirements to allow lake access to lots not normally allowed access under ‘Conventional Lot & Block’ development principles. Environmental Lot & Block developments do not allow any additional number of lots access to a lake, than a Conventional Lot & Block development, but rather increase the size and locations of the same number of lots, as followed in this Ordinance.

ENVIRONMENTAL SETBACK. A ‘setback’, which is the minimum horizontal distance between a structure, sewage or other facility and an ordinary high water level (OHWL), allowing a density multiplier for Residential Planned Unit Developments. This multiplier can only be used if a subdivider/developer increases the setback from the normal OWHL. See Article VIII.

ENVIRONMENTAL QUESTIONNAIRE. A questionnaire, in worksheet format, which assists a land owner and/or developer and the Township to assess the environmental attributes, assets and potential environmental problems with request to a particular parcel.

EROSION CONTROL. Erosion control must be managed, to minimize the likelihood of serious erosion occurring either during or after construction. This must be accomplished by limiting the amount and length of time of bare ground exposure. It may require temporary ground cover, silt fences, sediment entrapment facilities, vegetative buffer strips, or other techniques.

EXTRACTIVE USE. The use of land for surface or subsurface removal of sand, gravel, rock, industrial minerals, other non-metallic minerals and peat.

FARM. A land use for the growing and storage of farm products and the raising of farm animals, containing not less than ten (10) acres. “Farming” includes one or more such use, including dairy farms, with necessary accessory uses, provided that the operation of such accessory uses shall be secondary to normal farming activities. The term “farm” does not include commercial feedlots.

FEEDLOT. A lot or building or group of lots or buildings intended for the confined feeding, breeding, raising, or holding of animals. This definition includes areas specifically designed for confinement in which manure may accumulate or any area where the concentration of animals is such that a vegetative cover cannot be maintained.

FENCE. A partition, wall or gate erected as a dividing marker, visual or physical barrier, or enclosure.

FILL. Soil, sand, gravel, rock or any similar material that is deposited, placed, pushed or transported.

FINAL PLAT. The ‘final’ map, drawing or chart of an approved subdivision, meeting all requirements of this Ordinance and prepared pursuant to Minn. Stat. §§ 505.01 to 505.177 on which the subdivider’s plan or subdivision is presented to the Township Board for approval, and which if approved by the Township and Beltrami County Board, may be recorded with the County Recorder and/or County Registrar of Titles. A registered Land Survey, authorized by Minn. Stat. § 508.47 shall follow the same procedures as a plat, as set forth in this Ordinance. The final plat should be designed according to Minnesota Statutes, Chapter 505 and the Subdivision & Planned Unit Development provisions of this Ordinance.

FLOOD PLAIN. The areas adjoining a lake, watercourse or wetland, which have been, or hereafter may be covered by a regional 100-year flood.

FOREST LAND CONVERSION. The clear cutting of forested lands to prepare for a new land use other than reestablishment of a subsequent forest stand.

FRONT LOT LINE. For a riparian lot, the front lot line is that line indicating the ordinary high water level (OHWL or OHW). For non-riparian lots, the front lot line is a line, which is the edge of the property abutting the road right-of-way on the side of the property through which the road is accessed.

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

GENERAL DEVELOPMENT LAKES (GD). See Section 202.5.

GUEST COTTAGE. A structure, not for permanent usage, used as a dwelling unit that may contain sleeping spaces and kitchen and bathroom facilities in addition to those provided in the primary dwelling unit on a lot.

HEIGHT OF BUILDING. The vertical distance between the lowest ground level at the structure, and the highest point of the structure as measured from the normal lay of the land.

HOME OCCUPATION. A use of a non-residential nature, but operated entirely within the dwelling or accessory buildings and conducted by the inhabitants of the residence *only*, which use is clearly incidental and secondary to the use of the premises for residential purposes. Home occupations allowed within a residential district shall be limited to products or services generated by the occupant of the dwelling.

IMPERVIOUS SURFACE. A constructed hard surface that either prevents or retards the entry of water into the soil and causes water to run off the surface in greater quantities and at a greater rate of flow than prior to development. Impervious surfaces include the horizontal area of buildings, including roofs, roof overhangs, decks, patios, paved driveways, paved parking lots, paver blocks, storage areas, and concrete, asphalt or gravel roads, provided, however, that the areas of *gravel* roads, *gravel* driveways and *gravel* parking areas shall be reduced by 50% in the calculation of impervious surfaces. Also included shall be accessory structures and other surfaces generally impervious to the penetration of water.

For Resort and Camp Commercial Planned Unit Developments (CPUD) designated in *Appendix A*, attached to this Ordinance, the definition of impervious surface shall include the above aforementioned surfaces, plus the owner/operator's residence, main lodge, cabins, and outbuildings.

INDIVIDUAL SEWAGE TREATMENT SYSTEM (ISTS). A sewage treatment system, which receives sewage from an individual establishment or dwelling or a limited group of establishments or dwellings. Unless otherwise indicated in this Ordinance, the word "system" as it appears in this Ordinance, means an individual sewage treatment system.

INOPERABLE VEHICLES. An inoperable vehicle means any motor vehicle from which, for a period of at least sixty (60) days, the engine, wheels or other parts have been removed, or on which the engine, wheels or other parts have been altered, damaged or otherwise so treated that the vehicle is incapable of being driven under its own motor power.

INTENSIVE VEGETATIVE CLEARING. The substantial removal of trees or shrubs in a contiguous patch, strip, row or block.

JUNKYARD. A place of business, establishment or place of storage for keeping, storing or piling, whether temporarily, regularly or continually, or a place for buying or selling at retail or wholesale used or second-handed material of any kind, including, but not limited to, motor vehicles, machinery and/or parts thereof, cloths, rugs, clothing, paper rubbish, bottles, rubber, iron or other metal or articles, concrete or construction debris which, from their worn condition, render them practicably useless for the purpose for which they were made. "Junkyard" shall include a lot or yard for the purpose of keeping obviously abandoned, inoperable or partially dismantled motor vehicles, or the remains thereof, for the purpose of dismantling or for the selling of parts of the same, the sale of scrap, storage or abandonment. Uncovered storage of any motor vehicles, as defined herein, or of any other used material on any lot in any land use district shall constitute a "junkyard."

LANDSCAPING. A land use permit is need for 'landscaping' if any fill, shoreline alteration, patio, deck or retaining wall is to be located within 1000 ft. of any lake within Ten Lake Township.

LAND USE ORDINANCE. The rules of law adopted in the most recent version of this Ordinance.

LIGHT INDUSTRIAL USE. The use of land for the production, manufacture, warehousing, storage or transfer of goods, products, commodities or other wholesale items and is limited to twenty (20) or fewer employees, which use does not create a nuisance off-site, such as noise, dust, directed light or vibration.

LITTER. Litter means any discarded, used or unconsumed substance or waste. Litter may include, but is not limited to garbage, trash, refuse, debris, rubbish, glass, metal, plastic or paper containers or other packaging material, motor vehicle parts, furniture, appliances, oil, carcass of a dead animal, any nauseous or offensive matter of any kind, any object likely to injure any person, or anything else of an unsightly or unsanitary nature, which exists upon any private property within the jurisdiction of the township.

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

LOT AREA. The area of land within the boundaries of a tract of land, but not including land located below the ordinary high water level of a lake or stream, expressed in terms of square feet or acreage.

LOT CORNER. A lot situated on the intersection of two (2) thoroughfares.

LOT FRONTAGE. A minimum dimension of a lot lying along and abutting a road, lake, river or other physical feature as required by this Ordinance.

LOT LINE. A line marking a boundary of a lot.

LOT WIDTH. Non-riparian lots: The shortest distance between side lot lines measured at the midpoint of the longest axis of said lot. Riparian lots: The shortest distance between side lot lines, measured at the building setback line. This shall also be the minimum width abutting the ordinary high water level of an adjacent lake or river.

METES AND BOUNDS. A description of a tract, lot or parcel of land by course and distance, by reference to natural or artificial monuments, or any other similar method or means.

MINING. The use of land for surface or subsurface removal of metallic minerals and peat as regulated under *Minn. Stat. §§ 93.44 through 93.51*.

MOBILE HOME. A structure, including a manufactured home, designed or used for residential occupancy built upon or having a frame or chassis to which wheels may be attached by which it may be moved upon a highway, whether or not such structure actually has, at any given time, such wheels attached, or is jacked up or skirted. Mobile homes shall be treated as single family housing units.

MOBILE HOME PARK. Any premises on which two or more mobile homes, or any premises used or held out for the purpose of supplying to the public a parking space for two or more of such mobile homes. Sales lots on which automobiles or unoccupied mobile homes, new or used, are parked for purposes of inspection or sale are not included in this definition. For purposes of this Ordinance, mobile home parks shall be considered a Residential Planned Unit Development (RPUD), however, a mobile home park contained within a resort/camp shall be considered a Commercial Planned Unit Development (CPUD).

MOUND SYSTEM. A sewage treatment system where the soil treatment area is built above the ground to overcome limits imposed by proximity to the water table, bedrock or poor soil characteristics.

MULTIPLE DWELLING. A structure designed or used for residential occupancy by more than one family, with or without separate kitchen or dining facilities, including apartment houses, rooming houses, boarding hotels, hospitals or nursing homes.

NATURAL ENVIRONMENT LAKES (NE). See Section 202.3.

NON-CONFORMITY. Any non-conforming use, structure or parcel of land already in existence, recorded, and authorized before the adoption of official controls or amendments thereto, and which would not have been permitted to become established under the terms of the official controls as now constituted, if the official controls had been in effect prior to the date such controls were adopted.

NON-RIPARIAN LOT. A lot that does not abut a public or protected water of the state of Minnesota.

ORDINARY HIGH WATER LEVEL (OHWL or OHW). The boundary of public waters and wetlands indicated by an elevation delineating the highest water level which has been maintained for a sufficient period of time to leave evidence upon the landscape, commonly that point where the natural vegetation changes from predominantly aquatic to predominantly terrestrial. For watercourses, the ordinary high water level is the elevation of the top of the bank of the channel. For reservoirs and flowages, the ordinary high water level is the operating elevation of the normal summer pool.

OUTLOT. That portion of a plat that is either:

- A. A lot remnant or parcel of land left over in a plat that is intended as open space, park land or other specified uses, or
- B. Land held in common by an association or group of lots governed by covenants for use by members of the subdivision or planned unit development, or
- C. Land held in reserve for future development.

OWNER. Any person, individual, firm, association, syndicate, partnership, joint venture, corporation, trust or any other legal entity having a proprietary or fee interest in a land subject to this Ordinance.

PARKING AREA. Any area designed or designated for the purpose of parking more than six vehicles.

PARKING SPACE. A designated space, measuring ten (10) feet by thirty (30) feet, for the purpose of parking a vehicle.

PATIO. A horizontal unenclosed platform with or without attached railings, seats, trellises or other features, attached or functionally related to a principal use or site and at no point extending more than three feet above ground, including attachments.

PERFORMANCE BOND. A bond which may be required by the Township to insure the completion of an activity permitted or allowed in any manner pursuant to this Ordinance.

PERSON. An individual, firm, corporation, government or governmental division or agency, business trust, estate, trust, partnership, organization, unincorporated association or two or more of any of the foregoing having a joint or common interest, or any other legal or commercial entity.

PLANNED UNIT DEVELOPMENT (PUD). A type or method of land use or development characterized by a unified site design for a number of dwelling units or dwelling sites on a parcel, whether for sale, rent or lease, to utilize clustering of units or sites, to provide areas of common open space, density increases and a mix of structure types and land uses. These developments may be organized and operated as residential or commercial enterprises, such as individual dwelling units, townhouses, condominiums, time-share condominiums, cooperatives, common interest communities, shared-interest communities, full fee ownership, commercial enterprises or any combination of these, or cluster subdivisions of dwelling units, residential condominiums, townhouses, apartment buildings, campgrounds, recreational vehicle parks, resorts, manufactured home parks, townhouses, hotels, motels or any combination of these. Planned unit developments shall also include any conversion of pre-existing structures and land uses to these uses in order to utilize this method of development.

A. COMMERCIAL PLANNED UNIT DEVELOPMENT (CPUD)

A use that provides transient, short-term lodging spaces, rooms or parcels, with primarily service-oriented operations. Hotel/motel accommodations, resorts, recreational vehicle parks and campgrounds and other primarily service-oriented activities primarily for transient uses may be commercial planned unit developments. Only those land uses designated in *Appendix A* as resorts, campgrounds or camps are considered to be CPUDs. There shall be no hybrid or mixed PUD (CPUD & RPUD) uses within the same PUD or Common Interest Community.

B. RESIDENTIAL PLANNED UNIT DEVELOPMENT (RPUD)

A use where the nature of residency is non-transient and the major or primary focus of the development is not service-oriented, such as single family residences; duplexes; triplexes; residential apartments; mobile home parks; condominiums; timeshare condominiums; townhouses; cooperatives; and, conversions of structures or land uses to such non – transient uses. Developments of more than three such dwelling units or sites shall be considered to be Residential Planned Unit Developments. There shall be no hybrid or mixed PUD (RPUD & CPUD) uses within the same PUD or Common Interest Community.

PLANNING & ZONING COMMISSION. A commission of five (5) members appointed by the Board of Supervisors, but not to include any member of the Board of Adjustment, for purposes described in this Ordinance, including the conduct of public hearings with respect to conditional use permits, land use district amendments, subdivision plats, amendments to this Ordinance, in each instance only for purposes of making recommendations to the Board of Supervisors.

PRELIMINARY PLAT. The preliminary map or drawing accompanied with additional information required by this Ordinance indicating the proposed layout of the subdivision required for plat approval process, pursuant to standards described in the Ordinance.

PROTECTIVE COVENANTS. Also called “restrictive covenants” or “covenants.” Contained in plats, deeds or other documents on file in the County Recorder’s Office as part of an approval process and which control the manner in which land may be used.

PUBLIC HEARING. A public forum, preceded by notice, at which all interested parties shall be allowed a reasonable opportunity to be heard concerning a proposed action.

PUBLIC IMPROVEMENT. A drainage ditch, roadway, parkway, sidewalk, pedestrian way, tree, lawn, off-street parking area, lot improvement or other facility.

PUBLIC WATERS. Any waters defined in Minnesota Statutes, Chapter 103G, as public waters.

REAR LOT LINE. Any lot line, which is not a front or side lot line and which, if extended in either direction, would not cross the lot.

RECREATIONAL DEVELOPMENT LAKES (RD). See Section 202.4.

RECREATIONAL VEHICLE. Any vehicle or portable vehicular structure built on a chassis designed to be used as a temporary dwelling for travel, vacation or other recreational use.

RECREATIONAL VEHICLE CAMPGROUND. Any area, whether privately or publicly owned, used on a daily, nightly, weekly or longer basis for the accommodation of five or more tents, recreational vehicles, or a combination thereof, either free of charge or for compensation.

RESORT. A commercial facility that includes buildings, lodges, structures, dwelling sites, enclosures or any part thereof kept, used, maintained or advertised as, or held out to the public to be, a place where sleeping accommodations are furnished to the public and primarily to those seeking recreation, for periods of one day, one week, or slightly longer, and having for rent five or more cabins, rooms or enclosures. These facilities must be primarily service-oriented for transient lodging of guests. The entire parcel of land must be owned, controlled and managed by a corporation, family-owned business or other single business entity. In order to qualify as a resort pursuant to this definition, a resort shall also be fully licensed and permitted under appropriate state and local regulations. For purposes of this Ordinance, only those land uses designated in *Appendix A* are resorts and are, therefore, Commercial Planned Unit Developments (CPUDs). If a resort is converted, by application or by use, to a primarily residential land use, then the land use must conform to the standards of a RPUD and there shall be no mixed or hybrid PUD or land use of the same dwellings or dwelling sites.

RIGHT-OF-WAY. An area of land laid out, used, or otherwise acquired to provide access.

RIPARIAN LOT. A lot or parcel, any part of which abuts a public or protected water.

RIVER LOT. Any lot or parcel, any part of which abuts a watercourse identified in Section 202 of this Ordinance.

ROAD. A public way which affords a primary means of access by pedestrian or vehicle to abutting properties, whether designated as a street, avenue, highway, road, boulevard, lane or otherwise.

ROAD, DRIVEWAY. A private road serving no more than two residential lots.

ROAD - PRIVATE. Any vehicular way which is not an existing federal, state, county or township roadway; or is not shown upon a certificate of survey, minor subdivision, or plat approved pursuant to law, or is not dedicated to public use.

ROAD RIGHT-OF-WAY WIDTH. The shortest distance between lines delineating the sidelines of the linear portions of rights-of-way.

SCENIC RIVER SEGMENT (SRS). See Section 202.6.

SENSITIVE AREA LAKES (SA). See Section 202.2.

SENSITIVE RESOURCE MANAGEMENT. The preservation and management of areas unsuitable for development in their natural state due to constraints such as shallow soils over groundwater or bedrock, highly erosive or expansive soils, steep slopes, susceptibility to flooding, or occurrence of flora or fauna in need of special protection.

SEPARATE OWNERSHIP. The dominion, title and proprietary right to property, or a subdivision thereof, held by a person, or two or more persons, together having a joint or common interest separate from those properties or lots adjacent to the property or lot in question. Separate ownership may not be found if common ownership to adjacent property or lots has been divested in order to circumvent the minimum lot size and/or other restrictions of this Ordinance.

SEPTIC TANK. Any watertight, covered receptacle designed and constructed to receive the discharge of sewage from a building's sewer, to separate solids from liquids, digest organic matters, and store liquids for a period of detention, and allow the liquids to discharge to a soil absorption system.

SETBACK. The minimum horizontal distance between a structure, sewage treatment system, or other facility and an ordinary high water level, sewage treatment system, top of a bluff, road, highway, property line, or other facility.

SEWAGE TREATMENT SYSTEM. A system, including the septic tank and soil absorption system, whereby septic tank effluent is treated and disposed of below the ground surface by filtration and percolation through the soil. This includes those systems commonly known as: seepage bed; trench; drain field; and mound.

SEWER SYSTEM. Pipelines, conduits, pumping stations, force main and all other construction, devices, appliances, or appurtenances used for conducting sewage, industrial waste or other waste to a point of ultimate disposal.

SHORE IMPACT ZONE. Land located between the ordinary high water level of a public water and a line parallel to it at a setback of 100 percent (100%) of the minimum structure setback.

SHORELAND. Land located within the following distances from public waters: 1,000 feet from the ordinary high water level of a lake, pond or flowage; and 500 feet from a river or stream.

SHORELAND ALTERATIONS. Grading and filling in shoreland areas or any alteration of the natural topography of a shoreland, including the clearing of brush and trees in a manner which creates cleared, contiguous rows or blocks or strips of cleared land.

SIDE LOT LINE. Any lot line which is not a front or rear lot line.

SIGNIFICANT CULTURAL OR HISTORIC SITE. Any archeological site, standing structure, or other property that meets the criteria for eligibility to the National Register of Historic Places or is listed in the State Register of Historic Sites, or is determined to be an unplatted cemetery that falls under the provisions of Minn. Stat. § 307.08. A historic site meets these criteria if it is presently listed on either register or if it is determined to meet the qualifications for listing after review by the Minnesota State Archaeologist or the Director of the Minnesota Historical Society. All unplatted cemeteries are automatically considered to be significant historic sites.

SINGLE FAMILY DWELLING. A structure designated or used for residential occupancy by one family.

SPECIAL PROTECTION LAKES (SP). See Section 202.1.

STEEP SLOPE. Lands having slopes over twelve (12%) percent, as measured over horizontal distances of fifty (50) feet or more, that are not bluffs.

STRUCTURE. Any building or appurtenance including decks, pergolas, pools, and patios, but not including aerial or underground utility lines such as sewer, electric, telephone, telegraph, gas lines, towers, poles, or other supporting facilities.

SUBDIVIDER. Any individual, firm, association, syndicate, co-partners, corporations, trust or other legal entity having sufficient proprietary interest in the land sought to be subdivided to commence and maintain proceedings to subdivide the same under this Ordinance.

SUBDIVISION. A tract of land divided for the purpose of development, investment, sale, rent, lease or transfer of ownership, including Planned Unit Developments, Common Interest Communities, Conventional Lot & Block subdivisions and Environmental Lot & Block subdivisions.

SUBSTANDARD LOT. Any lot that does not conform to, the minimum lot area, widths or depths prescribed by this Ordinance.

SURFACE WATER-ORIENTED COMMERCIAL USE. The use of land for commercial purposes, where access to and use of a surface water feature is an integral part of the normal business operation. Marinas, resorts, and restaurants with transient docking facilities are examples of such use.

TEMPORARY STRUCTURE. Any structure which has been erected or placed on a lot in order to be utilized for any purpose for a period not to exceed six (6) months. *Temporary structures over 100 sq. ft. in size shall require a permit.* Any structure, which is not a temporary structure, is considered a permanent structure and must comply with all provisions of this Ordinance.

TOE OF BLUFF. The point on a bluff where there is, as visually observed, a clearly identifiable break in the slope from gentler to steeper slope above. If no break is apparent, then the toe of bluff shall be determined to be the lower end of a ten (10) foot segment, measured on the ground, with an average slope exceeding eighteen (18) percent.

TOP OF BLUFF. The point on a bluff where there is, as visually observed, a clearly identifiable break in the slope from steeper to gentler slope above. If no break is apparent, the top of bluff shall be determined to be the upper end of a ten (10) foot segment, measured on the ground, with an average slope exceeding eighteen (18) percent.

TOWNSHIP. Ten Lake Township (TLT), in Beltrami County, Minnesota.

TRIBUTARY RIVER SEGMENT (TRS). See Section 202.7.

VARIANCE. Any modification or variation from official controls where it is determined that, by reason of exceptional circumstances, strict enforcement of the official controls would cause practical difficulties for the property owner in using the property in a reasonable manner because of circumstances unique to the property such as lot size, shape, topography or other characteristic of the property, and when the variance from the Ordinance, together with any conditions imposed thereon, will remain in harmony with the general purpose and intent of the Ordinance and is consistent with the comprehensive plan. A variance cannot allow a land use not permitted in a land use district.

VEGETATION MANAGEMENT PLAN. A plan or proposal which describes the existing natural vegetation on shoreland property within the appropriate shoreland area, including trees, shrubs, grasses and other plant species, and which documents the shoreland owner's management objectives with respect to the preservation or removal of the natural vegetation in such areas.

WATER-ORIENTED ACCESSORY STRUCTURE OR FACILITY. A small, (no larger than 144 square feet and 12.5 feet in height) above ground building or other improvement, except stairways, fences, docks and retaining walls and, specifically excluding satellite dishes, which, because of the relationship of its use to a surface water feature, reasonably needs to be located closer to public waters than the normal structure setback, but no closer than 75 feet from the OHWM. Satellite dishes are specifically excluded from the building setback area.

WETLAND. A surface feature, classified as a wetland, which is transitional between terrestrial and aquatic systems, where the water table is usually at or near the surface or the land is covered by shallow water. Wetland classification is defined in the *1987 Federal Manual for Identifying and Delineating Jurisdictional Wetlands*, or the *United States Fish and Wildlife Service Circular No. 39, as amended from time to time*. Wetlands may have one or more of the following three (3) attributes:

- A. A predominance of hydric soils;
- B. Are inundated or saturated by surface or ground water at a frequency and duration sufficient to support a prevalence of hydrophytic vegetation typically adapted for life in saturated soil conditions; and
- C. Under normal circumstances, support a prevalence of such vegetation.

SECTION 102. JURISDICTION

The provisions of this Ordinance shall apply to all lands, shorelands, public lakes and streams and rivers within the Township.

SECTION 103. COMPLIANCE

The use of any land; the size and shape of lots; the use, size, type and location of structures on lots; the installation and maintenance of water supply and sewage treatment systems; the grading and filling of any shoreland area; the cutting or removal of shoreland vegetation; the construction and/or placement of signs; and the subdivision or configuration of land, may only be undertaken by adherence to and in full compliance with the terms of this Ordinance and other applicable regulations. Any deviation from the terms of this Ordinance must first be authorized by variance.

SECTION 104. ENFORCEMENT

Any violation of the provisions of this Ordinance or failure to comply with any of its requirements, including failure to comply with special conditions attached to granted conditional uses or variances, shall constitute a misdemeanor and shall be punishable as defined by the laws of the State of Minnesota for misdemeanors. Each day of violation is a new offense.

SECTION 105. INTERPRETATION

The interpretation and application of the provisions of this Ordinance shall be held to be minimum requirements and shall be liberally construed in favor of the people of the Township and shall not be deemed to be a limitation or repeal of any other powers granted by State statutes or rules.

SECTION 106. SEVERABILITY

This Ordinance and the various parts, sentences, paragraphs, sections and clauses thereof are declared to be severable. If any part, sentence, paragraph, section or clause is judged to be unconstitutional or otherwise invalid for any reason by a court of competent jurisdiction, then such finding shall not affect the remaining portions of this Ordinance.

SECTION 107. ABROGATION AND GREATER RESTRICTIONS

This Ordinance is meant to be applied in conjunction with all other applicable federal, state, local or approved laws, rules and regulations. It is not intended by this Ordinance to repeal, abrogate

or impair any existing easements, covenants or deed restrictions. Where this Ordinance or a provision of this Ordinance as compared to another provision of this Ordinance imposes greater restrictions, then the more restrictive provisions of this Ordinance, or such other law, rule or regulation, shall prevail.

SECTION 108. EFFECTIVE DATE

This Ordinance, as amended, shall take effect and be in force upon its passage and publication pursuant to statute.

SECTION 109. REPEALER

The Ten Lake Township Land Use Ordinance adopted July 12, 2005, as presently enacted, is hereby repealed. The repeal of the Township's previous zoning ordinances does not itself affect the conformance status of any use, structure, or lot that was not in conformance with the earlier ordinance. This Ordinance is a continuance and update of the Township's official controls originally enacted June 6, 1978.

SECTION 110. PROCESSING REQUESTS

All requests submitted to the Township pursuant to this Ordinance must be made on the Township's application form and no such application will be considered complete unless it is accompanied by the applicable application fee and, if required, an escrow. Complete applications shall be processed in accordance with the provisions of this Ordinance and a decision made on the application within the timelines established in Minnesota Statutes section 15.99 and 462.358, subdivision 3b, to the extent those sections are applicable to the request. Nothing in this Ordinance is intended to, or shall be construed as limiting the period of time allowed the Township under law to process or decide a request made under this Ordinance.

ARTICLE II
ESTABLISHMENT OF LAND USE MANAGEMENT DISTRICTS
and PUBLIC WATER CLASSIFICATION SYSTEM

SECTION 201. LAND USE MANAGEMENT DISTRICTS

The Township is divided into the following land use districts, the boundaries of which are defined in this Ordinance and by the official Township Zoning Map ordinance.

SECTION 201.1 PUBLIC OWNERSHIP DISTRICT (PO)

SECTION 201.2 TRIBAL LAND DISTRICT (TL)

SECTION 201.3 LAKESHORE RESIDENTIAL DISTRICT (LR)

SECTION 201.4 RESIDENTIAL TRANSITION DISTRICT (RT)

SECTION 201.5 RURAL RESIDENTIAL DISTRICT (RR)

SECTION 201.6. COMMERCIAL DISTRICT (CD)

In addition to the provisions of this Ordinance as hereinafter ordained, attached hereto and incorporated herein by reference as **Appendix B** is a schedule identifying what land uses are permitted (**P**), conditional (**C**) and not permitted (**N**) in land use districts in the Township. Such uses are not exclusive; other uses, not identified on **Appendix B**, but reasonably similar in type to those identified, are by implication included on **Appendix B** upon a proper showing by an applicant of such similarity to the satisfaction of the Board of Supervisors. All other uses are prohibited within the Township.

SECTION 201.1 PUBLIC OWNERSHIP DISTRICT (PO)

A Public Ownership District includes all federal, state, county and township lands, tax-forfeited state and county lands, and is to manage those areas suitable for open space and low intensity uses, such as recreation, forest management and wildlife habitat.

- A. **Permitted Uses:** The following uses shall be permitted in the Public Ownership District:
1. Parks;
 2. Forestry, including the growth, harvest and sale of trees grown on-site, but specifically excluding the processing of forest products grown off-site; or
 3. Temporary accessory buildings incidental to the above permitted uses. An accessory structure must not contain any sanitary facilities.
- B. **Prohibited Uses:** All other uses shall be prohibited.
- C. **Transfer of Title to Land:** In the event that any land in this District is transferred into private ownership, then the Township shall initiate procedures intended to re-classify the District.
- D. **Notification of Land Sale:** All federal, state, county and tribal government agencies shall notify the Township Clerk of the sale of publicly owned land.

SECTION 201.2 TRIBAL LAND DISTRICT (TL)

The Tribal Land District includes all Leech Lake Band of Ojibwa owned and managed land. The Township respects the management authority of the Leech Lake Band of Ojibwa (“LLBO”) as a sovereign nation and shall strive to work collaboratively with the LLBO on all land use issues.

The LLBO has enacted its own zoning regulations which apply to property it holds in trust and to property owned by Tribal members within the reservation. Non-trust property owned by a Tribal member becomes subject to the requirements of this Ordinance upon transfer to a non-Tribal member.

SECTION 201.3 LAKESHORE RESIDENTIAL DISTRICT (LR)

All land area located between the OHWL of a lake and a line parallel to and three hundred (300) feet inland from the OHWL.

- A. **Permitted Uses:** The following uses shall be permitted:
 - 1. Single family residence;
 - 2. Parks; or
 - 3. Forestry, including the growth, harvest and sale of trees grown on-site, but specifically excluding the processing of forest products grown off-site.

- B. **Interim Uses:** The following uses shall be allowed as interim uses:
 - 1. Historic resorts, subject to the standards set out in Section 716 of this Ordinance.

- C. **Prohibited Uses:** All other uses shall be prohibited.

SECTION 201.4 RESIDENTIAL TRANSITION DISTRICT (RT)

A Residential Transition District includes all land located landward of a line parallel to and three hundred (300) feet landward from the OHWL, but not greater than a line parallel to and one thousand (1,000) feet landward from the OHWL.

- A. **Permitted Uses:** The following uses shall be permitted in the Residential Transition District:
 - 1. Single family residence;
 - 2. Single family residence and one guest residence (cottage);
 - 3. One duplex, if the total contiguous square footage of the lot is equal to or greater than 7.5 acres;
 - 4. Parks; or
 - 5. Forestry, including the growth, harvest and sale of trees grown on-site, but specifically excluding the processing of forest products grown off-site.

- B. **Prohibited Uses:** All other uses shall be prohibited.

SECTION 201.5 RURAL RESIDENTIAL DISTRICT (RR)

A Rural Residential District includes all land located landward of a line parallel to and one thousand (1,000) feet landward from the OHWL, unless otherwise more restrictively zoned.

- A. **Permitted Uses:** The following uses shall be permitted in the Rural Residential District:
 - 1. Public parks;
 - 2. Forestry, including the growth, harvest and sale of trees grown on-site, but specifically excluding the processing of forest products grown off-site;
 - 3. Single family residence;
 - 4. Single family residence and one guest residence (cottage);
 - 5. One duplex, if the total contiguous square footage of the lot is equal to or greater

- than 7.5 acres; or
- 6. Agricultural uses.

B. **Prohibited Uses:** All other uses shall be prohibited.

SECTION 201.6. COMMERCIAL DISTRICT (CD)

The Commercial District includes all land located between the road right-of-way centerline and a line parallel to and six hundred sixty (660) feet on either side of the center line of the following road segments as depicted on the Township Zoning Map: (1) Junction of Beltrami County Road 33 (Mission Road) and Beltrami County Road #8 (Roosevelt Road) south to the Cass County line, and (2) the junction of Beltrami County Road #33 (Mission Road) and Beltrami County Road #12 (Power Dam Road). The Commercial District is located at least 1000 ft from any OHWL of any public waters.

A. **Permitted Uses:** None.

B. **Conditional Uses:** A Conditional Use Permit shall be required for all Commercial District land uses and structures, including, but not limited to:

- 1. Light industry/manufacturing;
- 2. Retail sales; or
- 3. Service industries.

C. **Prohibited Uses:** All other uses shall be prohibited.

SECTION 202. PUBLIC WATERS CLASSIFICATION SYSTEM

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

SECTION 202.1 SPECIAL PROTECTION LAKES (SP)

SECTION 202.2 SENSITIVE AREA LAKES (SA)

SECTION 202.3 NATURAL ENVIRONMENT LAKES (NE)

SECTION 202.4 RECREATIONAL DEVELOPMENT LAKES (RD)

SECTION 202.5 GENERAL DEVELOPMENT LAKES (GD)

SECTION 202.6 SCENIC RIVER SEGMENT (SRS)

SECTION 202.7 TRIBUTARY RIVER SEGMENT (TRS)

SECTION 202.1 SPECIAL PROTECTION LAKES (SP)

The Special Protection (SP) classification is established in order to protect shorelands of waters that are particularly vulnerable to pollution; to maintain a minimal density of development, and to maintain high standards of quality for permitted development.

| Lake ID. Number | Lake Name |
|------------------------|-------------------------------|
| 4-36 | Drewery |
| 4-44 | Luck |
| 4-47 | No Name (South of Allens Bay) |

SECTION 202.2 SENSITIVE AREA LAKES (SA)

The Sensitive Area (SA) classification is established to properly manage areas which may be sensitive to development due to flooding, steep slopes, erosion, limiting soil conditions, the presence of wetlands, or other physical constraints.

| Lake ID. Number | Lake Name |
|------------------------|------------------|
| 4-39 | Silver |
| 4-40 | Blue Sky |
| 4-41 | Ten Lake |
| 4-48 | Windigo |

SECTION 202.3 NATURAL ENVIRONMENT LAKES (NE)

The Natural Environment (NE) classification is established to preserve and enhance high quality waters by protecting them from pollution and to protect shorelands of waters which are unsuitable for development; to maintain a low density of development; and to maintain high standards of quality for permitted development.

| Lake ID. Number | Lake Name |
|------------------------|------------------|
| 4-37 | No Name |
| 4-43 | Lost |
| 4-45 | Little Lost |
| 4-46 | Mission |

SECTION 202.4 RECREATIONAL DEVELOPMENT LAKES (RD)

The Recreational Development (RD) classification is established to manage proposed development reasonably consistent with existing development and use; to provide for the beneficial use of public waters by the general public, as well as the riparian owners; to provide for a multiplicity of lake uses; and to protect areas unsuitable for residential and commercial uses from development.

| Lake ID. Number | Lake Name |
|------------------------|------------------|
| 4-38 | Andrusia ** |
| 4-49 | Big |

SECTION 202.5 GENERAL DEVELOPMENT LAKES (GD)

The General Development (GD) classification is established to provide minimum regulations in areas presently developed as high density, multiple use areas; and to provide guidance for future growth of commercial establishments, which require locations on protected waters.

| Lake ID. Number | Lake Name |
|------------------------|------------------|
| 4-30 | Cass ** |
| 4-42 | Buck |

SECTION 202.6 SCENIC RIVER SEGMENT (SRS)

The Scenic River Segment (SRS) classification is established to preserve wilderness and near wilderness settings along protected watercourses.

** “Mississippi,” from River Mile 79 to River Mile 87

SECTION 202.7 TRIBUTARY RIVER SEGMENT (TRS)

The Tributary River Segment (TRS) classification is established to maintain or establish vegetated buffer strips to improve water quality along protected watercourses.

| Tributary | From | To |
|--------------------------|--|---------------------------------------|
| Unnamed to Lake Andrusia | Sec. 13 (at Basin 4-96) T147N, R32W | Sec. 8 (at Basic 4-38) T146N, R31W |

ARTICLE III

HEIGHT AND PLACEMENT STANDARDS

SECTION 301. DESIGN CRITERIA FOR STRUCTURES

- A. Except as otherwise specifically provided in this Ordinance, no new lot shall be created by plat, metes and bounds or otherwise which does not meet the minimum dimensional requirements of this Ordinance.
- B. Except as allowed by variance, no lot area shall be reduced or diminished so that the yards or other open spaces are smaller than prescribed herein, nor shall the number of dwelling units be increased in any manner, except in conformity with this Ordinance. The area of any lot shall not be reduced below the minimum standards specified herein.
- C. Structures must be placed, and lots developed, in accordance with the following design criteria in this Ordinance.

SECTION 302. LOT AREA AND WIDTH STANDARDS

Lot area and width requirements for all lots created after the date of enactment of this Ordinance are in **Table III-A**: Located at the end of this section.

SECTION 303. SETBACK PROVISIONS

Structures constructed or placed upon land after the effective date of this Ordinance shall meet all setbacks prescribed as described in **Table III-B**: Minimum Lot Setback Requirements by Land Use Districts and Lake Classification located at the back of this section.

SECTION 304. BLUFF IMPACT ZONES

Structures or facilities, except lifts, stairways and landings used for shore access, shall not be placed within bluff impact zones. All structures must be set back not less than thirty (30) feet from the top of a bluff. Walkout basements shall not be allowed in bluff impact zones.

SECTION 305. HEIGHT OF STRUCTURES

No structure shall exceed thirty-five (35) feet in height as measured from the normal lay of the land to the top most portion of the structure.

SECTION 306. GUEST COTTAGES

One guest cottage may be permitted as a '*Conditional Use*' in Residential Transition and Rural Residential Districts, provided the following additional minimum standards are met:

- A. A guest cottage shall not cover more than seven hundred (700) square feet of land surface and shall not exceed fifteen (15) feet in height unless such structure is located above a garage. If located above a garage, then the maximum height of the entire structure shall be twenty-five (25) feet.
- B. A guest cottage shall be located and designed to reduce its visibility from public waters and adjacent shorelands by vegetation, topography, increased setbacks or color, assuming

summer, leaf-on conditions.

- C. If sanitary facilities are provided to a guest cottage, then the septic/sewer system shall be sized for year-round, full occupancy, and shall be installed to Class I specifications.
- D. The lot size minimum shall be 5 acres.

SECTION 307. HIGH WATER ELEVATIONS

All structures shall be situated in accordance with any floodplain regulations applicable to the site. Where such controls do not exist, the elevation to which the lowest floor, including basement, is placed or flood-proofed, shall be determined as follows:

- A. For lakes, by situating the lowest floor at a level at least three (3) feet above the highest known water level, or three (3) feet above the ordinary high water level, whichever is greater.
- B. For rivers and streams, by situating the lowest floor at least three (3) feet above the flood of record, if data are available; if data are not available, then by situating the lowest floor at least three (3) feet above the ordinary high water level, or by conducting a technical evaluation to determine the effects of proposed construction upon flood stages and flood flows and to establish a flood protection elevation. Pursuant to each alternative, all technical evaluations shall be performed by a qualified engineer or hydrologist consistent with *Minnesota Rules, Parts 6120.5000 through 6120.6200*.
- C. If more than one alternative is used, then the highest degree of flood protection shall be used for situating structures and other facilities.

SECTION 308. STAIRWAYS, LIFTS AND LANDINGS

Stairways, lifts and landings shall meet or exceed the following minimum design requirements:

- A. Stairways and lifts shall not exceed four (4) feet in width on residential lots;
- B. Landings for stairways and lifts on residential lots shall not exceed thirty-two (32) square feet in area;
- C. Canopies or roofs are not permitted on stairways, lifts or landings;
- D. Stairways, lifts or landings may be constructed above ground on posts or pilings, or placed into the ground, provided they are designed and built in a manner to ensure control of soil erosion;
- E. Stairways, lifts or landings shall be located in the most visually inconspicuous portions of lots, as viewed from the surface of the public waters assuming summer, leaf-on conditions, whenever practical;
- F. Facilities such as ramps, lifts, or a mobility path for physically handicapped persons shall be a permitted use for achieving access to shore areas, provided that the dimensional and performance standards of this section, and requirements of the **Universal Building Code**

are complied with.

SECTION 309. SIGNIFICANT HISTORIC SITES

No structure may be placed on or are made of a significant historic site in any manner which directly or indirectly affects the historic value of the site unless adequate information about the site has first been properly obtained and artifacts properly removed or documented in a public repository.

SECTION 310. STEEP SLOPES

- A. No construction of structures, sewage treatment systems, roads, driveways or other improvements shall be undertaken on steep slopes without a Vegetative Management Plan review and approval by the Beltrami Soil and Water Conservation District (“SWCD”) and without a conditional use permit from the Township.
- B. The Planning Commission shall evaluate possible soil erosion impacts and development visibility from public waters and adjacent shorelands before the Township shall issue a conditional use permit for construction of sewage treatment systems, roads, driveways, structures, or other improvements on or as part of a steep slope.
- C. Upon evaluation of the SWCD review, the Planning Commission may recommend imposition of conditions to prevent erosion and to preserve existing vegetation screening of structures, vehicles and other facilities as viewed from the surface of public waters and adjoining shorelands, assuming summer, leaf-on conditions. Conditions of approval shall include payment of all costs incurred by the Township. The Township shall not pay any costs for an applicant.

**TABLE III-A MINIMUM LOT AREA AND WIDTH STANDARDS
BY LAND USE AND LAKE DISTRICT**

Lot areas are for both riparian and non-riparian lots.

Table III –A: Minimum Lot Areas and Lot Widths by Land use and Lake Classification

| Minimum Lot Area Requirements – after deduction of any wetlands or bluff areas | 45,000 contiguous sq. ft. or 1.03 acres | 217,800 contiguous sq. ft. or 5 acres | 326,700 contiguous sq. ft. or 7.5 acres | Minimum Lot Width Requirements |
|---|--|--|--|---------------------------------------|
| LAKESHORE RESIDENTIAL DISTRICT (LR) GD and RD Lakes | X | | | 150 feet |

| Minimum Lot Area Requirements – after deduction of any wetlands or bluff areas | 45,000 contiguous sq. ft. or 1.03 acres | 217,800 contiguous sq. ft. or 5 acres | 326,700 contiguous sq. ft. or 7.5 acres | Minimum Lot Width Requirements |
|--|--|--|--|---------------------------------------|
| SA and SP Lakes | | X | | 400 feet |
| NE Lakes and All Rivers | | X | | 330 feet |
| RESIDENTIAL TRANSITION DISTRICT (RT) | | X | | 300 feet |
| RURAL RESIDENTIAL DISTRICT (RR) <i>Single Family Dwelling Or A Single Duplex</i> | | <i>Single Family Dwelling X</i> | <i>A Single Duplex X</i> | 300 feet |
| PUBLIC OWNERSHIP DISTRICT (PO) | NA | NA | NA | NA |
| TRIBAL LAND DISTRICT (TL) | NA | NA | NA | NA |
| COMMERCIAL DISTRICT (CD) | X | | | 150 feet |

Table III-B: Minimum Lot Setback Requirements by Land Use Districts and Lake Classification

| Minimum Structure Setback from the following: | Side-lot line | Top of Bluff | Unplatted cemetery | Road Right-of-ways Public/Private | Sewage Treatment System from OHWL | Structures |
|--|----------------------|---------------------|---------------------------|--|--|-------------------|
| LAKESHORE RESIDENTIAL DISTRICT | | | | | | |
| General and Recreational Development Lakes | 15 feet | 30 feet | 50 feet | 50/20 feet | 100 feet | 100 feet |
| Sensitive Area and Special Protection Lakes | 15 feet | 30 feet | 50 feet | 50/20 feet | 150 feet | 150 feet |
| Natural Environment Lakes | 15 feet | 30 feet | 50 feet | 50/20 feet | 150 feet | 150 feet |
| Mississippi River | 15 feet | 30 feet | 50 feet | 50/20 feet | 100 feet | 150 feet |
| Tributary River | 15 feet | 30 feet | 50 feet | 50/20 feet | 100 feet | 150 feet |
| RESIDENTIAL TRANSITION DISTRICT (TR) | 15 feet | 30 feet | 50 feet | 50/20 feet | 100 feet | 100 feet |
| RURAL RESIDENTIAL DISTRICT (RR) | 15 feet | 30 feet | 50 feet | 50/20 feet | 100 feet | 100 feet |
| PUBLIC OWNERSHIP DISTRICT (PO) | NA | NA | NA | NA | NA | NA |
| TRIBAL LAND DISTRICT (TR) | NA | NA | NA | NA | NA | NA |
| COMMERCIAL DISTRICT (CD) | 20 feet | 30 feet | 50 feet | 50/20 feet | 100 feet | 100 feet |
| WETLANDS, ALL TYPES | NA | NA | NA | NA | 30 feet | 30 feet |

ARTICLE IV

NON-CONFORMITIES AND SUBSTANDARD LOTS OF RECORD

Non-conformities in existence as of June 6, 1978, or of a later enacted regulation that caused the pre-existing property to be non-conforming, shall be allowed to continue, under the following conditions:

SECTION 401. NONCONFORMING USES AND STRUCTURES

Any use or structure lawfully existing prior to effective date of this Ordinance (June 6, 1978), or a subsequent amendment which made the use or structure nonconforming, may be continued, including through repair, replacement, restoration, maintenance, or improvement, at the size and in the manner of operation existing upon such date, subject to the following conditions:

- A. A nonconforming use or structure shall in no way be expanded, enlarged or extended either on the same property or onto an adjoining lot of record. Prohibited expansion, enlargement or extension shall include anything that increases the intensity of the use including, but not limited to, a change to a more intense nonconforming use or a physical expansion of the existing use that increases the height, volume and/or area dimensions of the non-conforming use. Nonconforming principal and accessory structures may be expanded or enlarged upon issuance of the appropriate permits provided that the use of the property conforms to zoning district regulations, that the expansion or enlargement meets current zoning district regulations, and no other nonconformities are created.
- B. Routine maintenance of a structure containing or relating to a lawful nonconforming use is permitted, including any necessary nonstructural repairs and incidental alterations which do not extend or intensify the nonconforming use. Nothing in this section will prevent the placing of a structure into a safe condition after it has been declared unsafe by the Township.
- C. Alterations may be made to a building containing nonconforming residential units when the alterations will improve the livability of such units, provided that such alterations do not increase the number of dwelling units in the building. Such alterations must be approved by the Township.
- D. Whenever a nonconforming structure or use is damaged by fire, collapse, flood, explosion, earthquake, war, riot, act of God or public enemy or to the extent of 50 percent or less of its estimated market value as indicated in the assessor's records at the time of damage, it may be reconstructed. The nonconforming structure or use shall not be permitted to be reconstructed if the damage is greater than 50 percent of the estimated market value as indicated in the assessor's records at the time of damage and no building permit has been applied for within 180 days of when the property was damaged. If a permit is applied for within 180 days, the Township may impose reasonable conditions upon any such zoning or building permit it may issue in order to mitigate any newly created impact on adjacent property or water body. When a nonconforming structure in the shoreland district with less than 50 percent of the required setback from the water is destroyed by fire or other peril to greater than 50 percent of its estimated market value, as indicated in the records of the county assessor at the time of damage, the structure

setback may be increased if practicable and reasonable conditions are placed upon a zoning or building permit to mitigate created impacts on the adjacent property or water body.

- E. Lots of record in the office of the County Recorder as of the date shoreland regulations were adopted for the Township that are located within a shoreland and do not satisfy the requirements of this Ordinance for lot size or lot width are subject to the following:
1. A nonconforming single lot of record located within a shoreland area may be allowed as a building site without variances from lot size requirements, provided that:
 - a. all structure and septic system setback distance requirements can be met;
 - b. a Type 1 sewage treatment system consistent with Minnesota Rules, chapter 7080, can be installed or the lot is connected to a public sewer; and
 - c. the impervious surface coverage does not exceed fifteen (15%) percent of the lot.
 2. In a group of two or more contiguous lots of record under a common ownership, an individual lot shall be considered as a separate parcel of land for the purpose of sale or development, if it meets the following requirements:
 - a. the lot must be at least 66 percent of the dimensional standard for lot width and lot size for the shoreland classification consistent with Minnesota Rules, chapter 6120;
 - b. the lot must be connected to a public sewer, if available, or must be suitable for the installation of a Type 1 sewage treatment system consistent with Minnesota Rules, chapter 7080, and local government controls;
 - c. impervious surface coverage must not exceed fifteen (15%) percent of each lot; and
 - d. development of the lot must be consistent with the Township's comprehensive plan.
 3. A lot subject to paragraph 2 above not meeting the requirements of paragraph 2 must be combined with the one or more contiguous lots so they equal one or more conforming lots as possible.
 4. Notwithstanding paragraph 2, contiguous nonconforming lots of record in shoreland areas under a common ownership must be able to be sold or purchased individually if each lot contained a habitable residential dwelling at the time the lots came under common ownership and the lots are suitable for, or served by, a sewage treatment system consistent with the requirements of section 115.55 and Minnesota Rules, chapter 7080, or connected to a public sewer.
 5. In evaluating all variances, zoning and building permit applications, or conditional use requests, the Township shall require the property owner to address, when appropriate, storm water runoff management, reducing impervious surfaces,

increasing setback, restoration of wetlands, vegetative buffers, sewage treatment and water supply capabilities, and other conservation-designed actions.

6. A portion of a conforming lot may be separated from an existing parcel as long as the remainder of the existing parcel meets the lot size and sewage treatment requirements of the zoning district for a new lot and the newly created parcel is combined with an adjacent parcel.
- F. When any lawful nonconforming use of any structure or land is replaced by another use or structure, the new use or structure must conform to the provisions of this Ordinance and it shall not thereafter be changed to any nonconforming use or structure.
- G. If the nonconforming use of land is discontinued for a period of twelve (12) months, the subsequent use of the land or the structure shall be in conformity with the provisions of this Ordinance.
- H. Nonconforming uses or structures which are declared by the Township to be public nuisances shall not be allowed to continue as legal nonconforming uses or structures.
- I. No repair, replacement, maintenance, improvement, or expansion of a nonconforming use or structure in a floodplain area shall be allowed if such activity would jeopardize the property's continued eligibility in the National Flood Insurance Program, would increase flood damage potential, or would increase the degree of obstruction to flood flows in the floodway.
- J. Adult uses, as defined in this Ordinance, are subject to the enforcement of the provisions contained in Article X of this Ordinance, notwithstanding the protections offered non-conforming buildings, structures and uses provided in this Ordinance.

SECTION 402. DECK AND/OR PATIO ADDITIONS TO NONCONFORMING STRUCTURES

- A. Except as otherwise provided in this Section, deck and patio additions may be allowed to structures which do not meet the minimum setback from the OHWL, by application for a Land Use Permit provided:
 1. The structure existed on the date the structure setbacks described in this Ordinance were established;
 2. A thorough evaluation of the property and structure reveals no alternative, reasonable location for a deck or patio which meets or exceeds the OHWL setback;
 3. The deck or patio encroachment toward the OHWL does not exceed fifteen (15%) percent of the existing setback of the structure from the OHWL, nor encroaches closer than thirty (30) feet from the OHWL, whichever is more restrictive;
 4. The deck or patio is constructed primarily of wood or construction materials which give the appearance of wood;

5. The deck or patio is not roofed or screened;
 6. The deck or patio surface is not over three (3) feet above existing grade at any point along its perimeter; and
 7. The Town Board approves the issuance of the Land Use Permit.
- B. A Conditional Use Permit shall be required, in addition to all of the requirements in Section 402.A above, for deck or patio additions on structures which do not meet the minimum setback from the OHWL in any of the following circumstances:
1. The Zoning Administrator determines a reasonable alternative site for the deck or patio addition is available on the property that avoids encroaching further into the OHWL; or
 2. The deck or patio addition was placed, or construction began, without first obtaining a Land Use Permit from the Township.

SECTION 403. ADDITIONS TO NONCONFORMING SINGLE-FAMILY STRUCTURES

- A. Additions to lawful non-conforming single family structures, as defined herein, may be permitted pursuant to a *Land Use* permit, provided the proposed structure does not increase the encroachment into the setback from the OHWL and meets all other requirements of this Ordinance.
- B. No addition may be added to a single family structure that is located closer to the OHWL than one-half of the required setback from the OHWL.
- C. Any construction conditionally permitted hereunder shall be located at the rear of the structure. “Rear of the structure” means that aspect of a structure typically used for more informal purposes, such as deliveries, or for more private purposes, and is typically situated opposite or away from that portion of a structure designed, constructed and utilized so as to attract visitors to the structure at an invited point of entry to the structure.
- D. Such structure shall comply with side yard and road right-of-way setbacks of this Ordinance.
- E. Additions shall not be located closer to the OHWL than the existing structure, including roof overhang.
- F. Individual on-site sewage treatment system shall be in full compliance with all rules, ordinances and laws.
- G. A satisfactory Vegetative Management Plan shall be developed and shall become a condition of permit approval upon application for any conditional use permit, including, but not limited to, a conditional use permit for an addition to a non – conforming single

family structure. All applications for variances, plat approval or conditional use permits shall include a proposed Vegetative Management Plan. No over the counter permit application shall require a proposed Vegetative Management Plan. Where required, a Vegetative Management Plan shall, at a minimum:

1. Provide screening of structures, vehicles or other facilities as viewed from the public water and adjacent shorelands, assuming summer leaf-on conditions. "Screening" shall cause a 100% obstruction of view for commercial uses, except resorts, a 50% obstruction of view for resorts and a 50% obstruction of view for residential uses; and
 2. Maintain and/or restore vegetation to comply with screening using not less than 50% brush type vegetation and not less than 25% trees to achieve the obstruction described in this Ordinance. Use of trees and brush shall comply with the provisions Section 701 of this Ordinance.
 3. Irrespective of additions to non – conforming structures (this provision applies to all land use in the Township), no fertilizer shall be applied within a lakeward setback and no fertilizer using phosphorous shall be applied in shorelands.
- H. A satisfactory Storm Water Management Plan shall be developed by an applicant for an addition to a non – conforming structure and shall become a condition of permit approval, if any. Such plan shall be designed and constructed to minimize the extent of run-off velocities, capture storm water on site and prevent soil erosion, all consistent with a 100 year storm event.
- I. Any roof alterations including change in height, pitch or overhangs, shall require a *Variance*.

SECTION 404. [RESERVED]

SECTION 405. DEVELOPMENT OF SUBSTANDARD LOTS OF RECORD

- A. Subject to the provisions of Section 401 of this Ordinance, a lot of record in the Office of the County Recorder as of June 6, 1978 shall be allowed as a building site, provided that:
1. The lot was created in compliance with official controls in effect at that time;
 2. The proposed land use is a permitted land use in the land use district;
 3. The lot has been in separate ownership from abutting lands at all times since it became substandard;
 4. All sewage treatment and setback requirements of this Ordinance are complied with; and
 5. A land use permit is obtained from the Zoning Administrator.

- B. A variance from setback requirements shall be obtained before any use, sewage treatment system or land use permit is issued for a lot which does not meet setback requirements.
- C. In evaluating a variance application, consideration shall be given to sewage treatment and water supply capabilities or constraints created by the lot, but such variance application shall be denied if conforming sewage treatment and water supply cannot be provided.
- D. If, in a group of two or more contiguous lots under the same ownership, any individual lot does not meet the minimum lot width and lot area requirements specified in this Ordinance, then a lot shall not be considered to be a separate parcel of land for purposes of sale or development and such lot shall be combined with one or more contiguous lots so that, together, such lots equal one or more parcels of land, each meeting the requirements of lot area, lot width and any other requirements of this Ordinance.

ARTICLE V

ACCESSORY USES AND STRUCTURES

SECTION 501. ACCESSORY STRUCTURES

Where a lot has a permitted principal use, then accessory structures or facilities are permitted, except as prohibited or except as otherwise prohibited or by necessary implication prohibited in this or any other ordinance.

- A. Structures or facilities such as carports and breezeways attached to a principal structure or facility on a lot shall be made a part of the principal structure or facility and shall comply with requirements applicable to the principal structure or facility.
- B. All detached, accessory structures or facilities shall be located to the rear or side yard of the principal structure or facility and shall otherwise comply with all setback requirements applicable to the principal structure or facility.
- C. Each lot, except those on the SA, SP, NE lakes, may have one water oriented accessory structure not meeting the normal structure setback as specified in Article III of this Ordinance, provided that such structure complies with the following provisions:
 1. the structure or facility shall not exceed twelve and one-half (12 ½) feet in height. Detached decks must not exceed three (3) feet above ground at any point. The structure or facility shall not exceed 144 square feet; and
 2. the setback of the structure or facility from the ordinary high water level must be at least 75 feet.

SECTION 502. WATER-ORIENTED ACCESSORY STRUCTURES OR FACILITIES

Water-oriented accessory structures or facilities are permitted structures, however, they:

- A. Shall not include boathouses;
- B. Shall be sited landward of the shore impact zone but not less than 75 feet from the

OHWL, except as stated above in Section 501.C.1 & C.2;

- C. Shall be sited landward of a bluff or steep slope;
- D. Shall be allowed only on lakes, not on rivers or streams;
- E. Shall be no larger than 144 square feet and 12.5 feet in height at the peak of any portion of the roof;
- F. Shall be at least three (3) feet above groundwater and/or the OHWL, whichever is greater;
- G. Shall not be designed or used for human habitation and shall not contain water supply or sewage treatment facilities, nor be connected to such facilities;
- H. Shall be sited outside the floodplain;
- I. Shall be designed and constructed to reduce visibility as viewed from public water and adjacent shorelands by vegetation, topography, increased setbacks or color, assuming summer, leaf-on conditions; and
- J. Shall not be allowed in a Special Protection , Sensitive Area Lake District or Natural Environment Lakes.

SECTION 503. DOCKS, DOCKING FACILITIES AND BOAT LIFTS

- A. Docks and permanent mooring sites are subject to this Ordinance and other applicable laws. Permanent mooring sites not to exceed the number of dwelling sites permitted in the first tier; and, no dock and boat lift total square feet shall exceed 1,200 square feet per residential lot.
- B. Dock and boat lift square footage maximums for subdivisions shall be pursuant to conditional use permit and/or Developers Agreement, but shall be conservatively permitted, if allowed, and only upon a thorough study evaluating the water body, shoreland, adjacent shorelands and other shorelands exposed to such docks and boat lifts.
- C. Docks and boat mooring slips for resorts (Appendix A), shall be pursuant to conditional use permit, but shall be conservatively permitted, if allowed, for ‘normal resort operations’. Rental mooring spaces for the general public are not permitted as part of a resort’s ‘normal operation’.

ARTICLE VI

SANITATION STANDARDS

SECTION 601. SEWAGE TREATMENT STANDARDS

- A. No premises may be used for human occupancy unless equipped with a method of sewage treatment that complies with Individual Sewage Treatment System Standards [ISTS], **Minnesota Rules, Chapter 7080**. All sewage treatment systems shall be designed and constructed to Class I standards. All sewage treatment systems shall be inspected for compliance and approved by the Beltrami County Environmental Services Department or other authorized agent of the Township for conformity to this Ordinance and to **Chapter 7080**. All ISTS inspection reports shall be filed with the Township.
- B. An Individual Sewage Treatment System on a lot which includes a guest cottage shall conform to standards for year-round occupancy of the principal structure or facility and the guest cottage.

SECTION 602. NON-CONFORMING SEWAGE TREATMENT SYSTEMS

No person shall use, occupy, or maintain any premises containing a nonconforming sewage treatment system.

All failing or non-conforming systems shall be corrected to **Chapter 7080** standards within 120 days from the date of the citation of the failure or non-conformity. A Septic Compliance Statement or a 'stipulation agreement' from Beltrami County Environmental Services, must be obtained.

SECTION 603. WATER SUPPLY STANDARDS

All public or private supplies of water for domestic purposes shall meet or exceed the standards for water quality of the Minnesota Department of Health and the Minnesota Pollution Control Agency.

ARTICLE VII

GENERAL PERFORMANCE STANDARDS

SECTION 701. PERFORMANCE STANDARDS: AGRICULTURAL USES

Agricultural and associated uses are permitted if:

- A. Agricultural and associated uses are conducted consistent with the provisions of *“Agriculture and Water Quality - Best Management Practices for Minnesota.”*
- B. Farming activities are not permitted within the Lakeshore Residential District or Residential Transition District (or within 1,000 ft. of OHWL).
- C. Feedlots are not permitted.
- D. Personal use only gardens are allowed in all land use districts.
- E. General cultivation farming, grazing, nurseries, horticulture, truck farming, sod farming and wild crop harvesting are allowed, provided that steep slopes and bluffs in shorelands and the shore impact zone are maintained in permanent vegetation or are operated under a Conservation Plan approved by SWCD and filed with the Township.
- F. The use or keeping of farm animals, including horses, may be conditionally permitted subject to the following conditions:
 - 1. The proposed use shall not be permitted in a residential subdivision or plat of any nature.
 - 2. There is a minimum of three (3) contiguous acres of open land for the first animal unit, as defined in Minn. R. Part 7020.0300, subp. 5, and a minimum of one (1) additional, contiguous, acre of open land for each additional animal unit.
 - 3. Adequate fencing is provided by the animal owner to assure that animals shall not roam from the property.
 - 4. Shelter from wind and other weather are reasonably available.
 - 5. Such other conditions as the Board of Supervisors may impose.

SECTION 702. PERFORMANCE STANDARDS: COMMERCIAL DISTRICT

General Requirements for Commercial Districts

- A. Structures shall be not less than 20 feet from side lot lines.
- B. Structures shall be not less than 50 feet from the road right-of-way.

- C. Only one primary commercial structure shall be allowed per parcel identification number (“PIN”) parcel.
- D. Structures or facilities may be conditionally permitted to allow multiple commercial tenants.
- E. The distance from a road right-of-way to the nearest impervious surface shall be twenty (20) feet.
- F. Septic system drainfields are not allowed within any setback or the shore impact zone.
- G. The nearest septic system drainfield boundary shall be located at least ten (10) feet from a road right-of-way.
- H. A maximum of 50% impervious surface shall be allowed per commercial district parcel.
- I. Adequate space for a primary septic system and one alternative septic system shall be included in an application for site approval.

**SECTION 702.1 PERFORMANCE STANDARDS:COMMERCIAL DISTRICT:
PARKING**

- A. The number of parking spaces shall be a condition of the CUP, to be based on a ratio of square feet of building to the number of parking spaces:
 - 1. 2 spaces per dwelling unit;
 - 2. 1 additional space per employee in home occupation;
 - 3. 1.5 spaces per dwelling unit, multi – family over 20 units per complex, or motel/hotel units;
 - 4. 1 space per 3 seats in churches and other assembly places;
 - 5. 1 space per 200 square feet of office space;
 - 6. 1 space per 200 square feet of retail space;
 - 7. 1 space per 3 seats in restaurants;
 - 8. The minimum size for a parking space is 10 feet x 30 feet; and
 - 9. Temporary parking may be conditionally permitted in a building setback area, except not in the first twenty (20) feet of setback abutting a road right-of-way.

**SECTION 702.2 PERFORMANCE STANDARDS:COMMERCIAL DISTRICT:
SIGNAGE**

- A. Minimum height: The bottom edge of a sign shall be not less than 10 feet above grade.
- B. Maximum height: The upper edge of a sign shall not be more than 20 feet above grade.
- C. No sign placement shall be permitted in the road right-of-way or recovery zone. A conditional use permit is required for sign placement, size, design and lighting.
- D. Size: No more than two signs, consisting of a total not to exceed 150 square feet of sign per PIN parcel, shall be permitted.
- E. One such sign shall be permitted near a road and one such sign shall be permitted on a building.

Signs are permitted by Conditional Use Permit (“CUP”) process only, such CUP, if granted, to condition such use on the basis of placement, size, design and lighting.

**SECTION 703. PERFORMANCE STANDARDS: COMMERCIAL, INDUSTRIAL,
PUBLIC AND SEMI-PUBLIC USES**

- A. The only commercial, water-oriented public and semi-public uses which are permitted are those for such resorts and camps as are identified in **Appendix A**.
- B. Commercial, industrial, public and semi-public uses shall:
 - 1. In addition to meeting impervious coverage limits, setbacks and other dimensional provisions of this Ordinance, such structures, facilities and uses must incorporate topographic and vegetative screening of parking areas.
 - 2. Uses other than pre-existing uses and structures that require short-term watercraft mooring for patrons shall hereinafter centralize these facilities, design and construct them so as to avoid obstructions to navigation and to minimize the appearance and placement of the same in the public waters and such uses which are not pre-existing shall only be allowed by conditional use permit.
 - 3. Notwithstanding any other sign regulations in this Ordinance, land uses which include patrons arriving by watercraft may use signs and lighting to convey needed information, subject to the following general standards:
 - a. No sign or light which does not pre-exist this Ordinance shall be erected or placed in shorelands without a conditional use permit;
 - b. No advertising signs or supporting facilities for signs shall be placed in or upon public waters. Signs conveying directional information without a commercial purpose or safety messages may be placed in or upon public waters by a public authority or under a permit issued by the Beltrami County Sheriff;

- c. Signs may be conditionally placed within the shore impact zone, if such signs are designed and sized to be the minimum necessary to convey the location and name of the establishment and the general type of goods or services available. Signs must not contain detailed information, such as product brands and prices, must not be located higher than ten (10) feet above the ground, and must not exceed 32 square feet in size. If illuminated by artificial lighting, then such lights shall be shielded or directed to prevent illumination across public waters or onto adjoining shorelands, nor toward adjacent properties; and
- d. Other outside lighting may be located within the shore impact zone or over public waters, but only if it is used primarily to illuminate potential safety hazards and only if it is shielded or otherwise directed to prevent direct illumination across public waters. This section does not preclude the use of navigational lighting.

SECTION 704. PERFORMANCE STANDARDS:EXTRACTIVE USES

Extractive uses shall require a Conditional Use Permit from the Ten Lake Planning Commission and shall be subject to all requirements of this Ordinance.

- A. Extractive uses are not allowed in a Lakeshore Residential District or within 1,000 feet of any lake, river or stream.
- B. A conditional use permit for an extractive use shall, at a minimum, require:
 - 1. Weeds and other unsightly or noxious vegetation shall be cut or trimmed as may be necessary to preserve a reasonably neat appearance and to prevent seeding of adjoining property.
 - 2. All equipment used for excavation operations shall be constructed, maintained and operated in such a manner as to minimize noises and vibrations injurious or substantially annoying to persons living in the vicinity.
 - 3. Extractive and related operations shall not interfere with surface water drainage beyond the boundaries of the site. An extractive operation shall not adversely affect the quality of surface or subsurface water resources. Surface water originating outside and passing through the site shall, at its point of departure from the site, be of equal quality to the water at the point of entry to the site. The excavation operator shall perform any water treatment necessary to comply with this provision.
 - 4. Any excavation operation within three hundred (300) feet of two (2) or more residential structures shall:
 - a. All equipment used for excavation operations shall be constructed, maintained and operated in such a manner as to minimize noises and vibrations which are injurious or substantially annoying to persons living in the vicinity.

- b. Where man-made or artificial collections of water occur that are one and one-half (1½) feet or more in depth, existing for any period of at least one (1) month, all access to such man-made or artificial collections of water shall be barred by a fence or some similarly effective barrier, such as a snow fence at least four (4) feet in height.
 - c. In locations where slopes occur that are steeper than one (1) foot vertical to three (3) feet horizontal and exist for one (1) month or more, including excavation pits, access to such slopes shall be barred by a fence or some similarly effective barrier, such as a snow fence at least four (4) feet in height.
 - d. Where machinery is present on-site, whether idle or in use, all access shall be barred by a fence or some similarly effective barrier at least four (4) feet in height.
5. The location of the intersection of excavation access roads with any public roads shall be approved only if traffic on the access roads shall have a sufficient distance of public road in view so that any turns onto the public road can be completed with a reasonable margin of safety.
6. To minimize problems of dust and noise and to shield excavation operations from public view, a screening barrier shall be maintained between the site and adjacent properties. A screening barrier shall also be maintained between the excavation site and any public road within five hundred (500) feet of any excavations or processing operations. The screening barrier shall be planted with a species of fast growing trees, such as jack pine and/or other native species of a type, height and width acceptable to the Township. Existing trees and ground cover along public road frontage shall be preserved, maintained, and supplemented for the depth of the road side setback except where traffic safety requires cutting and trimming.
7. Extractive operations shall not be conducted closer than one hundred fifty (150) feet to the right-of-way line of any existing or platted street, road or highway, or within three hundred (300) feet to an adjoining property; however, excavation may be conducted within such limits, but only in order to reduce topographical elevation to conform to an existing or platted street, road or highway. In no event, however, shall excavation or extractive use operations be conducted closer than one thousand (1,000) feet from the OHWL of any classified lake, river or stream.
8. All buildings, structures and plants used for the production of sand and gravel shall be maintained in such a manner as is practical and according to acceptable industrial practice to assure that such buildings, structures and plants shall not become dangerously dilapidated.
9. All equipment used for excavation operations shall be constructed, maintained and operated so as to conform to **Minnesota Rules, Chapter 7011**. All access roads from extractive use operations to public highways, roads or streets, or to adjoining property, shall be paved or surfaced with gravel to minimize dust conditions, and shall be treated to reduce dust, e.g., by regular watering or similar effective

procedure.

- C. Processing machinery shall be located, consistent with setback standards for structures and outside shorelands.
- D. An extractive use site development and restoration plan must be created, approved by the Township and strictly adhered to by the owner and by the permit holder, including different permit holders over the course of operation of the site. The plan must address dust, noise, possible pollutant discharges, hours and duration of operation and anticipated vegetation and topographic alterations. The plan must also identify actions to be taken during operation to mitigate adverse environmental impacts, particularly erosion, dust, road repair and replacement, speed of vehicles, security, noise and visual aesthetics, and must clearly explain how the site will be assured to be rehabilitated, and how fast, after extractive activities end. All excavation sites shall be rehabilitated immediately after excavation operations cease. Rehabilitation shall be completed within one (1) year of the end of extractive uses on the site. The following standards shall apply:
 - 1. Within a period of three (3) months after the termination of an extractive use, or within three (3) months after abandonment of such operation for a period of six (6) months, or within three (3) months after expiration of a conditional use permit, all buildings, structures and plants incidental to, involved in or covered with such operation shall be dismantled and removed by, and at the expense of, the excavation operator last operating such buildings, structures and plants, and the owner of the site.
 - 2. The peaks and depressions of the area shall be graded and backfilled to a surface which will result in a gently rolling topography and substantial conformity to the land area immediately surrounding, and which will minimize erosion due to rainfall. No finished slopes shall exceed eighteen (18) percent in grade.
 - 3. Reclaimed areas shall be sodded or surfaced with a soil of a quality at least equal to the topsoil of land areas immediately surrounding the extractive use, and to a depth of not less than six (6) inches. Such required topsoil shall be planted with legumes and grasses. Trees and shrubs may also be planted, but not as a substitute for legumes and grasses. Such plantings shall adequately retard soil erosion. Excavations completed to a water producing depth need not be backfilled if the water depth is at least ten (10) feet and if banks are sloped to the waterline at a slope no greater than three (3) feet horizontal to one (1) foot vertical. The finished grade shall be no greater than 15% so that it will not adversely affect the surrounding land or future development of the site upon which extractive use operations have been conducted. The finished plan shall restore the extractive use site to a condition whereby it can be utilized for the type of land use proposed to occupy the site after extractive use operations cease.
- E. The landowner shall be responsible for all costs, including those of the Township in processing his application.

**SECTION 704.1 PERFORMANCE STANDARDS:EXTRACTIVE USES:
INFORMATION REQUIREMENTS**

- A. Extractive uses, if allowed, shall be conditionally permitted.
- B. An applicant for a conditional use permit for an extractive use shall provide, as part of a conditional use permit application, not less than:
 - 1. Periodic reports from the permit holder demonstrating conformity to law and to the conditional use permit; and
 - 2. Maps of existing conditions, proposed operations and proposed end uses of the site, including a reclamation plan. Maps shall include the site and all areas within one-half (1/2) mile of the site, shall be drawn at a scale of one inch to one hundred feet and shall include the following information, at a minimum:
 - a. Existing conditions, including contour lines at five (5) foot intervals, soil conditions, vegetation, drainage and permanent water areas, structures, wells and existing and proposed roads;
 - b. Proposed operations, including location of materials to be extracted, structures to be erected or constructed, location of tailing deposits showing their maximum height, location of machinery to be used, location of material storage showing its maximum height, location of vehicle parking, location of explosives storage, location or erosion and sediment control structures;
 - c. End use of the excavation site, to include final grade of proposed site showing elevations and contour lines at five (5) foot intervals, location and species of vegetation to be replanted and maintained, and location and nature of any structures to be erected, together with an estimate of cost to implement and the provision of security adequate to the Township to assure performance;
 - d. A soil erosion and sediment control plan;
 - e. A plan for noise and dust control;
 - f. A full description of all phases of the proposed operation, including the expected duration of the excavation operation; and
 - g. Any other information deemed to be reasonably necessary to consideration and decision of the application.

SECTION 705. PERFORMANCE STANDARDS:FENCES

Privacy fences shall be conditionally permitted, only, and shall:

- A. Be a minimum of ten (10) feet from any Public Road right-of-way;

- B. Be constructed of natural materials or man-made materials that appear to be natural materials, and
- C. Be constructed to reduce visibility as viewed from public water and adjacent shorelands by vegetation, topography, increased setbacks or color assuming summer, leaf-on conditions.

SECTION 706. PERFORMANCE STANDARDS: FOREST MANAGEMENT

- A. Forest management and harvesting are permitted, but are limited to generally accepted forest management practices designed to promote and manage a healthy, diverse, and productive forest area. Vegetation management goals shall be consistent with the goals of maintenance and regeneration of naturally appearing, healthy forest vegetation.
- B. Forests shall be managed using the following criteria:
 - 1. The view from the public water shall be treated as most sensitive;
 - 2. Protective provision for riparian wildlife species shall be a component of any plan;
 - 3. Significant cultural and other unique resources shall be protected;
 - 4. Water quality changes, due to forestry uses, shall be minimized; and
 - 5. Timber and other forest resources may be harvested and utilized only when the requirements of this Ordinance are met.
- C. If the activity is proposed to occur within the Lakeshore Residential or Transition Residential Zones, then a forest management plan for the property and/or site-specific timber harvest plan shall be prepared, filed with the Township and approved by conditional use processes. The plan shall first be approved by the County Land Commissioner or other designated county official, and, if applicable, shall be reviewed and approved by MHB prior to consideration of the conditional use permit application by the Township. Forestry activities require a plan that includes timber harvesting, intensive site preparation and forest access road construction. Approval of plans shall be by conditional use permit process and an application for such approval shall include, at a minimum:
 - 1. A unified site plan;
 - 2. Mapping of forest types;
 - 3. Agricultural practices and forest regeneration plans; and
 - 4. Timber access roads and trails.
- D. The plan must also include provisions to address and protect:

1. Water quality;
2. Forest soils;
3. Erosion control;
4. Aesthetics;
5. Wildlife and aquatic habitat;
6. Cultural or historic resources known to occur on the property;
7. Fire hazards, insects, and diseases;
8. Disposal of petroleum products, trash, and hazardous substances; and
9. Endangered or threatened resources known to occur on the property.

SECTION 707. PERFORMANCE STANDARDS: IMPERVIOUS SURFACE ALLOWED BY LAND USE DISTRICT AND DEVELOPMENT TYPE

The proposed impervious surface coverage of a lot shall be provided with an application for any land use permit or permission involving any form of exterior construction. The maximum does not mean that such amount of impervious surface is required. Applicants are strongly encouraged to propose minimal amounts of impervious surface. Impervious surface calculations must be candidly and fully disclosed and stated to the Township. Impervious surface coverage allowed in each zoning district (unless more restrictively defined elsewhere herein) is as follows:

Table VII-A Allowable Maximum Impervious Surface by Land Use District

| Land Use District | Minimum Lot Size – less wetlands | Maximum Impervious Surface Allowed (of the entire lot, less wetlands and bluff areas) |
|--|---|--|
| Lakeshore Residential | 1.03 acre | 15% |
| Lakeshore Residential on NE, SA & SP Lakes | 5 acres | 15% |
| Residential Transition | 5 acres | 20% |
| Rural Residential | 5 acres | 30% |
| Commercial District | 1.03 acre | 50% |
| Development Type | | |
| RPUD/CIC (minimum lot size) | 100' x 200' (20,000 sf) Minimum | 15% per unit |
| Environmental Lot & Block (minimum lot size) | 200' x 400' After riparian tier – 5 acres | 12% per lot |

SECTION 708. PERFORMANCE STANDARDS: INOPERABLE VEHICLES

- A. Placement of more than two inoperable motor vehicles on a lot in any zone within the township constitutes a public nuisance.
- B. It is permissible to keep inoperable vehicles stored in an enclosed building.
- C. Notice to Abate Nuisance: Notice of any violation of the provision of this section must be sent to the owner or tenant in control. Such notice shall fairly apprise the owner or tenant in control of the nature of the nuisance, his or her duty to remove the inoperable vehicle and the penalty for failure to abate or remove the nuisance.
- D. Violations: If the owner or tenant in control of the property committing a public nuisance fails to abate the nuisance within thirty (30) days of written notice, the Township may remove the same and certify the cost of such removal as a special assessment.

SECTION 709. PERFORMANCE STANDARDS: LITTER

- A. Litter is a menace to the public safety and welfare and a public nuisance if litter exists upon real property. Litter is prohibited in all zoning districts in the Township, and no owner or tenant in control shall permit litter to exist on his or her property in any zoning district, unless:
 - 1. The property has been designated an appropriate disposal site for litter by federal, state or local governmental entities;
 - 2. The litter is placed in a receptacle or other container intended by the owner or tenant in lawful possession of that property for the deposit of litter;
 - 3. The person is acting under the direction of proper officials during special cleanup days; or
 - 4. The person is lawfully acting in or reacting to an emergency situation where health and safety is threatened, and removes and properly disposes of such litter when the emergency situation no longer exists.
- B. Notice to Abate Nuisance: Notice of any violation of the provision of this section must be sent to the owner or tenant in control. Such notice shall fairly apprise the owner or tenant in control of the nature of the nuisance, his or her duty to remove the litter, and the penalty for failure to abate or remove the nuisance.
- C. Violations: If the owner or tenant in control of the property committing a public nuisance fails to abate the nuisance within thirty (30) days of written notice, the Township may remove the same and certify the cost of such removal to the County Auditor for collection together with property taxes levied against the property as a service charge under Minn. Stat. § 366.012. The Township may take such other action as it deems appropriate to prevent, abate or correct the situation and to recover its costs associated

with such procedures.

SECTION 710. PERFORMANCE STANDARDS : MOBILE HOME PARKS

In order that a mobile home park may be harmonious within itself and within the surrounding area, the following performance standards shall be met and a mobile home park may be conditionally permitted if:

- A. Adequate provision for the control of storm water and surface drainage is established.
- B. All areas not used for access, parking, circulation, buildings and service shall be landscaped and the entire area shall be kept well maintained.
- C. Mobile homes shall be a minimum of nine hundred (900) square feet of living space.
- D. The minimum distance between mobile homes shall be forty (40) feet, including attachments.
- E. The density of mobile homes within a mobile home park shall not exceed one mobile home per 9,000 square feet of land.
- F. Within a mobile home park, a fifteen (15) foot green belt shall be maintained along all exterior boundary lines not bordering a public street.
- G. Mobile home parks shall meet all requirements of the Minnesota Department of Health and shall be licensed accordingly.
- H. Additions to mobile homes, such as rooms, decks and entryways, are to be considered as part of the mobile home structure, but shall not violate setbacks.
- I. Mobile home park septic systems shall be designed for Class I dwellings.
- J. Additions to existing mobile homes, such as entrances, rooms, decks, patios and storage units, shall meet all of the conditions. A permit from the township is required.
- K. Separate structures not attached to mobile homes require a land use permit from the Ten Lake Township Board before commencing construction.

SECTION 711. PERFORMANCE STANDARDS: PLACEMENT AND DESIGN OF ROADS, DRIVEWAYS AND PARKING AREAS

- A. Except with respect to planned unit developments and subdivision plats governed by other provisions of the Ordinance, the construction of public roads, private roads, and parking areas may be permitted pursuant to a developer's agreement satisfactory to the Township. A permit must be obtained from the Township before constructing a private road or driveway access onto a Township road. The Township may place conditions on such access permits as it determines reasonably necessary. Such conditions may include, but are not limited to, requirements related to the type and size of culvert to be installed, location of the access, construction standards, headwall limitations, and such other

requirements as needed to address terrain, drainage, traffic, and safety considerations.

- B. Private watercraft access ramps, approach roads, and access-related parking areas across wetlands are permitted under the following conditions:
 - 1. Access shall be by constructed boardwalk, only;
 - 2. Access must not exceed six (6) feet in width;
 - 3. Access must not exceed two (2) feet in height above grade; and
 - 4. All required permits have previously been obtained.
- C. Public and private roads and parking areas shall be designed to take advantage of natural vegetation and topography to achieve maximum screening from view from public waters. Documentation shall be provided by a qualified individual that all roads and parking areas are designed and constructed to minimize and control erosion to public waters consistent with the field office technical guides of the local soil and water conservation district, or other applicable technical materials.
- D. Roads, driveways, and parking areas must meet structure setbacks and must not be placed within bluff and shore impact zones, when other reasonable and feasible placement alternatives exist. If no alternatives exist, they may be placed within these areas, and must be designed to minimize adverse impacts.

SECTION 712. PERFORMANCE STANDARDS: SIGNS and OUTDOOR ADVERTISING

- A. Findings, purpose and effect.
 - 1. Findings. The Township Board hereby finds as follows:
 - a. Exterior signs have a substantial impact on the character and quality of the environment.
 - b. Signs provide an important medium through which individuals may convey a variety of messages.
 - c. Signs can create traffic hazards, aesthetic concerns and detriments to property values, thereby threatening the public health, safety and welfare.
 - d. The Township's zoning regulations have included the regulation of signs in an effort to provide adequate means of expression and to promote the economic viability of the business community, while protecting the town and its citizens from a proliferation of signs of a type, size, location and character that would adversely impact upon the aesthetics of the community and threaten the health, safety and welfare of the community. The regulation of the physical

characteristics of signs within the town has had a positive impact on traffic safety and the appearance of the community.

2. Purpose and intent. It is not the purpose or intent of this sign ordinance to regulate the message displayed on any sign; nor is it the purpose or intent of this article to regulate any building design or any display not defined as a sign, or any sign which cannot be viewed from outside a building. The purpose and intent of this Section is to:
 - a. Regulate the number, location, size, type, illumination and other physical characteristics of signs within the Township in order to promote the public health, safety and welfare.
 - b. Maintain, enhance and improve the aesthetic environment of the Township by preventing visual clutter that is harmful to the appearance of the community.
 - c. Improve the visual appearance of the Township while providing for effective means of communication, consistent with constitutional guarantees and the Township's goals of public safety and aesthetics.
 - d. Provide for fair and consistent enforcement of the sign regulations set for herein under the zoning authority of the town.
 3. Effect. A sign may be erected, mounted, displayed or maintained in the Township if it is in conformance with the provisions of these regulations. The effect of this sign ordinance, as more specifically set forth herein, is to:
 - a. Allow a wide variety of sign types in commercial zones, and a more limited variety of signs in other zones, subject to the standards set forth in this sign ordinance.
 - b. Allow certain small, unobtrusive signs incidental to the principal use of a site in all zones when in compliance with the requirements of this sign ordinance.
 - c. Prohibit signs whose location, size, type, illumination or other physical characteristics negatively affect the environment and where the communication can be accomplished by means having a lesser impact on the environment and the public health, safety and welfare.
 - d. Provide for the enforcement of the provisions of this sign ordinance.
- B. Severability. If any section, subsection, sentence, clause, or phrase of this Sign Ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this Sign Ordinance. The Township Board hereby declares that it would have adopted the Sign Ordinance in each section, subsection, sentence, or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.

- C. Substitution. The owner of any sign which is otherwise allowed by this Sign Ordinance may substitute non-commercial copy in lieu of any other commercial or non-commercial copy. This substitution of copy may be made without any additional approval or permitting. The purpose of this provision is to prevent any inadvertent favoring of commercial speech over non-commercial speech, or favoring of any particular non-commercial message over any other non-commercial message. This provision prevails over any more specific provision to the contrary.
- D. Non-commercial speech. Notwithstanding any other provisions of this Ordinance, all signs of any size containing non-commercial copy may be posted from August 1 in any general election year until ten (10) days following the general election and thirteen (13) weeks prior to any special election until ten (10) days following the special election.
- E. Permit required. No sign shall be erected, altered, reconstructed, maintained or moved in the Township without first securing a permit from the Township. The content of the sign shall not be reviewed or considered in determining whether to approve or deny a sign permit. Application for a permit shall be in writing addressed to the Zoning Administrator and shall contain the following information:
1. names and addresses of the owners of the display structure and property;
 2. the address at which any signs are to be erected and the road on which they are to front;
 3. plans showing the elevations, size, and details that clearly represent the construction and place of the signs;
 4. type of sign (i.e. wall sign, monument sign, etc.);
 5. certification by applicant indicating the application complies with all requirements of the sign ordinance; and
 6. if the proposed sign is along state trunk highway or interstate highway, the application shall be accompanied by proof that the applicant has obtained a permit from the state for the sign.

The Zoning Administrator shall approve or deny the sign permit in an expedited manner after the receipt of the complete application, including applicable fee. If the permit is denied, the Zoning Administrator shall prepare a written notice of denial within 10 days of its decision, describing the applicant's appeal rights under Section 1107 of this Ordinance and send it by first class mail to the applicant.

- F. Exemptions. The following signs shall not require a permit. These exemptions, however, shall not be construed as relieving the owner of the sign from the responsibility of its erection and maintenance, and its compliance with the provisions of this Ordinance or any other law or ordinance regulating the same.
1. The changing of the display surface on a painted or printed sign only.

2. Signs nine (9) square feet or less in size.
 3. Signs existing prior to the adoption of this Sign Ordinance.
- G. Prohibited Signs. The following types of signs shall be prohibited within the Township:
1. Illuminated signs giving off an intermittent or rotating beam of light;
 2. Signs painted directly on the outside wall of a building, fences, rocks, or similar structures or features;
 3. Signs, by reason of position, shape or color, that interfere in any way with the proper functioning or purpose of a traffic sign or signal or with safe travel on a public road; and
 4. Signs located within a public right-of-way. All signs shall be set back from public rights-of-way at least one foot.
- H. Permit Fee. Applications for a sign permit under this Sign Ordinance are subject to a permit fee, as established by the Township Board.
- I. Time, Place, and Manner of Signs. The Zoning Administrator may impose restrictions on the time, place, and manner of signs in the Township. These restrictions shall be content neutral, narrowly tailored, leave ample alternative channels of communication, and serve a significant governmental interest.

SECTION 713. PERFORMANCE STANDARDS: STORMWATER MANAGEMENT

- A. All resort conversions, subdivision platting, conditional use permit and planned unit development, variance and other forms of conversion of land use applications shall include a Storm Water Management Plan.
- B. Conditional use permit applications, if granted, shall be conditioned upon:
1. When possible, existing natural drainage ways, wetlands and vegetated soil surfaces shall be used to convey, store, filter and retain storm water runoff.
 2. Development must be planned and conducted in a manner that will minimize the extent of disturbed areas, runoff velocities, erosion potential and reduce and delay runoff volumes. Disturbed areas must be stabilized and protected as soon as possible and facilities or methods used to retain sediment on site.
 3. When constructed facilities are used for storm water management, documentation must first be provided by SWCD that the facilities and structure are designed and installed consistent with the field office technical guide of the Beltrami SWCD.

4. Newly constructed storm water outfalls to public waters must provide for filtering or settling of suspended solids and skimming of surface debris before discharge.
5. Impervious surface coverage of each lot must not exceed the amount of the allowable impervious surface as determined by Section 707.0, Table VII-A, for the appropriate Land Management District.

SECTION 714. PERFORMANCE STANDARDS: TOPOGRAPHIC ALTERATIONS, GRADING AND FILLING

Topographic alterations, including grading and filling in excess of ten (10) cubic yards, may be permitted by a Shoreland Alteration permit in the shoreland impact zone or a Land Use permit in out of the shoreland impact zone.

- A. Grading, filling and excavations necessary for the construction of structures, sewage treatment systems or driveways shall be included as a separate plan with application for a land use or other permit or approval. Grading and filling standards prescribed in this Ordinance are mandatory minimum standards and shall be made part of a Shoreland Alteration permit in the shoreland impact zone or a Land Use permit in out of the shoreland impact zone.
- B. Excavation, where the intended purpose is connection to a body of public water by means of boat slips, canals, lagoons and harbors, may be conditionally permitted, but only if the Commissioner of the Department of Natural Resources has approved the proposed excavation.
- C. A bond in an amount not less than \$10,000.00 shall be required as a condition of any excavation for a road in shorelands.

SECTION 715. PERFORMANCE STANDARDS: VEGETATIVE ALTERATIONS

Intensive vegetative clearing within shore and bluff impact zones and on steep slopes shall require a Shoreland Alteration permit in the shoreland impact zone or a Land Use permit in out of the shoreland impact zone. A permit for such purposes shall include:

- A. In all shore and bluff impact zones and on steep slopes, limited clearing of trees and brush and cutting, pruning and trimming of trees may be permitted by conditional use permit.
- B. In order to provide a view to the water from the principal dwelling site and to accommodate the placement of stairways, lifts and landings, picnic areas, access paths, beach and watercraft areas, intensive vegetative clearing may be permitted by conditional use permit, provided that:
 1. Vegetation alterations shall not exceed 50% of the brush and 25% of the trees within the shore and bluff impact zones or on steep slopes. For the purpose of this section, trees less than four (4) inches in diameter, as measured at a height of four (4) feet from the ground, shall be considered to be brush. For subdivisions and PUDs, refer to section 800;

2. The screening of structures, vehicles or other facilities, as viewed from the water or adjoining or viewing shorelands, assuming summer, leaf-on conditions, is not substantially reduced; and
 3. Along rivers, existing shading of water surfaces is fully preserved.
- C. Intensive vegetative clearing for forest land conversion to another permitted use may be allowed as a conditional use, provided that such clearing is not undertaken.
1. In shore or bluff impact zones or on steep slopes. Such conditional use permit may only be granted upon approval of an erosion and sedimentation plan approved by the Beltrami Soil and Water Conservation District (SWCD) at the cost of the applicant. Such plan shall be a condition of a conditional use permit.
 2. Vegetative alterations necessary for the construction of structures, sewage treatment systems or roads and parking areas regulated by Section 710 of this Ordinance are permitted without a conditional use permit.
 3. A map showing all proposed vegetative alterations and a grading, filling and excavation plan shall accompany the conditional use permit application.
 4. The removal of dead or diseased trees, limbs or branches that pose safety hazards require no conditional use permit.
 5. Harvesting timber, as regulated under Section 706 of this Ordinance.

SECTION 716. PERFORMANCE STANDARDS: EROSION AND SEDIMENT CONTROL

Work involving the disturbance of topsoil or other topographic alterations performed in any district within Ten Lake Township shall comply with the standards contained in this section and such other regulations as may apply. The following are exempt from the requirements of this section: cemetery graves; emergencies posing an immediate danger to life or property, or substantial flood or fire hazards; or any activity where the total volume of material disturbed, disposed of, or used as fill does not exceed 10 cubic yards. The requirements contained in this section are in addition to any other federal, state, or local laws, rules, regulations, or ordinances that may apply and the issuance of a permit by the Town does not relieve the permittee from having to obtain any other permits or permissions that may be required by law.

A. **MANNER OF WORK**

1. All activities involving the disturbance of topsoil or other topographic alterations shall be undertaken in a manner designed to minimize surface runoff, erosion, and sedimentation. To the greatest extent reasonably possible, construction phasing, vegetative buffer strips, horizontal slope grading, and other necessary construction practices shall be used as needed to prevent soils from being deposited onto adjacent properties, right-of-ways, drainage systems, wetlands, or public waters. Those areas of topsoil not to be disturbed must be delineated with flags, stakes, signs, silt fence, or similar devices on the development site before work begins.

2. Work shall be conducted in compliance with the most current General Permit – Authorization to Discharge Stormwater Associated with Construction Activity Under the National Pollutant Discharge Elimination issued by the Minnesota Pollution Control Agency to the extent the work falls within the scope of the General Permit. Work not subject to the General Permit shall generally be conducted, to the extent it is reasonably practical to do so, in accordance with the guidance provided for construction activities in the General Permit, including the identified best management practices. The Zoning Administrator may specifically indicate in a permit issued for a project the specific erosion and sediment control measures applicable or not applicable to the project.
3. Temporary erosion protection measures shall be established within the time period set out below, unless a shorter period applies under this Ordinance, for all exposed soil areas with a continuous positive slope:

| Type of Slope | Time |
|-------------------|---------|
| Steeper than 3:1 | 7 days |
| 10:1 to 3:1 | 14 days |
| Flatter than 10:1 | 21 days |

(Maximum time an area can remain open when the area is not actively being worked.)

The areas on which temporary erosion protection measures must be used include, but are not limited to, the following:

- a. Constructed storm water management pond side slopes;
 - b. Any exposed soil areas with a positive slope to a storm water conveyance system, such as a curb and gutter system, storm sewer inlet, temporary or permanent drainage ditch, or other natural or man made systems that discharge to a surface water; and
 - c. Temporary stockpiles with significant silt, clay, organic components or sand.
4. Permanent cover shall be established for all exposed soil areas once the work is completed.
 5. The normal wetted perimeter of any temporary or permanent drainage ditch that drains water from a construction site, or diverts water around a site, must be stabilized from the property edge or from the point of discharge to any surface water. Stabilization must be completed within 24 hours of connecting to a surface water.
 6. Pipe outlets must be provided with temporary or permanent energy dissipation within 24 hours of connection to a surface water.

B. SEDIMENT CONTROL PRACTICES

1. Sediment control practices must minimize sediment from entering surface waters, including curb and gutter systems, road ditches, and storm sewer inlets.

- a. Temporary or permanent drainage ditches and sediment basins that are designed as part of a treatment system (e.g., ditches with rock check dams) require sediment control practices as appropriate for site conditions.
 - b. If the down gradient treatment system is overloaded, additional up gradient sediment control practices must be installed to eliminate the overloading.
 - c. In order to maintain sheet flow and minimize rills and/or gullies, there shall be no unbroken slope length of greater than 75 feet for slopes with a grade of 3:1 or steeper.
2. Sediment control practices must be established on all down gradient perimeters before any up gradient land disturbing activities begin. These practices shall remain in place until final stabilization has been established.
 3. The timing of the installation of sediment control practices may be adjusted to accommodate short-term activities such as clearing or grubbing or passage of vehicles. Any short-term activity must be completed as quickly as possible and the sediment control practices must be installed immediately after the activity is completed. However, sediment control practices must be installed before the next precipitation event even if the activity is not complete.
 4. All storm drain inlets must be protected by appropriate devices during construction until all sources with potential for discharging to the inlet have been stabilized.
 5. Temporary soil stockpiles must have silt fence or other effective sediment controls and cannot be placed in surface waters, including storm water conveyances such as curb and gutter systems, conduits, or ditches.
 6. Vehicle tracking of sediment from the construction site must be minimized by devices such as stone pads, concrete or steel wash racks, or equivalent systems. Street sweeping must be used if such devices are not adequate to prevent sediment from being tracked onto the street.
 7. The person shall install temporary sedimentation basins when needed to effectively control sedimentation from the site.

C. INSPECTIONS AND MAINTENANCE REQUIREMENTS

1. The permittee must routinely inspect the construction site once every 7 days during active construction and within 24 hours after a rainfall event greater than 0.5 inches in 24 hours.
2. Where parts of the construction site have undergone final stabilization, but work remains on other parts of the site, inspections of the stabilized areas may be reduced to once per month. Where work has been suspended due to frozen ground conditions,

the required inspections and maintenance must take place as soon as runoff occurs at the site or prior to resuming construction, whichever comes first.

3. All erosion prevention and sediment control devices must be inspected to ensure integrity and effectiveness. All nonfunctional devices must be repaired, replaced, or supplemented with functional devices. The permittee must investigate and comply with the following inspection and maintenance requirements:
 - a. All silt fences must be repaired, replaced, or supplemented when they become nonfunctional or the sediment reaches $\frac{1}{3}$ of the height of the fence. These repairs must be made within 24 hours of discovery, or as soon as field conditions allow access.
 - b. Temporary and permanent sedimentation basins must be drained and the sediment removed when the depth of sediment collected in the basin reaches $\frac{1}{2}$ the storage volume. Drainage and removal must be completed within 72 hours of discovery, or as soon as field conditions allow access.
 - c. Surface waters, including drainage ditches and conveyance systems, must be inspected for evidence of sediment being deposited by erosion. The permittee must remove all deltas and sediment deposited in surface waters, including drainage ways, catch basins, and other drainage systems, and re-stabilize the areas where sediment removal results in exposed soil. The removal and stabilization must take place within 7 days of discovery unless precluded by legal, regulatory, or physical access constraints. The permittee shall use all reasonable efforts to obtain access. If precluded, removal and stabilization must take place within 7 calendar days of obtaining access. The permittee is responsible for contacting all local, regional, state and federal authorities and receiving any applicable permits prior to conducting any work.
 - d. Construction site vehicle exit locations must be inspected for evidence of off-site sediment tracking onto paved surfaces. Tracked sediment must be removed from all off-site paved surfaces within 24 hours of discovery.
 - e. The permittee is responsible for the operation and maintenance of temporary and permanent water quality management devices as well as all erosion prevention and sediment control devices for the duration of the construction work at the site. The permittee is responsible until all areas of the site have been finally stabilized or the site has undergone final stabilization.
 - f. If sediment escapes the construction site, off-site accumulations of sediment must be removed in a manner and at a frequency sufficient to minimize off-site impacts.
 - g. All infiltration areas must be inspected to ensure that no sediment from ongoing construction activities is reaching the infiltration area and these areas are protected from compaction due to construction equipment driving across the infiltration area.

4. The Zoning Administrator may, but is not obligated to, inspect the site at any reasonable time during construction activities and at the conclusion of such activities to ensure compliance with this section.

D. FINAL STABILIZATION

The permittee is required to implement final stabilization measures on all disturbed soil areas, which can be achieved in one of the following ways:

1. All soil disturbing activities at the site have been completed and all soils stabilized by a uniform perennial vegetative cover with a density of 70 percent over the entire pervious surface area or other equivalent means necessary to prevent soil failure under erosive conditions.
2. All drainage ditches constructed to drain water from the site after construction is complete must be stabilized to preclude erosion.
3. All temporary synthetic and structural erosion prevention and sediment control devices (such as silt fence) must be removed as part of the site final stabilization.
4. The permittee must clean out all sediment from conveyances and form temporary sedimentation basins that are to be used as permanent water quality management basins. Sediment must be stabilized to prevent it from being washed back into the basin, conveyances or drainage ways discharging off-site or to surface waters. The cleanout of permanent basins must be sufficient to return the basin to design capacity.

E. DEFINITIONS

For the purposes of this section, the following terms shall have the meaning given them here:

1. "Erosion Prevention" means measures employed to prevent erosion including but not limited to: soil stabilization practices, limited grading, mulch, temporary erosion protection or permanent cover, and construction phasing.
2. "Impervious Surface" means a constructed hard surface that either prevents or retards the entry of water into the soil and causes water to run off the surface in greater quantities and at an increased rate of flow than prior to development. Examples include rooftops, sidewalks, patios, driveways, parking lots, storage areas, and concrete, asphalt, or gravel roads.
3. "Normal Wetted Perimeter" means the area of a conveyance, such as a ditch, channel, or pipe that is in contact with water during flow events that are expected to occur once every year.
4. "Permanent Cover" means surface types that will prevent soil failure under erosive conditions. Examples include: gravel, asphalt, concrete, rip rap, roof tops, perennial

cover, or other landscaped material that will permanently arrest soil erosion. A uniform perennial vegetative cover (e.g., evenly distributed, without large bare areas) with a density of 70% of the native background vegetative cover for the area must be established on all unpaved areas and areas not covered by permanent structures, or equivalent permanent stabilization measures. Permanent cover does not include the practices listed under temporary erosion protection.

5. "Permittee" means a person or persons, firm, or governmental agency or other institution that signs the application submitted to the Town and is responsible for compliance with the terms and conditions of the Town's permit and the requirements of this section.
6. "Sediment Control" means methods employed to prevent sediment from leaving the site. Sediment control practices include silt fences, sediment traps, earth dikes, drainage swales, check dams, subsurface drains, pipe slope drains, storm drain inlet protection, and temporary or permanent sedimentation basins.
7. "Stabilized" means the exposed ground surface has been covered by appropriate materials such as mulch, staked sod, riprap, erosion control blanket, mats or other material that prevents erosion from occurring. Applying mulch, hydromulch, tackifier, polyacrylamide or similar erosion prevention practices is not acceptable stabilization in temporary or permanent drainage ditches or areas where concentrated overland flow occurs. Grass seeding is not stabilization.
8. "Surface Water or Waters" means all streams, lakes, ponds, marshes, wetlands, reservoirs, springs, rivers, drainage systems, waterways, watercourses, and irrigation systems whether natural or artificial, public or private.
9. "Temporary Erosion Protection" means methods employed to prevent erosion. Examples of temporary erosion protection include; straw, wood fiber blanket, wood chips, and erosion netting.

ARTICLE VIII

SUBDIVISIONS AND PLANNED UNIT DEVELOPMENTS

SECTION 800. SUBDIVISION OF LAND

Any subdivision of a lot, tract or parcel into two or more lots, and all types of planned unit developments and subdivisions shall be established in compliance with this Ordinance. For the purpose of this Ordinance, Ten Lake Township endorses, affirms and shall interpret all subdivision applications in terms of

- A. Conventional Lot and Block subdivision (CLB)
- B. Environmental Lot and Block subdivision (ELB)
- C. Planned Unit Developments (PUD)
 - 1. Residential Planned Unit Development (RPUD)
 - a. Common Interest Community (CIC)
 - 2. Commercial Planned Unit Development (CPUD)
 - a. Those listed in Appendix A.

General Information:

- A. Any subdivision of a lot, tract or parcel into two or more lots, and all planned unit developments and subdivisions shall be established in compliance with this Ordinance.
- B. Any tract of land considered for development of four or more parcels shall be submitted to the platting process, Section 805.
- C. All proposed subdivisions and planned unit development must be reviewed and approved by the Zoning Administrator and are subject to a developer's agreement.
- D. No permit for construction of buildings or sewage treatment systems shall be issued for lots created after the enactment of these controls unless the lot was created as part of an previously approved subdivision.
- E. The platting process, described in Section 805, consists of a pre-application meeting; the application submission; submission of all required documents, including preliminary and final plats; and a Township Board decision.
- F. No land platted within the Township under this Ordinance may be recorded or sold until the required process described in this Article is completed.
- G. After the completion of the required process the plat shall be recorded in the office of the County Recorder. The property owner shall obtain a new Parcel Identification Number (PIN) from the County Recorder and provide the new PIN to the Township Clerk.

Any Township fees or costs associated with Township expenses related to an application, or to be incurred, including professional expenses and fees, shall be paid by the applicant and no final permissions shall be given until *all fees and expenses* are paid (unless there

is sufficient security for the payment of the same) to the satisfaction of the Ten Lake Township Board of Supervisors and/or Township Attorney.

SECTION 801. LAND SUITABILITY

Each lot created under the provisions of this Ordinance, must be suitable in its *natural* state for the proposed use with minimal alteration.

A suitability analysis conducted by Ten Lake Township will consider susceptibility to flooding, existence of wetlands, soil and rock formations with severe limitations for development, severe erosion potential, steep topography, inadequate water supply or sewer treatment capabilities, near-shore aquatic conditions unsuitable for water-based recreation, important fish and wildlife habitat, presence of significant historic sites, or any other feature of the natural land likely to be harmful to the health, safety or welfare of future residents of the proposed subdivision or planned unit development of Ten Lake Township

To enable the Township to make a determination of land suitability, sufficient information shall be submitted by the applicant. The information shall include, in addition to other obligations under this Ordinance, at least the following:

- A. Topographic contours at two (2) foot intervals from United States Geological Survey (USGS) maps or more accurate sources, showing limiting site characteristics.
- B. The surface water features required by Minn. Stat. § 505.02, subd. 1, to be shown on plats, obtained from the United States Geological Survey quadrangle topographic maps or more accurate sources.
- C. Information regarding adequacy of domestic water supply.
- D. Extent of anticipated vegetation and topographic alterations.
- E. Near-shore aquatic conditions, including depths, types of bottom sediments and aquatic vegetation. A Vegetative Management Plan may be required.
- F. Proposed methods for controlling Stormwater runoff and erosion both during and after construction activities. A Storm Water Management Plan may be required.
- G. Location of 100 year floodplain areas and floodway districts from existing adopted maps or data.
- H. A line or contour representing the OHWL, the toe and the top of bluffs and the minimum building setback distances from the top of bluff and from the OHWL.
- I. A Ten Lake Township or Beltrami County Environmental Questionnaire completed by the applicant and the Township Zoning Administrator.

The Ten Lake Township Board of Supervisors shall make its decision, in writing, specifying the facts upon which the suitability determination is made. If a determination is made that the land

is not suitable for development the applicant will be notified, in writing, regarding the particular facts leading to such determination.

The applicant will be afforded the opportunity to appeal to the ‘Township Board of Adjustment’ for a determination in accordance with the procedure for appeal specified in Section 1107 of this Ordinance.

SECTION 802. SUBDIVIDING LAND INTO TWO OR THREE PARCELS

Subdivisions of property into two or three lots may be accomplished by a registered land survey. Lots, tracts or parcels created must meet the minimum suitable lot size for the Land Classification they reside in.

- A. All proposed lot divisions must be reviewed and approved by the Zoning Administrator before applying for platting approval.
- B. Subdivisions of property into two or three lots, tracts or parcels must be platted in accordance with the provisions of this Ordinance and requires the execution of a developer’s agreement between the developer/subdivider and the Township.
- C. Subdivisions of property into two or three lots, tracts or parcels, without new roads, may be approved by the Zoning Administrator upon application. The application shall include a certificate of survey and legal descriptions prepared by a registered land surveyor.
- D. Land divided into two or three lots or parcels shall not be recorded until the subdivision process is completed. After the completion of the subdivision process the plat shall be recorded in the office of the County Recorder. The property owner shall obtain a new Parcel Identification Number (PIN) from the County Recorder and provide the new PIN to the Ten Lake Clerk.
- E. Permits for construction of buildings or sewage treatment systems shall not be issued for lots created after the enactment of these controls, unless such lot was created as part of an approved subdivision.

All other subdivisions of real property shall be by Conventional Lot and Block (CLB), Environmental Lot & Block (ELB) or Planned Unit Developments (RPUD or CPUD), and must follow MN Statutes and all sections of this Ordinance that apply.

SECTION 803. LOT & BLOCK SUBDIVISIONS OF FOUR OR MORE PARCELS

Ten Lake Township recognizes two types of Lot & Block Subdivisions.

- A. CONVENTIONAL LOT & BLOCK SUBDIVISION (CLB). A pattern of subdivision development that permits the division of land in the ordinary, traditional form and design within the constraints of this Ordinance and the Land Use District that the subdivision is located. The requirements and procedures associated with CLB subdivisions are set out in Sections 803.1 to 803.1.2 of this Ordinance. The required platting process is set forth in Section 805 *et seq.*

- B. ENVIRONMENTAL LOT & BLOCK SUBDIVISION (ELB). A pattern of subdivision development designed to specifically address environmental properties, setbacks and requirements that permits lake access to lots lacking traditional access points. This pattern does not allow for an overall increase in the number of lots provided with lake access as compared with a traditional development form, but rather permits flexibility in the size and locations of lots within the constraints provided for in this Ordinance. The requirements and procedures associated with ELB subdivisions are set out in Sections 803.2 to 803.2.1. The required platting process is set forth in Section 805 *et seq.*

SECTION 803.1 CONVENTIONAL LOT & BLOCK SUBDIVISION REQUIREMENTS

This section defines the requirements for a Conventional Lot & Block (CLB) subdivision.

| CHARACTERISTIC | REQUIREMENT |
|--|---|
| Lake Classification CLB permitted on | GD, RD, SA, SP & NE |
| Land Suitability Determination | TLT Section 801 |
| Base Density Determination | TLT Section 300, Table III-A |
| Minimum Lot Width – Tier One | GD, RD – 150’; SA, SP – 400’; NE – 330’ |
| Platting Process | TLT Section 807 |
| Vegetative Management Plan | Required |
| Stormwater Management Plan | Required |
| DNR shoreline status report | Required |
| TLT/BC Environmental Worksheet | Required |
| Wetland Delineation Report | Required |
| Allowable docking | 1000 sq. ft. of dock per riparian lot |
| Minimum lot size after density determination | LR - 45,000 (150’ x 300’) RT – 5 acres |
| Structure Setbacks | TLT Section III, Table III-B |
| Maximum Impervious Surface | TLT Section VII, Table VII-A |
| Vegetative Clearing in Shore Impact Zone | Maximum 25% |
| Road Requirements | Roads built to BC/TLT specifications |
| Pre-concept and Site Visit | Required by Zoning Administrator |
| Application Submission | Required |
| Preliminary & Final Plat & documents. | Required |
| TLT Board meeting & public hearing | Required |
| Septic | Each lot must have room for a septic |

| CHARACTERISTIC | REQUIREMENT |
|----------------|--|
| | system and alternate septic area and follow Minn. R. Ch. 7080. Septic Compliance certification to be done by Beltrami County Environmental Services. |
| Wells | Each lot must have their own certified well. |

SECTION 803.1.2 CONVENTIONAL LOT & BLOCK PROCEDURES

This section defines the procedures for a Conventional Lot & Block (CLB) subdivision.

- A. Persons wishing to subdivide a single parcel of land into four or more parcels shall do so by means of a plat submitted and approved according to the provisions set forth in this Ordinance. Any parcel which has been previously subdivided into two or three parcels in accordance with Section 3.011 of this Ordinance, and which is proposed to be further subdivided must be platted in accordance with this Ordinance and, where practical, to include the parcels previously divided by Certificate of Survey.
- B. No plat may be created which contains any property contained in another plat, unless the property is being replatted.
- C. A person wishing to create a Conventional Lot & Block subdivision must comply with the following:
 - 1. Attend a concept meeting and site visit with the Zoning Administrator; and
 - 2. Submit a Preliminary and final plat, which will include:
 - a. Conventional Lot & Block subdivisions are permitted on GD, RD, SA, SP & NE Public Water Classifications.
 - b. Land Suitability Determination in Section 801, determines the possibility of a subdivision on any parcel of land located in Ten Lake Township.
 - c. The density is based on minimum lot size as defined in Section III, Table III-A.
 - d. Minimum lot width is also defined in Section III, Table III-A.
 - e. The Platting process must follow and include items in Section 805 of this Ordinance and be compiled in accordance with Minn. Stat. §§ 505.01 to 505.177.
 - f. A Vegetative Management Plan and a Stormwater Management Plan, obtained from Beltrami County Soil & Water Conservation District must be submitted.
 - g. A Shoreline assessment report must be obtained from the DNR District office, assessing any protected shoreline areas or natural features which should not be disturbed or would be threatened by development.

- h. An Environmental Worksheet obtained through Beltrami County Environmental Services or Ten Lake Township is required.
 - i. A Wetland Delineation Report from the DNR District Office is required.
 - j. After density determination, the creation of lots must meet the minimum lot size as determined by the Land Use and District in Section III, Table III-A.
 - k. All structures must meet setback requirements in Section III, Table III-B.
 - l. The allowable maximum impervious surface per lot or parcel are defined in Section VII, Table VII-A.
 - m. The maximum vegetative clearing allowed in the shore impact zone must not exceed 25%.
 - n. All roads must follow the guidelines of Section 805.5(4), and be built to Beltrami County and Ten Lake Township specifications.
 - o. Each lot must have room for a septic system and alternate septic area and follow Minn. R. Ch. 7080. Septic Compliance certification to be done by Beltrami County Environmental Services.
 - p. Each lot must have their own certified well.
- D. All additional required procedures and considerations unique to development of the subdivision shall be set out in a development agreement.

SECTION 803.2 ENVIRONMENTAL LOT & BLOCK SUBDIVISION REQUIREMENTS

This section defines the requirements for an Environmental Lot & Block (ELB) subdivision.

| CHARACTERISTIC | REQUIREMENT |
|--------------------------------------|--|
| Lake Classification ELB permitted on | GD, RD |
| Land Suitability Determination | TLT Section 801 |
| Base Density Determination | TLT Section 300, Table III-A Determine the base density at the riparian tier. This is the maximum number of lots allowed, but will have to be distributed to back tier to allow for lake access of non-riparian lots. |
| Minimum Lot Width – Tier One | GD, RD – 200’ |
| Platting Process | TLT Section 807 |
| Vegetative Management Plan | Required |
| Stormwater Management Plan | Required |
| DNR shoreline status report | Required |
| TLT/BC Environmental Worksheet | Required |

| CHARACTERISTIC | REQUIREMENT |
|--|---|
| Wetland Delineation Report | Required |
| Allowable docking | One (1000 sq. ft.) per riparian lot, but shall be required to have centralized docking for non-riparian lots (one space per lot). Docking configurations to be determined during application process. |
| Minimum lot size after density determination | LR- 80,000 sq. ft. (200' x 400') RT (after 400') – 5 acres |
| Structure Setbacks | LR – 150'; RT - TLT Section III, Table III-B |
| Controlled Access Lots | Allowed as part of the Developer's Agreement and must section 803.3. |
| Maximum Impervious Surface | Maximum 12% |
| Vegetative Clearing in Shore Impact Zone | Maximum 15% |
| Road Requirements | Roads built to BC/TLT specifications |
| Pre-concept and Site Visit | Required |
| Application Submission | Required |
| Preliminary & Final Plat & documents | Required |
| TLT Board meeting & public hearing | Required |
| Septic | Each lot must have room for a septic system and alternate septic area and follow Minn. R. Ch. 7080. Septic Compliance certification to be done by Beltrami County Environmental Services. |
| Wells | Each lot must have their own certified well. |
| Covenants | Covenants required for Access Lot and/or entire development. To be determined during application process. |

SECTION 803.2.1 ENVIRONMENTAL LOT & BLOCK PROCEDURES

This section defines the procedures for an Environmental Lot & Block (ELB) subdivision.

- A. Persons wishing to subdivide a single parcel of land into four or more parcels shall do so by means of a plat submitted and approved according to the provisions set forth in this Ordinance. Any parcel which has been previously subdivided into two or three parcels in accordance with Section 3.011 of this Ordinance, and which is proposed to be further subdivided must be platted in accordance with this Ordinance and, where practical, to include the parcels previously divided by Certificate of Survey.
- B. No plat may be created which contains any property contained in another plat, unless the property is being replatted.
- C. Attend a Pre-concept meeting and site visit with the Zoning Administrator.

D. A person wishing to create an Environmental Lot & Block subdivision must submit a Preliminary and final plat that includes the following information:

1. Environmental Lot & Block subdivisions are permitted on GD, & RD Public Water Classifications.
2. Land Suitability Determination in Section 801 determines the possibility of a subdivision on any parcel of land located in Ten Lake Township.
3. The density is based on minimum lot size as defined in Section III, Table III-A.
4. Minimum lot width in the riparian tier (LR) shall be 200'.
5. After density determination, the creation of lots must meet the minimum lot size of 80,000 square feet (200' wide x 400' deep) on all riparian lots within the LR district and 5 acres in the RT district.
6. The maximum number of lots allowed lake access is the number of lots determined in item 'c' above. An example is provided below.

Example: If there is 1600 feet of lakeshore and 20 acres beyond 400' from the OHWL. Take the 1600' and divide into the minimum lake lot of 150' width, which would equal 10 lots at 150' with an extra 100'. Ten lots would be the Maximum number of lots that would be allowed access to the lake in this scenario.

To determine the placement of lots, take the 1600' and divide it by 200' lot widths for a total of 8 lots. One of these lots would have to be used as a Controlled Access lot for the additional lots beyond the 400' depth requirement.

As a result of this formula, there would be 7 lake lots at 200' x 400', one controlled access lot of 200' x 400' (as stated in Section 805.3), and 3 – 5 acre lots beyond 400' from the OHWL. All of these lots would have access to the lake, but any additional lots created over the 3 – 5 acre lots would not be allowed access.

7. The Maximum number of non-riparian lots that shall be allowed access in any ELB is ten (10).
8. Docking facilities will be determined on a case by case basis according to topography and will be defined within the Developers Agreement.
9. The Platting process must follow and include items in Section 805 of this Ordinance and be compiled in accordance with Minn. Stat. §§ 505.01 to 505.177.
10. A Vegetative Management Plan and a Stormwater Management Plan, obtained from Beltrami County Soil & Water Conservation District must be submitted.

11. A Shoreline assessment report must be obtained from the DNR District office, assessing any protected shoreline areas or natural features which should not be disturbed or would be threatened by development.
 12. An Environmental Worksheet obtained through Beltrami County Environmental Services or Ten Lake Township is required.
 13. A Wetland Delineation Report from the DNR District Office is required.
 14. All structures must meet setback requirements in Section III, Table III-B.
 15. The allowable maximum impervious surface per lot or parcel are defined in Section VII, Table VII-A.
 16. The maximum vegetative clearing allowed in the shore impact zone must not exceed 15%.
 17. All roads must follow the guidelines of Section 805.5 – Item 4., and be built to Beltrami County and Ten Lake Township specifications.
 18. Each lot must have room for a septic system and alternate septic area and follow Minn. R. Chap. 7080. Septic Compliance certification to be done by Beltrami County Environmental Services.
 19. Each lot must have their own certified well.
- E. All additional required procedures and considerations unique to development of the subdivision shall be set out in a development agreement.

SECTION 804. PLANNED UNIT DEVELOPMENTS

- A. All planned unit developments shall meet or exceed the standards as required by this Ordinance, with respect to Residential Planned Unit Developments (RPUD) and Commercial Planned Unit Developments (CPUD), collectively Planned Unit Developments (PUD). When reviewing a PUD application, or an amendment to a PUD, the Town Board may consider granting flexibility from the planned unit development requirements and standards that are set forth in this Ordinance. Any requested flexibility must be related to the promotion of a desirable living environment and not be contrary to the general standards for development in the district as determined by the Town Board. The flexibility granted by the Town Board may include, but is not limited to, lot sizes, density, right-of-way widths, setbacks, height restrictions, and impervious surface limits. Flexibility will be granted at the discretion of the Town Board and only upon a finding that granting such flexibility under the particular circumstances will not be contrary to the purpose of the Ordinance or of the Comprehensive Plan. Any flexibility granted shall expressly be made part of the conditional use permit, or amended conditional use permit, issued for the PUD and is subject to all conditions and requirements contained in the permit and the development agreement executed for the PUD.

- B. Planned Unit Developments (RPUD or CPUD) shall not be allowed without the execution of a development agreement between the developer and the Ten Lake Township Board.
- C. The Procedures and Standards for planned unit developments are set forth in the following subsections of Sections 804 and 805.

SECTION 804.1 RESIDENTIAL PLANNED UNIT DEVELOPMENT REQUIREMENTS

This section defines the requirements of a RPUD.

| CHARACTERISTIC | REQUIREMENT |
|---|---|
| Lake Classification RPUD permitted on | GD, RD |
| Land Suitability Determination | TLT Section 801 |
| Base Density Determination | TLT Section 804.1.2 |
| Minimum Lot Width – Tier One | 150’ |
| Platting Process | TLT Section 807 |
| Vegetative Management Plan | Required |
| Stormwater Management Plan | Required |
| DNR shoreline status report | Required |
| TLT/BC Environmental Worksheet | Required |
| Wetland Delineation Report | Required |
| Docking and docking sites | One space per riparian lot, but shall be required to have centralized docking. Docking configurations to be determined during application process. |
| Minimum lot size after density determination | LR - 20,000 sq. ft. (100’ x 200’) RT (after 300’) – 5 acres |
| Structure Setbacks | Section III, Table III-B |
| Maximum Impervious Surface | Maximum 15% per unit |
| Vegetative Clearing in Shore Impact Zone | Maximum 25% |
| Road Requirements | Narrower Internal roads |
| Density multiplier – require increased setbacks | Section 804.2 - Environmental Setback |
| Pre-concept and Site Visit | Required by Zoning Administrator and other TLT officials |
| Application Submission | Required |
| Preliminary Plat & related documents TLT Board meeting and hearing | Required |
| Final Plat & related documents TLT Board meeting & public hearing | Required |
| Septic | Centralized Septic system and alternate and following Minn. R. Ch. 7080. Septic Compliance certification to be done by Beltrami County Environmental Services. All septic systems must be designed for maximum usage on a year round basis. |
| Wells | Centralized well(s), must be designed for |

| CHARACTERISTIC | REQUIREMENT |
|-----------------------|--|
| | maximum usage and year round usage. |
| Covenants | Minn. Stat. Ch. 515B regulates |
| Green Space | Minimum 50% green space of entire property |

SECTION 804.1.2 RESIDENTIAL PLANNED UNIT DEVELOPMENT DENSITY PROCEDURES

The procedures for determining the allowable base density of Residential Planned Unit developments are as follows. Allowable densities may be transferred from a tier to any other tier farther from the public water, but shall not be transferred to any tier closer to the public water. The following considerations are used to determine the allowable base density for Residential Planned Unit Developments:

- A. The suitable area within each tier is divided by the single residential lot size standard for the applicable management district.
- B. Proposed locations and numbers of dwelling units or sites for the residential planned unit developments are then compared with the tier, base density, and suitability analyses herein and the maintenance and design criteria prescribed this Section 804.3.2.
 - 1. Residential Planned Unit Developments follow the procedure in Section 804.1 to determine a base density for the property. Also refer to Article V of this Ordinance.
 - 2. If all structure setbacks are increased, the following ‘Environmental Setback’ formula shall be used to determine the increase in the number of allowable lots.
 - a. The Environmental Setback can only be applied if all structures are setback from the OWHL the normal set back from the Lake, plus the additional increase setback, for example: structure setback of an additional 150’ from OHWL allows a density increase of 30%.
 - b. The increase number of lots cannot exceed 30% in the Lakeshore Residential District, with 0% multiplier for the Residential Transition District or beyond.

SECTION 804.2. COMMERCIAL PLANNED UNIT DEVELOPMENT REQUIREMENTS

- A. Existing Commercial Planned Unit Developments in Ten Lake Township are identified in Appendix A. These existing CPUDs were established under the Beltrami County Shoreland Regulations, Article X; the formulas set forth in the Article X shall continue to regulate these existing CPUDs.
- B. Effective as of the adoption of the Ten Lake Township Land Use Ordinance in 2005, no new Commercial Planned Unit Developments shall be approved in the Township.

- C. Existing CPUDs, as identified in Appendix A, with impervious surface percentages over 25% in any one tier shall, within one (1) year of the effective date of this Ordinance, design, obtain Township approval of by reason of application to the Planning & Zoning Commission for consideration of approval and recommendation to the Board of Supervisors, and implement a Storm Water Management Plan and a Vegetation Plan, consistent with the policies and goals of this Ordinance. The prior approval by the Beltrami SWCD shall also be required.
- D. The expansion to an existing CPUD involving six or fewer new dwelling units or sites after the date of enactment of this Ordinance shall be allowed pursuant to the Zoning Administrator's approval and issuance of a land use permit, provided that the total project density does not exceed the allowable densities prescribed in this Section.
- E. Those resorts, camps and campgrounds identified on attached Appendix A are deemed to be commercial planned unit developments and shall be identified as such for all purposes related to this Ordinance and the Township's Zoning Map. If a resort or camp use seeks conversion from a commercial planned unit development, it shall only convert to a residential planned unit development, with conditions to include, but not be limited to, the following:
 - 1. Conversions shall be subject to a development agreement; and
 - 2. Meet all applicable standards, including the density requirements in Section 804, et. seq. including, but not limited to, the following: no more than 3% of the linear feet of the circumference of a General Development lake or 2% of the linear feet of the circumference of a Recreational Development lake shall have as its principal land use uses associated with more than single family residential uses (e.g., PUDs, townhomes, duplexes and other and similarly situated and designed land uses), except for pre – existing non – conforming uses, 0% of a Special Protection, Sensitive Area and Natural Environment lake shall have such uses.

SECTION 804.2.1 COMMERCIAL PLANNED UNIT DEVELOPMENT DENSITY EVALUATION

- A. A CPUD application shall conform to the provisions as specifically described in this Ordinance.
- B. All existing CPUDs, as listed on Appendix A, shall use the following formula in determining the tiers to assist in determining the allowable density.
- C. The project parcel must be divided into tiers by locating one or more lines approximately parallel to a line that identifies the ordinary high water level at the following intervals, proceeding landward:
 - 1. General Development lakes (GD) 200 ft., additional tier 267 ft.
 - 2. Recreational Development lakes (RD) 267 ft.

- D. The suitable area within each tier is next calculated by excluding from the tier area all wetlands, bluffs, and land below the ordinary high water level of public waters. This suitable area and the proposed development are then subjected to either the residential or commercial planned unit development density.
- E. Resorts, camps and campgrounds identified as a CPUD on Appendix A are allowed, in each tier, percentages of the density allowances otherwise calculated as follows:
1. 100% of that density allowance to be calculated for the First Tier using the formula stated in subsection 6 below;
 2. 65% of that density allowance to be calculated for the First Tier using the formula stated in subsection 6 below, but to be applied to use in the Second Tier; and
 3. 45% of that density allowance to be calculated for the First Tier using the formula stated in subsection 6 below, but to be applied to use in the Third and deeper tiers.
- F. The procedures for determining the allowable base density of Commercial Planned Unit Developments are set forth below. Select the appropriate floor area ratio, from the table below, based on the average unit floor area for the appropriate water classification. For campgrounds and recreational vehicle parks, densities shall be calculated with use of minimum 2,000 square feet for annual or seasonal sites and 1,000 square feet for transient sites.
1. The suitable area within each tier is multiplied by the floor area ratio to yield the total floor area in each tier allowed to be used for dwelling units or sites.
 2. The total floor area for each tier is divided by the average living area size to yield the number of dwelling units or sites allowed for each tier.
 3. Proposed locations and numbers of dwelling units or sites for the commercial planned unit developments are then compared with the tier, density and suitability analyses herein and the maintenance and design criteria prescribed in Section 804.3.2.

**Commercial Planned Unit Development
Floor Area Ratio by Public Waters Classification**

| Average Unit Floor Area (sq. ft.) | GD Lakes | GD Lakes (1 st tier) | GD Lakes (except 1 st tier) | RD Lakes |
|---|----------|------------------------------------|---|----------|
| 200 or less | | .040 | .020 | .010 |
| 300 | | .048 | .024 | .012 |
| 400 | | .056 | .028 | .014 |
| 500 | | .065 | .032 | .016 |
| 600 | | .072 | .038 | .019 |
| 700 | | .082 | .042 | .021 |

| | | | |
|---------------|------|------|------|
| 800 | .091 | .046 | .023 |
| 900 | .099 | .050 | .025 |
| 1,000 | .108 | .054 | .027 |
| 1,100 | .116 | .058 | .029 |
| 1,200 | .125 | .064 | .032 |
| 1,300 | .133 | .068 | .034 |
| 1,400 | .142 | .072 | .036 |
| 1,500 or more | .150 | .075 | .038 |

SECTION 804.2.2 COMMERCIAL PLANNED UNIT DEVELOPMENT: SHORELAND AND DEVELOPMENT: EXISTING RESORTS

Resorts, as defined by Minn. Stat. § 103F.227, subd. 2, existing on or before August 1, 2007, and that were and continue to be fully licensed and permitted as a resort under appropriate state and local regulations, may maintain, replace, and expand the resort structures to the extent permitted by Minn. Stat. § 103F.227 upon compliance with the following maintenance, replacement and expansion activities:

- A. Maintenance, replacement, and expansion activities are allowed under this Section only to the extent the establishment continues to operate as a resort:
 - 1. Maintain structures, including the replacement of aging or outdated components or systems of the structure, while not increasing the structure’s footprint on the land;
 - 2. Replace structures damaged or lost to fire or natural disaster, provided an application for a land use permit is made within 180 days of the damage or loss; and
 - 3. Expansion may be done to increase bedrooms to minimally meet dwelling codes of 120 square feet per bedroom. To ‘minimally meet’ the standards means that the replacement structure does not add new architectural elements, such as more bedrooms, larger bathrooms or living areas that did not exist in the original structure. Structural expansion under this subdivision must not result in a structure footprint that is any larger than required to meet standards or codes or a structure or any portion that is closer to the shoreline than prior to the expansion.
- B. The entire parcel of land must be controlled and managed by the licensee; and
- C. Obtain a land use permit from the Zoning Administrator for any replacement or expansion of resort structures under this Section. The Zoning Administrator shall issue the permit, but may impose reasonable conditions on the permit to maintain consistency with Minn. Stat. § 103F.227 and this Ordinance (to the extent possible), and to minimize the impacts of such work on public waters, the environment, and the surrounding properties.

A change in ownership of a resort shall not be construed as a conversion to a different use so long as the new owner continues to use the property as a resort.

SECTION 804.2.3 COMMERCIAL PLANNED UNIT DEVELOPMENT CONVERSIONS TO RESIDENTIAL PLANNED UNIT DEVELOPMENT

- A. Conversion of the site from a CPUD to a RPUD shall be completed within ten (10) years from the date the development agreement is approved by the Township.
- B. Any newly created RPUD shall, as a condition of approval, fully dismantle and remove all structures located in any setback within three (3) years from the date of conversion approval by the Township.
- C. The development agreement necessitated by the conversion from a CPUD to an RPUD must include the following and be approved by the Township:
 - 1. Evaluation under the requirements stated in Section 804.1 for residential planned unit developments. Inconsistencies between existing features of the existing land use CPUD and RPUD standards shall be identified in writing by the applicant as part of the application, analyzed, reported and acted upon.
 - 2. Deficiencies involving water supply and sewage treatment, impervious surface coverage, open space and shore recreation facilities, must be corrected as part of the conversion and as specified in the development agreement.
 - 3. Shore and bluff impact zone deficiencies must be evaluated and reasonable improvements made as part of the conversion. These improvements must include, where applicable, the following:
 - a. Removal of buildings, docks or other facilities identified in the development agreement as no longer needing to be located in shore or bluff impact zones;
 - b. Remedial measures to correct erosion sites and to improve the vegetative cover and screening of buildings and other facilities as viewed from the water and from adjoining shoreland; and
 - c. If existing dwelling units are located in shore or bluff impact zones, then conditions that preclude exterior expansions in any dimension or substantial alteration shall become conditions of approval. The conditions must also provide for future relocation of dwelling units, where feasible, to other locations meeting all setback and elevation requirements when rebuilt or replaced.
 - 4. Existing dwelling unit or dwelling site densities that exceed standards prescribed in this Ordinance may continue, but shall not be increased, either at the time of conversion or while the land remains in use as a CPUD, except as allowed by Minn. Stat. § 103F.227. Efforts shall be made during any such conversion to limit impacts of high densities by improving vegetative screening, centralizing shore recreation facilities, installing new sewage treatment systems, or by other means deemed necessary by the Ten Lake Planning & Zoning Commission recommended to the Ten Lake Board of Supervisors by the Ten Lake Planning & Zoning Commission.

SECTION 804.3 PUD REVIEW PROCESS

An applicant for a PUD shall submit the following documents along with the application and preliminary plat to the Zoning Administrator:

- A. A site plan and/or plat for the project showing: the boundary of the proposed development; surface water features and other natural and man made features; existing and proposed structures and other facilities including the location of existing and proposed sewage treatment and water supply systems; proposed land alterations; and topographic contours at a minimum of two foot intervals.
- B. For residential planned unit developments a property owners' association agreement with mandatory membership, all in accordance with the maintenance and design criteria requirements prescribed in Section 804.3.2.
- C. Deed restrictions, covenants, permanent easements or other instruments that:
 - 1. Properly address future vegetative and topographic alterations; construction of additional buildings and beaching of watercraft.
 - 2. Ensures the long-term preservation and maintenance of open space in accordance with the criteria and analysis specified in the maintenance and administrative requirements of Section 804 and its subsections.
- D. For commercial planned unit developments a master plan/drawing describing the proposed project and the floor plan for all commercial structures.
- E. A completed Ten Lake Township or Beltrami County Environmental Questionnaire.
- F. Any additional documents as requested by the Ten Lake Planning Commission to explain how the PUD will be designed and will function.
- G. The final plat shall include:
 - 1. The boundary lines of the area being subdivided with accurate distances and bearings, the date, scale, arrow indicating the direction north, and the subdivision name.
 - 2. The lot lines of all adjoining properties and the lines of adjoining streets and alleys indicating their width and their name.
 - 3. The boundaries of properties intended to be dedicated for public use; all dimensions given to the nearest one hundredth (1/100) of a foot for all lots, streets, alleys, and easements.
 - 4. The radii, arcs, chords, points of tangency and central angles for all curvilinear streets and radii for rounded curves.

5. The location of all survey monuments and benchmarks.
6. The certificate of the surveyor attesting to the accuracy of the survey and the correct location of all monuments and benchmarks.
7. Certificates of approval for endorsement by the Ten Lake Board.
8. The sketch map should identify the primary and secondary conservation areas and the proposed development areas.
9. In addition, no approval shall be granted until any required environmental review process (EAW/EIS) is completed.

SECTION 804.3.1 PUD SITE SUITABILITY EVALUATION

- A. A proposed PUD shall meet or exceed the standards for land suitability as required by Section 801.
- B. Proposed new, or expansions to existing Planned Unit Developments shall be evaluated using the following procedures and standards to determine the suitable area for the dwelling unit/dwelling site evaluation described in this Section:
 1. The project parcel must be divided into two tiers by locating one or more lines approximately parallel to a line that identifies the ordinary high water level at the following intervals, proceeding landward:

General Development lakes (GD) or Recreational Development lakes (RD)
0-300 ft. is the First Tier, and 301 - 1000 ft. is the Second Tier
 2. The suitable area within each tier is next calculated by excluding from the tier area all wetlands, bluffs, and land below the ordinary high water level of public waters.
 3. This suitable area and the proposed development are then subjected to either the residential or commercial planned unit development density evaluation steps to arrive at an allowable number of dwelling units or sites within each tier.
 4. This area is then subjected to the development density evaluation steps to arrive at an allowable number of dwelling units or sites. In areas with overlapping shoreland classes or areas where more than one standard applies, the more restrictive rules shall be used.

5. Minimum structure setbacks must be at least:

| <u>Shoreland Class</u> | <u>OHWL Structure Setback (in feet)</u> |
|--------------------------------|---|
| All River classes | 150 |
| Critical Area Lakes | 150 |
| Sensitive Area Lakes | 300 |
| Special Protection Lakes | 300 |
| Natural Environment Lakes | 150 |
| Recreational Development Lakes | 100 |
| General Development Lakes | 100 |

SECTION 804.3.2 PUD MAINTENANCE AND DESIGN CRITERIA

- A. Before final approval of a planned unit development may be granted, adequate provisions must be developed for the preservation and maintenance of open spaces in perpetuity, and for the continued existence and functioning of the development.
- B. Documents that explain how the project is designed and will function must be provided. These shall include all covenants, operating rules and procedures of any property owners association, all easements associated with the development, a concept statement describing the project, all structures, and various other drawings or plans.
- C. The sketch map should identify the primary and secondary conservation areas and the proposed development areas. In addition, no approval shall be granted until any required environmental review process (EAW/EIS) is completed.
- D. Deed restrictions, covenants, permanent easements, public dedication and acceptance, or other equally effective and permanent means shall be provided to ensure long-term preservation and maintenance of open space. The instruments must include all of the following protections:
1. Commercial uses shall be prohibited in residential planned unit developments.
 2. Vegetative and topographic alterations, except for routine maintenance, is prohibited.
 3. Construction of additional buildings or the storage of vehicles and/or other materials is prohibited.
 4. Uncontrolled beaching of watercraft shall be prohibited.
- E. All residential planned unit developments must have a property owners association with the following features and in accordance with Minn. Stat. § 515B and any other applicable sections of law:
1. Membership shall be mandatory for each dwelling unit or site owner.
 2. Each member must pay a pro-rata share of the expenses of the association.

3. Unpaid assessments may become liens on units or sites.
 4. Assessments must be adjustable to accommodate changing conditions.
 5. The association shall be responsible for insurance, taxes, and maintenance, including solid waste collection, septic systems, water supply systems and all commonly owned property and facilities.
- F. All planned unit developments must contain open space meeting all of the following criteria:
1. At least 50 percent of the total project area must be preserved as open space.
 2. Impervious surface usage must not exceed the maximum allowable percentage for the Land Use Management District, as described in Section 707 of this Ordinance.
 - a. Dwelling units or sites, road rights-of-way, land covered by road surfaces, parking areas, and structures are developed areas and shall not be included in the computation of open space.
 - b. Open space must include those areas with physical characteristics unsuitable for development in their natural state, and areas containing significant historic sites or unplatted cemeteries.
 - c. Open space may include outdoor recreational facilities for use by owners of dwelling units or sites, by guests staying in commercial dwelling units or sites, or the general public.
 - d. Open space may include subsurface sewage treatment systems provided the use of the space is restricted to avoid adverse impacts on such systems.
 - e. Open space must not include commercial facilities or uses.
 - f. The appearance of open space areas, including topography, vegetation, and allowable uses, must be preserved by use of restrictive deed covenants, permanent easements, public dedication and acceptance, or other equally effective and permanent means.
 - g. The shore impact zone, based upon normal structure setbacks, must be included as open space.
- G. For a RPUD, at least 50 percent of the shore impact zone of existing developments and at least 70 percent of the shore impact zone area of new developments must be preserved in its natural or existing state.
- H. For a CPUD, at least 50 percent of the shore impact zone must be preserved in its natural state.

- I. Erosion control and stormwater management plans must be developed and the PUD must:
1. Be designed, and the construction managed, to minimize the likelihood of serious erosion occurring either during or after construction. This must be accomplished by limiting the amount and length of time of bare ground exposure. Temporary ground covers, sediment entrapment facilities, vegetative buffer strips, or other appropriate techniques must be used to minimize erosion impacts on surface water features. Erosion control plans approved by the Beltrami Soil and Water Conservation District may be required if warranted by project size and/or the physical characteristics of the site.
 2. Be designed and constructed to effectively manage reasonably expected quantities of stormwater runoff. Impervious surface coverage within any tier in an RPUD must not exceed 15 percent of the tier area, and for a CPUD 25 percent impervious surface coverage may be allowed in the first tier with a stormwater management plan (SWCD) approved by the Beltrami Soil and Water Conservation District and consistent with this Ordinance.
- J. Centralization and design of facilities and structures must comply with the following standards:
1. Planned Unit Developments must be connected to publicly owned water supply and sewer systems, if available. On-site water supply and sewage treatment systems must be centralized and designed and installed to meet or exceed applicable standards or rules of the Minnesota Department of Health and Articles V and VIII of this Ordinance. On-site sewage treatment systems must be located on the most suitable areas of the development, and sufficient lawn area free of limiting factors must be provided for a replacement soil treatment system for each sewage system.
 2. Dwelling units or sites must be designed and located to meet or exceed the following dimensional standards for the applicable shoreland classification: setback from the ordinary high water level, elevation above the surface water features and maximum height.
 3. If an 'Environmental Setback' is used to increase the allowable number of lots, setbacks from the ordinary high water level must be increased in accordance with Section 804.1.2.
 4. Shore recreation facilities, including but not limited to swimming areas, docks and watercraft mooring areas must be centralized and located in suitable areas. Evaluation of suitability must include consideration of land slope, water depth, vegetation, soils, depth to groundwater and bedrock, and other relevant factors. The number of spaces provided for continuous beaching, mooring, or docking of watercraft must not exceed one for each allowable dwelling unit or site in the first tier (not withstanding existing mooring sites in existing commercially used harbors).

5. Structures, parking areas, and other facilities must be treated to reduce visibility as viewed from public waters and adjacent shorelands by vegetation, topography, increased setbacks, color, or other means, assuming summer, leaf-on conditions. Vegetative and topographic screening must be preserved, if existing, or may be required to be provided.
6. Accessory structures and facilities must meet the required principal structure setback, and must be centralized.

SECTION 805. PLATTING PROCESS

A. Scope of Section.

This Section and its subsections provide the process required for planned unit developments (both CPUD and RPUD) and subdivisions (both CLB and ELB). Each lot created through this platting process must be suitable in its natural state for the proposed use with only minimal alteration, and meet minimal lot size requirements in accordance with Section III, Table III-A and Section VIII.

B. Application Process.

The platting process, described more fully in this Section, consists of the following steps:

1. A pre-application meeting between the applicant and the Zoning Administrator;
2. The submission and review of preliminary and final plats by the Planning Commission and the Ten Lake Township Board;
3. Submission of proposed plats to the Commissioner of Natural Resources; and
4. The approval of the Final Plat by the Ten Lake Township Board, the Beltrami County Planning Commission, and the Beltrami County Board of Commissioners.

C. Pre-application Meeting.

1. Prior to the submission of an Application for the creation of a Subdivision or PUD to the Ten Lake Planning Commission under the provisions of this Ordinance, the subdivider shall meet with the Ten Lake Zoning Administrator and other Ten Lake officials to present, conceptually, the proposed subdivision and to determine the requirements to be met.
2. The subdivider shall supply information to determine the Land Suitability as required by Section 801.
3. The subdivider shall also present a sketch of the proposed subdivision containing proposed lots and roads and the physical features of the property. The sketch plan shall be signed and dated by the subdivider.

4. Following the review, the Zoning Administrator will inform the subdivider of any concerns and considerations and whether the project may continue moving through the platting process.

D. Application Submission.

After the pre-application meeting, the sub-divider shall submit ten (10) copies of a preliminary plat and all required documents to the Ten Lake Zoning Administrator along with the required fees at least twenty-one (21) days prior to the next regularly scheduled meeting of the Planning Commission at which the plat is to be reviewed.

E. Public Hearing and Site Visit on Preliminary Plat.

1. The Ten Lake Township Planning Commission shall review the preliminary plat and shall conduct a public hearing on the proposed plat after the Township's receipt of an acceptable preliminary plat from the subdivider. The Zoning Administrator shall forward a copy of the plat to the Department of Natural Resources before the hearing.
2. The Planning Commission and other Ten Lake Township officials shall visit the site prior to the public hearing.
3. Following a properly noticed public hearing on the preliminary plat before the Planning Commission, the Planning Commission shall recommend, recommend with conditions, or not recommend the approval of the preliminary plat application to the Township Board of Supervisors with findings of fact supporting the recommendation.
4. The Ten Lake Township Board shall provide its approval, conditional approval or denial of the preliminary plat:
 - a. If the Ten Lake Township Board approves the preliminary plat, such approval shall mean the acceptance of the design as the basis for preparation of the final plat.
 - b. If said plat is denied, the grounds for any such denial shall be set forth in the minutes of the proceedings and shall be provided to the subdivider-applicant. If denied, applicants may resubmit the preliminary plat to the Planning Commission after appropriate changes are made.
 - c. If said plat is conditionally approved, the conditions upon which the approval were based shall be set forth in the minutes of the proceedings and shall be provided to the subdivider-applicant. The stated conditions must be incorporated by the subdivider-applicant prior to a final plat approval. In the event the incorporations of the conditions result in substantial changes to the preliminary plat, the Zoning Administrator, at its discretion, may require the subdivider-applicant to resubmit the preliminary plat to the Planning Commission.

F. Final Platting Process.

1. Upon approval of the Preliminary Plat by the Township Board, the applicant shall apply for final plat approval recommendations from the Planning Commission. The subdivider shall file ten (10) copies of the final plat, at a minimum scale of two hundred (200) feet to the inch, and all other required and requested documents, with the Ten Lake Zoning Administrator at least twenty-one (21) days before the next regularly scheduled meeting of the Planning Commission.
2. These copies shall conform substantially to the preliminary plat, as approved by the Planning Commission and the Township Board.

G. Approval of Final Plat.

1. The Zoning Administrator shall check that the final plat submitted by the subdivider is in substantial agreement with the preliminary plat approved by the Township Board.
2. After submission of the final plat and the subdivider's compliance with all requirements and conditions expressly required to be satisfied in order for the final plat to be considered, the Planning Commission shall review the final plat and either recommend approval or denial of the final plat to the Board of Supervisors. The Zoning Administrator shall notify the subdivider of the recommendation made by the Planning Commission to the Board of Supervisors.
 - a. If the Planning Commission recommends denial of the final plat, the subdivider may withdraw the plat before it is considered by the Board of Supervisors and resubmit said plat to the Planning Commission for reconsideration after appropriate changes have been made.
3. The Board of Supervisors shall take final action to either approve or deny the final plat, based upon the recommendation of the Planning Commission and any other information it deems appropriate, including compliance by the subdivider with all conditions and requirements upon which the preliminary approval was expressly conditioned either through performance or the execution of appropriate agreements assuring performance.

H. Recording the Final Plat:

Plat approval shall be null and void if the final plat is not filed with the County Recorder within six (6) months after the date of approval by the Board of Supervisors, unless an application for extension has been made to the Township and such extension is granted by the Board of Supervisors.

SECTION 805.1 CONSISTENCY WITH OTHER CONTROLS

- A. Subdivisions, and lots created within subdivisions and planned unit developments, must conform to all of the official controls prescribed in this Ordinance.
- B. A subdivision or planned unit development will not be approved where a variance from the official controls will later be needed in order to use a lot for its intended purpose.
- C. A subdivision will not be approved unless a domestic water supply is available and a sewage treatment system in full compliance with this Ordinance can be provided for every lot.
- D. Each lot in a subdivision shall meet the minimum lot size and dimensional requirements prescribed in Article V of this Ordinance for the Land Management District of the proposed property.
- E. Each lot in a Conventional Lot & Block subdivision shall include a minimum contiguous lawn area that is free of limiting factors and sufficient for the construction of two standard sewage treatment systems.
- F. Planned unit developments shall include contiguous lawn area that is free of limiting factors sufficient for the construction of centralized septic system(s) plus an alternate area for these system(s).
- G. Subdivisions and planned unit developments which include lots that would require holding tanks shall not be approved.

SECTION 805.2 DEDICATIONS

- A. The Township may require that a portion of a subdivision, plat, or PUD be set aside and dedicated to the public for public use as roadways, open space, access, and other public facilities.
- B. As a condition precedent to the approval of the plat of lands located within the town, the Board of Supervisors may prescribe requirements of the extent to which and the manner in which roads shall be built, the conditions under which roads dedicated to the public will be opened and maintained by the Township, utilities installed, and any other matters reasonably related to the manner in which the area being subdivided or platted shall be developed.
- C. The Board of Supervisors may require that easements for drainage ways or ponding areas of widths sufficient to accommodate anticipated storm water runoff be provided.
- D. The Township may require the applicant to construct, to the Township's satisfaction, and dedicate to the public certain improvements within the subdivision or plat, the requirements for which shall be established within the developer's agreement.

SECTION 805.3 CONTROLLED ACCESS LOTS IN ENVIRONMENTAL LOT & BLOCK SUBDIVISIONS

Controlled access lots are only allowed in an Environmental Lot & Block subdivision and said lots are only allowed pursuant to the terms set forth in this Section.

A riparian lot that is intended to be used as a controlled access to public waters for non-riparian lots in an Environmental Lot & Block subdivision shall be substantially set forth in the development agreement and shall comply with the following provisions:

- A. Access lots must meet the minimum width and area requirements for residential lots and be suitable for access. In addition, the access lot shall have a minimum width of 200 feet at the water line, and shall extend a minimum of 400 feet back from the ordinary high water level or to the back limits of the development, whichever is greater. If docking, mooring or over-water storage of watercraft is allowed at a controlled access lot, then the width of the lot must be increased by the percent of the minimum lot width requirement for riparian residential lots for each watercraft beyond six, consistent with the following table:

| Ratio of Lake Size (in Acres) to Shore Length (in Miles) | Required increase in Frontage % |
|---|--|
| Less than 100 | 25 |
| 100 – 200 | 20 |
| 201 – 300 | 15 |
| 301 – 400 | 10 |
| More than 400 | 5 |

- B. A minimum of twenty-five (25) foot sideyard area on both sides of the access lot shall be maintained with vegetative cover and screening abutting lots.
- C. The ownership and the responsibility for the maintenance and upkeep of a access lot shall be vested in an incorporated association of the dwelling unit owners and their successors in interest who have access privileges over and upon such lots. The non-riparian dwelling units and lots shall be subjected to restrictive conditions and covenants for the equitable proration and assessment of the cost of maintenance and upkeep of the private access lot. Covenants must be developed which specify which lot owners have authority to utilize the access lot, and activities that are allowed on such lots. Further, the covenants shall limit the total number of vehicles parked and watercraft moored, docked, beached or otherwise situated to be visible to users of the public water to a maximum of one of each per lot served. Covenants must require centralization of all facilities and activities in the most suitable locations on the lot to minimize topographic and vegetative alterations. They must also require all buildings, parking areas and other facilities to be screened by vegetation or topography as much as practical from view from the public water, assuming summer, leaf-on conditions.
- D. The construction of any facility including: docks, roadways, launching facilities, playground, parking facility on any private access lot shall be the responsibility of the corporation charged with the maintenance and upkeep of the lot. All facilities, with the

exception of docks, must meet the setback provisions specified in Section III, Table III-B of this Ordinance.

- E. No access lot may provide access rights for more than ten (10) non-riparian lots.

SECTION 805.4 LOT SIZE

- A. Newly created lots shall be of size and shape to satisfy all applicable requirements of Section 804 of this Ordinance.
- B. The shape of individual lots may render parts unusable for the installation of private sewage disposal systems or to provide adequate separation distance between them and watercourses or water wells. Therefore, any portion of a lot that is less than thirty (30) feet in width shall not be used in computing the minimum lot area.

SECTION 805.5 STREETS

- A. The design of all streets shall be considered in relation to existing and planned streets, to reasonable circulation of traffic, and to the proposed uses of the area to be served. Topographic conditions shall be considered, including the heaving capacity and erosion potential of the soil. Streets shall be designed to facilitate snowplowing, fire protection, and other public services.
- B. Where adjoining areas are not subdivided, the arrangement of streets in new subdivisions shall make provisions for the proper projection of streets. When a new subdivision adjoins undivided land susceptible to being subdivided, then the new street shall be carried to the boundaries of such undivided land.
- C. When new streets are extensions of existing streets, the new streets shall be at the same or greater width than such existing streets, but in no case may a new street be less than the minimum width required by this Section.
- D. All streets, roads and easements intended for vehicular traffic, and all platted streets and roads shall meet the following minimum standards:
 - 1. The right-of-way shall be a minimum of sixty-six (66) feet in width, and shall have a minimum of twenty-four (24) feet of road top;
 - 2. The road shall have a surface so that such road is accessible to public services and is amenable to future public improvements;
 - 3. The applicant shall construct all roads dedicated to the public within a plat or subdivision in compliance with the applicable road specification adopted by the Township; and
 - 4. The slope of the road must be seeded in order to prevent erosion. Drainage and topography shall meet the requirements of the Beltrami SWCD.

SECTION 805.6 STORM DRAINAGE

Storm drainage facilities, where required, shall be designed to permit the unimpeded flow of natural watercourses, insure the drainage of all points along the line of streets, and provide positive drainage away from on-site sewage disposal facilities. In designing storm drainage facilities, special consideration shall be given to protection against shoreland erosion and siltation of surface waters and the prevention of excess runoff onto adjacent property.

SECTION 805.7 WATER SUPPLY FACILITIES

Individual water supply systems will be permitted in accordance with Minnesota Department of Health Standards for water quality. Such water supply systems must be located in accordance with Minnesota Department of Health Standards and the requirements of this Ordinance. All water supply facilities must be designed for year-round usage at maximum capacity for the number of dwellings connected to such facilities.

SECTION 805.8 SANITARY SEWERAGE

- A. In areas having a public sanitary sewer system on or near the proposed subdivision, the County Board, along with the local municipality, will determine the feasibility of service and the requirements to be followed by the subdivider in connecting to the system.
- B. In areas not served by a public sewer system, on-site sewage treatment systems will be allowed provided that all requirements of the Minnesota Pollution Control Agency "Individual Sewage Treatment System Standards", Minn. R. Ch. 7080, and Beltrami County Shoreland Ordinance Article VII and other county requirements are complied with.
- C. A Certificate of Compliance from the Beltrami County Environmental Services.
- D. All septic systems must be designed for year round usage, at maximum capacity, for the number of dwellings that are serviced.
- E. All other provisions of this Ordinance regarding septic systems must be met.

ARTICLE IX

TELECOMMUNICATION TOWERS

SECTION 900. TELECOMMUNICATIONS TOWERS, ANTENNAS AND RELATED FACILITIES.

SECTION 900.5. APPLICABILITY

The restrictions, requirements, and regulations contained in this Article apply to all types of communication towers and related facilities, including, but not limited to, cable, video, and information services (data) towers and related facilities. The terms “telecommunications facilities”, “telecommunications tower”, and “tower” are to be read as including these other types of communication towers and facilities to the extent it is reasonable to do so in the particular context.

SECTION 901. FINDINGS

The Board of Supervisors finds:

- A. The **Federal Communications Act of 1934** as amended by the **Telecommunications Act of 1996** (“the Act”) governs the construction, placement, and modification of personal wireless service facilities. Consistent with the Act, the general purpose of this section is to regulate the placement, construction, and modification of telecommunication towers, antennas and related facilities in order to protect the health, safety and welfare of the public, while not unreasonably interfering with the development of the competitive wireless telecommunications marketplace in the Township.
- B. In furtherance of the goals of the Township and within the framework of the Act and state law, the Township will give due consideration to the Beltrami County’s comprehensive plan, zoning districts, existing land uses and environmentally sensitive areas in approving sites for the location of towers and antennas. Specifically, the purposes of this section are:
 1. To regulate the location of telecommunication towers and facilities;
 2. To protect residential areas and land uses from potential adverse impacts of telecommunication towers and facilities;
 3. To minimize adverse visual impacts of telecommunication towers and facilities through design, siting, landscaping, and innovative camouflaging techniques;
 4. To promote and encourage shared use and co - location of telecommunication towers and antenna support structures;
 5. To avoid damage to adjacent and nearby properties caused by telecommunication towers and facilities by ensuring that those structures are soundly and carefully designed, constructed, modified, maintained and promptly removed when no longer used or when determined to be structurally unsound;

6. To ensure that telecommunication towers and facilities are compatible with surrounding land uses; and
7. To facilitate the provision of wireless telecommunications services to the residents and businesses of the city in an orderly fashion.

SECTION 902. DEFINITIONS.

For purposes of this section, the following terms have the meanings given them, except where the context clearly indicates a different meaning:

- A. “Antenna” means any device, which by use of any means, is designed to transmit or receive any electromagnetic, microwave, radio, television or other frequency energy waves, of any type, for any purpose.
- B. “Antenna support structure” means a building, water tower or other structure, other than a telecommunications tower, which can be used for location of telecommunications facilities.
- C. “Applicant” means a person who applies for a permit to develop, construct, build modify or erect a tower or antenna under this section.
- D. “Application” means the process by which the owner of a plot of land within the township or other person submits a request to develop, construct, build, modify or erect a tower or antenna upon that land.
- E. “Engineer” means an engineer licensed by the State of Minnesota.
- F. “Person” means any natural person, firm, partnership, association, corporation, company, or other legal entity, private or public, whether for profit or not for profit.
- G. “Stealth” means designed to blend into the surrounding environment; examples of stealth facilities include, without limitation, architecturally screened roof-mounted antennas, antennas integrated into architectural elements, and telecommunications towers designed to appear other than as a tower, such as light poles, power poles and trees.
- H. “Telecommunications facilities” means cables, wires, lines, wave guides, antennas or any other equipment or facilities associated with the transmission or reception of telecommunications located or installed on or near a tower or antenna support structure. The term does not include:
 1. A satellite earth station antenna two meters in diameter or less located in an industrial or commercial district;
 2. A satellite earth station antenna one meter or less in diameter, wherever located; or
 3. A tower.

- I. “Telecommunications tower” or “tower” means a self-supporting lattice, guyed or monopole structure constructed from grade that supports telecommunications facilities; the term does not include amateur radio operations equipment licensed by the Federal Communications Commission.

SECTION 903. DEVELOPMENT OF TOWERS; APPROVALS REQUIRED.

- A. General Construction Prohibition. A tower may only be constructed in the Commercial District as a conditional use with proper permit approval.
- B. Conditional Use Permits Required. A tower may not be constructed unless a conditional use permit has been issued by the Planning Commission, if the tower is a conditional use in the zoning district in which construction will take place.
- C. Zoning Permit Required. A tower may not be constructed in any zoning district unless a zoning permit has been issued by the Zoning Administrator.
- D. Township Property. The Township may authorize the use of Township property for towers in accordance with the procedures of this Ordinance. The Township has no obligation to allow the use of Township property for this purpose.
- E. Zoning Districts. A tower is an excluded use in all zoning districts, except that a tower may be a conditional use in zoning districts designated as Commercial, but not a portion of the Commercial District occupied by land uses now designated as CPUD or which may become, on conversion, an RPUD.
- F. Preferences. The following preferences exist for the siting of towers or antenna facilities, in order of preference: Commercial, as limited by Subd. 5, above.

SECTION 904. APPLICATION PROCESS.

- A. A person desiring to construct a tower must submit an application for a zoning permit and a conditional use permit to the Zoning Administrator.
- B. An application to develop a tower must include:
 - 1. Name, address, and telephone number of the applicant;
 - 2. Name, address, and telephone numbers of the owners of the property on which the tower is proposed to be located;
 - 3. Written consent of the property owner(s) to the application;
 - 4. Written evidence from an engineer that the proposed structure meets the structural requirements of this code;
 - 5. Legal description of the owned or leased parcel;

6. A scaled site plan indicating the location, type and height of the proposed tower, on site land uses and zoning, adjacent land uses and zoning, adjacent roadways, proposed means of access, setbacks from property lines, elevation drawings of the proposed tower and other structures, topography, parking and other information deemed by the Zoning Administrator to be necessary to be in compliance with applicable code provisions;
7. A landscape plan showing specific landscape materials;
8. A method of fencing, and finished color and, if applicable, the method of camouflage and lighting;
9. Written information demonstrating the need for the tower at the proposed site in light of the existing and proposed wireless telecommunications network(s) to be operated by persons intending to place telecommunications facilities on the tower;
10. An inventory of the applicant's existing towers, antennas, or sites approved for towers or antennas that are either within the Township or within one mile of Township boundaries, including specific information about the location, height and design of each tower. Subject to proprietary rights of the applicant, the Zoning Administrator may share such information with other applicants applying for conditional use permits under this Ordinance or with other entities seeking to locate antennas within the Township, provided, however, that the Zoning Administrator is not, by sharing such information, in any way representing or warranting that such sites are available or suitable;
11. Separation distance from the other towers described in the inventory of existing sites submitted pursuant to this Ordinance;
12. A map showing the search radius and proposed broadcast coverages prepared by an RF engineer;
13. If applicable, then maps showing analysis of wireless service coverage at the requested height and at 20 and 40 feet lower than the requested height;
14. A description of the suitability of the use of existing towers, other structures or alternative technology including, but not limited to, cable microcell network attached to existing wireline systems or similar technology that does not require the use of towers;
15. A description of the potential locations of future towers or antennas within or outside the Township, based on existing physical, engineering, technological or geographical limitations in the event the proposed tower is erected;
16. A statement by the applicant regarding accommodation for co-location of additional antennas for future users;

17. A structural engineering report certifying the ability of the tower to accommodate a co-location of at least three wireless service provider facilities;
18. The setback distance between the proposed tower and the nearest residential unit, platted residential properties and unplatted residentially zoned properties;
19. A description or proof of compliance with all applicable federal, state or other local laws and evidence that necessary consents or approvals have been received;
20. A copy of relevant portions of a lease signed by the applicant and property owner(s), requiring the applicant to remove the tower and associated telecommunications facilities upon cessation of operations on the leased site, or, if a lease does not yet exist, a written agreement to include such a provision in the lease to be signed;
21. An application fee established from time to time by resolution of the Board of Supervisors, which shall include the costs of legal and radio frequency (RF) engineering consultation provided to the Township in connection with its review of the application;
22. A description of the stealth technology to be employed in the construction of the facility; and
23. Multiple photographs of the affected horizon and its immediate vicinity, photographed from not less than east, west, north and south directions and toward the proposed tower site, with a superimposed image of the to be constructed tower and any related tower facilities, to approximate scale.

SECTION 905. PERFORMANCE STANDARDS.

A. Co - location Capability

Applicants are required to co-locate their facilities on existing towers. However, if the applicant can present clear and convincing evidence to the Township that co-location is not feasible, the applicant may seek a conditional use permit from the Township to build, construct, or erect a new tower in accordance with this Ordinance.

New towers shall be capable of supporting at least three telecommunications facilities comparable in weight, size, and surface area to each other. Newly built, constructed, or erected towers shall be built, constructed, or erected in a manner that permits future co-locations by other applicant communication companies and in a manner that does not limit the ability of future applicants, including cable, video, and data service providers. A tower owner shall not limit its interest in the property on which the tower is located or otherwise restrict its use of the property in a way that unreasonably interferes with the ability of other companies to co-locate their facilities on the tower.

B. Setback Requirements

A tower must comply with the following setback requirements:

1. Setback requirements for towers are measured from the base of the tower to the property line of the parcel on which it is located.
2. A tower must be located on a single parcel having a dimension equal to the height of the tower, as measured between the base of the tower located nearest the property line and the actual property line, unless an engineer specifies in writing that the collapse of the tower will occur within a lesser distance under reasonably foreseeable circumstances.
3. Towers shall have a minimum setback from any property line equal to the height of the tower plus 10 feet, unless otherwise provided in this Ordinance.
4. A tower located next to a residential zone shall have a setback equaling the height of the tower plus 100 feet.
5. The minimum spacing between tower locations is one mile.
6. Towers shall not be located within 2,640 feet of the Ordinary High Water Mark of any lake within the Township.
7. Notwithstanding other variance requirements to the contrary, but not so as to permit a tower in a zoning district in which towers are excluded, a tower setback may be, but is not required to be, reduced by variances so as to allow for the structural integration of a tower into an existing or proposed structure, such as a church steeple, light standard, power line support device or similar structure.

SECTION 906. ENGINEER CERTIFICATION

Towers must be designed and certified by an engineer to be structurally sound and in conformance with the Universal Building Code, and any other standards set forth in this Ordinance.

SECTION 907. HEIGHT RESTRICTION

A tower may not exceed the lesser of 195 feet in height or the minimum height necessary to provide adequate coverage by the provider of wireless service. Measurement of tower height must include the tower structure itself, the base pad, and any telecommunications facilities attached thereto. Tower height is measured from grade.

SECTION 908. LIGHTING

Towers may not be artificially lighted except as required by the Federal Aviation Administration. At time of construction of a tower, in cases where there are residential uses or potential residential uses located within a distance which is three times the height of the tower from the tower, dual mode lighting must be requested from the Federal Aviation Administration. Notwithstanding this provision, the Township may approve the placement of an antennae on an existing or proposed lighting standard, provided that the antennae is integrated with the lighting standard.

SECTION 909. EXTERIOR FINISH

Towers not requiring Federal Aviation Administration painting or marking must have an exterior finish as approved in the site plan.

SECTION 910. FENCING

Fences constructed around or upon parcels containing towers, antenna support structures, or telecommunications facilities must be constructed in accordance with the applicable fencing requirements in the zoning district where the tower or antenna support structure is located.

SECTION 911. LANDSCAPING

Landscaping on parcels containing towers, antenna support structures or telecommunications facilities must be in accordance with landscaping requirements as approved in the site plan. Utility buildings and structures accessory to a tower must be architecturally designed to blend in with the surrounding environment and to meet such setback requirements as are compatible with the actual placement of the tower. Ground mounted equipment must be screened from view by suitable vegetation, except where a design of non-vegetative screening better reflects and complements the character of the surrounding neighborhood.

SECTION 912. ACCESSORY BUILDINGS AND EQUIPMENT

No more than one accessory building is permitted per tower. Accessory buildings may be no more than 200 square feet in size. Telecommunications facilities not located on a tower or in an accessory building must be of stealth design.

SECTION 913. SECURITY

Towers must be reasonably posted and secured to protect against trespass. All signs must comply with applicable sign regulations.

SECTION 914. DESIGN

Towers must be of stealth design to the extent reasonably feasible under the circumstances.

SECTION 915. SIGNS AND ADVERTISING

The use of any portion of a tower for signs other than warning or equipment information is prohibited.

SECTION 916. TYPES OF TOWERS

The use of guyed towers is prohibited. Towers must be self-supporting without the use of wires, cables, beams or other means. Tower design should attempt to utilize a monopole design. Notwithstanding other variance requirements to the contrary, the monopole preference may be waived in instances where structural, RF design considerations or other factors required by the Township prevent the use of a monopole.

SECTION 917. BASE OF TOWER

The base of any tower shall occupy no more than 500 square feet and the top of the tower shall be no larger than the base.

SECTION 918. TOWER MATERIALS

All metal towers shall be constructed of, or treated with, corrosion-resistant material. Towers and all telecommunications facilities not located on a tower or in an accessory building must be

of stealth design.

SECTION 919. EQUIPMENT HOUSING

Transmitting, receiving and switching equipment shall be housed within an existing structure whenever possible. If a new equipment building is necessary for transmitting, receiving and switching equipment, it shall be situated as to be screened from view by landscaping. All support structures shall be reasonably protected against climbing.

SECTION 920. NON-TOWER FACILITIES

Telecommunications facilities may be constructed, pursuant to the issuance of a conditional use permit, as described in this Section.

- A. Telecommunications facilities are a conditional accessory use in Commercial, Public and Agricultural districts, provided that the owner of such a telecommunications facility, by written certification to the Zoning Administrator, establishes the following at the time plans are submitted to the Zoning Administrator for a conditional use permit:
 - 1. That the height from grade of the telecommunications facilities attached to the antennae support structure does not exceed the maximum height from grade of the antenna support structure itself by more than 20 feet;
 - 2. That the antenna support structure and telecommunications facilities comply with the Universal Building Code;
 - 3. That telecommunications facilities located above the primary roof of an antenna support structure are set back one foot from the edge of the primary roof for each one foot in height above the primary roof of the telecommunications facilities. This setback requirement does not apply to antennas that are mounted to the exterior of antenna support structures below the primary roof; such antennas may protrude more than six inches from the side of the antenna support structure; and
 - 4. All other requirements or conditions described in this Article have been or will be met.

- B. Notwithstanding anything to the contrary contained in this Ordinance, telecommunications facilities are a conditional accessory use on antenna support structures owned or otherwise under the physical control of the Township, a school district or the state or federal government, provided a conditional use permit has been issued by the Planning Commission and provided further that the owner of such a telecommunications facility, by written certification to the Zoning Administrator, establishes the following facts at the time plans are submitted to the Zoning Administrator for a conditional use permit:
 - 1. That the height from grade of the telecommunications facilities attached to the antennae support structure does not exceed the maximum height from grade of the antenna support structure itself by more than 20 feet;

2. That the antenna support structure and telecommunications facilities comply with the Universal Building Code; and
3. That telecommunications facilities located above the primary roof of an antenna support structure are set back one foot from the edge of the primary roof for each one foot in height above the primary roof of the telecommunications facilities. This setback requirement does not apply to antennas that are mounted to the exterior of antenna support structures below the primary roof; such antennas may protrude more than six inches from the side of the antenna support structure.

SECTION 921. REMOVAL OF TOWERS OR COMMUNICATION FACILITIES

Abandoned or unused towers and associated facilities must be removed within ninety (90) days of the cessation of operations of the telecommunications facility at the site unless an extension is approved by the Board of Supervisors. Any tower and associated telecommunications facilities that are not removed within ninety (90) days of the cessation of operations at a site are declared to be public nuisances and may be removed by the Township and the costs of removal assessed against the property pursuant to state law and Township ordinances. The conditional use permit shall establish an amount to be posted by bond, letter of credit, cash or equivalent by the applicant that will cover the projected cost of removal of towers or telecommunications facilities in the event of abandonment.

SECTION 922. ADDITIONAL REQUIREMENTS

A. Structural Inspections.

The Township may repair or conduct expert inspections, at any time, upon reasonable notice to the property owner and the tower owner, to inspect the tower for the purpose of determining if it complies with the Universal Building Code and other construction standards provided by Township ordinance, federal and state law. The expense related to such inspections will be borne by the tower owner or responsible lessee, at the discretion of the Township. Based upon the results of an inspection, the Zoning Administrator may require repair, modification or removal of a tower.

B. Radiation Emission Inspections.

The owner of a telecommunications facility shall provide the Township with current, technical evidence of compliance with FCC radiation emission requirements, annually or more frequently at the Township's reasonable request. If the owner does not promptly provide the Township with satisfactory technical evidence of FCC compliance, then the Township may carry out tests to ensure FCC radiation compliance using a qualified engineer. The owner or responsible lessee (at the direction of the Township) of a telecommunications tower, antenna or related facility shall reimburse the Township for its reasonable costs in carrying out such compliance testing as a condition of a conditional use permit.

C. **Maintenance.**

Towers and telecommunication facilities must be maintained in accordance with the following provisions:

1. Tower owners must employ ordinary and reasonable care in construction and use commonly accepted methods and devices for preventing failures and accidents that are likely to cause damage, injuries, or nuisances to the public.
2. Tower owners must install and maintain towers, telecommunications facilities, wires, cables, fixtures and other equipment in compliance with the requirements of the National Electric Safety Code and all Federal Communications Commission, state, and local regulations, and in such a manner that they will not interfere with the use of other property.
3. Towers, telecommunications facilities, antenna support structures and grounds must be kept and maintained in good condition, order, and repair.
4. Maintenance or construction on a tower, telecommunications facilities or antenna support structure must be performed by qualified maintenance and construction personnel.
5. All tenants on towers must comply with radio frequency emissions standards of the Federal Communications Commission.
6. If the use of a tower is discontinued by the tower owner, then the tower owner shall provide not less than ninety (90) days written notice to the Township of its intent to discontinue use, the date when the use will be discontinued, and the date when the equipment will be removed.

D. **Assignment of Rights.**

Any assignment of right, e.g., of ownership or of lease, shall not be submitted to the Township not less than thirty (30) days in advance thereof. Such notice shall include, but not be limited to, name, address and phone number of the proposed assignee, nature of the assignment, date of proposed assignment and purpose of assignment.

E. **Use of Towers.**

In the event any use is intended to be made of a tower involving entities or uses not described in the initial application, then any new uses or tenants shall be noticed to the Township in the form of an application to amend a granted conditional use permit, and shall be subject to that permitting process discussed herein.

F. **Notice of Uses and Tenancies.**

Two (2) years after the grant of a conditional use permit hereunder, and every two (2) years thereafter, an applicant or its assignee shall give written notice to the Township of

the names, addresses and telephone numbers of entities using a tower, together with a brief description of what the use is.

SECTION 923. FAILURE TO COMPLY; PERMIT REVOCATION

- A. If the permittee fails to comply with any provision of the Township ordinances, federal or state law or the conditional use permit requirements, then the Township may impose penalties for noncompliance, or it may revoke the permit in accordance with the following provisions.
- B. Except as provided in Subd. 3, below, a permit revocation shall be preceded by written notice to the permittee of the alleged violation(s), the opportunity to cure the violation(s) during a period not to exceed thirty (30) days following receipt of the written notice and a hearing before the Board of Supervisors at least fifteen (15) days after receiving written notice of the hearing. The hearing shall provide the permittee with an opportunity to show cause why the permit should not be revoked.
- C. If the Township finds that exigent circumstances exist requiring immediate permit revocation, then the Township may revoke the permit and shall provide a post-revocation hearing at least fifteen (15) days after permittee's receipt of written notice of the hearing.
- D. Any decision to revoke shall be in writing and supported by substantial evidence contained in a written record.

SECTION 924. NO PERMITS REQUIRED

No permits are required for the following:

- A. Household television antennas extending less than fifteen (15) feet above the highest point of a residential structure.
- B. Satellite dish receiving antennas two (2) meters or less in diameter.
- C. Adjustment, repair or replacement of the elements of an antenna, provided that such work does not constitute a clear safety hazard.
- D. Antennas and antenna support structures used by the Township for Township purposes.
- E. Emergency or routine repairs, reconstruction, or routine maintenance of previously approved facilities, or replacement of transmitters, antennas, or other components or previously approved facilities which do not create a significant change in visual impact or an increase in radio frequency emission levels, and provided that such work does not constitute a clear safety hazard.
- F. Two-way communication transmitters used on a temporary basis by a "911" emergency services, including fire, police and emergency aid or ambulance service.
- G. Radio transceivers normally hand-held or installed in moving vehicles, such as automobiles, watercraft or aircraft. This includes cellular phones.

SECTION 925. RIGHT-OF-WAY

Except as approved by the Township as to public utilities, no part of any telecommunications tower or telecommunications facilities, nor any lines, cable, equipment, wires or braces shall at any time extend across or over any part of the right-of-way, public street, highway, sidewalk or property line. A provider of wireless telecommunications services within the meaning of the Act is not a public utility.

SECTION 926. INSURANCE

The applicant shall provide evidence satisfactory to the Township that its tower and telecommunication facilities thereon are adequately insured for injury and property damage. No later than January 10 of each year, the holder of a conditional use permit issued under this Ordinance shall submit to the Township clerk a photocopy of a certificate of insurance demonstrating that the tower or antenna facility is insured for that calendar year.

**MESSAGE PAGE:
TEN LAKE TOWNSHIP HAS ADULT-ORIENTED BUSINESS
REGULATIONS ON PAGES 98-115 OF THIS ORDINANCE.
IF YOU WOULD LIKE A COPY JUST CONTACT THE TOWNSHIP
CLERK**

ARTICLE X

ADULT ORIENTED BUSINESSES

SECTION 1000. ADULT ORIENTED BUSINESSES

SECTION 1001. FINDINGS AND PURPOSES

A. PURPOSE

The purpose of this Ordinance is to regulate the application for and the permitting of certain land uses in the Township, which land uses have a direct and detrimental effect on the general welfare and character of the Township's residential and commercial neighborhoods, establishing comprehensive regulations for adult uses and sexually oriented businesses, to promote the public health, safety, convenience and general welfare through regulation of the uses of land and the placement of all structures as described herein, and to manage the shorelands and flood plain areas within the Township, all pursuant to Minnesota Statutes as made and provided therefore. The requirements of Article X of this Ordinance are in addition to those contained in Minn. Stat. §§ 617.241 - 617.247.

B. FINDINGS

The Board of Supervisors of Ten Lake Township makes the following findings about the effect adult uses and sexually-oriented businesses have on the character of the Township's neighborhoods.

In making its findings, the Board of Supervisors accepts and adopts the recommendations of Township staff and the Planning Commission, who have studied the experiences of other areas about such businesses. The Minnesota Attorney General, the League of Minnesota Cities, the American Planning Association, the City of Baxter, the City of Crosslake, the City of St. Paul, the City of Rochester and various other cities throughout the country have studied the impact of adult uses and sexually-oriented businesses on urban and rural areas. These studies have concluded that adult uses and sexually-oriented businesses have adverse impacts on surrounding neighborhoods.

Based on these studies, the Board of Supervisors finds that:

1. Adult uses and sexually-oriented businesses can contribute to an increase in crime in the area where such businesses are located. This can be a burden to Township crime prevention programs and law enforcement services.
2. Adult uses and sexually-oriented businesses can significantly contribute to the deterioration of residential neighborhoods and can increase neighborhood blight. These businesses also can impair the character and quality of the residential housing in the area where such businesses are. This situation could lessen the amount of desirable housing for residents.

3. The concentration of adult uses and sexually-oriented businesses in one area can greatly affect the area where such businesses are concentrated and can greatly affect the quality of life. A cycle of decay can result from the influx and concentration of adult uses and sexually-oriented businesses. Others may perceive the presence of such businesses as an indication that the area is deteriorating and the results can be devastating. That is, other businesses move out of the vicinity and residents flee from the area. Lower property values can result from the concentration of such businesses, erode the Township's tax base and contribute to blight.
4. Adult uses and sexually-oriented businesses have adverse secondary impacts of the types discussed above.
5. It is necessary to provide for the special and express regulation of businesses, establishments or commercial enterprises that operate as adult body painting, adult studios, adult bookstores, adult cabarets, adult car washes, adult companionship establishments, adult hotels or motels, adult massage parlors or health clubs, adult motion picture arcades or theaters, adult modeling studios, adult novelty businesses, adult saunas, and similar adult oriented services operating under various names, and to protect the public health, safety and welfare, guarding against inception and transmission of disease.
6. The commercial enterprises such as the types described in Paragraph 5 above and all other similar establishments whose services include sessions offered to adults conducted in private by members of the same or opposite sex, and employing personnel with no specialized training are susceptible to attracting illegal acts and to operations contravening, subverting or endangering the morals of the Township by being the site of acts of prostitution, illicit sex and occasions of violent crimes, and thus requiring close inspection, permitting and regulations.
7. The law enforcement center serving the Township is 30 miles away, with infrequent sheriff patrols passing through the community. To obtain faster response time and/or increased law enforcement patrols would place an extraordinary financial burden on this small Township.
8. Control and regulations of commercial establishments of these types, in view of the abuses often perpetrated, require intensive efforts by the sheriff's department and other departments of the County and Township. It is necessary for the Township to provide services to all of the Township without concentrating the public services in one area. The concentrated use of Township services detracts from and reduces the level of services available to the rest of the Township. Thus, these types of establishments can diminish the ability of the Township to protect and promote the general health, welfare, morals and safety of the Township.
9. The Board of Supervisors adopts the following land use and permitting regulations, recognizing that it has an interest in the present and future character of the Township's residential and commercial neighborhoods. These regulations are to lessen the detrimental and adverse effect adult uses and sexually-oriented businesses have on adjacent land uses and to protect and promote the health, safety and welfare

of the residents of the Township.

- C. It is not the intent of the Township to prohibit adult uses or sexually-oriented businesses or establishments from locating in the Township. It is not the intent of the Township to regulate such businesses on the basis of content, but instead to regulate them on the basis of likely adverse secondary effects.

SECTION 1002. DEFINITIONS

The following words shall have the following meanings:

- A. **Adult Uses:** Adult body painting studios, adult book stores, adult car washes, adult hotels or motels, adult motion picture theaters, adult mini-motion picture theaters, adult massage parlors, adult health/sports clubs, adult sauna/steam room/bathhouses, adult companionship establishments, adult rap/conversation parlors, adult novelty businesses, adult motion picture arcade, adult modeling studios and other premises, enterprises or establishments, businesses, or places open to some or all members of the public at or in which there is an emphasis on the presentation or display, depiction or description of “specified sexual activities” or “specified anatomical areas” which the public could see. This definition does not apply to the practice of medicine, surgery, osteopathy, chiropractic, physical therapy, or podiatry by state licenses or registered persons. Activities classified as obscene, as defined by **Minn. Stat. § 617.241**, are not lawful and are not included in the definition of adult uses.
- B. **Adult Uses - Accessory:** The offering of goods and/or services classified as adult uses on a limited scale that is incidental to the primary activity and goods and/or services offered by the establishment. Examples of such items include adult magazines, adult movies, adult novelties, and the like.
- C. **Adult Uses - Principal:** The offering of goods and/or services classified as adult uses as a primary or sole activity of a business or establishment and include, but are not limited to, the following:
 - 1. **Adult body painting studio:** An establishment or business that provides the service of applying paint or other substance, whether transparent or non-transparent, to or on the body of a patron when such body is wholly or partially nude in terms of “specified anatomical area”.
 - 2. **Adult book store:** An establishment, building or business engaging in the barter, rental, or sale of items or merchandise consisting of printed matter, pictures, slides, records, audio tapes, video tapes, computer or video disks, motion picture film, or any other similar materials, if such shop is not open to the public generally but only to one or more classes of the public, excluding any minor because of age, if more than twenty (20) percent of the useable floor area of the establishment, building, or business or if at least 500 square feet, whichever is smaller, has products or materials distinguished or characterized by an emphasis on matters depicting, describing or related to “specified sexual activities” or “specified anatomical areas.”

3. Adult Cabaret: An establishment, building or business that provides dancing or other live entertainment if such dancing or live entertainment is distinguished or characterized by an emphasis on the performance or presentation, display, depiction or description of “specified anatomical areas.”
4. Adult Car Wash: A wash facility for any type of motor vehicle that allows employees, agents, independent contractors or persons to appear in a state of partial or total nudity in terms of “specified anatomical areas.”
5. Adult Companionship Establishments: An establishment of business, if such establishment excludes minors because of age, or which provides the service of engaging in or listening to conversation, talk or discussion between an employee of the establishment and a customer, if such service is distinguished or characterized by an emphasis on “specified sexual activities” or “specified anatomical areas.”
6. Adult Entertainment Facility: A building or space in which an admission is charged for the entrance or where food or non-alcoholic beverages are sold or intended for consumption, and in which may be observed live presentation of entertainment distinguished by an emphasis on matters depicting, describing, or relating to “specified sexual activities” or “specified anatomical areas.”
7. Adult Establishment: An establishment, building or business engaging in any of the following activities or which uses any of the following business procedures or practices, either:
 - a. Any business conducted exclusively for the patronage of adults and about which minors are specifically excluded from patronage there at either by law or by the operator of such business; or
 - b. Any other business that offers its patrons services, products or entertainment characterized by an emphasis on matters depicting, exposing, describing, discussing or relating to “specified sexual activities” or “specified anatomical areas.”
8. Specifically included in the term, but without limitation, are adult book stores, adult motion picture theaters, adult mini motion picture theaters, adult massage parlors, adult health clubs, adult saunas, adult companionship establishments, adult cabarets, adult car washes, adult novelty businesses, adult motion picture arcades, adult modeling studios, adult hotels or motels and adult body painting studios.
9. Adult Hotel or Motel: A hotel or motel from which minors are specifically excluded from patronage and in which material is presented that is distinguished or characterized by an emphasis on matters depicting, describing or relating to “specified sexual activities” or “specified anatomical areas.”
10. Adult Massage Parlor, Health/Sports Club: A massage parlor or health/sport club that restricts minors because of age or law, which provides the services of massage if such service is distinguished or characterized by an emphasis on “specified sexual

activities” or “specified anatomical areas.”

11. Adult Mini-Motion Picture Theater: A business, building or establishment in an enclosed building with a capacity for less than fifty (50) persons used for the presenting of visual media material if such business as a prevailing practice excludes minors by virtue of age or law, or if said material is distinguished or characterized by an emphasis on “specified sexual activities” or “specified anatomical areas” for observation by patron.
 12. Adult Modeling Studio: An establishment or business whose major business is the provision to customers of figure models who are provided with the intent of providing sexual stimulation or sexual gratification to such customers who engage in “specified sexual activities” or “specified anatomical areas”, while being observed, painted, painted upon, sketched, drawn, sculptured, photographed or otherwise depicted by such customers.
 13. Adult Motion Picture Arcade: Any building or place to which the public is allowed or invited in which coin or slug operated, or electronically, electrically or mechanically controlled, still or motion-picture machines, projectors, computers or other image-producing devices show images to five or fewer persons per machine at once, characterized by an emphasis on depicting or describing “specified sexual activities” or “specified anatomical areas.”
 14. Adult Motion Picture Theater: A business premises with an enclosed building with a capacity of fifty (50) or more persons used for presenting visual media material if said business as prevailing practice excludes minors by virtue of age, or if the material is distinguished or characterized by an emphasis on the depiction or description of “specified sexual activities” or “specified anatomical areas” for the observation by patrons.
 15. Adult Novelty Business: A business that has as a principal activity the sale of materials or devices that stimulate human genitals or devices designed for sexual stimulation or which depict or which relate to “specified sexual activities” or “specified anatomical areas.”
 16. Adult Sauna/Steam Room/Bathhouse: A business that excludes minors because of age, or which provides a steam bath or heat bathing room used for bathing, pleasure, relaxation or reducing, utilizing steam or hot air as a cleaning, relaxing or reducing agent, if the service provided by the sauna/steam room/bathhouse is distinguished or characterized by an emphasis on “specified sexual activities” or “specified anatomical areas.”
- D. Licensed Family Day Care, Licensed Group Family Day Care, Licensed Child Care Center: A facility holding a license from the City or the State of Minnesota, pursuant to **Minnesota Statutes, Chapter 245A and/or Minnesota Rules, Chapters 9502 or 9503**, as amended.
- E. Minor: Any natural person under the age of eighteen (18) years.

- F. Nudity: The showing of the human male or female genitals or pubic area with less than fully opaque covering, the showing of the female breast with less than fully opaque covering of any portion thereof below a point immediately above the top of the areola, or the depiction of or showing of the covered male genitals in a discernibly turgid state.
- G. Premises: “Licensed premises” means the place or building, or the room in a building, designated in a license as the place where the licensed business is to be carried on, and all land adjacent thereto and used in connection with and in the operation of a licensed business, and all adjacent or contiguous rooms or buildings operated or used in connection with the buildings where the licensed business is carried on. If no place is described in any license, then “licensed premises” means the building or place where the licensed business is carried on under such license.
- H. Private Club: A corporation, partnership, unincorporated association or other business enterprise, which is not held open to the public, whether for profit or nonprofit, organized with the primary or non-primary purpose of providing a service or entertainment as regulated by this Ordinance.
- I. Public Library: Any library that provides free access to all residents of a city or county without discrimination and is organized under **Minnesota Statutes, Chapter 134**.
- J. Public Park: A park, reservation, open space, playground, beach or recreation or community center in the Township owned, leased or used wholly or in part by a city, township, county, state, school district or federal government for recreational purposes.
- K. Place of Worship: A building or space that is principally used as a place where people of the same faith or religion regularly assemble for worship.
- L. School: A building or space that is principally used as a place where twenty-five (25) or more persons receive a full course of educational instruction. Any post-secondary or post high school educational building, including any college or any vocational-technical college, shall not be deemed a school for purposes of this Ordinance.
- M. Sexually-Oriented Business: Adult body painting studios, adult book stores, adult car washes, adult hotels or motels, adult motion picture theaters, adult mini-motion picture theaters, adult massage parlors, adult health/sports clubs, adult sauna/steam room/bathhouses, adult companionship establishments, adult rap/conversation parlors, adult novelty businesses, adult motion picture arcades, adult modeling studios and other premises, enterprises or establishments, businesses, or places open to some or all members of the public at or in which there is an emphasis on the presentation or display, depiction or description of “specified sexual activities” or “specified anatomical areas” which the public could see. This definition does not apply to the practice of medicine, surgery, osteopathy, chiropractic, physical therapy, or podiatry by state licensed or registered persons. Activities classified as obscene as defined by **Minn. Stat. § 617.241** are not lawful and are not included in the definitions of adult uses.

- N. Specified Anatomical Areas: Anatomical areas consist of:
1. Less than completely and opaquely covered human genitals, pubic region or pubic hair, buttock, anus or female breast or breast below a point immediately above the top of the areola or any combination of the foregoing; and
 2. Human genitals in a discernibly turgid state, even if completely and opaquely covered.
- O. Specified Sexual Activities: Activities consisting of the following:
1. Actual or stimulated sexual intercourse, oral copulation, anal intercourse, oral-anal copulation, bestiality, direct physical stimulation or fondling of unclothed genitals, pubic region, buttock, or female breast, flagellation or torture in a sexual relationship, and any of the following sexually-oriented acts or conduct: anilingus, buggery, coprophagy, coprophilia, cunnilingus, fellatio, necrophilia, pederasty, pedophilia, piquerism, sapphism, sodomy, zooerasty; or
 2. Human genitals in the state of sexual stimulation, arousal or tumescence; or Use or acts of human or animal ejaculation, sexual intercourse, sodomy, oral copulation, coitus or masturbation; or
 3. Fondling or touching of human genitals, pubic regions or pubic hair, buttocks, or female breasts; or
 4. Situations involving a person or persons, any of whom are nude, clad in undergarments or in sexually revealing costumes, who are engaged in activities involving the flagellation, torture, fettering, binding or other physical restraint of any such person; or
 5. Erotic or lewd touching, fondling or other sexually-oriented contact with an animal by a human being; or
 6. Human excretion, urination, menstruation, vaginal or anal irrigation; or
 7. Any combination of the above.

SECTION 1003. PERMITTING OR LICENSES

SECTION 1003.1. PERMIT OR LICENSE REQUIRED

- A. No person, firm or corporation shall own or operate an adult use or sexually-oriented business in the Township without having first secured a permit or license, including a conditional use permit hereunder and pursuant to the terms of the Ordinance, all as provided herein. An Adult Use or Sexually Oriented Business shall only be allowed in the Commercial District and shall require a conditional use permit pursuant to this Ordinance and the Ordinance, generally. An applicant for such permit or license must conform to all requirements of State, federal or local law, ordinance, statute, rule or

regulation (“the laws”) in application for and in order to maintain, keep and use any permission granted, and in the event of conflict between or among the laws, whichever law is most restrictive shall control, apply and be enforced.

- B. A permit or license, sometimes referred to herein as “permit/license” or “license/permit,” shall be either:
 - 1. Adult use principal; or
 - 2. Adult use accessory.

SECTION 1003.2. APPLICATIONS

- A. An applicant for a permit or license pursuant to this Ordinance shall prepare and submit to the Zoning Administrator of the Township an application for an adult use or sexually oriented business permit or license and conditional use permit as required by this Ordinance and by the Land Use Ordinance in that form as required by the Township.
- B. If granted, then permits/licenses shall be effective for a period of one (1) year. If the permit/license holder wishes to renew the permit/license, then application shall be made pursuant to this Ordinance and the Land Use Ordinance not less than 90 days before expiration of the said permit/license.
- C. All applications pursuant to this Ordinance shall include:
 - 1. The name, residence address, phone number and birth date of the applicant, if an individual, and his or her spouse or domestic partner, adult siblings and adult children; and, if a corporation, partnership, LLC, or similar entity, the names, residences, phone numbers and birth dates of those owners holding more than five (5) percent of the issued and outstanding stock of the corporation or ownership interest in a partnership, LLC or similar entity.
 - 2. The name, address, phone number and birth date of the operator and manager of such operation, if different from the owners.
 - 3. The name, address, phone number and birth date of all employees of such operation. As new employees are added/hired, this information shall be provided to the Township as to each new employee and prior to such employee’s hire date, together with that information described in Paragraphs 5 and 10, below.
 - 4. The address and legal description of the building, establishment or premises where the adult use or sexually-oriented business is to be located.
 - 5. A statement detailing each misdemeanor, gross misdemeanor, or felony relating to any sex offense, as defined by **Minn. Stat. §§ 609.293 - 609.352**, inclusive, or as defined by any other ordinance or statute in conformity therewith, and any obscenity crime, as defined by **Minn. Stat. §§ 617.23 - 617.299**, inclusive, or as defined by any ordinance or statute in conformity therewith, or any crime involving the use,

possession or distribution of controlled substances or a dangerous weapon, and any crime involving the operation of adult oriented businesses and related activities of which the applicant, his or her spouse or domestic partner, adult sibling or adult children or, for a corporation, the owners of more than five (5) percent of the issued and outstanding stock of the corporation, or ownership interest in a partnership, LLC or similar entity, have been convicted, and whether the applicant, his or her spouse, domestic partner, adult siblings or adult children has ever applied for or held a license to operate a similar type of business in other counties, cities or states.

6. The activities and type of business to be conducted.
 7. The hours of operation.
 8. The provisions made to restrict access by minors.
 9. A building plan of the premises detailing internal operations and activities.
 10. A description or building plan that details all proposed interior and exterior changes to an existing building or structure.
 11. A statement detailing each misdemeanor, gross misdemeanor, or felony relating to any conviction for activities as described in Paragraph 5, above, of which the manager or any employee has been convicted and whether said manager or employee has ever applied for or held a license to operate a similar type of business in other counties, cities or states.
- D. All applications, whether for initial licensing or renewals, shall be referred to the appropriate law enforcement agency for verification and investigation of the facts set forth in the application. The law enforcement agency shall make a written report and recommendation to the Township as to the issuance/renewal or non-issuance/non-renewal of a license. The Township may order and conduct such additional investigation as it deems necessary.

SECTION 1003.3. PERMIT OR LICENSE FEES

- A. Each application for a permit/license shall be accompanied by a fee, as set by the Township for payment in full of the required application and investigative fee for the license. All fees shall be paid at time of application.
- B. All permits/licenses shall expire on the last day of December in each year. The Township shall issue each permit/license for one (1) year, except if part of the permit/license year has elapsed when the application is made, the Township may issue a permit/license for the remainder of the year for a prorated fee. In computing such fee, the Township shall count any unexpired fraction of a month as one (1) month.
- C. The annual fee and the investigative fee for the adult use or sexually-oriented business permit/license shall be established by a Board of Supervisors resolution.

- D. No part of the fee paid by any permit/license issued under this Ordinance shall be refunded except in the following instances: Upon application to the Board of Supervisors within thirty (30) days of the event. The Township shall refund a pro-rated portion of the fee for the permit/license for the unexpired period of the permit/license, computed monthly, when operation of the permitted/licensed business ceases not less than one (1) month before the expiration of the permit/license because of:
1. Destruction or damage of the permitted/licensed premises by fire or other catastrophe;
 2. The licensee's illness;
 3. The licensee's death;
 4. A change in the legal status making it unlawful for the licensed business to continue.
- E. Each application shall contain a provision on the application in bold print stating that any withholding of information or the providing of false or misleading information will be grounds for the denial or revocation of a permit/license. Any changes in the information provided on the application or provided during the investigation shall be reported to the Board of Supervisors by the applicant or permittee/licensee. If said changes take place during the investigation, the data shall be provided to the Zoning Administrator in writing, and the administrator shall report the changes to the Board of Supervisors. Failure to report said changes by the applicant (s) or the permittee/licensee may result in the denial or revocation of a permit/license.

SECTION 1003. 4. GRANTING OF PERMIT/LICENSE

- A. The Township shall investigate all facts set out in the application. After completion of such investigation, the Board of Supervisors shall hold a public hearing as part of the conditional use and process pursuant to this Ordinance. Conditional use permit decisions relative to the Ordinance shall be subject to the provisions of the Ordinance. Conditional use permit decisions relative to this Ordinance, and the Board of Supervisors decision relative to the permit/license application described herein, shall be based on appropriate findings of fact.
- B. The Board of Supervisors shall only issue the permit/license to the applicant. The permit/license shall not be transferred or assigned to another person or entity.
- C. The Township shall only issue each permit/license for the premises or location described in the application. No permit/license may be transferred to another location or place without approval by the Board of Supervisors.

SECTION 1003.5. RENEWAL

- A. Any license/permit issued under this Ordinance shall be effective for a period of one year from the date of issuance at which time it will expire, unless prorated pursuant to Section 3, Subdivision 3B of this Ordinance. An application for the renewal of an existing license must be made not less than 90 days prior to the expiration day of the license and shall be made in such form as the Township requires. The appropriate renewal fee shall be paid in full before the renewal application is accepted. If, in the judgment of the Board of Supervisors, good and sufficient cause is shown for failure to submit a renewal application before the expiration of the existing license, then the Board of Supervisors may, if the other provisions of this Ordinance are complied with, grant a renewal of the license.
- B. The Board of Supervisors shall establish a renewal investigation fee, which shall be separate from any renewal fee. The fee shall cover the costs involved in verifying the renewal application and cover the expense of any investigation needed to assure continued compliance with this Ordinance. This fee may be waived by the Board of Supervisors when there has been no change in circumstances concerning the license.
- C. A licensee obtains no vested interest in a license issued under this Ordinance and the Township reserves the right not to renew the same. A license under this Ordinance will not be renewed if the Township determines that the licensee has failed to comply with the provisions of this Ordinance and/or all applicable State, federal or local law.

SECTION 1003. 6. PERSONS INELIGIBLE FOR PERMIT/LICENSE

The Township shall not grant a permit/license to, nor may one be held by, any person who:

- A. Is under twenty-one (21) year of age;
- B. Is not a citizen of the United States or a resident alien;
- C. Is not the proprietor or owner of the establishment for which the permit/license is issued;
- D. Has not paid the permit/license and investigation fees required by this Ordinance;
- E. Has been convicted of any sex crimes as defined in **Minn. Stat. §§ 609.293 - 609.352** inclusive, or as defined by any other ordinance or statute in conformity therewith;
- F. Has been convicted of any obscenity crime as defined by **Minn. Stat. §§ 617.23 - 617.299** inclusive, or as defined by any other ordinance or statute in conformity therewith;
- G. If, within the past five years, the applicant or his/her spouse or domestic partner, adult sibling or adult child has been convicted of any crime related to the license/permit occupation applied for, or any felony, gross misdemeanor or misdemeanor relating to sex offenses, obscenity offenses, controlled substance offenses or adult uses described in this Ordinance;

- H. Has been convicted of a crime involving the use or distribution of controlled substances or a dangerous weapon within the past five years;
- I. Has not provided evidence sufficient to the Township showing that at least five years have elapsed since release from confinement for a crime relating to any offense described in this Ordinance without another conviction for any offense described in this Ordinance, and compliance with all post-release terms and conditions; and
- J. That a conviction in being appealed, or is under appeal, shall have no effect on eligibility hereunder, so long as judgment of conviction not been entered.

SECTION 1003.7. PLACES INELIGIBLE FOR PERMIT/LICENSE

- A. No permit/license shall be granted for adult uses or sexually-oriented businesses on any premises where a permitted/licensee has been convicted of a violation of this Ordinance, or where any permit/license hereunder has been revoked for cause, until one (1) year has elapsed after such conviction or revocation, or where a current zoning violation exists.
- B. Except uses lawfully existing at the time of this Ordinance, no permit/license shall be granted for any adult use or sexually-oriented business that does not meet all Township Ordinance requirements, and all provisions of State and Federal law.
- C. Because of the foregoing and because of the geographic character, location and size of the Township, the number of any of the described licenses or permits shall be limited to one (1) within the Commercial Zoning District of the Township, but not in an area of the Township that is a CPUD or which may become a RPUD.

SECTION 1003. 8. NON-CONFORMING USES

An adult uses or sexually-oriented business existing on the effective date of the adoption of this Ordinance may be continued, subject to the following provisions:

- A. No such pre-existing adult uses or sexually-oriented business, or structure used in connection therewith, shall be expanded or enlarged, except in conformity with the provisions of this Ordinance.
- B. A pre-existing, non-conforming adult uses or sexually-oriented business shall not be required to apply for and receive an adult use permit/license from the City, so long as it remains open for business and is not closed for business for any period of 30 consecutive days or more, but such business or use shall provide the City with the information required by this Ordinance from year to year, as of January 1 of each year. In the event that such business is closed for 30 consecutive days or more, then prior to operation of such business thereafter, application must be made for all permits/licenses required by this Ordinance and by the Ordinance, all permits or licenses must be obtained and all provisions of this Ordinance must be satisfied prior to such business reopening.

SECTION 1003.9. CONDITIONS OF PERMIT/LICENSE

The Township may grant a permit/license pursuant to this Ordinance and may impose conditions upon such permit/license pursuant to, Section 9, Subdivision 5 of the Ordinance, including

requiring conformity to all other provisions of this Ordinance and of any applicable Township, County, State and Federal law. Any permit/license granted pursuant to this Ordinance shall be, in addition, subject to the following conditions:

- A. All licensed premises shall have the permit/license posted in a conspicuous place.
- B. No minor shall be allowed in or on the premises of an adult use or adult-oriented business.
- C. The Township or its designee, including a licensed peace officer of the State of Minnesota or the Zoning Administrator, may enter and inspect the premises and licensure records of a permittee/licensee during business hours for regulatory purposes, only, pursuant to law.
- D. Each permittee/licensee shall be responsible for the conduct of his/hers/its place of business and shall maintain business and operating conditions consistent with this Ordinance and with all other laws of the Township, County of Beltrami and State of Minnesota.
- E. No adult goods, materials or services shall be offered, sold, transferred, conveyed, given, displayed or bartered to any minor.
- F. The licensee/permittee shall provide licensed security from one-half (1/2) hour before opening to one (1) hour following closing, at a ratio of one security personnel to an average of 25 patrons/guests per hour on the premises. Such security person shall be on premises at all times and shall be in addition to clerks and other personnel of the licensee/permittee.
- G. A conditional use permit, obtained pursuant to the terms of this Ordinance, and a permit/license granted pursuant to the terms of this Ordinance, cannot be assigned, gifted or otherwise transferred to any other person or entity.

SECTION 1004. PERFORMANCE STANDARDS

SECTION 1004.1. ADULT USE PRINCIPAL

The Township may issue one (1) adult use principal and sexually-oriented business permit/license to a business located in a Commercial Zoning District, subject to a Conditional Use Permit to be obtained by the applicant making application pursuant to this Ordinance, and upon the following conditions:

- A. No adult uses principal or sexually-oriented business shall be located closer than 500 feet from any other adult use principal or sexually-oriented business in the Township. Measurements shall be made in a straight line, without regard to township or county boundaries, intervening structures or objects, from the nearest point of the actual business premises of the adult use principal or sexually-oriented business to the nearest point of the actual business premises of any other adult use principal or sexually-oriented business.

- B. No adult uses principal or sexually-oriented business shall be located closer than 500 feet from any residential, shoreland or rural lot line, place of worship, school, public park, open space, licensed family day care home, playground, public library or licensed child care or day care center in the Township. Measurements shall be made in a straight line, without regard to city or county boundaries, intervening structures or objects, from the nearest point of the actual business premises of the adult use principal or sexually-oriented business to the nearest property line of the premises or building used as a dwelling or residence, place of worship, school, public park, open space, licensed day care home, licensed group family day care home, public library or licensed child care or day care center.
- C. No adult use principal or sexually-oriented business shall be located closer than 500 feet from any residential, shoreland or rural lot line, any residential zoning district or any residential planned unit development (PUD) in any township or county. Measurements shall be in a straight line, without regard to Township or county boundaries, intervening structures or objects, from the nearest point of the actual business premises of the adult use or sexually-oriented business to the nearest residential lot line, boundary of the residential zoning district or planned unit development (PUD).
- D. All adult uses and sexually-oriented businesses must meet all of the requirements of this Ordinance.
- E. The Township prohibits any building owner or operator from having more than one (1) of the following uses, tenants or activities in the same building structure:
1. Adult body painting studio;
 2. Adult book store;
 3. Adult cabaret;
 4. Adult car wash;
 5. Adult companionship establishment;
 6. Adult entertainment facility;
 7. Adult hotel or motel;
 8. Adult modeling studio;
 9. Adult sauna/steam room/bath house;
 10. Adult motion picture theater;
 11. Adult mini-motion picture theater;
 12. Adult massage parlor;
 13. Adult health/sports club;
 14. Adult novelty business;
 15. Any business or establishment in which there is an emphasis on the presentation, display, depiction, or description of “specified sexual activities” or “specified anatomical areas” that the public can see.
- F. An adult uses principal and sexually-oriented business shall not sell or dispense non-intoxicating or intoxicating liquors, nor shall it be closer than 1,320 feet from any business which sells or dispenses intoxicating liquors.

- G. No adult uses principal and sexually-oriented business entertainment shall engage in any activity or conduct or permit any other person to engage in any activity or conduct in or about the adult uses establishment that is prohibited by any ordinance of the Township, the laws of the State of Minnesota or the United States of America. Nothing in this Ordinance shall be construed as authorizing or permitting conduct that is prohibited or regulated by other statutes or ordinances.
- H. No adult uses principal or sexually-oriented business shall be conducted in any manner that permits the perception or observation from any property not approved as an adult use of any materials depicting, describing or relating to “specified sexual activities” or “specified anatomical areas” by any visual or auditory media, including display, decoration, sign, show window, sound transmission or other means.
- I. All adult uses principal and sexually-oriented businesses shall prominently display a sign at the entrance, located within two (2) feet of the door opening device of the adult use establishment or section of the establishment devoted to adult books or materials, which states: “This business sells or displays material containing adult themes. Persons under eighteen (18) years of age shall not enter.”
- J. Adult uses principal and sexually-oriented businesses shall not be open between the hours of 1:00 a.m. and 8:00 a.m. on the days of Monday through Saturday, nor between 1:00a.m and 12:00 p.m. (noon) on Sunday.

SECTION 1004.2. ADULT USE ACCESSORY

The Township may issue one (1) adult use accessory business permit/license to a business or establishment located only in a Commercial land use district, subject to conditional use permit application approval and subject to the following requirements:

- A. The adult uses accessory shall comprise no more than twenty (20) percent of the floor area, or up to five hundred (500) square feet, whichever is smaller, of the establishment, space, structure or building in which it is located.
- B. Display areas for adult movies or video tape rentals or other products shall be restricted from general view and shall be located within a separate room, for which the access is in clear view and in the control of the person responsible for the operation.
- C. Magazines and publications or other similar products classified or qualified as adult uses shall not be accessible to minors and shall be covered with a wrapper or other means to prevent display of any material other than the publication title.
- D. Adult uses accessory shall be prohibited from both internal and external advertising and signing of adult materials and products.

SECTION 1005. REVOCATION, SUSPENSION OR NONRENEWAL OF PERMIT OR LICENSE

- A. The Board of Supervisors, after not less than ten (10) days’ published notice of public hearing, may revoke or suspend a permit/license upon recommendation of the Zoning

Administrator or Beltrami County Sheriff if the permittee/licensee, managers, employees, agents or others reasonably under the control and direction of the permittee/licensee have violated any material portion of this Ordinance, the Ordinance, the permit/license, the laws of the State of Minnesota, County of Beltrami, United States of America or of the Township, or have engaged in any of the following conduct:

1. Fraud, deception or misrepresentation about securing the permit/license.
 2. Habitual drunkenness or intemperance in use of drugs defined in **Minn. Stat. § 618.01**, barbiturates, hallucinogenic drugs, amphetamines, Benzedrine, Dexedrine or other sedatives, depressants, stimulants or tranquilizers.
 3. Engaging in conduct involving moral turpitude or permitting or allowing other within their employ or agency to engage in conduct involving moral turpitude or failing to prevent agents, officers, or employees in engaging in conduct involving moral turpitude.
 4. Failure to follow any requirements of the ordinances of the Township about sanitary and safety conditions, zoning requirements, or ordinances, the violation of which involves moral turpitude, or failure to follow the requirements of this Ordinance, including conditions of any conditional use permit.
 5. Conviction of an offense involving moral turpitude.
- B. All costs incurred by the Township with respect to such proceedings shall be paid by the permit/license holder.
- C. The Zoning Administrator or the Beltrami County Sheriff may issue a cease and desist order if there is probable cause of a material violation of this Ordinance or the business' conditional use permit or upon the presentation of probable cause of conditions or activities present upon the licensed premises that present an imminent threat and danger to the public health, safety or welfare and are inconsistent with and contrary to the licensed and permitted activities allowed by the said permit/license.
- D. The permit/license holder may appeal a cease and desist order to the Board of Supervisors. The Board of Supervisors shall consider the appeal at a public hearing within twenty-one (21) days from date of receipt of the written notice of appeal by the Township Clerk. At the conclusion of the hearing, the Board of Supervisors shall determine whether:
1. The cease and desist order should be affirmed and, in doing so, the Board of Supervisor may revoke or suspend the license/permit; or
 2. The cease and desist order should be discharged and the permit/license be returned to the holder thereof.
- E. Upon notice and hearing to the permittee/licensee, the Board of Supervisors may impose, additional conditions for the continued use of the permit/license, in the event that the

Board of Supervisors does not revoke the permit/license.

SECTION 1006. SIGN RESTRICTIONS

- A. In addition to the provisions of the Ordinance, the following sign regulations shall apply to all adult uses and sexually-oriented businesses in the Township. These regulations are intended to protect children from exposure to sexually oriented or otherwise shocking signs and materials and to preserve the value of property near adult uses and sexually-oriented businesses.
- B. All signs shall be flat wall or freestanding signs. No sign shall be located on the roof or contain any flashing lights, moving elements or electronically or mechanically changing messages.
- C. The Township's sign regulations for the zoning district where the business is located shall regulate the size and number of signs allowed for an adult use or sexually-oriented business.
- D. No merchandise, photos, or pictures of the products or entertainment on the premise shall be displayed in window areas or any area where they can be viewed from the sidewalk or public right of way adjoining the building or structure in which the adult uses or sexually oriented business is located.
- E. No signs shall be placed in any window. A two (2) foot square sign shall be placed on the door to state hours of operation and admittance to adults only.

SECTION 1007. PENALTY

Any person violating any provisions of this Ordinance is guilty of a misdemeanor and upon conviction shall be punished not more than the maximum penalty for a misdemeanor as prescribed by State law. Each day of violation shall constitute a new offense.

SECTION 1008. SEVERABILITY

If any section, subsection, sentence, clause or phrase of this Ordinance is, for any reason, held to be invalid, then such decision shall not affect the validity of the remaining portions of this Ordinance. The Board of Supervisors declares that it would have adopted the Ordinance and each section, subsection, sentence, clause or phrase of it, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases are declared to be invalid.

ARTICLE XI

ADMINISTRATION

SECTION 1100. PERFORMANCE STANDARDS: LAND USE PERMITS

Permits shall be issued by the Zoning Administrator, after notice of hearing and decision, if necessary, by the appropriate permitting agency, pursuant to the rules, regulations and performance standards in this Ordinance. No owner, contractor, subcontractor, builder, person or entity shall undertake any action regulated by this Ordinance without first acquiring all necessary permits.

- A. Applications for all permits shall be made to the Zoning Administrator. Each permit application shall be on the form prescribed by the Township and shall be accompanied by such information as is required by this Ordinance.
- B. All taxes pertaining to the parcel of land for which the Land Use Permit is being requested, must be paid up to date.
- C. All land use permit applications shall be approved or denied in accordance with the timelines set out in the provisions of **Minn. Stat. § 15.99**. Evaluation of the application may include an on-site inspection by the Zoning Administrator.
- D. All land use permits shall expire one year from the date of approval unless an extension for extenuating circumstances is granted by the Board of Supervisors prior to expiration of the one-year period. Land use permits are transferable and run with the land.
- E. After the appropriate fee has been paid, and if the proposed land use or structure is not prohibited and does not require notice and hearing or any other approval by the Township, then the land use permit shall be granted. If the land use permit is not granted, then reasons for such denial shall be provided in writing to the applicant.
- F. An appeal of an administrative decision made by the Zoning Administrator in administration or enforcement of this Ordinance may be made by a writing filed with the Township Clerk within 20 days after the date of the decision appealed from, together with such filing fee as the Board of Supervisors may establish by Ordinance from time to time. Such appeal shall be heard and a recommendation made by the Board of Adjustment Committee, and such Board of Adjustment Committee recommendation shall then be considered by the Board of Supervisors, sitting as the Board of Appeals and Adjustments. An appeal may be taken from the decision of the Board of Supervisors on the appeal to the District Court in and for the County of Beltrami, State of Minnesota, if such appeal is lawfully noticed and pleaded within thirty (30) days of the date of the decision by the Board of Supervisors.
- G. An inspection of the construction site may be performed, as needed, by the Zoning Administrator at any time during construction.
- H. Any violation of the terms or conditions of a permit issued pursuant to this Ordinance, or of any provision of this Ordinance, may result in the immediate revocation of such land

use permit. Revocation of a permit may be appealed as described in Paragraph F above and in the same manner as an appeal of a denial of issuance of a permit.

SECTION 1101. PERFORMANCE STANDARDS: CONDITIONAL USE PERMITS

Any use or uses and structures requiring the granting of a conditional use permit may be conditionally permitted only upon recommendation for approval of the Planning & Zoning Commission to the Board of Supervisors, which will act upon the recommendation. An applicant for a conditional use permit shall complete and submit to the Zoning Administrator an Application for Conditional Use Permit, together with the fee required by such resolution adopted by the Board of Supervisors and specifying a schedule for various land use and subdivision fees.

- A. An applicant may be required to furnish, in addition to the information required for the building or other permit, the following:
 - 1. A plan of the proposed project area showing contours, soil types, ordinary high water level, ground water conditions, bedrock, slope and vegetative cover;
 - 2. The location of existing and proposed building, parking areas, traffic access, driveways, walkways, piers, open spaces and vegetative cover;
 - 3. Plans of buildings, sewage treatment facilities, water supply systems and arrangements of operations;
 - 4. Specifications for areas of proposed grading, filling, lagooning, dredging or other topographic alterations;
 - 5. Other pertinent information necessary to determine if the proposal meets the requirements and intent of this Ordinance;
 - 6. An Environmental Questionnaire;
 - 7. An Environmental Assessment Worksheet (EAW), if mandatory by law or if required by the State of Minnesota, or the Board of Supervisors; and
 - 8. Any other information required by the Planning Commission or the Board of Supervisors.

- B. In considering the granting of an application for a conditional use permit, the Zoning Administrator and the Planning & Zoning Commission, as is appropriate, shall conduct a thorough site evaluation. The Board of Supervisors may, at its discretion, conduct an on site inspection.

- C. With respect to matters before it, the Planning & Zoning Commission may evaluate, but shall not be limited to evaluation of, the following:
 - 1. The maintenance of the public health, safety and welfare;

2. The prevention and control of water pollution, including sedimentation and nutrient loading;
 3. Existing topography, drainage features and vegetative cover;
 4. The location of the site with respect to floodplains and floodways of rivers or tributaries;
 5. The erosion potential of the site, based upon the degree and direction of slope, soil type and existing vegetative cover;
 6. The location of the site, with respect to existing and proposed access roads;
 7. The site's compatibility with adjacent land uses;
 8. The need of the proposed use for a shoreland location;
 9. The amount of liquid waste to be generated and the adequacy of the proposed sewage treatment system;
 10. The visibility of structures and other facilities as viewed from public waters;
 11. Adequacy of the site for water supply and on-site sewage treatment systems;
 12. The types, uses, and numbers of watercraft the project will generate in relation to the suitability of public waters to safely accommodate these watercraft. No more than one mooring space per riparian tier unit; and
 13. Any other requirements or conditions prescribed in this Ordinance, or such other issues and information as deemed appropriate by the reviewing body.
- D. In evaluating each conditional use application, the Planning & Zoning Commission or Board of Supervisors may request the assistance of the Beltrami Soil and Water Conservation District and other agencies or experts to assist in evaluation and consideration of such application, the costs of which shall be paid by the applicant.
- E. The Planning & Zoning Commission or Board of Supervisors may require, as conditions of approval, e.g., the following:
1. The type and extent of shore cover;
 2. Increased setbacks;
 3. Specified sewage treatment and water supply facilities;
 4. Landscaping and vegetative screening;
 5. Periods and/or hours of operation;

6. Deed restrictions;
 7. The location of docks, permanent mooring sites, parking and signs;
 8. Type of construction; and
 9. Any other reasonable requirements necessary to fulfill the purposes and intent of this Ordinance.
- F. The Planning & Zoning Commission shall make the determination of its recommendation of approval or not to the Board of Supervisors approving or denying applications for conditional use permits. An appeal of a Board of Supervisor decision may be made to the District Court within thirty (30) days of the date of the decision by the Board of Supervisors.
- G. Any violation of the terms and conditions of a conditional use permit, or of the violation of any provision of this Ordinance relating to the subject matter of the permit, may result in the revocation of such permit. The Township shall provide notice to the owner and conduct a hearing before revoking a conditional use permit.
- H. A conditional use permit runs with the land.
- I. Conditional use permits shall be perpetual unless extinguished or revoked as provided in this Ordinance or by law.
- J. No conditional use permit requests shall be granted unless all current and delinquent taxes have been paid.
- K. No conditional use permit shall be required of any Ten Lake Township unit of government.
- L. The criteria and standards to determine whether to grant or deny an application for a conditional use permit include the following, in addition to any other criteria or standards specifically set forth in the Ordinance, to the extent determined applicable to the particular application:
1. Will the conditional use, if granted, be injurious to the use and enjoyment of other property and the environment in the immediate vicinity of the proposed use or structure?
 2. Will the conditional use, if granted, substantially diminish or impair the property values and the environmental quality?
 3. Will the conditional use, if granted, impede the normal and orderly development of the surrounding vacant property for uses permitted in the area?

4. Whether adequate utilities, access roads, drainage and other necessary facilities and controls can be provided?
 5. Whether adequate measures to prevent or control offensive odor, fumes, dust, noise, vibration, signage and lighted signage, scenic blight or other annoyances so that the use will not constitute a nuisance to adjoining landowners?
 6. Will the conditional use, if granted, be established and conducted in conformity with the current land use district setbacks and performance standards?
 7. Will the conditional use, if granted, provide for adequate parking and current and anticipated road use and address road safety, as defined by state statutes?
- M. Upon consideration of the criteria listed above, the Planning & Zoning Commission, by its recommendation, and the Board of Supervisors, by its decision, may attach such conditions, in addition to those required elsewhere in this Ordinance, as it deems necessary to achieve the purposes of this Ordinance. Violation of any of these conditions shall be deemed a violation of this Ordinance and shall constitute grounds for revocation of the conditional use permit with fines and penalties as set forth by Minnesota law.

SECTION 1102. RECORDING OF CONDITIONAL USE PERMITS

The Township shall, at the applicant's prepaid expense for time and cost of the Township, record the conditional use permit with the Beltrami County Recorder after passage of all time required for appeals or final decisions without further appeal.

SECTION 1103. PERFORMANCE STANDARDS: VARIANCES

- A. Any person requesting relief from strict application of the official controls prescribed in this Ordinance may apply for a variance.
1. Upon receipt of the variance application, a site visit/evaluation shall be conducted, by the Zoning Administrator.
 2. A Public Hearing will be scheduled, then the applicant shall then appear before the Board of Adjustment Committee, after notice to the public, of a public hearing regarding the variance application.
 3. The Board of Adjustment Committee shall make a site visit, conduct a public hearing and make a recommendation to the Board of Supervisors, which shall make the final decision as the Board of Appeals and Adjustments on whether to grant the variance and the conditions to be placed thereon.
- B. **Variations shall only be granted if:**
1. The applicant establishes that the condition causing the claimed practical difficulties is unique to the property and was not caused by the actions of the applicant;

2. A variance is necessary to secure for the applicant those rights enjoyed by other property owners in the same area or district;
 3. The granting of a variance will not be contrary to the public interest or damaging to the rights of other persons or to the property values in the vicinity;
 4. The granting of a variance will not be contrary to management policies of the area or management district;
 5. The variance would be in harmony with the general purpose and intent of the Ordinance and would be consistent with the comprehensive plan;
 6. The existing sewage treatment system, if applicable, is upgraded to current standards before any additional development is approved;
 7. No variance shall be granted without demonstrated practical difficulties and economic considerations alone shall not constitute practical difficulties;
 8. Any variance granted shall represent the least possible departure from the terms of the Ordinance, but which variance will alleviate the practical difficulties;
 9. No variance may be granted that would allow a use that is not allowed in the particular zoning district;
 10. Variances may be granted only in accordance with Minnesota Statutes; and
 11. In granting a variance the Board of Adjustment Committee may recommend, and the Board of Supervisors, sitting as the Board of Appeals and Adjustment, may impose such conditions as deemed necessary to carry out the purposes and intent of this Ordinance, provided such conditions directly relate to and bear a rough proportionality to the impact created by the variance.
- C. The Board of Adjustment Committee shall recommend approval or denial of variance requests to the Board of Supervisors within thirty (30) days of the date of the decision by the Board of Adjustment Committee. A decision of the Board of Supervisors, sitting as the Board of Appeals and Adjustments, is a final decision of the Township, but an appeal may be made to the District Court within thirty (30) days of the date of the decision.
- D. Any violation of the terms and conditions of a variance, or of any provision of this Ordinance relating to the subject matter of the variance, may result in the revocation of such variance after notice to the owner and a public hearing. The public hearing shall be conducted by the Board of Adjustment Committee, which shall make a recommendation to the Board of Supervisors for a final decision. Revocation of a variance may be appealed to district court in the same manner and within the same time frame as described herein for a decision on a variance application.
- E. No variance request shall be approved until all current real estate taxes are paid with respect to the subject real estate.

SECTION 1104. PUBLIC NOTICE AND HEARING REQUIREMENTS

Conditional use, variance, ordinance amendments, and preliminary and final plat approval requests shall be heard at a public hearing noticed and conducted at least ten (10) days following public notification, including publication.

- A. Property owners within one-half (1/2) mile of the affected property shall be notified of such hearing and the purpose thereof by United States Postal Service delivery. Such notice shall not be provided of proposed amendments to the Ordinance unless the Board of Supervisors determines the proposed amendment affects only specifically identifiable portions of the Township.
- B. The Regional Department of Natural Resources (Commissioner/DNR) shall receive at least ten (10) days notification of public hearings to be conducted concerning applications for conditional use permits, variances, ordinance amendments or preliminary or final plat approvals.
- C. The Commissioner/DNR shall receive copies of written decisions by the Planning Commission, Board of Supervisors or Board of Adjustment, as well as copies of the permits, plats and Ordinance amendments within ten (10) days of decision.
- D. Written notice shall be given to the presiding body of any municipality within two (2) miles of the affected property.

SECTION 1105. TOWNSHIP BOARD OF SUPERVISORS

The Board of Supervisors shall conduct such business as is required of it by this Ordinance and shall:

- A. Hear and decide all recommendations from the Planning Commission and the Board of Adjustment;
- B. Interpret any land management district boundary within the Ordinance adopted or Township Zoning Map; and
- C. Interpret this Ordinance and such interpretations shall be final.

SECTION 1106. PLANNING & ZONING COMMISSION

- A. A commission consisting of five (5) voting members shall serve as the Township's Planning Commission. Members of the Planning Commission shall be appointed by the Board of Supervisors, consistent with Minnesota Statutes as made and provided therefore, and shall act as described in this Ordinance. One member of the Planning Commission shall be a member of the Board of Supervisors.
- B. Members of the Planning Commission shall serve for a term of three years, and shall not serve as members of the Board of Adjustment.

- C. All Planning Members shall serve until a successor is appointed and qualifies. Upon notice and hearing, a member of the Planning Commission may be removed by a vote of the Board of Supervisors at any time for any reason.
- D. The Planning Commission shall elect a chair from among its members each year. The Township Clerk shall act as secretary for the Planning Commission and shall be a non-voting member, but entitled to participate with the Planning Commission.
- E. Where filing, service or notice is required by this Ordinance, or where other actions are required to be taken with respect to the Planning Commission, said actions may be taken through the office of the Township Clerk.
- F. The Planning Commission shall serve at the pleasure of the Board of Supervisors, and shall:
 1. Assist the Board of Supervisors in the formulation of goals, policies and programs for the future development of Ten Lake Township;
 2. Assist the Board of Supervisors in the preparation of development controls designed to promote development consistent with adopted goals and policies, including those of natural resource protection and preservation; and
 3. Review applications for conditional use permits, zoning amendments and subdivision proposals for compliance with the provisions of this Ordinance, conduct public hearings in accordance with the provisions of this Ordinance, and make recommendations to the Board of Supervisors.
- G. The Planning Commission shall perform such other duties as are required of it by this Ordinance or as may be requested of it by the Board of Supervisors to further the goals and policies of the intent of this Ordinance.

SECTION 1107. BOARD OF ADJUSTMENT COMMITTEE

- A. A committee consisting of five (5) voting members shall serve as the Township's Board of Adjustment Committee. Members of the Board of Adjustment Committee shall be appointed by the Board of Supervisors and shall act as described in this Ordinance. The Board of Adjustment Committee shall be advisory to the Board of Supervisors, which serves as the Ten Lake Township Board of Appeals and Adjustments and which makes final decisions regarding appeals and variances.
- B. One member of the Board of Adjustment Committee shall be a member of the Board of Supervisors.
- C. Members of the Board of Adjustment Committee shall serve terms of three (3) years, whose terms shall be staggered.
- D. Members of the Board of Adjustment Committee shall not serve on the Planning Commission, except the member from the Board of Supervisors if appointed to serve on

both.

- E. The provisions of Paragraphs C-G of Section 1106, shall apply to the Board of Adjustment Committee in regards to variances and appeals, as aforementioned in this Ordinance.
- F. An Appeal of an administrative decision, made in the enforcement of this Ordinance, may be made by filling out and submitting an Application for Appeal (which is available from the Township Clerk) to the Zoning Administrator. Such appeal shall be heard by the Board of Adjustment Committee with a final decision being made by the Town Board sitting as the Board of Appeals and Adjustments.

SECTION 1108. ZONING ADMINISTRATOR

The Zoning Administrator shall be appointed by the Board of Supervisors and shall receive such compensation as the Board of Supervisors may, from time to time, determine. The Township Clerk shall act as secretary to the Zoning Administrator, and where filing, service or notice is required by this Ordinance, or where other actions are required with respect to the Zoning Administrator, said actions may be taken through the office of the Township Clerk. The Zoning Administrator shall:

- A. Act as Zoning Inspector for the Township;
- B. Inspect all construction and development to ensure that the standards of this Ordinance are complied with;
- C. Enforce and administer the provisions of the Ordinance;
- D. Issue permits for permitted uses and/or activities which comply with the provisions of this Ordinance;
- E. Receive applications for conditional use permits, variance requests, subdivision platting requests and zoning amendment requests, then forward them, along with recommendations, to the appropriate entity;
- F. Maintain all records relating to the application for and deliberations regarding issuance or denial of permits and other requested relief;
- G. Receive preliminary plans for subdivision and planned unit development and forward, along with recommendations, to the Board of Supervisors;
- H. Develop and maintain a public information system relating to township land use;
- I. Maintain the Official Ten Lake Township Zoning Map as described in Article II; and
- J. Conduct other such activities as the Board of Supervisors may, from time to time, request.

SECTION 1109. AMENDMENTS TO ORDINANCE

- A. Any request to amend the zoning district classification of a parcel(s) of land is a request for amendment to the Ordinance, and any request for amendment of the Ordinance, shall be considered as follows:
1. An amendment may be initiated by a property owner, the Planning Commission, Board of Adjustment or Board of Supervisors. Property owners wishing to initiate an amendment shall fill out an Application for Amendment form, available from the Clerk. Such application shall be submitted to the Zoning Administrator, together with an appropriate fee, if any;
 2. Any application that requires action by the Planning Commission must be submitted by the fifteenth (15) day of the month before the next month's regularly scheduled meeting of the Planning Commission;
 3. An applicant may appear before the Planning Commission to present his or her amendment and to assist the Planning Commission in making a recommendation to the Board of Supervisors;
 4. A public hearing on a proposed amendment request shall be conducted by the Planning Commission;
 5. The Planning Commission shall make a recommendation to the Board of Supervisors following public hearing and the zoning amendment applicant shall be notified in writing of the recommendation to be forwarded to the Board of Supervisors;
 6. The Board of Supervisors shall consider the recommendation of the Planning Commission after the public hearing is conducted;
 7. The Township official Zoning map shall not be amended unless an amendment to the Zoning Map is passed.
- B. Any request to amend an ordinance that is initiated by the Board must first be heard by the Planning Commission pursuant to the considerations set forth in this Section.

SECTION 1110. ENFORCEMENT AND PENALTIES

- A. In the event of violation or threatened violation of this Ordinance, the Board of Supervisors, in addition to other remedies, may institute appropriate actions or proceedings to prevent, restrain, correct or abate such violations or threatened violations.
- B. Any person who shall violate any of the provisions herein, who shall fail to comply with any of the provisions herein, who shall make any false statement in any document required to be submitted under such provisions or who should violate any terms or conditions of any permit or privilege extended to or received by such person, shall be guilty of a misdemeanor, each day of violation thereof constituting a separate offense,

and upon conviction thereof shall be punished by imprisonment for a maximum period of 90 days and by a fine in the amount of \$1,000.00.

SECTION 1111. FEES

- A. Permit Fee. Any person submitting an application, requesting any inspection, or seeking any other permit, permission, approval, or action under this Ordinance shall pay the applicable fee as established by the Township Board. Those seeking a permit or permission after having commenced the use or work for which the permit or permission is being sought will be subject to enforcement action and may be required to pay a separate fee as established by the Township Board.
- B. Administrative Fee. Any person submitting an application for a site permit, conditional use permit, subdivision application, platting request, interim use permit, zoning amendment, variance or an appeal may also be required to submit an administrative fee deposit established by the Township Board and an agreement, on the form provided by the Township, to reimburse the Township for its costs to process the application including, but not limited to, all engineering, planning, legal, administrative and inspection expenses. Notwithstanding any fee deposit schedule established by the Township, the Zoning Administrator is authorized to require a larger deposit in an amount not to exceed fifty percent (50%) of the scheduled amount if the Zoning Administrator determines the scheduled amount will not be sufficient to process the particular request to which the application relates. Where required, payment of the administrative fee deposit and execution of the fee agreement shall be required prior to the application being considered filed, complete, and subject to processing. All deposits shall be a credit against the obligation of the applicant as set forth in the agreement. As the Township processes the application, the Zoning Administrator shall from time to time review the adequacy of the deposit with the Township Clerk and shall require the applicant to submit such supplemental deposit as the Zoning Administrator deems necessary to reimburse the Township for all expenses. Where a deposit is required, if the applicant does not submit the supplemental deposit required by this section within a reasonable period of time after notification by the Zoning Administrator, the Township may suspend processing the application until the deficiency is corrected or deny the application. Upon termination of the application, by approval, denial, withdrawal, or any other means, all expenses incurred by the Township shall be immediately payable by the applicant. Any deposit in excess of the Township's expenses shall be refunded to the applicant. Where a deposit is required, no permits shall be issued, no construction or development shall commence, and no use of the property shall be made until all expenses and fees are paid in full. In the event that payment of expenses and fees are not made within a reasonable time after demand, the Township may take action to collect the unpaid expenses and fees. The administrative fee imposed under this section shall constitute a service charge for a governmental service provided by the Township and is collectable by certifying the unpaid amount to the county auditor before October 15 to be collected together with property taxes on the subject property or other property owned by the applicant as provided for Minnesota Statutes, section 366.012. Alternatively, the Township Board may file a lien on the subject property or other property of the applicant pursuant to Minnesota Statutes, section 514.67, or take such other action as it deems appropriate to collect the unpaid expenses.

SECTION 1112. EFFECTIVE DATE

This Ordinance is effective the day of publication of a summary of this Ordinance.

This document constitutes the official version of Ten Lake Township Land Use and Subdivision & Planned Unit Development Ordinance as last amended by the Town Board on April 13, 2010.

David Fallis
Chair, Ten Lake Township Board of Supervisors

ATTEST:

Barb D’Orazio, Township Clerk

APPENDIX A RESORTS AND CAMPS: CPUD LIST

| Name of Resort or Camp | Lake | Address | Parcel ID# |
|--------------------------------------|----------------------------|---|--|
| Finn ‘n Feather Resort | Andrusia | 15150 Finn ‘n Feather Blvd; Bemidji, MN 56601 | 46.00260.00 |
| Joe’s Lodge Resort | Andrusia | 15228 Joes Lodge Dr., SE; Bemidji, MN 56601 | 46.00253.00 |
| Morning Star Resort | Andrusia | 223 Circle Loop LN SE; Cass Lake, MN 56633 | 46.00222.00 |
| Dreamer’s Resort | Big | 16585 Wilkey Loop Rd, SE, Bemidji, MN 56601 | 46.00071.00 |
| Break on the Lake Resort – East | Cass | 19346 Swallow Dr., SE; Cass Lake, MN 56633 | 46.00348.00 |
| Break on the Lake Resort – West | Cass | 18342 Windigo Dr., SE; Cass Lake, MN 56633 | 46.00354.00; 46.00355.00 |
| Horseshoe Resort | Cass | 20538 Williams Rd, SE; Cass Lake, MN 56633 | 46.00332.00 |
| Marclay Point Resort & Campground | Cass | 16636 Marclay Pt, SE; Cass Lake, MN 56633 | 46.00432.01 46.00432.02 46.00433.00 46.00433.01 46.00435.00 46.00436.00 |
| Sunset Cove Resort & Campground | Cass | 4083 Kangas Curve Rd, SE; Cass Lake, MN 56633 | 46.00411.00 46.00415.00 |
| Wishbone Resort | Cass | 20686 Williams Rd, SE; Cass Lake, MN 56633 | 46.00334.00 |
| Camp Chippewa | Cass & Buck | 22767 Cap Endres Rd SE; Cass Lake, MN 56633 | 46.00638.00 |
| Cass Lake Episcopol Camp | Cass | 1983 Prince of Peace LN SE; Cass Lake MN 56633 | 46.00279.00 |
| Camp Unistar | Cass & – Star Island | 25816 Star Island SE, Cass Lake, MN 56633 | 46.00481.00 |
| Minne-Wa-Kan | Andrusia | 16950 Andrusia Rd, SE; Cass Lake, MN 56633 | 46.00232.00 |
| Arrowhead Resort | Andrusia | P.O. Box 858 Bemidji, MN 56601 | 46.00366.00 |
| Buck Horn Resort | Andrusia | 16338 Andrusia Rd. NE Bemidji, MN 56601 | 46.00519.00 |

APPENDIX B

TEN LAKE TOWNSHIP LAND USE AND SUBDIVISION ORDINANCE PASSED

The following table shows the permitted, conditional, and some non-permitted uses for each of the land management districts. Uses identified as Permitted (P) in a particular management district are allowed provided that all of the requirements of this Ordinance are complied with, and a permit has been obtained. Uses identified a Conditional (C) are allowed provided that the applicant meets certain conditions as required by the Township and a Conditional Use Permit is granted. Uses either identified as Non-Permitted (N), or those uses which are not identified as either permitted or conditional uses in a particular management district, are not allowed.

TABLE II-A: 'USE' BY LAND MANAGEMENT DISTRICT

| Land Management District | PO | LR | RT | RR | CD |
|--|------------------|------------------|------------------|------------------|------------------|
| Accessory Building | C | C | C | P | P |
| Bank | N | N | N | N | C |
| Boarding & Rooming House | N | N | N | C | N |
| Cemetery (including animal cemetery) | N | N | N | C | N |
| Church | N | N | N | C | C |
| Commercial Campground | N | N | N | C | C |
| Commercial Feedlot | N | N | N | N | N |
| Commercial Greenhouse or Nursery | N | N | N | C | C |
| Commercial Livestock Raising | N | N | N | C | N |
| Commercial Radio & Television Tower & Transmitter | N | N | N | N | C |
| Commercial Recreational Facility | N | N | N | C | C |
| Commercial Truck Gardening, Field Cropping & Fruit | N | N | N | C | C |
| Deck, Stairway or Handicap Access | N | P | P | P | P |
| Drive In | N | N | N | N | C |
| Duplex Residence | N | N | P | P | N |
| Extractive Uses | N | N | N | C | C |
| Fences | N | P | P | P | P |
| Forestry Use | C | C | C | P | C |
| Gas Station | N | N | N | N | C |
| Golf Course | N | N | N | C | C |
| Government Campground | N | N | N | N | N |
| Guest Cottage | N | N | P | P | N |
| <u>Land Management District</u> | <u>PO</u> | <u>LR</u> | <u>RT</u> | <u>RR</u> | <u>CD</u> |
| Hospital or Clinic | N | N | N | C | C |
| Hotel, Motel or Resort | N | N | N | C | C |
| Junk Yards | N | N | N | N | N |
| Kennels (includes all animal breeding, boarding & training kennels – for multiple animals) | N | N | N | C | C |

| | | | | | |
|--|----------|----------|----------|----------|----------|
| Lumber Yard or Sawmill | N | N | N | C | C |
| Manufactured Homes (Not Mobile Homes) | N | P | P | P | N |
| Miniature Golf Course or Driving Range | N | N | N | C | C |
| Mining | N | N | N | N | N |
| Mobile Homes | N | P | P | P | N |
| Novelty Shop | N | N | N | N | C |
| Private Access Boat Ramp | N | N | N | N | N |
| Private Access Path through wetlands | C | C | C | C | C |
| Private Campground | N | N | N | C | C |
| Private Roads, necessary for 'BP' or "CUP" | C | C | C | P | P |
| Private School | N | N | N | C | C |
| Public Buildings & Playground | P | C | P | P | C |
| Public Parks & Forest Preserves | P | P | P | P | C |
| Public Recreational Facility | C | C | C | P | P |
| Public Utility Building | C | C | C | C | C |
| Restaurants and Dinner Club | N | N | N | C | C |
| Riding Station | N | N | N | C | C |
| Roadside Stand | N | N | N | C | C |
| Sea Plane Base | N | N | N | N | N |
| Service Business & Facilities | N | N | N | C | C |
| Signs necessary for Public Health & Safety Uses | P | P | P | P | P |
| Single Family Residence | N | P | P | P | P |
| Tavern | N | N | N | N | C |
| Utility Transmission Power Line | C | C | C | C | C |
| Veterinary Hospital or Clinic | N | N | N | C | C |