



FROHN TOWNSHIP

Zoning and Land Use Ordinance

Ordinance No. 2022-01

Revised and Readopted
January 18, 2022

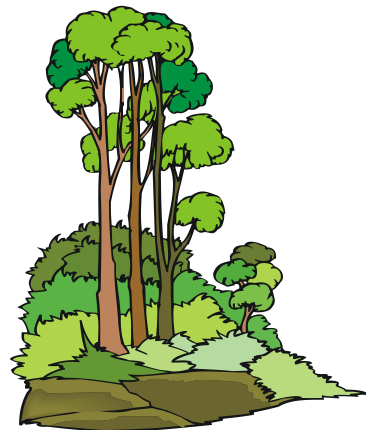


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The Board of Supervisors of the Town of Frohn ordains:

Article I: Purpose and Name

The primary purpose of this Ordinance is to ensure, promote and protect the public health, safety and general welfare of the inhabitants of Frohn Township by protecting and conserving the character, social and economic stability of agriculture, residential and other use areas; by securing the most appropriate use of the land, preventing the overcrowding of the land and undue congestion of population; and facilitating adequate and economical provision of transportation, water supply, sewage disposal, schools, recreation and other public requirements. The Minnesota State legislature has delegated the authority to local governments of the state to regulate the use and development of land within their jurisdictions. This responsibility is hereby recognized by Frohn Township and will be accomplished through the enactment and enforcement of these regulations, which shall be known and cited as the “Frohn Township Zoning and Land Use Ordinance” and referred to herein as this “Ordinance.”

Article II: General Provisions

- A. **Statutory Authority:** This Ordinance is adopted pursuant to the Town Board's authority under Minnesota Statutes, section 462.351 to 462.364, such other law as may apply, and any subsequent amendments to the applicable law. This Ordinance does not rely on the authority provided in Minnesota Statutes, sections 366.10 to 366.181 and the procedures and requirements of those sections do not apply to this Ordinance.
- B. **Jurisdiction:** This Ordinance shall apply to all unincorporated land located within the boundaries of Frohn Township. Those portions of Frohn Township designated as shoreland or floodplain under the County's regulations, or that is subject to the regulations of the Mississippi Headwaters Conservation Ordinance, shall be treated as overlay districts for the purposes of this Ordinance and land within them shall be subject to the regulations of both this Ordinance and of the applicable County shoreland, floodplain, or Mississippi Headwaters regulations.
- C. **Other Regulations:** There may be other laws and regulations that affect the use of land in the Township. Owners and occupants of land are required to comply with all applicable regulations. Compliance with the regulations of, or obtaining a permit from, the Township does not constitute compliance with the requirements of, or a permit from, other regulatory entities. Just as compliance with the regulations of, or obtaining a permit from, other regulatory entities does not constitute compliance with this Ordinance.
- D. **Abrogation and/or Greater Restrictions:** It is not intended by the Ordinance to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this Ordinance imposes greater restrictions, the provisions of this Ordinance shall prevail.
- E. **Existing Uses and Structures:** Except as otherwise provided by law or this Ordinance, a structure or use lawfully existing at the time of adoption or amendment of these regulations may continue subject to the restrictions within this Ordinance placed on nonconforming structures and uses even though the structure or use is not in conformance with this Ordinance. The adoption of this revised Ordinance, or any subsequent amendments, does not itself change the nonconforming status of a structure or use.
- F. **Minimum Requirements and Strictness:** In their interpretation and application, the provisions of this Ordinance shall be held to the minimum requirements for the promotion of the public health, safety and welfare, and shall be liberally construed in favor of the Township and shall not be deemed a limitation or repeal of any other powers granted by state statute. Where the standards, regulations or requirements imposed by any provision of this Ordinance are either more or less restrictive than comparable conditions imposed by any other ordinance, rule or regulation of the Township, County, State or Federal government, the statute, ordinance, rule or regulation which imposes the more restrictive

condition, standard, regulation or requirement shall prevail. In the event of any conflict between this Ordinance with any private restrictions, protections and covenants, the provisions of this Ordinance shall be met.

- G. Compliance:** No structure shall be erected, constructed, converted, placed, enlarged, reconstructed or altered, and no structure or land shall be used, for any purpose or in any manner, which is not in conformity with this Ordinance. Construction of all structures and uses must be in accordance with the application, plans, permit, and any applicable variance issued to the property. Building permits, conditional use permits and interim use permits issued on the basis of approved plans and applications authorize only the use and construction set forth in such approved plans and applications and no other use or construction. Any use or construction not in conformance with the permits or permissions issued by the Township shall be deemed a violation of this Ordinance.
- H. Prior Zoning and Land Use Ordinances:** This Ordinance supersedes and replaces all previous zoning and land use ordinances adopted by the Town Board and all such previous zoning and land use ordinances are hereby repealed. The repeal of the Township's previous zoning and land use ordinances does not itself affect the status of any use, structure, or lot that was not in compliance with the earlier ordinances.
- I. Relation to Comprehensive Plan:** It is the policy of the Township that the enforcement, amendment and administration of this Ordinance be accomplished with due consideration of the recommendations contained in the Township's Comprehensive Plan.
- J. Applications:** All applications submitted pursuant to this Ordinance shall be on the Township's official forms. The submission of a zoning and land use related request in any other form or manner shall not be considered a valid application for any purpose, including Minnesota Statutes, section 15.99, and shall not be processed or considered.
- K. Certify Taxes Paid:** Any application for a zoning and land use request related to property in which there are delinquent property taxes, special assessments, governmental service charges, penalties, or interest shall not be considered complete and shall not be processed until the owner certifies to the Township, with adequate supporting documentation, that all such delinquent or past due amounts, interest and penalties have been paid in full.
- L. Unpaid Zoning and Land Use Fees:** Any person that submits an application for a zoning and land use request that owes the Township for past zoning and land use related fees or costs, or if the application relates to property on which there are zoning and land use related fees or costs owed to the Township, the application shall be deemed incomplete and shall not be accepted or processed until all such delinquent or past due amounts have been paid in full.
- M. County Regulations:** The County has adopted regulations related to zoning, subdivisions, shorelands, floodplains, subsurface sewage treatment systems, and other regulations that may affect land uses and structures. The County is responsible for administering and

enforcing its regulations just as the Township is responsible for administering and enforcing this Ordinance. Owners are strongly encouraged to contact the County to identify any applicable regulations before undertaking a new use or constructing, placing, or altering a structure. The issuance of a permit by the Township does not relieve a person from having to obtain any other permits or permissions that may be required by another governmental entity, just as the issuance of a permit from another governmental entity does not relieve a person from having to obtain a permit from the Township if required herein or from otherwise complying with the requirements of this Ordinance.

- N. Effect of Permit Issuance:** The Township's issuance of a permit pursuant to this Ordinance, or a person's compliance with the provisions of any such permit or of this Ordinance, does not relieve any person from any responsibility or liability otherwise imposed by law for their actions. Furthermore, the Township's issuance of a permit does not guarantee the building or structure is properly built or is otherwise suitable for any particular purpose. The Township and its officers, employees, and agents are not liable for any injury or damage to persons or property arising from the construction or use of any structure, building, or property whether undertaken in conformance with this Ordinance or otherwise. Every person is responsible for complying with all applicable federal, state, and local laws, rules, codes, and regulations and the Township's issuance of a permit does not relieve the permittee of the responsibility for securing and complying with any other permits or permissions which may be required by any other law, rule, code, ordinance or regulation.

Article III: Rules of Construction

For the purposes of these regulations, the following rules of construction shall apply:

- A.** These regulations shall be construed to achieve the purposes and intent for which they are adopted.
- B.** In the event of a conflict between the text of these regulations and any caption, figure, illustration, table or map, the text of these regulations shall control.
- C.** In the event of any conflict in limitations, restrictions or standards apply to an individual use or structure, the more restrictive provisions shall apply.
- D.** The words “shall”, “must” and “will” are mandatory in nature, implying an obligation or duty to comply with the particular provision.
- E.** The word “may” is permissive in nature.
- F.** Words used in the present tense include the past and future tenses.
- G.** Words used in the masculine gender include the female gender.
- H.** Any act authorized by these regulations to be carried out by a specific official or agency of the Township is impliedly authorized to be carried out by a designee or such official agency.
- I.** Any words and terms not defined herein shall have the meaning indicated by common dictionary definition.
- J.** The listing of examples to further explain a term, concept, requirement, or process is not intended to be, and shall not be interpreted as, an exclusive listing. Unless the context clearly indicates otherwise, such listings are intended to be explanative without being exclusive or limited. This rule of interpretation does not allow the expansion of the list of uses allowed within a particular district.
- K.** This Ordinance and the various parts, sentences, sections and clauses thereof are hereby declared to be severable. If any part, sentence, paragraph, section or clause is determined to be unconstitutional or otherwise invalid for any reason by a court of competent jurisdiction, such finding shall not affect the remaining portions of this Ordinance.
- L.** The references made herein to statutes, rules, regulations, or ordinances of the state or county shall automatically include any amendments made thereto without further action by the Town Board. Furthermore, such references shall serve to incorporate those statutes,

rules, regulations, or ordinances by reference to the extent necessary to achieve the intent and purposes of this Ordinance. However, such incorporations are intended only to give effect to this Ordinance and are not intended to make the Township responsible for the administration or enforcement of the statutes, rules, regulations, or ordinances being referenced.

- M.** All votes taken to approve a request before the Town Board or the Board of Appeals and Adjustments that fail for lack of achieving the required majority, or for any other reason results in a tie vote, shall be deemed a denial for all purposes including, but not limited to, the requirements of Minnesota Statute Section 15.99. Those voting against the motion shall state the reasons why they oppose the request on the record of the meeting or hearing at which the vote was taken. The entity taking the vote shall process an automatic denial under this section in the same manner as if it had voted to deny the request.

Article IV: Zoning Districts

- A. **Districts:** The use of land within the unincorporated areas of Frohn Township shall be controlled through regulations for various districts as well as regulations that apply to all areas of the Township. The unincorporated areas of the Township are divided into the following districts:
1. A = Agriculture
 2. S = Shoreland
 3. C = Conservation
 4. AR = Agricultural/Residential
- B. **Official Zoning District Map:** An official zoning district map, which shows the location and boundaries of the zoning districts established herein, is hereby adopted and is incorporated herein by reference. The Zoning District Map is on file with the Township Clerk and reflects the above-listed districts. The Zoning District Map shall be available for public inspection during regular office hours, if any, and at such other reasonable times upon request.
- C. **Interpretation of Official Zoning District Map:** In the event there is any confusion or contradiction regarding the location or boundary of a district, the Planning Commission shall make such interpretation and determination. Any person aggrieved by such interpretation may appeal the decision to the Board of Appeals and Adjustments who shall make the final decision.

The following guidelines shall be used in interpreting the Zoning District Map:

1. District boundary lines are intended to follow lot lines or to be parallel or perpendicular thereto, or along centerline of streets, roads, right of ways, or along the ordinary high-water mark of public waters, unless the boundary lines are clearly set out otherwise in the Zoning District Map.
 2. If a District boundary line divides a lot, the location of any such district boundary line, unless indicated by dimensions shown on the zoning map, shall be determined by use of the map scale on the Zoning District Map.
- D. **Allowed and Prohibited Uses:** Only those uses specifically listed in this Ordinance as being allowed within a particular district as a permitted, conditional, interim, or accessory use may occur within that district. All other uses, except those expressly found by the Town Board to be substantially similar to a listed use allowed in the district, are prohibited within the district. No use shall be considered substantially similar to an allowed use unless the Town Board acts at a meeting to find the specific use is substantially similar to an allowed use in the same district.

The purpose of prohibiting all uses not listed as being allowed within a district is to protect the public health, safety, and welfare by specifically identifying those uses allowed in a district rather than simply referring to commercial uses generally or attempting to contemplate and list all uses that are prohibited in a district. This approach, coupled with the opportunity for owners to seek a determination from the Town Board that a use is substantially similar to a listed use, allows the Township to maintain a reasonable level of control over the types of uses that may occur in a district while allowing sufficient flexibility to consider and allow substantially similar uses. However, in order to avoid confusion, the Town Board wishes to inform owners and the public that it has found, based on the potential for negative impacts on neighboring owners, the community, and the environment, that certain uses are not appropriate within the Township. Without limiting the general prohibition of uses not listed as being allowed in a district, the following uses are directly at odds with the purpose of this Ordinance, are expressly prohibited within all areas of the Township, and are not eligible to be found to be substantially similar to an allowed use:

1. Industrial parks.
2. Animal cemeteries, rendering plants, used car lots.
3. The manufacturing of cement, lime, gypsum or plaster; distillation of bone, coal, tar, petroleum, refuse, grain, or wood; manufacture or storage of explosives; manufacture of fertilizers; manufacture where the process includes refining or recovering of products from animal refuse or offal; petroleum or asphalt refining or manufacture smelting or refining of metals from ores; sulfurous, sulfuric, nitric, carbolic, hydrochloric or other corrosive acid manufacture and/or bulk storage thereof.
4. Manufactured home parks.
5. Generating hazardous waste.
6. Feedlots greater than 500 animal units.
7. Solid or hazardous waste landfills.
8. Sewage lagoons.
9. Short-Term Rentals. The offering for rent, or the rental of, a dwelling, or portion thereof, to others for a period of less than 30 consecutive calendar days.

E. Substantially Similar Uses: A property owner proposing to undertake a use the person believes is substantially similar to a use expressly allowed by this Ordinance in the same district

may submit an application to the Township seeking a determination that the use is substantially similar. Such application shall be on the form supplied by the Township and it must fully explain the proposed use and how it is similar to the allowed use. The Town Board shall act on complete applications to determine whether the proposed use is substantially similar to an allowed use in the same district. If the Town Board does find the proposed use is substantially similar, it shall also determine whether the use shall be deemed a permitted, interim, conditional, or accessory use for the purpose of this Ordinance. The owner must then apply for any required permits based on the Township Board's classification of the use and any other applicable regulations. The Township Board shall maintain a record of all uses it expressly finds to be substantially similar and will make a good faith effort to include those uses in the Ordinance the next time it is amended. If the Town Board finds the proposed use is not substantially similar to an allowed use, the owner may submit a separate application to seek an amendment to the text of this Ordinance to expressly allow the use within a district.

Article V: Zoning District Requirements

- A. Agricultural (A) District:** The Agricultural (A) District is established to preserve areas for low intensity uses such as forestry, agriculture, farming, pasture and cropland, low density residential properties and outdoor recreation.

1. Minimum Lot Size: The minimum lot size permitted in this district is forty (40) contiguous acres to include road right-of-way. Only one dwelling is permitted per lot except as proved within this section. The minimum width of such lots shall be 660 feet.

- a. Second Farm Dwelling Exception:** Notwithstanding the limitation on maximum densities, a second farm dwelling shall be permitted on a farm. The second farm dwelling shall house only family members and cannot be divided from the farm and sold as a separate parcel. All minimum Beltrami County Health Department regulations pertaining to the sewage system shall be adhered to. An interim use permit shall be required for a second farm dwelling and the dwelling shall be removed if it ceases to be used as a second farm dwelling for family.

2. Permitted Uses: The following uses are allowed as permitted uses within this district:

- a.** Agriculture.
- b.** Wetlands, pasture, forest land, and wildlife land.
- c.** Single family dwelling.
- d.** Usual and customary accessory farm buildings.
- e.** Publicly owned outdoor recreational areas including boat accesses, beaches, playgrounds, and similar uses.
- f.** One temporary agricultural building for sale of an agricultural product grown or produced on the property, provided that such building is located not less than twenty (20) feet from the street, road, or highway right-of-way line and that the space for patron parking is located not less than twenty (20) feet from the street, road, or highway right-of-way line and provides adequate access to prevent a vehicle from backing onto the street, road or highway.
- g.** Home occupations.

- h. A state licensed residential facility or a housing with services establishment registered under Minnesota Statute, Chapter 144D serving six or fewer persons, excluding those whose primary purpose is to treat juveniles who have violated criminal statutes relating to sex offenses or have been adjudicated delinquent on the basis of conduct in violation of criminal statutes relating to sex offenses.
- i. A state licensed day care facility serving twelve (12) or fewer persons.
- j. A group family day care facility licensed under Minnesota Rules, parts 9502.0315 to 9502.0445 to serve fourteen (14) or fewer children.

3. Conditional Uses: The following uses are allowed within this district with the issuance of a conditional use permit by the Town Board.

- a. Public utility structures such as substations, transformers and regulator stations without service or storage yards.
- b. Cemeteries.
- c. Public, parochial, private and nursery schools; churches and community buildings.
- d. Commercial radio, television towers, transmitters, and telecommunication towers.
- e. Agriculture based business when such business is related to the prospering and maintenance of agricultural endeavors and does not prohibit the productivity of the land.
- f. Off-premise signs.

4. Interim Uses: The following uses are allowed within this district with the issuance of an Interim Use Permit by the Town Board.

- a. Second farm dwelling for family members.
- b. Extractive uses.
- c. Temporary housing for short-term use such as seasonal agricultural activities, care of ailing family member, and/or housing while construction of permanent dwelling occurs.
- d. Wind power generators primarily for personal use.

B. Shoreland (S) Overlay District: The Shoreland (S) Overlay District is administered by Frohn Township. The provisions of this Ordinance regulating shorelands and the Mississippi Headwaters Conservation Ordinance apply to the land within this district and all use and development of land within the Shoreland Overlay District shall comply with such regulations.

C. Conservation (C) District: The Conservation (C) District is established to protect sensitive areas, including wetlands and areas in close proximity to wetlands, and state parks and public and private conservation lands.

1. Permitted Uses: The following uses are allowed as permitted uses within this district:

- a. Public forest reserves.
- b. Public owned parks and recreation areas.
- c. Private owned conservation lands.

D. Agricultural/Residential (AR) District: The purpose of the agricultural/residential zone is to ensure the orderly development of those areas of Frohn Township which, as of this date, have not yet been substantially developed and to ensure the harmonious development of the uses allowed within the district.

1. Minimum Lot Size: The minimum lot size in this district shall be five (5) contiguous acres, including portions covered by public road right-of-ways. Only one dwelling per lot is permitted. The minimum width permitted shall be 300 feet maintaining 5 acres.

2. Permitted Uses: The following uses are allowed as permitted uses within this district:

- a. Single family dwellings.
- b. Truck gardens.
- c. Temporary buildings for uses incidental to construction work, which shall be removed upon completion or abandonment of such construction work.
- d. Agriculture and general farming, including, but not limited to general cultivation farming, grazing, nurseries, horticulture, truck farming, sod farming, and wild crop harvesting, the production of livestock, dairy animals, dairy products, poultry or poultry products, fur-bearing animals, horticultural or nursery stock, fruit, vegetables, forage, grains, forestry, or bees and apiary products.

- e. Wetlands, pasture forest land and wildlife land.
- f. Usual and customary accessory farm buildings.
- g. Publicly owned outdoor recreational areas including boat access, beaches, playgrounds, and similar uses.
- h. One temporary building for sale of an agricultural product of any of the above-uses provided that such building is located not less than twenty (20) feet from the street, road, or highway right-of-way line and that the space for patron parking is located not less than twenty (20) feet from the street, road, or highway right-of-way line and provides adequate access to prevent a vehicle from backing onto the street, road or highway.
- i. Accessory buildings or structures and uses customarily incidental to any uses listed in this section when located on the same property.
- j. Home occupations.
- k. A state licensed residential facility or a housing with services establishment registered under Minnesota Statute, Chapter 144D serving six or fewer persons, excluding those whose primary purpose is to treat juveniles who have violated criminal statutes relating to sex offenses or have been adjudicated delinquent on the basis of conduct in violation of criminal statutes relating to sex offenses.
- l. A state licensed day care facility serving twelve (12) or fewer persons.
- m. A group family day care facility licensed under Minnesota Rules, parts 9502.0315 to 9502.0445 to serve fourteen (14) or fewer children.

3. Conditional Uses: The following uses are allowed within this district with the issuance of a conditional use permit by the Town Board.

- a. Public, parochial, private, and nursery schools, churches and community buildings.
- b. Commercial radio, television towers, transmitters, and telecommunication towers.
- c. Public utility structures such as substations, transformers and regulator stations without service or storage yard.

- d.** Off-premise signs.

4. Interim Uses: The following uses are allowed within this district with the issuance of an interim use permit by the Town Board.

- a.** Extractive uses.
- b.** Temporary housing for short-term use such as seasonal agricultural activities, care of ailing family members, and/or housing while construction of permanent dwelling occurs.

Article VI: General Regulations

- A. **Compliance with Zoning and Land Use Ordinance:** No land, building, structure or part thereof may be used, constructed, reconstructed, altered, placed, maintained or occupied except in conformity with this Ordinance.
- B. **Zoning and Land Use Permits Required:** No building, structure, basement, or addition to an existing building or structure may be built, rebuilt, moved, or placed without first obtaining a Zoning and Land Use Permit from the Township. Activities requiring a Zoning and Land Use permit include, but are not limited to, construction of residences, garages, enclosed decks, and signs. Permits for the installation and/or alteration of sewage treatment systems and grading and filling activities are administered by Beltrami County Planning and Zoning Administration. Zoning and Land Use Permits are valid for one (1) year from the date of issuance and all current taxes must be paid to obtain a Zoning and Land Use Permit.

A Zoning and Land Use Permit is required to relocate a permanent structure from one parcel to another. However, relocating an existing structure on the same parcel of property does not require a Zoning and Land Use Permit, but must meet all of the setback regulations and Ordinance regulations for the district in which it is located.

- C. **Litter and Inoperable Vehicles:** The following are determined to be public nuisances and are prohibited in the Township.
1. **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.
 - a. **Public Nuisance:** 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 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 may be sent to the owner of the property or a tenant of the property. Such notice shall fairly apprise the owner or tenant 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.
2. **Inoperable Vehicles:** An inoperable vehicle means any motor vehicle from which, for a period of at least ninety (90) 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.
- a. **Public Nuisance:** Placement of more than three (3) inoperable motor vehicles on any lot in any zoning district is a public nuisance.
 - 1) It is permissible to keep inoperable vehicles stored in any enclosed building with at least 3 walls and a roof.
 - b. **Notice to Abate Nuisance:** Notice of any violation of the provision of this section may be sent to the owner of the property or a tenant of the property. Such notice shall fairly apprise the owner or tenant 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.
3. **Correction and Collection of Costs:** It is a violation of this Ordinance for an owner or occupant of property to create, maintain, allow to exist, or exacerbate a use or condition classified as a public nuisance under this Ordinance. Such person shall be required to correct the nuisance condition upon written notice from the Township. If the owner or occupant fails to correct the condition within the time indicated in the written notice, the Township may take action to correct the condition. The owner and occupant shall be responsible for fully reimbursing the Township for all costs it incurs to correct the condition and to repair any damage caused to a Township right-of-way resulting from the condition or action. The Township shall provide the owner or occupant a written statement of the costs incurred and, if the owner or occupant fails to fully reimburse the Township, the

Township may collect all such costs as an unpaid service charge on the property pursuant to Minnesota Statutes, section 366.012, or may pursue such other methods of recovering its costs as are available to it under law.

D. Dwelling/Housing Performance Standards:

1. **Foundation:** All residential dwellings in the Township shall be firmly anchored to a wood or concrete block foundation, or anchored down with a minimum of eight (8) tornado type anchors attached to the frame with four (4) anchors to each of the sides.
2. **Residential Dwelling Height Restrictions:** The height of a residential structure shall not exceed thirty-five (35) feet as measured from the normal lay of the land to the top most portion of the structure.
3. **Well and Septic Systems:** All owners and developers installing a new well or septic system shall obtain a well/septic system permit site evaluation report, certified inspectors report from the appropriate governing authority, and shall supply a copy of the approved permit to the Land User Administrator or Township Clerk.
4. **Expansion of Septic Use:** A septic compliance inspection is required for any Land Use Permit which increases the effluents into a septic system such as, but not limited to, the addition of bedrooms, laundry rooms, or bathrooms to a structure.
5. **Separation from Water Table:** Lowest floor of the structure must be at least three (3) feet from the ordinary high water table.
6. **Number of Dwellings:** Unless expressly provided otherwise in this Ordinance, no more than one dwelling may be located on a parcel or lot.

E. Setback Regulations: All buildings and structures shall meet the setback requirements under this section. All setbacks shall be measured from the indicated lot line, road right-of-way, easement lines or access/egress. A setback is the area in which no building or structure may be placed. All buildings and structures shall be setback a distance of not less than fifty (50) feet from the edge of the road right-of-way or road easement. When a parcel of property borders more than one public roadway, the fifty (50) feet setback applies to all sides of the property bordering a public roadway.

1. All buildings and structures shall be set back a distance of not less than fifty (50) feet from all lot lines.

2. Temporary shelters for persons waiting for a bus or similar uses shall be exempted from this provision if constructed and located so as not to interfere with snowplowing, road maintenance or public safety.

F. Location of Essential Services Equipment: To the extent feasible, equipment for essential services shall be underground so as to eliminate overhead wires, poles, and other unsightly structures and equipment.

The placement of equipment for essential services shall comply with all other provisions of this Ordinance as well as those regulations provided by Beltrami County, the State of Minnesota and Federal law.

G. Extraction of Mineral Materials: The use of land for the extraction of mineral materials or the excavation or removal of top soil, sand or gravel for commercial use is not permitted within the Township without first obtaining an Interim Use Permit from the Township. The Town Board may place conditions on the Interim Use Permits it issues and the conditions it may impose on extractive uses include, in addition to general conditions the Township may impose, the following:

1. Those conditions the Township determines are needed to protect the health, general well-being, welfare and safety of the inhabitants of the Township and those individuals neighboring said excavation area.
2. May require that certain steps and procedures be undertaken in order to ensure the proper management and the aesthetic value of the neighborhood.
3. May require a performance bond or other form of security acceptable to the Town Board prior to any and all work in excavation of mineral materials.
4. Require, and impose standards regarding the timely reclamation of the land to ensure restoration of the property to its original condition insofar as possible.

H. Waste Management Provisions: Solid or hazardous waste landfills are not permitted in the Township. No sewage lagoon shall be allowed in any district. Only septic waste generated in the landowner's personal septic system located in the Township may be dispersed on the landowner's property. No septic waste generated outside of the Township may be dispersed on land within the Township.

I. Signs:

1. All signs require the issuance of a Permit prior to being erected and are subject to the following limitations:

- a. The display surface area may not exceed fifty (50) square feet in area per side of the sign.
- 2. The following signs are prohibited:
 - a. Those which interfere with visibility of drivers or obstruct traffic signs.
 - b. Those that are illuminated by a flashing light or by any light directed toward a neighboring residence or toward a watercourse, except emergency or warning signs.
 - c. Those that contain any conspicuous animated parts.
 - d. Signs over 50 square feet in area or 10 feet in height.
 - e. Roof signs.
- 3. 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.
 - a. The changing of the display surface on a painted or printed sign only;
 - b. Signs nine square feet or less in size; and
 - c. Signs existing prior to the adoption of this Ordinance.
 - d. Temporary on-site signs posted no more than 3 weeks out of a year.
- J. **Storage and Recycling:** The use of any land for the storage for any purpose and/or recycling of any used materials including concrete, bituminous material or any other road materials within the Township are not permitted unless done pursuant to an interim use permit granted by the Town Board pursuant to the interim use permit procedures of this Ordinance.
- K. **Fences:** No fence, wall, structure, building, or planting (such as trees or shrubs) shall be permitted within the public road right-of-way. Placing any item in a public road right-of-way that obstructs or interferes with the maintenance or use of a road or that renders it dangerous for travel is a public nuisance and is prohibited as a violation of this Ordinance.
- L. **Parking Regulations:** Each business or public/institutional establishment for which a permit is issued under this Ordinance shall provide enough parking spaces to more than accommodate anticipated needs so that the existence of such use will not constitute a traffic

hazard or a nuisance to other existing uses in the neighborhood. Each establishment must submit plans and shall be required to provide for adequate off-street parking for employees and clientele served prior to the issuance of a permit.

M. Home Occupations: All persons engaged in home occupations must comply with the following and all other applicable provisions of this Ordinance.

1. Home occupations shall be conducted by the permanent occupants of the dwelling in which the business is located and not more than one additional person.
2. The home occupation must be incidental to and secondary to the use of the dwelling for dwelling purposes.
3. No mechanical equipment may be used except the equipment which is compatible with and permissible for household purposes or for a home workshop.
4. Sales of goods or merchandise are limited to that which is manufactured or processed by the practitioner of the home occupation or is a result of agricultural use of the land.
5. Home occupations which create odor, noise, electrical glare, dust or vibrations detectable from outside of the structure in which the home occupation is located shall not be permitted.
6. Home occupations shall be carried on in a manner that will not disrupt the residential character of the structure and the residential zone.
7. A home occupation shall not occupy an area in excess of twenty-five (25) percent of the total square footage of the principal dwelling used for the home occupation.

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

1. 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 development 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, and such other requirements as needed to address terrain, drainage, traffic, and safety considerations.

2. Access to a private watercraft access ramp, approach road, or parking area may be achieved by crossing through a wetland under the following conditions:
 - a. Access across the wetland shall only be by a constructed boardwalk;
 - b. The boardwalk must not exceed six feet in width;
 - c. The boardwalk must not exceed two feet in height above grade; and
 - d. All required permits have previously been obtained.
 3. 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 determined by the Town Board 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.
 4. 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.
- O. Temporary Family Health Care Dwellings:** Pursuant to authority granted by Minnesota Statutes, section 462.3593, subdivision 9, the Township opts out of the requirements of Minnesota Statutes, section 462.3593, which defines and regulates Temporary Family Health Care Dwellings.

Article VII: Subdivision of Land

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

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

- A. Compliance Required:** Any subdivision of land, whether by plat or certificate of survey, must comply with this Ordinance, Beltrami County's subdivision controls ordinance (Ordinance No. 5), and the laws of the State of Minnesota. No subdivision of a parcel may occur unless all of the resulting parcels satisfy the requirements of this Ordinance including, but not limited to, the minimum required lot or parcel size as set forth in each district, and the applicant must be able to demonstrate that the subdivided parcels can reasonably be used for the intended purpose, including public road access and private sewer and water systems.
- B. Subdivision Methods:** There are three methods of subdividing land under this Ordinance:

 - 1. Lot Line Adjustment
 - 2. Minor Subdivision
 - 3. Major Subdivision
- C. Lot Line Adjustment:** A lot line adjustment is the division of land made for the purpose of adjusting the boundary lines of parcels of land to an abutting lot or to otherwise exchange property between adjacent lots which does not create any new lots, tracts, parcels or sites; nor does a boundary adjustment create any lot, tract, parcel or site which contains insufficient area and dimensions to meet minimum requirements for width, lot size, and

area for building as required by this Ordinance. The newly acquired land must be combined on the same deed for recording purposes as the remainder of the owner's property.

1. **Application:** An owner proposing to undertake a lot line adjustment must submit a complete application to the Township together with the applicable fees. The owner must submit the following additional information with its application in order for the application to be considered complete:
 - a. A certificate of survey showing the lot line adjustments and providing the legal descriptions of the altered parcels.
2. **Procedure:** Complete applications must be submitted to the Land Use Administrator to determine if it is complete. If it is not complete, the Land Use Administrator will inform the applicant what additional information is needed. The Land Use Administrator shall forward complete application packets to the Town Board for review and a decision. The decision of the Town Board on the application is final and no review or recommendation by the Planning Commission is required. If subdivision is approved, the Town Board will send a letter to the County Recorder.

D. Minor Subdivision: A minor subdivision is the division of a single parcel into two or three parcels. A minor subdivision may be accomplished by means of a certificate of survey or a plat. However, any subdivision of a parcel proposing to establish or dedicate a new public road, or that involves the further division a parcel that was previously subdivided into two or three parcels, must be platted in the same manner as a major subdivision.

1. **Application:** An owner proposing to undertake a minor subdivision must submit a complete application to the Township together with the applicable fees. If the subdivision will occur by plat, the owner must submit the additional information required of an application for a major subdivision in order for the application to be considered complete. If the subdivision will occur by a certificate of survey, the owner must submit the following additional information with its application in order for the application to be considered complete:
 - a. A certificate of survey if such a survey is required by the County's subdivision regulations.
 - b. The legal description of the property to be subdivided along with the legal descriptions of the proposed subdivided property.
2. **Procedure:** Complete applications must be submitted to the Land Use Administrator to determine if it is complete. If it is not complete the Land Use Administrator will inform the applicant what additional information is needed. The Land Use Administrator shall forward the complete application to the Planning Commission for review. The Planning Commission may elect to, but is not required

to, hold a public hearing and shall forward its recommendation regarding the proposed subdivision to the Town Board with any findings and comments it develops to support its recommendation. The Town Board shall then act on the application and its decision is final. If subdivision is approved, the Town Board will send a letter to the County Recorder.

E. Major Subdivision: A major subdivision is the division of a single parcel into four or more parcels. A major subdivision may only be accomplished by means of a plat that complies with the requirements of Minnesota Statutes, Chapter 505 and all other applicable federal, state, and local laws, rules, regulations, and ordinances.

1. Application: An owner proposing a major subdivision must submit a complete application to the Township together with the applicable fees. The owner must submit the following additional information with its application in order for the application to be considered complete:

- a.** Seven copies of the proposed preliminary plat;
- b.** Seven copies of all proposed restrictive covenants or other restrictions which will be imposed upon the purchasers of lots and upon their heirs and successors;
- c.** Disclose in writing any conditions on the proposed lots that could make them unsuitable or interfere with their use as a building site or for human occupation. Such conditions include, but are not limited to, potential for flooding, inadequate drainage, soil and rock formations, unfavorable topography, soil erosion, inadequate water supply, inadequate sewage disposal characteristics, or any other reasons that would make a lot marginally suitable for building construction or human occupancy;
- d.** Accurate legal description of the property being subdivided and the legal description, including acreage, of the remaining portion of the property not be included in the plat (if any).

2. Preliminary Plat Process: Complete applications must be submitted to the Land Use Administrator to determine if it is complete. If it is not complete, Land Use Administrator will inform the applicant what additional information is needed. The Land Use Administrator shall forward the complete application to the Planning Commission to review. The Planning Commission shall develop and forward to the Town Board its recommendation regarding the proposed preliminary plat together with any findings it may develop to support its recommendation. The Town Board shall review the application, the Planning Commission's recommendation, and determine whether to approve the preliminary plat. The Town Board may place conditions on its approval of the preliminary plat including,

but not limited to, requiring the owner to enter into a development or road any supporting findings, to the County's Environmental Services office. An applicant agreement with the Township. The Town Board shall forward its decision, with shall not be allowed to request approval of the final plat from the Township until the Town Board has approved the preliminary plat, unless the Town Board has indicated it is willing to consider granting preliminary and final plat approval as part of the same action.

3. **Final Plat Process:** An owner that has received approval of its preliminary plat from the Township and County and satisfied all conditions the Township imposed on its approval of the preliminary plat may request approval of the final plat. The request for final plat approval must be in writing submitted to the Township Clerk with seven copies of the final plat. The Township Clerk shall forward the request and plats to the Town Board. The Town Board shall review the final plat and determine whether to approve the final plat. The Town Board may impose conditions on its approval of the final plat. The Township shall forward its approval of the final plat, together with any conditions, to the County's Environmental Services office.

a. **Authorization to Sign Plat:** Unless expressly stated otherwise, the Town Board's approval of the final plat authorizes the Township Chairperson to sign the final plat once the Chairperson determines all of the conditions imposed by the Township have been satisfied. If the Township requires a development or road agreement be executed for the plat, the Chairperson may not sign the final plat until the agreement has been fully executed by all parties and is in the Township's possession.

b. **Form of Approval:** The language used on the final plat to indicate the Town Board's approval must be substantially as follows:

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

Frohn Township Chairperson"

- F. **Dedication of Roads by Plat:** The Town Board's approval of a plat containing roads or other ways or easements dedicated to the public does not constitute a decision by the Township to open and maintain those roads, ways, or easements. The approval is limited to the plat itself and separate approval by the Town Board is required before the Township

will open and maintain any platted roads as part of its system of publicly maintained Township roads. It is the responsibility of the person subdividing the property to construct and pay for all roads, storm water ponds and other drainage structures, and other improvements within those lands dedicated to the public in accordance with the Township's specifications and requirements as a condition of plat approval. The Township may require a development or road agreement to provide further details regarding the required improvements and identify the procedures and conditions under which the Township will be willing to open and maintain a platted road as part of its system of publicly maintained Township roads. It is the responsibility of the developer or those who own property within the plat to maintain a platted road until the Town Board determines by resolution that it is sufficiently built and satisfies such other conditions of acceptance the Town Board may require to be opened and maintained as part of the Township's system of publicly maintained Township roads.

G. General Requirements: The following apply to the subdivision of land in the Township and must be complied with when applicable.

- 1. Minimum Lot Size:** All lots must contain a minimum of 45,000 square feet of contiguous land that is not a Type 1-8 wetland.
 - a.** Agricultural (A) zoned land must contain 40 acres and a minimum of 45,000 square feet of contiguous land that is not a Type 1-8 wetland.
 - b.** Agricultural/Residential (AR) zoned land must contain 5 acres and a minimum of 45,000 square feet of contiguous land that is not a Type 1-8 wetland.
- 2. Licensed Surveyor:** All certificates of survey and plats must be prepared by a surveyor licensed by the State of Minnesota.
- 3. Pre-Plat Meeting:** The Township may require an owner proposing a major subdivision to participate in a pre-plat meeting. If the Township determines its participation in a pre-plat meeting conducted by the County is sufficient for its purposes, it will not require the owner to participate in another pre-plat meeting with the Township unless the Town Board determines the circumstances have changed sufficiently to warrant another pre-plat meeting.
- 4. Development or Road Agreement:** The Town Board may require the owner or developer to enter into a development or road agreement with Township as a condition of any approval under this Article. If such an agreement is required, the Township shall draft it, the executed agreement shall be recorded in the office of the County Recorder, and its provisions shall constitute a covenant on the property that must be complied with by the developer and owners of the property.

5. **Title and Recording:** The owner who subdivides his or her property is solely responsible for developing such legal descriptions and deeds as may be required, recording the resulting parcels in the office of the County Recorder, obtaining new tax parcel numbers, and for otherwise complying with all requirements of the state and county to properly complete and record the subdivision of the property.
6. **Township Costs:** In addition to paying the required application fee, a person who subdivides property is also responsible for fully reimbursing the Township for its actual costs associated with its review and action on the proposed subdivision. The Township's actual costs include the Township's administrative and inspections costs, recording costs, and all professional fees and other costs it may incur related to the proposed subdivision, regardless of whether the subdivision is approved or denied.

H. Streets: Streets proposed to be established as part of a subdivisions shall comply with the following:

1. 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.
2. 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 must be carried to the boundaries of such undivided land.
3. When new streets are extensions of existing streets, the new streets must 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 Paragraph.
4. All streets, roads, and easements intended for vehicular traffic, and all platted streets and roads shall meet the following minimum standards:
 - a. The right-of-way must be a minimum of 66 feet in width, and shall have a minimum of 24 feet of road top;
 - b. The street shall have a surface so that it is accessible to public services and is amenable to future public improvements;
 - c. The applicant shall construct all streets dedicated to the public within a plat or subdivision in compliance with the applicable street/road specifications adopted by the Township; and

- d. The slopes of the street must be seeded in order to prevent erosion. Drainage and topography shall meet the requirements of the SWCD.
- I. **Storm Drainage:** Storm drainage facilities, where required, shall be designed to permit the unimpeded flow of natural watercourses, ensure the drainage of all points along the line of streets, and provide positive drainage away from on-site sewage disposal facilities. In designing storm drainage facilities, special consideration shall be given to protection against shoreland erosion and siltation of surface waters and the prevention of excess runoff onto adjacent property.
- J. **Water Supply Facilities:** Individual water supply systems (wells) 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.
- K. **Wastewater Systems:** 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 County requirements are complied with. A Certificate of Compliance from the Beltrami County Environmental Services is required for all on-site sewage treatment systems.

Article VIII: Shoreland Regulations

SECTION 1: SHORELAND LAND USE MANAGEMENT SUBDISTRICTS

- A. Shoreland Land Use Management Subdistricts:** All land within the Township that is located within the Shoreland (S) Overlay District is divided into the following shoreland land use management subdistricts, the boundaries of which are defined in this Ordinance and are shown on the Township's official Zoning District Map.

1. Public Ownership Subdistrict (PO)
2. Tribal Land Subdistrict (TL)
3. Shoreland Residential Subdistrict (SR)
4. Residential Transition Subdistrict (RT)

Land located within one of the identified shoreland land use management subdistricts is subject to regulations applicable to the underlying principal zoning district, the regulations contained in this Article that are applicable to the particular subdistrict, and the regulations imposed by the Mississippi Headwaters Conservation Ordinance. Only those uses identified in this Article as being allowed within the particular subdistrict may occur within the subdistrict. All other uses, except those expressly found by the Town Board to be substantially similar to a listed use allowed in the subdistrict, are prohibited within the subdistrict. No use shall be considered substantially similar to an allowed use unless the Town Board acts at a meeting to find the specific use is substantially similar to an allowed use in the same subdistrict as provided in this Ordinance.

- B. Public Ownership Subdistrict (PO):** The Public Ownership Subdistrict includes all federal, state, county, and township lands, and tax-forfeited state and county lands. The purpose of this district is to manage those areas suitable for open space and low intensity uses, such as recreation, forest management and wildlife habitat.

1. **Permitted Uses:** The following uses shall be permitted within this subdistrict and may require issuance of a zoning and land use permit:
 - a. Public buildings and playgrounds (with the exception of public utility buildings and public recreational facilities);
 - b. Public parks and forest preserves;
 - c. Decks, stairways and handicap accesses; and
 - d. Temporary accessory buildings incidental to the above permitted uses. An accessory structure must not contain any sanitary facilities.

2. **Conditional Uses:** The following uses are allowed within this subdistrict with the issuance of a conditional use permit by the Town Board:
 - a. Forestry, including the growth, harvest and sale of trees grown on-site, but specifically excluding the processing of forest products grown off-site;
 - b. Utility transmission power lines;
 - c. Private roads;
 - d. Private access paths/boardwalk through wetlands;
 - e. Public recreational facilities;
 - f. Public utility buildings; and
 - g. Accessory buildings.
 3. **Transfer of Title to Land:** In the event that any land in this subdistrict is transferred into private ownership, then the Township shall initiate procedures intended to re-classify the applicable subdistrict.
 4. **Notification of Land Sale:** All federal, state, county, and tribal government agencies shall notify the Township Clerk of the sale of publicly owned land.
- C. **Tribal Land Subdistrict (TL):** The Tribal Land Subdistrict includes all Leech Lake Band of Ojibwe owned and managed land. The Township respects the management authority of the Leech Lake Band of Ojibwe (“LLBO”) as a sovereign nation and strives 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.
- D. **Shoreland Residential Subdistrict (SR):** The Shoreland Residential subdistrict includes all land area located between the OHWL of a lake and a line parallel to and 300 feet inland from the OHWL.
1. **Permitted Uses:** The following uses shall be permitted within this subdistrict and may require issuance of a zoning and land use permit:
 - a. Single family residences;

- b. Fences;
- c. Public parks and forest preserves; and
- d. Decks, stairways and handicap accesses.

2. **Conditional Uses:** The following uses are allowed within this subdistrict with the issuance of a conditional use permit by the Town Board:

- a. Forestry, including the growth, harvest, and sale of trees grown on-site, but specifically excluding the processing of forest products grown off-site;
- b. Public buildings and playgrounds;
- c. Public recreational facilities;
- d. Public utility buildings; and
- e. Accessory buildings;
- f. Utility transmission power lines;
- g. Private roads; and
- h. Private access paths/boardwalks through wetlands.

E. **Residential Transition Subdistrict (RT):** The Residential Transition Subdistrict includes all land located landward of a line parallel to and 300 feet landward from the OHWL, but not greater than a line parallel to and 1,000 feet landward from the OHWL.

1. **Permitted Uses:** The following uses shall be permitted within this subdistrict and may require issuance of a zoning and land use permit:

- a. Single family residences;
- b. Public parks and forest preserves;
- c. Fences; and
- d. Decks, stairways, and handicapped accesses.

2. **Conditional Uses:** The following uses are allowed within this subdistrict with the issuance of a conditional use permit by the Town Board:

- a. Forestry, including the growth, harvest, and sale of trees grown on-site, but specifically excluding the processing of forest products grown off-site;
- b. Public buildings and playgrounds;
- c. Public recreational facilities;
- d. Public utility buildings;
- e. Utility transmission power lines;
- f. Private roads;
- g. Private access paths/boardwalks through wetlands; and
- h. Accessory buildings.

SECTION 2: PUBLIC WATER CLASSIFICATION SYSTEM

O. Public Waters Classification System: The development of shorelands of public waters shall be controlled by means of shoreland management subdistricts which are designated to be compatible with the classification of public waters. For the purposes of this Ordinance, the following classifications are established for public waters within the Township:

- 1. Special Protection Lakes (SP)
- 2. Sensitive Area Lakes (SA)
- 3. Natural Environment Lakes (NE)
- 4. Recreational Development Lakes (RD)
- 5. General Development Lakes (GD)
- 6. Scenic River Segment (SRS)
- 7. Tributary River Segment (TRS)

P. 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
4-80	No Name Lake
4-90	No Name Lake

- Q. 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
4-84	No Name Lake
4-86	Stocking Lake
4-87	School Lake
4-89	Ose Lake
4-91	Jaurkishi Lake
4-131	No Name Lake

- R. 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.

None.

- S. 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
4-79	Big Wolf Lake
29-71	Grace Lake
4-85	Swenson Lake

- T. 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
4-130	Stump Lake (<i>Extension of Lake Bemidji</i>)

U. **Scenic River Segment (SRS):** The Scenic River Segment (SRS) classification is established to preserve wilderness and near wilderness settings along protected watercourses. Mississippi River from River Mile 67 to River Mile 79.

V. **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.

None.

SECTION 3: HEIGHT AND PLACEMENT STANDARDS

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

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

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

Minimum Lot Area Requirements – after deduction of any wetlands or bluff areas	30,000 contiguous sq. ft. or 0.69 acres	45,000 contiguous sq. ft. or 1.03 acres	217,800 contiguous sq. ft. or 5 acres	329,700 contiguous sq. ft. or 7.5 acres	Minimum Lot Width Requirements
SHORELAND RESIDENTIAL DISTRICT (SR)					
RD Lakes		X*			150 feet
GD Lakes	X**				100 feet
SA and SP Lakes			X*		400 feet
NE Lakes and All Rivers			X*		330 feet
RESIDENTIAL TRANSITION DISTRICT (RT)			X*		300 feet

PUBLIC OWNERSHIP DISTRICT (PO)		NA	NA	NA	NA
TRIBAL LAND DISTRICT (TL)		NA	NA	NA	NA

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

**Lot area must contain a minimum of 30,000 square feet of contiguous land that is not a Type 1-8 wetland.

- B. Setback Provisions:** Structures constructed or placed upon land after the effective date of this Ordinance shall meet all setbacks prescribed as described in Table VIII-B below:

TABLE VIII-B MINIMUM LOT SETBACK REQUIREMENTS BY LAND USE DISTRICTS AND LAKE CLASSIFICATION

Minimum Structure Setback from the following:	Side-lot line	Top of Bluff	Un-platted cemetery	Road Right-of-ways Public/Private	Sewage Treatment System from OHWL	Structures (OHWL)
SHORELAND RESIDENTIAL DISTRICT (SR)						
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 (RT)	15 feet	30 feet	50 feet	50/20 feet	NA	NA
PUBLIC OWNERSHIP (PO)	NA	NA	NA	NA	NA	NA
TRIBAL LAND DISTRICT (TL)	NA	NA	NA	NA	NA	NA
WETLANDS, ALL TYPES	NA	NA	NA	NA	30 feet	30 feet

- C. **Bluff Impact Zones:** Structures or facilities, except stairways and landings used for shore access, shall not be placed within bluff impact zones. All structures must be set back not less than 30 feet from the top of a bluff. Walkout basements shall not be allowed in bluff impact zones.
- D. **Steep Slopes:** The following shall apply to steep slopes:
1. No construction of structures, sewage treatment systems, roads, driveways, or other improvements shall be undertaken on steep slopes without review and approval of a Vegetative Management Plan review by the Beltrami Soil and Water Conservation District (“SWCD”) and without a conditional use permit from the Township.
 2. The Planning Commission shall evaluate possible soil erosion impacts and development visibility from public waters and adjacent shorelands before the Board of Supervisors issues the conditional use permit.
 3. Upon evaluation of the SWCD report, 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. The applicant shall be responsible for payment of all costs incurred by the Township in issuance of the conditional use permit.
- E. **Height Of Structures:** No structure shall exceed 35 feet in height as measured from the normal lay of the land to the highest point on the structure.
- F. **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 the basement, is placed or flood-proofed, shall be determined as follows:
1. For lakes, by situating the lowest floor at a level at least three feet above the highest known water level, or three feet above the ordinary high-water level, whichever is greater.
 2. For rivers and streams, by placing the lowest floor at least three feet above the flood of record, if data are available. If data are not available, then by placing the lowest floor at least three feet above the ordinary high-water level, or by conducting a technical evaluation to determine the effects of proposed construction upon flood stages and flood flows and to establish a flood protection elevation. 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.

3. If more than one alternative is used, then the highest degree of flood protection shall be used for situating structures and other facilities.

G. Exterior Stairways, Lifts, And Landings: Stairways and lifts are the preferred alternative to major topographic alterations for achieving access up and down bluffs and steep slopes to shore areas. Stairways, lifts, and landings must meet or exceed the following minimum design requirements:

1. Stairways and lifts must not exceed four feet in width on residential lots;
2. Landings for stairways and lifts on residential lots must not exceed 32 square feet in area;
3. Canopies or roofs are not allowed on stairways, lifts, or landings;
4. Stairways, lifts, or landings may be either constructed above ground on posts or pilings, or placed into the ground, provided they are designed and built in a manner that ensures control of soil erosion;
5. Stairways, lifts, or landings must be located in the most visually inconspicuous portions of lots, as viewed from the surface of the public waters assuming summer, leaf-on conditions, whenever practical; and
6. Facilities such as ramps, lifts, or mobility paths for physically handicapped persons shall allowed as a permitted use for achieving access to shore areas, provided that the dimensional and performance standards of this section and requirements of the State Building Code, Minnesota Rules Part 1341 are complied with.

H. Significant Historic Sites: No structure may be placed on a historic site in any manner that directly or indirectly affects the historic value of the site unless adequate information about the site has first been properly obtained and artifacts have been properly removed or documented in a public repository.

SECTION 4: ACCESSORY USES AND STRUCTURES

A. Accessory Structures: Where a lot is devoted to a permitted principal use, then customary accessory structures or facilities are permitted as a conditional use and a conditional use

permit is required, except as prohibited specifically or by necessary implication in this or any other ordinance. The following special rules are applicable:

1. Accessory structures or facilities such as carports and breezeways attached to a principal structure or facility on a lot shall be made structurally a part of the principal structure or facility and shall comply in all respects with the requirements of this Ordinance applicable to the principal structure or facility.
2. All detached accessory structures or facilities shall be located in the rear or side yard. They shall comply with all setback requirements applicable to the principal structure or facility.
3. Each lot, except those on the SA, SP, and NE lakes, may have one water-oriented accessory structure not meeting the normal structure setback as specified in this Article, provided that such structure complies with the following provisions:
 - a. The structure or facility shall not exceed 12.5 feet in height. Detached decks must not exceed three feet above ground at any point. The structure or facility shall not exceed 144 square feet;
 - b. The setback of the structure or facility from the ordinary high-water level must be at least 75 feet;
 - c. The structure or facility must be treated to reduce visibility as viewed from public waters and adjacent shorelands by vegetation, topography, increase setbacks or color assuming summer, leaf-on conditions;
 - d. The structure or facility must not be designed or used for human habitation and must contain water supply or sewage treatment facilities, or be connected to such facilities.

B. Water-Oriented Accessory Structures or Facilities: Water-oriented accessory structures or facilities are permitted structures, but shall be subject to all of the following:

1. Shall not include boathouses;
2. Shall be sited landward of the shore impact zone, but not less than 75 feet from the OHWL, except as otherwise expressly provided in this Section;
3. Shall be sited landward of a bluff or steep slope;
4. Shall be allowed only on lakes, not on rivers or streams;

5. Shall be no larger than 144 square feet and 12.5 feet in height at the peak of any portion of the roof;
6. Shall be at least three feet above groundwater or the OHWL, whichever is higher;
7. 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;
8. Shall be sited outside the floodplain;
9. 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
10. Shall not be allowed in a Special Protection or Sensitive Area Lake.

C. Docks, Docking Facilities, And Boat Lifts: Docks, docking facilities, and boat lifts shall be subject to the following:

1. 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.
2. Docks and boat lifts for subdivisions may be permitted on a conservative basis pursuant to a conditional use permit. There must be a thorough study that evaluates the water body, shoreland, adjacent shorelands, and other shorelands exposed to such docks and boat lifts.
3. Docks and boat mooring slips for resorts set forth in Appendix A, may be conservatively permitted by conditional use permit for normal resort operations. Rental mooring spaces for the general public are not considered to be a part of a resort's normal resort operation.

D. Telecommunication Towers, Antennas, And Related Facilities: Telecommunication towers, antennas and related facilities are prohibited in shoreland use districts except for the following:

1. Household television antennas extending less than 15 feet above the highest point of a residential structure.
2. Satellite dish receiving antennas that are two meters or less in diameter.

3. Antennas and antenna support structures used by the Township for Township purposes.
4. 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.
5. Two-way communication transmitters used on a temporary basis by “911” emergency services, including fire, police and emergency aid or ambulance service.
6. Radio transceivers normally hand-held or installed in moving vehicles, such as automobiles, watercraft or aircraft. This includes handheld cellular phones.

SECTION 5: PERFORMANCE STANDARDS

- A. FENCES:** Privacy fences shall be permitted, provided that they meet all of the following requirements:
1. They are not placed within any public right-of-way;
 2. They are constructed of natural materials or man-made materials that appear to be natural materials; and
 3. They are constructed in a location and manner that reduces their visibility as viewed from the water and adjacent shorelands by the use of vegetative screening, topography, increased setbacks, or color assuming summer, leaf-on conditions.
- B. FORESTRY:** Forestry is permitted by conditional use permit in certain shoreland use districts. Generally accepted forest management practices designed to promote and manage a healthy, diverse, and productive forest area must be utilized. Vegetation management goals must be consistent with the goals of maintenance and regeneration of naturally appearing, healthy forest vegetation.
1. Forests shall be managed using the following criteria:
 - a. The view from the public water shall be treated as most sensitive; and
 - b. Water quality changes, due to forestry uses, shall be minimized.

2. A forest management plan for the property or site-specific timber harvest plan must be prepared by the applicant and filed with the Township. 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 Mississippi Headwaters Board prior to consideration of the conditional use permit application by the Township. Forestry activities that require a forest management plan include timber harvesting, intensive site preparation, and forest access road construction. The forest management plan must include the following information:

- a. A unified site plan;
- b. Mapping of forest types;
- c. Agricultural practices and forest regeneration plans;
- d. Timber access roads and trails;
- e. Provisions to address and protect water quality, forest soils, aesthetics, wildlife and aquatic habitat, cultural and historic resources known to occur on the property;
- f. Erosion control measures that will be implemented;
- g. Measures that will be implemented in order to protect the property and neighboring properties from fire hazards, insects, and diseases;
- h. The methods of disposal for petroleum products, trash, and hazardous substances; and
- i. A listing of endangered or threatened resources that may be located on the property.

- C. **Impervious Surfaces:** The proposed impervious surface coverage of a lot shall be included with an application for any land use permit or permission involving any form of exterior construction. The impervious surface amounts listed below are maximums and do not mean that these amounts of impervious surface are required. Applicants are strongly encouraged to use the minimum amount of impervious surface necessary. Impervious surface calculations must be candidly and fully disclosed and stated to the Township. The amount of impervious surface coverage allowed in each shoreland use district (unless more restrictively defined elsewhere herein) is as follows:

Table VIII-C Allowable Maximum Impervious Surface by Land Use District

Shoreland Use District	Minimum Lot Size – less wetlands	Maximum Impervious Surface Allowed (of entire lot, less wetlands and bluff areas)
Shoreland Residential District	1.03 acres	15 percent
Shoreland Residential District on NE, SA & SP Lakes	5 acres	15 percent
Residential Transition	5 acres	20 percent
Development Type		
RPUD/CIC (Minimum lot size)	100 feet x 200 feet (20,000 sq. ft. minimum)	15 percent per unit
Environmental Lot & Block (minimum lot size)	200 feet x 400 feet After riparian tier – 5 acres	12 percent per lot

D. Stormwater Management: No new proposed drainage ways for stormwater run-off shall be constructed without a conditional use permit issued by the planning commission. The issuance of such permit shall be subject to the following conditions:

1. When possible, existing natural drainage ways, wetlands and vegetated soil surfaces shall be used to convey, store, filter, and retain storm water runoff before discharge to public waters.
2. Development must be planned and conducted in a manner that will minimize the extent of disturbed areas, runoff velocities, erosion potential, and reduce and delay runoff volumes. Disturbed areas must be stabilized and protected as soon as possible and facilities or methods used to retain sediment on site.
3. When constructed facilities are used for storm water management, documentation must first be provided by SWCD that the facilities are designed and installed consistent with the field office technical guide of the 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 set forth by this Ordinance.

E. Topographic Alterations, Grading, and Filling: Topographic alterations, including grading and filling shall not be allowed without obtaining a zoning and land use permit.

1. Grading, filling and excavation necessary for the construction of structures, sewage treatment systems or driveways shall be included as a separate plan with application for a land use permit 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 out of the Shoreland Impact Zone.
2. Excavation, where the intended purpose is connection to a body of public water by means of boat slips, canals, lagoons and harbors, are allowed only with a conditional use permit issued by the Board of Supervisors, provided that the Commissioner of the Department of Natural Resources has approved the proposed connection to public waters.
3. No permit shall be issued under this section unless the following conditions are complied with:
 - a. Grading or filling in any Type 1, 2, 3, 4, 5, 6, 7 or 8 wetland must be evaluated to determine how extensively the proposed activity would affect the functional qualities of the wetland, including: sediment and pollutant trapping and retention; storage of surface runoff to prevent or reduce flood damage; fish and wildlife habitat; recreational use; shoreline or bank stabilization; and noteworthiness, including special qualities such as historic significance, and critical habitat for endangered plants and animals. This evaluation must also include a determination of whether the wetland alteration being proposed requires permits, reviews, or approvals by other local, state or federal agencies such as a watershed district, the Minnesota Department of Natural Resources or the United States Army Corp of Engineers;
 - b. Alterations must be conduct in a manner that ensures that only the smallest amount of bare ground is exposed for the shortest time possible;
 - c. Mulches or similar materials must be used, where necessary, for temporary bare soil coverage, and a permanent vegetative cover must be established as soon as possible;
 - d. Methods to minimize soil erosion and to trap sediments before they reach any surface water feature must be used;
 - e. Altered areas must be stabilized to acceptable erosion control standards consistent with the field office technical guidelines of the SWCD;

- f. Fill or excavated materials shall not be placed in a manner that creates an unstable slope;
 - g. Excavated materials shall not be placed in such a manner as to create finished slopes of 30 percent or greater. Plans to place fill or excavated material on steep slopes must be approved by a registered engineer or the SWCD to ensure continued slope stability;
 - h. Fill or excavated materials must not be placed in bluff impact zones;
 - i. Any alterations below the ordinary high water level of public waters must first be authorized by the Commissioner of Natural Resources under Minnesota Statutes, Chapter 103G;
 - j. Alterations of topography may only be allowed if they are accessory to permitted or conditional uses and do not adversely affect adjacent or nearby properties; and
 - k. Placement of natural rock riprap, including associated grading of the shoreline and placement of a filter blanket, is permitted if the finished slope does not exceed three feet horizontal to one foot vertical, the landward extent of the riprap is within 10 feet of the ordinary high water level, and the height of the riprap above the ordinary high water level does not exceed three feet.
4. A bond in an amount not less than \$10,000.00 shall be required as a condition of any excavation of a Township Road in a shoreland use district.

F. Vegetative Alterations: Intensive vegetative clearing within shore and bluff impact zones and on steep slopes is not allowed, with the following exceptions.

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

- b. 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
 - c. Along rivers, existing shading of water surfaces is fully preserved.
- 2. Intensive vegetative clearing for forest land conversion to another permitted use may be allowed as a conditional use, with a conditional use permit, provided that such clearing is not undertaken in shore or bluff impact zones or on steep slopes. Such conditional use permit may only be granted upon approval of an erosion and sedimentation plan approved by the SWCD.
- 3. 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 separate permit.
- 4. The above provisions are not applicable to the removal of trees, limbs, or branches that are dead, diseased or pose safety hazards.

G. Erosion Control and Sediment Control: Work involving the disturbance of topsoil or other topographic alterations performed in the Shoreland Overlay District shall comply with the standards contained in this Paragraph 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 paragraph are in addition to any other federal, state, or local laws, rules, regulations, or ordinances that may apply and the issuance of a zoning and land use permit by the Township does not relieve the permittee from having to obtain any other permits or permissions that may be required by law.

- 1. **Manner of Work:** Work involving the disturbance of topsoil or other topographic alterations shall comply with the following:
 - a. 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.

- b. 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 Land Use 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.
- c. 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	Maximum time an area can remain open when the area is not actively being worked
Steeper than 3:1	7 days
10:1 to 3:1	14 days
Flatter than 10:1	21 days

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

- 1) Constructed storm water management pond side slopes;
 - 2) 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 manmade system that discharges to a surface water; and
 - 3) Temporary stockpiles with significant silt, clay, organic components, or sand.
- d. Permanent cover shall be established for all exposed soil areas once the work is completed.
- e. 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 any surface water.

- f. Pipe outlets must be provided with temporary or permanent energy dissipation within 24 hours of connection to any surface water.

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

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.

- a. If the down-gradient treatment system is overloaded, additional upgradient sediment control practices must be installed to eliminate the overloading.
- b. In order to maintain sheet flow and minimize rills or gullies, there shall be no unbroken slope length of greater than 75 feet for slopes with a grade of 3:1 or steeper.
- c. 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.
- d. 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.
- e. 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.
- f. 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.
- g. 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.

- h. Temporary sedimentation basins shall be installed when needed to effectively control sedimentation from the site.

3. Inspections and Maintenance Requirements: The following shall apply to permitted work:

- a. The permittee must routinely inspect the construction site once every seven days during active construction and within 24 hours after a rainfall event greater than 0.5 inches in 24 hours.
- b. 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.
- c. 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:
 - 1) All silt fences must be repaired, replaced, or supplemented when they become nonfunctional or the sediment reaches 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.
 - 2) Temporary and permanent sedimentation basins must be drained and the sediment removed when the depth of sediment collected in the basin reaches ½ the storage volume. Drainage and removal must be completed within 72 hours of discovery, or as soon as field conditions allow access.
 - 3) 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 that apply and receiving any applicable permits prior to conducting any work.

- 4) 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.
- 5) 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.
- 6) 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.
- 7) 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.

d. The Land Use 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.

4. **Final Stabilization:** The permittee is required to implement final stabilization measures on all disturbed soil areas, which are as follows:

- a. After all soil-disturbing activities at the site have been completed, all soils must be 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.
- b. All drainage ditches constructed to drain water from the site after construction is complete must be stabilized to preclude erosion.

- c. All temporary synthetic and structural erosion prevention and sediment control devices (such as silt fences) must be removed as part of the site final stabilization.
- d. 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.

H. Agricultural Uses:

1. Agricultural and associated uses must be conducted consistent with the provisions of ***"Agriculture and Water Quality - Best Management Practices for Minnesota."***
2. Farming activities are not permitted within the Shoreland Residential District or Residential Transition District (or within 1,000 ft. of OHWL).
3. Feedlots are not permitted in the Shoreland Residential District.
4. Personal use only gardens are allowed in the Shoreland Residential District.
5. 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.
6. The use or keeping of farm animals, including horses, may be conditionally permitted subject to the following conditions:
 - a. Chickens are allowed in a Residential subdivision or plat by permit. No roosters are allowed, a 30 bird maximum, the bird containment area must meet all required setbacks. The permit has to be renewed yearly.
 - b. 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, subd. 5, and a minimum of one (1) additional contiguous acre of open land for each additional animal unit.

- c. Adequate fencing is provided by the animal owner to assure that animals shall not roam from the property.
- d. Shelter from wind and other weather are reasonably available.
- e. Such other conditions as the Board of Supervisors may impose.

SECTION 6: SUBDIVISIONS AND PLANNED UNIT DEVELOPMENTS

A. Subdivisions Within Shorelands: Any subdivision of a lot, tract, or parcel into two or more lots, and all types of planned unit developments and subdivisions located partially or entirely within the Shoreland Overlay District shall be established in compliance with this Section and all other applicable provisions of this Ordinance.

1. Types of Subdivisions: For the purpose of this Section, the following types of subdivisions are allowed within the Shoreland Overlay District:

- a. **Conventional Lot and 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 in which the subdivision is located.
- b. **Environmental Lot and Block subdivision (ELB):** A subdivision development designed to specifically address environmental properties, setbacks, and requirements that permits lake access to lots lacking traditional access points. This subdivision 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.
- c. **Planned Unit Developments (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, and also usually involving the clustering of these units or sites to provide areas of common open space, density increases, and a mix of structure types and land uses. These developments may be organized and operated as 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.

- 1) Residential Planned Unit Development (RPUD);
 - i) Common Interest Community (CIC);
- 2) Commercial Planned Unit Development (CPUD);
 - ii) Those listed in Appendix A (no new CPUDs are permitted).

2. General Requirements: The following shall apply to the subdivision of land within the Shoreland Overlay District.

- a. Any subdivision of a lot, tract, or parcel into two or more lots, and all planned unit developments and subdivisions in the shoreland use zone shall be established in compliance with this Section, Article VII, and all other applicable provisions of this Ordinance.
- b. The Township will submit the preliminary plat to the Department of Natural Resources.
- c. Any tract of land considered for development of four or more parcels shall be platted using the process set forth in this Section.
- 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 a previously approved subdivision.
- e. The procedures for seeking approval for the types of subdivisions allowed within the Shoreland Overlay District by this Section shall be as set out in Article VII of this Ordinance, except that the following shall also apply:
 - 1) Prior to the submission of an application for the creation of a subdivision or planned unit development the applicant shall meet with the Frohn Land Use Administrator and other Frohn officials to present conceptually the proposed subdivision and to determine the applicable requirements. At the pre-application meeting the applicant shall present a sketch of the proposed subdivision containing proposed lots and roads and the physical features of the property. The sketch plan must be signed and dated by the applicant. Following the pre-application meeting and review of the sketch plan the Land Use Administrator will inform the applicant of any

concerns and considerations to be addressed if the applicant plans to submit an application for preliminary plat approval.

B. Land Suitability: Each lot created under the provisions of this Section must be suitable in its natural state for the proposed use with minimal alteration.

- 1. Suitability Analysis:** Suitability analysis conducted by Township will consider susceptibility to flooding, existence of wetlands, soil and rock formations that may have severe limitations on 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.
- 2. Required Information:** 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 Article, at least the following:
 - a.** Topographic contours at two foot intervals from United States Geological Survey (USGS) maps or more accurate sources, showing limiting site characteristics;
 - b.** The surface water features required by Minnesota Statutes, section 505.02, subdivision 1, to be shown on plats, obtained from the United States Geological Survey quadrangle topographic maps or more accurate sources;
 - 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 storm water 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; and
 - i. A Frohn Township or Beltrami County Environmental Questionnaire completed by the applicant and the Township Land Use Administrator.
- 3. **Suitability Determination:** The Town Board 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.
- C. **Minor Subdivisions:** A request to subdivide property into two or three parcels is considered a minor subdivision and must be submitted, and will be processed, in accordance with the procedure set out for minor subdivisions in Article VII of this Ordinance.
- D. **Major Subdivisions:** A request to subdivide property into four or more parcels is considered a major subdivision and must be submitted, and will be processed, in accordance with the procedure set out for major subdivisions in Article VII of this Ordinance and is subject to additional requirements contained within this Paragraph. All such subdivisions within the Shoreland Overlay District shall be by Conventional Lot and Block (CLB), Environmental Lot & Block (ELB), or Planned Unit Developments (Residential Planned Unit Development or Commercial Planned Unit Development), and must be platted in accordance with Minnesota Statutes, Chapter 505.
- E. **Conventional Lot and Block (CLB) Subdivisions:** Conventional Lot and Block subdivisions are permitted on GD, RD, SA, SP & NE public water classifications and are subject to the following in addition to the procedural requirements set out in Article VII.
 - a. The person proposing such a subdivision shall attend a concept meeting and site visit with the Land Use Administrator prior to submitting an application to the Township.
 - b. The following information must be completed and submitted prior to seeking final plat approval and is a condition of any preliminary plat approval:
 - 1) Results of the land suitability determination;
 - 2) A Vegetative Management Plan and a Stormwater Management Plan;

- 3) A Shoreline assessment report from the DNR District Office assessing any protected shoreline areas or natural features which should not be disturbed or would be threatened by development must be obtained from the DNR District office;
 - 4) An Environmental Worksheet obtained through Beltrami County Environmental Services or Frohn Township; and
 - 5) A Wetland Delineation Report from a qualified wetland delineator.
- c. Each lot in a Conventional Lot & Block subdivision must include a minimum contiguous lawn area that is free of limiting factors and sufficient for the construction of two standard sewage treatment systems.

F. Environmental Lot and Block Subdivisions: Environmental Lot and Block subdivisions are permitted on GD and RD public water classifications and are subject to the following in addition to the procedural requirements set out in Article VII.

- a. The person proposing such a subdivision shall attend a concept meeting and site visit with the Land Use Administrator prior to submitting an application to the Township.
- b. The following information must be completed and submitted prior to seeking final plat approval and is a condition of any preliminary plat approval:
 - 1) Results of the land suitability determination;
 - 2) A Vegetative Management Plan and a Stormwater Management Plan;
 - 3) A Shoreline assessment report from the DNR District Office assessing any protected shoreline areas or natural features which should not be disturbed or would be threatened by development must be obtained from the DNR District office;
 - 4) An Environmental Worksheet obtained through Beltrami County Environmental Services or Frohn Township; and
 - 5) A Wetland Delineation Report from a qualified wetland delineator.
- c. The minimum lot size is 80,000 square feet (200' wide x 400' deep) on all riparian lots within the Shoreland Residential district and 5 acres in the Residential Transition district.
- d. The allowed density is based on minimum lot size as provided in this Section.

- e. The maximum number of lots allowed lake access is the number of lots determined in accordance with this Section. An example is provided below.

Example: If there is 1600 feet of shoreland 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 three 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 three 5-acre lots would not be allowed access.

- f. The Maximum number of non-riparian lots that shall be allowed access in any ELB is 10.
- g. Docking facilities will be determined on a case-by-case basis according to topography and will be defined within the developer's agreement but will never exceed the number of allowed lots.
- h. Controlled access lots are only allowed in Environmental Lot and Block subdivisions and said lots are only allowed pursuant to the following:
 - 1) Controlled access lots must meet the minimum width and area requirements for residential lots and be suitable for access. In addition, the controlled access lot must have a minimum width of 200 feet at the water line, and must 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

A minimum of a 25-foot side yard area on both sides of the access lot must be maintained with vegetation that screens the lot from abutting lots.

- 2) Ownership and responsibility for the maintenance and upkeep of the controlled access lot must 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 must be subject to restrictive conditions and covenants for the equitable proration and assessment of the cost of maintenance and upkeep of the controlled access lot. Covenants must specify which lot owners have authority to utilize the controlled access lot, and activities that are allowed on the controlled access lot. Further, the covenants must 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 vehicle and one watercraft for each lot served by the controlled access lot. Covenants must require centralization of all facilities and activities in the most suitable location on the lot to minimize topographic and vegetative alterations. The covenants 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.
- 3) The construction of any facility including, but not limited to: docks, roadways, launching facilities, playgrounds, parking facilities on any controlled access lot shall be the responsibility of the association responsible for the maintenance and upkeep of the lot. All facilities on the controlled access lot, with the exception of docks, must meet the setback provisions specified in this Ordinance.
- 4) No controlled access lot may provide access rights for more than ten 10 non-riparian lots.

G. PLANNED UNIT DEVELOPMENTS: All planned unit developments shall meet or exceed the standards as required by this Ordinance. There are two kinds of planned unit developments in the Township's Shoreland Overlay District: Residential Planned Unit Developments (RPUD) and Commercial Planned Unit Developments (CPUD), however

no new CPUDs are permitted. All planned unit developments are subject to this Section and all other applicable provisions of this Ordinance.

- 1. 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 further 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, as identified herein, 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, suitability analyses herein, and the maintenance and design criteria prescribed in this Section. If all structure setbacks are increased, the following environmental setback formula shall be used to determine the increase in the number of allowable lots.
 - 1)** The environmental setback can only be applied if all structures are set back from the OHWL the required setback from the lake, plus the additional increased setback, for example: a structure set back from the OHWL of an additional 150' allows a density increase of 30 percent.
 - 2)** The increase in the number of lots cannot exceed 30 percent in the Shoreland Residential District, with a zero percent multiplier for the Residential Transition District or beyond.

H. COMMERCIAL PLANNED UNIT DEVELOPMENTS: Existing Commercial Planned Unit Developments in the Township are identified in Appendix A. These existing Commercial Planned Unit Developments were established under the Beltrami County Shoreland Regulations, Article X and the formulas set forth in Article X of the Beltrami County Shoreland Regulations shall continue to regulate these existing Commercial Planned Unit Developments. No new Commercial Planned Unit Developments shall be approved in the Township. Existing Commercial Planned Unit Developments are subject to the following:

- 1.** Existing Commercial Planned Unit Developments, as identified in Appendix A, with impervious surface percentages over 25 percent in any one tier shall, within one year of the effective date of this Ordinance, design and obtain Township and SWCD approval of a Storm Water Management Plan and a Vegetation Plan, consistent with the policies and goals of this Ordinance.

2. An expansion of an existing Commercial Planned Unit Development involving six or fewer new dwelling units or sites after the date of enactment of this Ordinance is allowed pursuant to the Land Use 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.
3. 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:
 - a. Entering into a development agreement with the Township;
 - b. All applicable standards, including the applicable density requirements including, but not limited to, the following: no more than three percent of the linear feet of the circumference of a General Development lake or two percent 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., planned unit developments, townhomes, and other and similarly situated and designed land uses), except for pre-existing nonconforming uses, zero percent of Special Protection, Sensitive Area, and Natural Environment lake shall have such uses; and
 - c. 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.
4. Resorts, as defined by Minnesota Statutes Section 103F.227, subdivision 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 Minnesota Statutes Section 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 same licensee; and
 - c. Obtain a zoning and land use permit from the Land Use Administrator for any replacement or expansion of resort structures under this Section. The Land Use Administrator shall issue the permit, but may impose reasonable conditions on the permit to maintain consistency with Minnesota Statutes Section 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.

I. CONVERSION OF COMMERCIAL PLANNING UNIT DEVELOPMENTS: A conversion of a commercial planning unit development into a residential planned unit development shall comply with the following:

1. Conversion of property from a Commercial Planned Unit Development to a Residential Planned Unit Development must be completed within 10 years from the date the development agreement is approved by the Township.
2. Any newly converted Residential Planned Unit Development must, as a condition of approval, fully dismantle and remove all structures located in any setback within three years from the date of conversion approval by the Township.

- 3.** The development agreement necessitated by the conversion from a Commercial Planned Unit Development to a Residential Planned Unit Development must include the following and be approved by the Township:
- a.** Evaluation under the requirements stated in this Ordinance for Residential Planned Unit Developments. Inconsistencies between existing features of the existing land use and Residential Planned Unit Development standards must be identified, analyzed and reported in writing by the applicant as part of the application so that they may be acted upon.
 - b.** 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.
 - c.** Shore and bluff impact zone deficiencies must be evaluated and reasonable improvements made as part of the conversion. These improvements must include, where applicable, the following:
 - 1)** Removal of buildings, docks, or other facilities identified in the development agreement as no longer needing to be located in shore or bluff impact zones;
 - 2)** 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
 - 3)** 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.
 - d.** 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 Commercial Planned Unit Development, except as allowed by Minnesota Statutes Section 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 Town.

J. RESIDENTIAL PLANNED UNIT DEVELOPMENT REVIEW PROCESS:

Proposed residential planned unit developments shall be processed in accordance with the procedures established for major subdivisions, the applicable provisions of this Section, and the following.

- 1. Required Information:** An applicant for a planned unit development shall submit the following documents along with the application and preliminary plat to the Land Use Administrator:
 - a.** A site plan or plat for the project showing: the boundary of the proposed development; surface water features and other natural and manmade 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.** A property owners' association agreement with mandatory membership, all in accordance with the maintenance and design criteria requirements prescribed in this Ordinance;
 - 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; and
 - 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 this Section and its subsections;
 - d.** A completed Township or County Environmental Questionnaire. No final approvals shall be granted until required environmental review processes are completed;
 - e.** Any additional documents as requested by the Township to explain how the planned unit development will be designed and will function.
 - f.** A request for final plat approval shall include all of the following:

- 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 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 Town Board; and
- 8) A sketch map that identifies the primary (Impact Zone) and secondary (beyond Impact Zone) conservation areas and the proposed development areas.

2. Site Suitability Evaluation: A proposed planned unit development shall meet or exceed the standards for land suitability as required by this Ordinance. 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:

- a. 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 feet is the First Tier, and 301 - 1000 feet is the Second Tier.

- b. 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.

- c. This suitable area and the proposed development are then subjected to the Residential Planned Unit Development density evaluation steps to arrive at an allowable number of dwelling units or sites within each tier.
- d. 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.
- e. Minimum structure setbacks must be at least:

Shoreland Class	OHWL Structure Setback (feet)
All River classes	150
Sensitive Area Lakes	300
Special Protection Lakes	300
Natural Environment Lakes	150
Recreational Development Lakes	100
General Development Lakes	100

3. Maintenance and Design Criteria: The following shall apply and must be complied with regarding open space or public land proposed to be established within a planned unit development.

- b. Before final approval of a planned unit development may be granted by the Board of Supervisors, 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.
- c. Documents that explain how the project is designed and will function must be provided as part of the application. 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.
- d. A sketch map must be submitted with the application that identifies the primary and secondary conservation areas and the proposed development areas. In addition, no approval shall be granted until required environmental review processes (Environmental Assessment Worksheet/Environmental Impact Statement) is completed.
- e. 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 must be prohibited in Residential Planned Unit Developments;
- 2) Vegetative and topographic alterations, except for routine maintenance, must be prohibited;
- 3) Construction of additional buildings or the storage of vehicles or other materials is prohibited; and
- 4) Uncontrolled beaching of watercraft must be prohibited.

f. All Residential Planned Unit Developments must have a property owners association with the following features:

- 1) Membership must 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 must become liens on units or lots;
- 4) Assessments must be adjustable to accommodate changing conditions; and
- 5) The association must be responsible for insurance, taxes, and maintenance, including, but not limited to, solid waste collection, septic systems, water supply systems, and all commonly owned property and facilities.

g. All planned unit developments must contain open space meeting all of the following criteria:

- 1) At least 50 percent of the total area within the planned unit development 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 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 the amount of required 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; and
 - g) The shore impact zone, based upon normal structure setbacks, must be included as open space.
- h. 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.
 - i. Erosion control and stormwater management plans must be developed and the planned unit development 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

SWCD may be required if warranted by project size or the physical characteristics of the site; and

- 2) Be designed and constructed to effectively manage reasonably expected quantities of stormwater runoff. Impervious surface coverage within any tier in a Planned Unit Development must not exceed 15 percent of the tier area.

j. Centralization and design of facilities and structures must comply with the following standards:

- 1) Lots located within planned unit developments must be connected to publicly owned water supply and sewer systems, if available. If these facilities are not 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, the County regulations and 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 this Section;
- 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; and

- 6) Accessory structures and facilities must meet the required principal structure setback, and must be centralized.

Article IX: Nonconforming Uses and Substandard Lots of Record

- A. Nonconforming Uses and Structures:** Any use or structure lawfully existing prior to the effective date of this Ordinance, or subsequent amendment which made the use or structure nonconforming, may be continued, including through repair, replacement, restoration, maintenance, or improvement, at the size and in the manner of operation existing upon such date, subject to the following conditions:
1. A nonconforming use or structure shall in no way be expanded, enlarged or extended either on the same property or onto an adjoining lot of record except as expressly allowed in this section. Prohibited expansion, enlargement or extension shall include anything that increases the intensity of the use including, but not limited to, a change to a more intense nonconforming use or a physical expansion of the existing use that increases the height, volume and/or area dimensions of the nonconforming use. The Town Board may allow an expansion or extension of a nonconforming structure without a variance if the expansion or extension does not increase the nonconforming aspect of the structure. To the extent the expansion or enlargement of a nonconforming principal or accessory structure is allowed by this section, no such expansion or enlargement may occur except upon issuance of the appropriate permits and provided that the use of the property conforms to the zoning district regulations, that the expansion or enlargement meets current zoning district regulations, and no other nonconformities are created.
 2. Routine maintenance of a structure containing or relating to a lawful nonconforming use is permitted, including any necessary nonstructural repairs and incidental alterations which do not extend or intensify the nonconforming use. Nothing in this section prevents the placing of a structure into a safe condition after it has been declared unsafe by the Township.
- B. Alterations:** Alterations may be made to a building containing nonconforming residential units when the alterations will improve the livability of such units, provided that such alterations do not increase the number of dwelling units in the building. Such alterations must be approved by the Township.
- C. Damaged Nonconforming Structures:** 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 a shoreland use 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.

- D. Replacing Nonconforming Uses:** When any lawful nonconforming use of any structure or land is replaced by another use or structure, the new use or structure must conform to the provisions of this Ordinance and it shall not thereafter be changed to any nonconforming use or structure.
- E. Discontinued Nonconforming Uses:** 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.
- F. Public Nuisances:** 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.
- G. Floodplain:** No repair, replacement, maintenance, improvement, or expansion of a nonconforming use or structure in a floodplain area shall be allowed if such activity would jeopardize the property's continued eligibility in the National Flood Insurance Program, would increase flood damage potential, or would increase the degree of obstruction to flood flows in the floodway.
- H. Lots of Record:** All lots of record, existing as of the date of this Ordinance and all prior zoning and land use ordinances in Frohn Township, that do not meet the minimum lot area and lot width requirements, may be allowed as building sites without a variance from lot size or width requirements provided that it satisfies all of the following:
1. The use is permitted in the district.
 2. The lot was created compliant with official controls in effect at the time.
 3. The setback requirements of this Ordinance are met.
 4. The applicable ISTS/SSTS (Individual Sewage Treatment System/Subsurface Sewage Treatment System) regulations are met.
- I. Nonconformities In Shorelands:** 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.** 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 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 15 percent of each lot; and
 - d.** Development of the lot must be consistent with the Township's comprehensive plan.

A lot subject to paragraph 2 above not meeting the requirements of paragraph 2 must be combined with one or more contiguous lots so they equal one or more conforming lots as possible.

- 3.** 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.
- 4.** 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.

5. 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.

J. Deck And Patio Additions to Nonconforming Structures: A proposal to add a deck or patio to a lawful nonconforming structure located within the Shoreland Overlay District is allowed without a variance provided such structure complies with this Ordinance and does not increase the nonconforming nature of the structure. A proposal to add a deck or patio to a lawful nonconforming structure located partially or entirely within the Shoreland Overlay District shall be subject to the following:

1. Deck or 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:
 - a. The structure existed on the date the structure setbacks described in this Ordinance were established;
 - b. 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;
 - c. The deck or patio encroachment toward the OHWL does not exceed 15 percent of the existing setback of the structure from the OHWL, nor encroaches closer than 30 feet from the OHWL, whichever is more restrictive;
 - d. The deck or patio is constructed primarily of wood or construction materials which give the appearance of wood;
 - e. The deck or patio is not roofed or screened;
 - f. The patio surface is not over three feet above existing grade at any point along its perimeter; and
 - g. The Town Board approves the issuance of the Land Use Permit.
2. A Conditional Use Permit shall be required, in addition to all of the requirements in Article IX J 1. above, for deck or patio additions on structures which do not meet the minimum setback from the OHWL in any of the following circumstances:

- a. 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
- b. The deck or patio addition was placed, or construction began, without first obtaining a Land Use Permit from the Township.

K. Additions to Nonconforming Single-Family Structures: Additions to a lawful nonconforming single-family structure located outside of the Shoreland Overlay District is allowed without a variance provided such addition complies with this Ordinance and does not increase the nonconforming nature of the structure. A proposed additional to a lawful nonconforming single-family structure located partially or entirely within the Shoreland Overlay District shall be subject to the following:

- 1. The proposed structure does not increase the encroachment into the setback from the OHWL and meets all other requirements of this Ordinance.
- 2. The single-family structure is not located less than one-half of the required setback from the OHWL. The addition must not exceed 50 percent of the square footage of the existing nonconforming structure including overhangs.
- 3. The structure must comply with side yard and road right-of-way setbacks of this Ordinance before and after renovation.
- 4. The additions must not be located closer to the OHWL than the existing structure, including the roof overhang.
- 5. The individual on-site sewage treatment system must be in full compliance with all rules, ordinances and laws.
- 6. A satisfactory Vegetative Management Plan must be developed and implemented. It shall become a condition of the permit. The Vegetative Management Plan shall, at a minimum:
 - a. Provide screening of structures, vehicles, or other facilities as viewed from the water and adjacent shorelands assuming summer, leaf-on conditions. Vegetative screening must result in 100 percent obstruction of view for commercial uses, a 50 percent obstruction of view for resorts and a 50 percent obstruction of view for residential uses; and
 - b. Vegetative screening must be maintained or restored so that at least 50 percent of the vegetative screening consists of trees and at least 25 percent consists of brush. Use of trees and brush shall comply with the vegetation alteration provisions of this Ordinance.

7. A satisfactory Storm Water Management Plan must be developed by the applicant and adherence to the plan shall become a condition of permit approval. 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.
8. Any roof alterations including change in height, pitch, or overhangs shall require a variance.
9. The structure and lot must otherwise comply with the provisions of this Ordinance.

Article X: Zoning and Land Use Permits

- A. Required Applicants:** No person shall excavate for a basement, erect a structural foundation, move in a structure from another property, change the exterior perimeter of a building vertically or horizontally, or construct any building, structure, or part thereof, without first obtaining a Zoning and Land Use Permit, provided:
1. The square feet measured at the base of such building, structure or part thereof exceeds two hundred and one (201) square feet, and;
 2. At least two hundred and one (201) square feet is either enclosed by walls or covered with a roof or roof-like structure held in place by walls or posts without first obtaining a Zoning and Land Use Permit from the Township Clerk.
- B. Exceptions:** The following structures or work shall not require the issuance of a Zoning and Land Use Permit from the Township:
1. Construction of unenclosed decks, replacement of siding, doors, windows, roof, interior remodeling, or replacement of any wells or septic systems are permitted without a Zoning and Land Use Permit.
 2. Not required for portable agricultural structures for the protection of animals from the elements.
 3. New and replacement well permits must be obtained from the Minnesota Department of Health.
 4. New and replacement septic system permits must be obtained from Beltrami County Environmental Services.
- C. Application Process:** An application for a Zoning and Land Use Permit shall be obtained from the Township Clerk or Land Use Administrator, properly filled out, and returned accompanied by the required Zoning and Land Use Permit fee. In order to be considered complete, all information required by the application must be provided together with a sketch describing the improvement and giving its dimensions, an estimate of the cost of said improvement, the location of the improvement in relation to adjoining boundary lines, right-of-way lines, existing buildings or structures, a description of the existing and planned uses of the land and buildings, a current fire number, a phone number where the applicant can be reached and such other information as may be required by the Town Board. Applications shall be signed by the applicant and filed with the Township Clerk. One application per parcel is required.

- D. Penalties:** Failure to obtain a Zoning and Land Use Permit prior to commencing the above activities renders the landowner subject to penalties under this Ordinance. Any person commencing an activity which requires a Zoning and Land Use Permit without prior authorization shall pay double the required permit fees. The Zoning and Land Use Permit must be displayed on the property during the excavation, moving in, construction, changing or altering any part of the structure or part thereof. Failure to display the Zoning and Land Use Permit will subject the landowner to penalties under the Ordinance.
- E. Duration:** All Zoning and Land Use Permits become invalid after one (1) year from the date the permit is issued if the work contemplated by permit has not substantially began, unless an extension of the permit is requested by the owner and granted by the Township before it expires.
- F. Fees:** Fees for Zoning and Land Use Permits required under this Ordinance shall be set by the Town Board.

Article XI: Conditional Use Permits

- A. **Application:** An application for a Conditional Use Permit shall be made by the property owner or by his or her authorized agent to the Township Clerk. The established fee must be included with the Conditional Use Permit application in order for the application to be considered complete. The fee for a Conditional Use Permit is in addition to the fee required for a Zoning and Land Use Permit. One application per parcel is required.
- B. **Information Required:** An application shall not be considered complete unless it includes all information required by the application form, all the information required for a Zoning and Land Use Permit, any additional information required by specific sections of this Ordinance, and all other information reasonably requested by the Land Use Administrator, Planning Commission and the Town Board.
- C. **Scheduling a Public Hearing:** Upon receipt of the established fee and completed Conditional Use Permit application, a public hearing will be scheduled before the Planning Commission.
- D. **Notice:** Published and posted notice shall be provided of the public hearing. Notice shall be posted and published once in the Township's legal newspaper at least ten (10) days prior to the public hearing. Owners of adjoining property within the Township and within a minimum of one-quarter mile of a boundary line of the property for which a Conditional Use Permit is requested shall be notified by first-class mail as to the time, place and purpose of the public hearing. Failure of a property owner to receive such mailed notice shall not in any way affect the validity of the hearing or the result thereof.
- E. **Public Hearing:** The Planning Commission shall conduct the public hearing at the scheduled date, time, and place, and shall make a recommendation to the Town Board regarding the approval or denial of the requested Conditional Use Permit. The Planning Commission's recommendation shall include written findings and, if it recommends approval, proposed conditions as applicable to the application.
- F. **Criteria and Standards:** The criteria and standards considered by the Town in determining 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 this Ordinance or that are unique to the special circumstances of the requested use:
 - 1. Whether the conditional use will be injurious to the use and enjoyment of other property and the environment in the immediate vicinity for the purposes already permitted.

2. Whether the conditional use will substantially diminished or impair the property values and the environment in the immediate vicinity.
3. Whether the establishment of the conditional use will impede the normal and orderly development of the surrounding property for uses permitted in the area.
4. Whether adequate utilities, access roads, drainage and other necessary facilities and controls have been, are being, or can be provided.
5. Whether adequate measures have been or will be taken to prevent or control offensive odor, fumes, dust, noise, vibration, scenic blight or other annoyances so that said conditional use will not constitute a nuisance.
6. Whether lighted signs or other signs will impair the enjoyment of property and/or property owners in the vicinity.
7. Whether the use permitted under the terms and conditions of any Conditional Use Permit can be established and conducted in conformity.
8. Whether provisions for adequate parking, current and anticipated traffic congestion, traffic safety, and impacts on public infrastructure have been provided so as not to constitute a nuisance or impose an unreasonable burden on public resources.
9. Whether provisions for handling pollution, odor, noise and the proposed use have been adequately addressed so as not to constitute a nuisance to adjoining landowners.
10. Such other factors as may be considered relevant to the particular request.

It is the applicant's burden to prove that the above criteria and standards can be met in a manner that does not adversely affect the health, safety or general welfare of the residents of Frohn Township.

G. Possible Conditions: Upon consideration of the criteria and standards listed above, the Planning Commission may recommend, and the Town Board may impose, such conditions as are deemed necessary to achieve the purposes of this Ordinance. Such conditions are in addition to any other standards or requirements required this Ordinance. Possible conditions may include, but shall not be limited to, the following:

1. Increased setbacks;
2. Limiting the height, size or location of buildings;

3. Landscaping and vegetative screening;
 4. Limitations on odor, dust, lighting, and noise.
 5. Periods and/or hours and days of operation;
 6. Deed restrictions;
 7. Controlling the location and number of vehicle access points;
 8. Location of parking and signs;
 9. Fire control and access plan; and
 10. Any other reasonable requirements necessary to fulfill the purposes and intent of this Ordinance.
- H. **Final Decision:** The Town Board shall consider the recommendations received from the Planning Commission and shall make the final decision regarding whether to approve the requested Conditional Use Permit and which conditions to place on the permit if approved. An owner undertaking any use allowed by the Conditional Use Permit issued by the Town Board shall be deemed to have accepted the conditions imposed on the permit without limitation or reservation.
- I. **Appeal:** The Town Board's decision on a Conditional Use Permit is final. Any aggrieved person may appeal the decision to the District Court as provided in Minnesota Statutes, section 462.361, provided such appeal is served on the Township and filed with the District Court within thirty (30) days of the decision.
- J. **Lapse of a Conditional Use Permit by Non-Use:** Whenever within one (1) year after granting a Conditional Use Permit the work or use has not substantially begun, then such permit shall become null and void unless a written extension of time has been granted by the Town Board. The work or use shall not be considered to have substantially begun unless more than preliminary steps have been done to complete the work or undertake the use. Such extension shall be requested in writing and filed with the Township at least thirty (30) days before the end of the first year from the date of issuance. There shall be no charge for the filing of such a request. The request for extension shall state facts showing a good faith attempt to complete the work or initiate the use permitted in the Conditional Use Permit within the initial year. Such request shall be presented to the Planning Commission for a recommendation and then to the Town Board for a decision. The Township may only grant one extension per permit and if the work is not completed or the use substantially begun within the extension period the permit shall become null and void. Upon lapse of a Conditional Use Permit, the County Recorder shall be notified of the nullification of the permit.

- K. No Expansion or Alteration:** No use allowed by a Conditional Use Permit shall be altered or expanded beyond the scope allowed by the permit unless a new or amended Conditional Use Permit is first obtained from the Township. An expansion requiring a new or amended Conditional Use Permit includes, but is not limited to, extending the use beyond the property or the specific business area identified in the permit.
- L. Violations:** Violation of any condition of a Conditional Use Permit issued pursuant to this Ordinance, or of any provisions of this Ordinance relating to the subject matter of a Conditional Use Permit, may result in the revocation of such permit if the owner fails to correct the violation upon written notice from the Township. Prior to revoking a Conditional Use Permit, the Township shall notify the owner, conduct a public hearing regarding the violations, and provide the owner an opportunity to be heard regarding such violations.
- M. Recording:** Town Board will record, at the applicant's expense, the Conditional Use Permit with the Beltrami County Recorder's office after all approvals related to said Conditional Use Permit have been finally determined.

Article XII: Interim Use Permit

- A. **Application:** Application for an Interim Use Permit shall be made by the property owner or by his or her authorized agent to the Township Clerk. The established fee must be included with the Interim Use Permit application in order for the application to be considered complete. The fee for an Interim Use Permit is in addition to the fee required for a Zoning and Land Use Permit. One application per parcel is required.
- B. **Information Required:** An application shall not be considered complete unless it includes all information required by the application form, all the information required for a Zoning and Land Use Permit, any additional information required by specific sections of this Ordinance, and all other information reasonably requested by the Land Use Administrator, Planning Commission and the Town Board.
- C. **Scheduling a Public Hearing:** Upon receipt of the established fee and completed Interim Use Permit application, a public hearing will be scheduled before the Planning Commission.
- D. **Notice:** Published and posted notice shall be provided of the public hearing. Notice shall be posted and published once in the Township's legal newspaper at least ten (10) days prior to the public hearing. Owners of adjoining property within the Township and within one-quarter mile of a boundary line of the property for which an Interim Use Permit is requested shall be notified by first-class mail as to the time, place and purpose of the public hearing. Failure of a property owner to receive such mailed notice shall not in any way affect the validity of the hearing or the result thereof.
- E. **Public Hearing:** The Planning Commission shall conduct the hearing at the scheduled date, time, and place and shall make a recommendation to the Town Board regarding the approval or denial of the requested Interim Use Permit. The Planning Commission's recommendation shall include written findings and, if it recommends approval, proposed conditions as applicable to the application.
- F. **Criteria and Standards:** The criteria and standards considered by the Township in determining whether to grant or deny an application for a Interim Use Permit include the following, in addition to any other criteria or standards specifically set forth in this Ordinance or that are unique to the special circumstances of the requested use:
 - 1. The date or event that will terminate the use can be identified with certainty.
 - 2. Whether the interim use will be injurious to the use and enjoyment of other property and the environment in the immediate vicinity for the purposes already permitted.

3. Whether the interim use will substantially diminished or impair the property values and the environment in the immediate vicinity.
4. Whether the establishment of the interim use will impede the normal and orderly development of the surrounding property for uses permitted in the area.
5. Whether adequate utilities, access roads, drainage and other necessary facilities and controls have been, are being, or can be provided.
6. Whether adequate measures have been or will be taken to prevent or control offensive odor, fumes, dust, noise, vibration, scenic blight or other annoyances so that said interim use will not constitute a nuisance.
7. Whether lighted signs or other signs will impair the enjoyment of property and/or property owners in the vicinity.
8. Whether the use permitted under the terms and conditions of any Interim Use Permit can be established and conducted in conformity.
9. Whether provisions for adequate parking, current and anticipated traffic congestion, traffic safety, and impacts on public infrastructure have been provided so as not to constitute a nuisance or impose an unreasonable burden on public resources.
10. Whether provisions for handling pollution, odor, noise and the proposed use have been adequately addressed so as not to constitute a nuisance to adjoining landowners.
11. What is the timeframe requested for the Interim Use and the expiration date or event?
12. Such other factors as may be considered relevant to the particular request.

It is the applicant's burden to prove that the above criteria and standards can be met in a manner that does not adversely affect the health, safety or general welfare of the residents of Frohn Township.

- G. Possible Conditions:** Upon consideration of the criteria and standards listed above, the Planning Commission may recommend, and the Town Board may impose, such conditions as are deemed necessary to achieve the purposes of this Ordinance. Such conditions are in addition to any other standards or requirements required this Ordinance. Possible conditions may include, but shall not be limited to, the following:

1. Increased setbacks;
2. Limiting the height, size or location of buildings;
3. Landscaping and vegetative screening;
4. Limitations on odor, dust, lighting, and noise.
5. Periods and/or hours and days of operation;
6. Deed restrictions;
7. Controlling the location and number of vehicle access points;
8. Location of parking and signs;
9. Fire control and access plan; and
10. Any other reasonable requirements necessary to fulfill the purposes and intent of this Ordinance.

H. Final Decision: The Town Board shall consider the recommendations received from the Planning Commission and shall make the final decision on whether to approve the requested Interim Use Permit and which conditions to place on the permit if approved. An owner undertaking any use allowed by the Interim Use Permit issued by the Town Board shall be deemed to have accepted the conditions imposed on the permit without limitation or reservation.

I. Appeal: The Town Board's decision on an Interim Use Permit is final. Any aggrieved person may appeal the decision to the District Court as provided in Minnesota Statutes, section 462.361, provided such appeal is served and filed with the District Court within thirty (30) days of the decision.

J. Lapse of an Interim Use Permit by Non-Use: Whenever within one (1) year after granting an Interim Use Permit the work or use has not substantially begun, then such permit shall become null and void unless a written extension of time has been granted by the Town Board. The work or use shall not be considered to have substantially begun unless more than preliminary steps have been done to complete the work or undertake the use. Such extension shall be requested in writing and filed with the Township at least thirty (30) days before the end of the first year from the date of issuance. There shall be no charge for the filing of such a request. The request for extension shall state facts showing a good faith attempt to complete the work or initiate the use permitted in the Interim Use Permit within the initial year. Such request shall be presented to the Planning Commission for a

recommendation and then to the Town Board for a decision. The Township may only grant one extension per permit and if the work is not completed or the use substantially begun within the extension period the permit shall become null and void. Upon lapse of an Interim Use Permit, the County Recorder shall be notified of the nullification of the permit if appropriate.

- K. Termination:** Unless revoked earlier, an Interim Use Permit shall terminate as of the date, or upon the happening of the event, identified in the permit for its termination. An owner may apply for a new Interim Use Permit to continue the use before the present permit is set to terminate.
- L. No Expansion or Alteration:** No use allowed by an Interim Use Permit shall be altered or expanded beyond the scope allowed by the permit unless a new or amended Interim Use Permit is first obtained from the Township. An expansion requiring a new or amended Interim Use Permit includes, but is not limited to, extending the use beyond the property or the specific business area identified in the permit.
- M. Violations:** Violation of any condition of a Interim Use Permit issued pursuant to this Ordinance, or of any provisions of this Ordinance relating to the subject matter of a Interim Use Permit, may result in the revocation of such permit if the owner fails to correct the violation upon written notice from the Township. Prior to revoking an Interim Use Permit, the Township shall notify the owner, conduct a public hearing regarding the violations, and provide the owner an opportunity to be heard regarding such violations.
- N. Recording:** Town Board may record, at the applicant's expense, the Interim Use Permit with the Beltrami County Recorder's office after all approvals related to said Interim Use Permit have been finally determined.

Article XIII: Variance

- A. **Application:** Any owner requesting relief from the strict application of the official controls described in this Ordinance may complete and submit a Variance application to the Township Clerk. The established fee must be included with the Variance application in order for the application to be considered complete. The fee for a Variance is in addition to the fee required for a Zoning and Land Use Permit. One application per parcel is required.
- B. **Information Required:** An application shall not be considered complete unless it includes all information required by the application form together with any other information needed to demonstrate the request satisfies the criteria established herein for issuing a variance.
- C. **Scheduling a Public Hearing:** Upon receipt of the established fee and completed Variance application, a public hearing will be scheduled before the Board of Appeals and Adjustments. The application shall be forwarded to the Planning Commission for review. The Planning Commission may, but is not required to, conduct a site inspection and develop a recommendation regarding the application. If the Planning Commission does develop a recommendation, it shall submit it to the Board of Appeals and Adjustments before or at the public hearing.
- D. **Notice:** Published and posted notice shall be provided of the public hearing. Notice shall be posted and published once in the Township's legal newspaper at least ten (10) days prior to the public hearing. Owners of adjoining property within the Township and within a minimum of one-quarter mile of a boundary line of the property for which the Variance is requested shall be notified by first-class mail as to the time, place and purpose of the public hearing. Failure of a property owner to receive such mailed notice shall not in any way affect the validity of the hearing or the result thereof.
- E. **Public Hearing:** The Board of Appeals and Adjustments shall conduct the public hearing at the scheduled date, time, and place to hear and consider the application.
- F. **Criteria and Standards:** The Board of Appeals and Adjustments shall make findings and may approve a variance based upon the following:
1. The conditions causing the practical difficulties are unique to the property and were not caused by the actions of the applicant.
 2. The variance is necessary in order to secure for the applicant those rights enjoyed by other property owners in the same area or district.
 3. The granting of the 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 the variance will be in harmony with the general purposes and intent of the Ordinance.
 5. The granting of the variance will be consistent with the Township's Comprehensive Plan.
 6. The applicant is able to establish, to the satisfaction of the Board of Appeals and Adjustments, that practical difficulties exist in complying with this Ordinance. Practical difficulties mean the applicant proposes to use the land in a reasonable manner not permitted by this Ordinance, the applicant's plight is due to circumstances unique to the property not created by the landowner, and the variance, if granted, will not alter the essential character of the locality.
 7. Economic considerations alone, or having initiated a project without first having obtained a variance, do not constitute practical difficulties.
 8. The lack of objections from neighboring owners is not alone sufficient to justify the granting of a variance or being able to demonstrate that more neighbors support the variance than are opposed to it.
 9. No variance may be granted for any use that is not allowed in the zoning district in which the land is located.
- G. Final Decision:** The Board of Appeals and Adjustments shall consider the recommendation received from the Planning Commission, if any, and shall make the final decision on whether to approve the requested Variance. No variance shall be approved unless the applicant demonstrates that the request satisfies all of the criteria for granting a variance. One application per parcel is required. The Board of Appeals and Adjustments may attach conditions to the grant of a variance if it deems the conditions necessary to carry out the purposes and intent of this Ordinance and provided that any such conditions are directly related to and bear a rough proportionality to the impacts created by the Variance.
- H. Appeal:** The decision of the Board of Appeals and Adjustments on a variance request is final. Any aggrieved person may appeal the decision to the District Court as provided in Minnesota Statutes, section 462.361, provided such appeal is served on the Township and filed with the District Court within thirty (30) days of the decision.
- I. Lapse of a Variance by Non-Use:** Whenever within one (1) year after granting a Variance the work or use has not substantially begun, then such Variance shall become null and void unless a written extension of time has been granted by the Town Board. The work or use shall not be considered to have substantial begun unless more than preliminary steps have been done to completed the work or undertake the use. Such extension shall be requested in writing and filed with the Township at least thirty (30) days before the end of the first year from the date of issuance. There shall be no charge for the filing of such a request.

The request for extension shall state facts showing a good faith attempt to complete the work or initiate the use permitted in the Variance within the initial year. Such request shall be presented to the Planning Commission for a recommendation and then to the Town Board for a decision. The Township may only grant one extension per Variance and if the work is not completed or the use substantially begun within the extension period the Variance shall become null and void. Upon lapse of a Variance, the County Recorder shall be notified of the nullification of the Variance.

- J. Scope:** A Variance is limited to the particular request and does not apply to any other work or uses now or in the future. For example, the granting of a setback variance for a particular structure does not change the required setback on that property for any other structures or for any other work or expansions in the future. All such future work or uses are required to obtain separate Variances as needed. Furthermore, no alteration or expansion of the Variance granted is allowed unless a new or amended Variance is first obtained from the Township.
- K. Violations:** Violation of any condition of a Variance issued pursuant to this Ordinance, or of any provisions of this Ordinance relating to the subject matter of a Variance, may result in the revocation of such permit if the owner fails to correct the violation upon written notice from the Township. Prior to revoking a Variance, the Township shall notify the owner, conduct a public hearing regarding the violations, and provide the owner an opportunity to be heard regarding such violations.
- L. Recording:** Town Board will record, at the applicant's expense, the Variance with the Beltrami County Recorder's office after all approvals related to said Variance have been finally determined.

Article XIV: Planning Commission

The Frohn Township Planning and Zoning Commission previously established by the Town Board is reaffirmed and is hereby reestablished as the Frohn Township Planning Commission (“Planning Commission”). The Planning Commission shall consist of a minimum of five (5) members appointed by the Town Board and who serve at the pleasure of the Town Board. To be eligible to serve on the Planning Commission a person must own property in the Township during the entire period of service on the Planning Commission. Planning Commission members shall serve a term of three (3) years unless removed earlier by the Town Board, which may occur at any time for any reason.

- A. Officers:** The Planning Commission shall appoint a Chairperson, Vice-Chair, and Secretary from among its members. It may adopt rules or bylaws for the transaction of business as needed and shall keep a permanent public record of its proceedings, findings and determinations.
- B. Duties:** The Planning Commission shall:
1. Assist the Town Board in the formation and updating of goals, policies and programs for the future development of Frohn Township.
 2. Assist the Town Board in the preparation of development controls designed to promote development consistent with adopted goals and policies.
 3. Review the applications for Conditional Use Permits and Interim Use Permits, conduct public hearings in accordance with the provisions of this Ordinance, and make recommendations concerning said applications to the Town Board.
 4. May review and make recommendations to the Board of Appeals and Adjustments regarding Variances.
 5. Review the applications for amendments to this Ordinance or the Zoning District Map, conduct public hearings in accordance with the provisions of this Ordinance, and make recommendations to the Town Board.
 6. Review subdivision proposals for compliance with the provisions of this Ordinance, conduct public hearings, and forward final plat recommendations to the Town Board.
 7. Any other such duties as set out in this Ordinance or as required or requested by the Town Board to further goals and policies in furtherance of the intent of this Ordinance.

Article XV: Board of Appeals and Adjustments

The Board of Appeals and Adjustments previously established by the Town Board is hereby reaffirmed. The Board of Appeals and Adjustments shall consist of 5 members: The Town Board Chairperson and Vice Chairperson, the Planning Commission Chairperson and Vice Chairperson, and a fifth person appointed by the Town Board.

- A. Members:** The Board of Appeals and Adjustments shall vote to choose a Chairperson and Vice Chairperson. It shall keep a permanent public record of its proceedings, findings and determinations. The Township Clerk will serve as Secretary.
- B. Meetings:** The meetings of the Board of Appeals and Adjustments shall be held at such times as the Chairperson of the Board of Appeals and Adjustments shall deem necessary and appropriate.
- C. Duties:** The Board of Appeals and Adjustments shall have the exclusive power concerning the following:
 - 1.** To grant variances from the strict enforcement of the standards and provisions prescribed by this Ordinance. Variances shall only be granted based upon the criteria prescribed established in this Ordinance.
 - 2.** To interpret any district boundary on the Zoning District Map or to hear an appeal on an alleged error in any order, requirement, decision, or determination made by an administrative officer in the enforcement of this Ordinance. All such appeals must be brought in writing within 14 days of the decision or action being appealed as provided in this Ordinance.
 - 3.** All decisions by the Board of Appeals and Adjustments in granting variances, or acting on any appeals from administrative orders, requirements, decisions or determinations shall be final, except that any aggrieved person shall have the right to appeal to the District Court as provided in Minnesota Statutes, section 462.361, provided such appeal is served on the Township and filed with the District Court within thirty (30) days of the decision.

Article XVI: Land Use Administrator

- A. Position:** The position of Land Use Administrator previously established by the Town Board is hereby reaffirmed. The Town Board appoints the person to serve as the Land Use Administrator. Such person serves at the pleasure of the Town Board and may be removed at any time for any reason. The Town Board, or its designee, shall serve as the Land Use Administrator in the absence or disability of the appointed person until the person returns or a new person is appointed to the position.
- B. Duties:** The Land Use Administrator shall have the following duties, which shall be conducted in a manner which is consistent with this Ordinance, applicable laws, and the directions and instructions of the Town Board:
1. Enforce and administer the provisions of this Ordinance;
 2. Determine whether a permit application is complete and complies with the terms of this Ordinance;
 3. Receive, and forward to the Planning Commission, Board of Appeals and Adjustments, or Town Board applications and other zoning materials as is appropriate;
 4. Issue permits once they have been approved as provided in this Ordinance;
 5. Issue notices of denial to applicants and to otherwise inform applicants of final decisions;
 6. Maintain permanent and current records of permits and approvals issued pursuant to this Ordinance, including, but not limited to, land use map changes, amendments to this Ordinance, issuance of conditional use permits, interim use permits, variance approvals, and appeals;
 7. Conduct inspections to determine compliance with the provisions of this Ordinance and institute in the name of the Township, any appropriate actions or proceedings against a violator as provided by this Ordinance or law;
 8. Collect all fees required by this Ordinance that are not paid to the Township Clerk and to pay the same to the Township;
 9. Track the application of the 60-day rule to land use requests, provide notices to applicants as may be needed, and to keep the Township informed of the applicable deadlines for actions with respect to individual land use requests;

10. File for record with the Beltrami County Recorder or Registrar of Titles all documents required to be filed by law;
 11. To enforce this Ordinance, including through the issuance of violation notices, cease and desist orders, stop work orders, or corrective orders as determined appropriate, and to work with the Town Attorney as needed to administer and enforce this Ordinance; and
 12. To perform such other duties and responsibilities as provided in this Ordinance or as assigned by the Town Board.
- C. **Delegation of Authority:** The Town Board hereby delegates to the Land Use Administrator the authority to carry out the duties assigned to the position as provided in this Ordinance or as is delegated by the Town Board including, but not limited to, the authority to determine if an application is complete, to notify an applicant of what information is needed in order to make an application complete, and to act to enforce this Ordinance.

Article XVII: Appeals

No appeal to the Board of Appeals and Adjustments shall be heard except in accordance with the following.

- A. Appealable Decisions:** Only alleged errors in an order, requirement, decision, or determination made by the Land Use Administrator in the enforcement of this Ordinance are appealable to the Board of Appeals and Adjustments. The decisions of the Town Board and the Board of Appeals and Adjustments are final and are not appealable to the Board of Appeals and Adjustments. Recommendations of the Planning Commission are not final decisions and are not appealable to the Board of Appeals and Adjustments.
- B. Notice of Appeal:** In order to bring an appeal, a person shall file a written notice of appeal with the Township Clerk within 14 days of the date of the order or decision being appealed together with the required fee. The notice of appeal must, at a minimum, contain all of the following information:

 - 1. The name, mailing address, and phone number of the person making the appeal.
 - 2. The name and mailing address of all property owners of record, according to the county auditor's property tax records, within one-quarter mile of the property to which the appeal relates.
 - 3. Describe the specific order or decision being appealed, the date of the order or decision, and identify the person who issued the order or made the decision.
 - 4. A detailed explanation of the grounds for the appeal.
 - 5. Identify the specific relief being sought by the appeal.
- C. Scheduling a Public Hearing:** Upon receipt of the established fee and complete notice of appeal, a public hearing will be scheduled before the Board of Appeals and Adjustments. The notice of appeal shall be forwarded to the Planning Commission for review. The Planning Commission may, but is not required to, develop a recommendation regarding the appeal. If the Planning Commission does develop a recommendation, it shall be submitted to the Board of Appeals and Adjustments before or at the public hearing.
- D. Notice:** Published and posted notice shall be provided of the public hearing. Notice shall be provided to the person bringing the appeal, posted, and published once in the Township's legal newspaper at least ten (10) days prior to the public hearing. The notice shall state the time, place, and purpose of the hearing.

- E. Public Hearing:** The Board of Appeals and Adjustments shall conduct a public hearing on the notice of appeal. The appellant, or his or her authorized agent, shall attend the hearing to explain the appeal and to answer the Board of Appeals and Adjustments' questions.
- F. Final Decision:** The Board of Appeals and Adjustments shall make the final decision regarding the matter being appealed. The Board of Appeals and Adjustments may reverse or affirm, wholly or partly, or modify the order or decision being appealed, and issue such orders, requirements, decisions, permits, or determinations, or provide such other relief as it deems appropriate. The Board of Appeals and Adjustments shall issue its decision in a written order which contains its findings. It shall provide a copy of its order to the appellant within 10 days of its issuance.
- G. Appeal:** The decision of the Board of Appeals and Adjustments is final. Any aggrieved person may appeal the decision to the District Court as provided in Minnesota Statutes, section 462.361, provided such appeal is served on the Township and filed with the District Court within thirty (30) days of the decision.

Article XVIII: Enforcement and Penalties

This Ordinance shall be enforced by the imposition of the civil and/or criminal penalties provided for under Minnesota Law.

- A. Inspections:** The Town Board or its designee may conduct inspections as needed to process an application and to determine compliance with a permit or permission it has granted, or with this Ordinance generally.
- B. Enforcement:** Any person who violates any of the provisions of this Ordinance or who makes any false statements on any application shall be guilty of a misdemeanor and, upon conviction thereof, shall be subject to a maximum fine or maximum period of imprisonment, or both, as specified by Minnesota Statutes, section 609.03. Criminal prosecution of a violation shall not bar the Township from also pursuing a civil remedy, just as pursuit of a civil remedy does not bar criminal prosecution of a violation. In the event any person commences any land use activity that requires a permit under the provisions of this Ordinance prior to the issuance of such permit, the Township may issue a written cease and desist order, stop work order, corrective order, or similar order to prohibit continuation of the activity until the required permits are obtained. If the required permits are not obtained, or if the work or use is not allowed by the Ordinance, the person shall be ordered to permanently abate all activities not permitted under this Ordinance. The order may require the person to restore the property including, but not limited to, the removal of all structures or buildings constructed in violation of the provisions of this Ordinance. In the event any land is used or is proposed to be used in such a manner as to be in violation of this Ordinance, or if any building, structure, alteration thereof or part thereof is, or is proposed to be, used or erected in violation of this Ordinance, the Township may, in addition to issuing orders to prevent, abate, or correct a violation, institute an injunction, mandamus, abatement or other appropriate civil and criminal actions as it determines appropriate to prevent, enjoin, correct, abate or remove such unlawful use, construction, reconstruction, alteration, or maintenance. The Land Use Administrator is authorized to send violation letters and to issue orders to stop and correct violations. The Town Board shall determine whether to initiate a civil or criminal action regarding a violation. Upon the Town Board's decision to initiate a legal action, the Town Attorney shall be authorized to take such actions as may be necessary to carry out such enforcement action.
- C. Separate Offense:** Each day of a violation of this Ordinance or each day that a failure to comply with any requirements of this Ordinance continues and shall constitute a separate offense.
- D. Triple Fee:** Any person commencing a land use activity which requires a permit without first having obtained such a permit shall be required to pay triple the permit fee in order to obtain the required permit.

- E. Enforcement Costs:** In the event of a violation of this Ordinance, the cost of prosecution may be added to the penalty as allowed by Minnesota Statutes, section 366.01, subdivision 10. Furthermore, the administrative and legal expenses incurred by the Township related to an enforcement action may be assessed by Court Order against the party found to have violated the Ordinance. Upon Court approval, the Township Clerk shall prepare a bill for the expenses incurred and shall mail a copy to the owner/violator by mail. The amount therein shall be immediately due and payable to the Township. Failure to pay any such amounts may result in them being certified and collected against the property as a service charge as provided in Minnesota Statutes, section 366.012, or may be collected by any other means available to the Township under law.

Article XIX: Amendments

The text of this Ordinance and the Zoning District Map (rezoning) may be amended, changed or altered by a favorable majority of the Town Board as provided in this Article.

A. Initiation: An amendment may be initiated by:

1. Action of the Town Board of Frohn, action by the Planning Commission, or by petition by affected owners in the case of amending any regulation or provision within any district provided for in this Ordinance.
2. If the Planning Commission initiates the proposed amendment, a hearing cannot be held on the amendment until it is referred to the Town Board for review and returned to the Planning Commission with approval to hold a hearing. The hearing shall be on the language of the proposed amendment as returned from the Town Board. A proposed amendment initiated by the Town Board or by application of affected property owners shall be forwarded to the Planning Commission for a hearing.
3. Spot Zoning is not allowed in Frohn Township and the Town Board will not approve a rezoning request if it determines it will result in spot zoning. Generally, prohibited spot zoning involves a request to rezone a relatively small portion of land to a use classification that is inconsistent with surrounding classifications and that allows uses that are incompatible with the uses allowed within the surrounding or adjacent district.

B. Application: An application for an Amendment to the text of the Ordinance or to the Zoning District Map (rezoning) shall be made by the owner or his or her authorized agent to the Township Clerk. The established fee must be included with Amendment application in order for the application to be considered complete.

C. Information Required: An application for an Amendment shall contain all of the information required in the application form and shall specifically identify and explain the following:

1. For amendments to the text of the Ordinance, the applicant must identify the specific provision or provisions to be amended and the language of the proposed amendment. The applicant must also provide an explanation of the reasons for requesting the proposed amendment.

For amendments to the Zoning District Map, the applicant must identify the specific properties involved, their current zoning designation, and the proposed zoning designation. The applicant must also provide an explanation of the reasons for requesting the proposed rezoning.

- D. Scheduling a Public Hearing:** Upon receipt of the established fee and completed Amendment application, a public hearing will be schedule before the Planning Commission. The Planning Commission shall conduct a public hearing on the amendments initiated by the Planning Commission or the Town Board as directed by the Town Board.
- E. Notice:** Published and posted notice shall be provided of the public hearing. Notice shall be published in the legal newspaper, and posted, at least ten (10) days prior to the hearing. Notice shall also be sent by mail at least ten (10) days before the date of the hearing to each owner of affected property and property lying wholly within one-quarter of a mile of the property to which the proposed amendment relates.
- F. Public Hearing:** The Planning Commission shall conduct the public hearing at the schedule date and time and shall make a recommendation to the Town Board regarding the proposed Amendment. The Planning Commission recommendation shall include written findings and any recommended changes to the proposed Amendment.
- G. Town Board's Review:** The Town Board shall consider the recommendation of the Planning Commission and take final action regarding the proposed amendment. The Town Board may make any changes to a proposed amendment it determines is appropriate before adoption.
- H. Petitions Previously Denied:** Once an application is denied, no substantially similar application for an amendment may be brought within one (1) year from the date of the denial.

Article XX: Fees

- A. Application and Administrative Fee:** Any person submitting an application under this Ordinance shall pay the appropriate nonrefundable application fee as established by the Town Board. The person may also be required to pay an administrative fee deposit (escrow) in the amount determined by the Town Board and sign an agreement on a form provided by the Township agreeing to reimburse the Township for its costs, including all engineering, planning, legal, administrative and inspection expenses, incurred by the Township in processing the application. Payment of the application fee and, if required, payment of the administrative fee deposit and execution of the reimbursement agreement shall be required prior to an application being considered filed, complete, and subject to processing.
- B. Deduction of Expenses:** As the Township processes the application, the Township Clerk shall deduct the expenses incurred by the Township from the administrative fee deposit. If the Township Clerk determines, after consulting with the Land Use Administrator as needed, the deposit will not be sufficient to fully reimburse the Township for its expenses, the Township Clerk shall require the applicant to make a supplemental deposit in an amount deemed necessary to reimburse the Township for all of its expenses. If the applicant fails to submit the supplemental deposit within a reasonable time, the Township may suspend processing the application until the deficiency is corrected or deny the application.
- C. Reimbursement in Full Required:** Upon the 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 (without interest). No permits shall be issued, no construction or development shall commence, and no use of the property shall be made until all fees are paid in full. In the event that payment of expenses is not made within a reasonable time after demand, the Town Board may file a lien upon the subject property or other property of the applicant pursuant to Minnesota Statutes, section 514.67, certify the amount as a service charge on the property pursuant to Minnesota Statutes, section 366.012, or take such other action as may be deemed appropriate to obtain full reimbursement the Township's expenses, including the costs of collection.
- D. See Frohn Township Fee Schedule.**

Article XXI: Definitions

For the purposes of this Ordinance, the following terms shall have the meaning hereinafter indicated in this article unless specifically stated otherwise. Any word, term, or phrase not defined in this Ordinance shall have the meaning given it in the most applicable definition of the word, term, or phrase provided in state law or rule. Words used in the present tense shall include the future; words used in the future tense shall include the present tense; the word “persons” includes any individual, firm, association, syndicate, partnership, joint enterprise, corporation, trust or any other legal entity.

Abutting: Having property boundaries or lot lines in common, but not being separated by a street or other public right-of-way.

Access: A way or means of approach to provide vehicular or pedestrian physical entrance to a property.

Accessory: A use, building or structure, or part of a building or structure which:

- A. Is subordinate to and serves a principal building/structure or principal use;
- B. Is subordinate in area, extent or purpose to the principal building or structure or principal use served; and/or
- C. Contributes to the comfort, convenience or necessity of occupants of the principal building or principal use.

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.

Acre: 43,560 square feet.

Adjacent/adjoining: Abutting or being directly across a street, road or other public right-of-way.

Administrator: The Frohn Township Land Use Administrator appointed by the Town Board, or his or her authorized representative.

Agriculture: The use of land including shoreland for agricultural purposes including, but not limited to, farming, grazing, dairying, pasturage, horticulture, floriculture, viticulture, silviculture,

animal and poultry husbandry, nurseries, truck farming, wild crop harvesting, 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. Agriculture also includes the use of land for the growing or production of field crops, livestock, and livestock products for the production of income including, but not limited to, the following:

- A. Field crops, including barley, soybeans, corn, hay, oats, potatoes, rye, sorghum, sunflowers, wheat, and timber.
- B. Livestock, including, but not limited to, beef and dairy cattle, goats, horses, sheep, hogs, poultry, game birds, dogs, ponies, deer, elk, rabbits, fish, and mink.
- C. Livestock products including, but not limited to, milk, butter, cheese, eggs, meat, fur, and honey.
- D. Game farms having current Department of Natural Resource permits.

Agriculture does not include the raising, keeping, or sale of wild or exotic animals. Wild or exotic animals means any mammal, amphibian, reptile or bird that is of a species not usually domesticated, and of a species that due to size, wild nature or other characteristic is dangerous to humans. The term includes animals and birds the keeping of which is licensed by the state or federal government, such as wolves, raptors, and pheasants. By way of example and not of limitation, the term includes: lions, tigers, leopards, elephants, camels, antelope, anteaters, kangaroos, monkeys, badgers, eagles, ocelots, jaguars, cougars, weasels, badgers, monkeys, chimpanzees, deer, water buffalo, and species of foreign domestic cattle such as Ankole, Gayal, and Yak. The term also includes: crossbreed such as the cross between dogs and coyotes and dogs and wolves; poisonous snakes such as rattlesnakes, coral snakes, water moccasin, puff adder or cobra; and any other snake or reptile by its size, vicious nature or other characteristic is dangerous to human beings.

Agricultural Structure: Any structure existing or erected and used principally for agricultural use, with the exception of dwelling units.

Amendment: A revision to the Zoning District Map or the content of this Zoning and Land Use Ordinance whether it be deleting or adding of words to clarify intent or the adding or deleting of entire sections.

Animal Cemetery: Any land, place, structure, building, or facility provided for a fee, whether or not for profit, to veterinarians or members of the general public for the present or future use for the permanent internment or inurnment above or below ground of pet remains. This term does not include rendering plants, landfills, or pet crematoriums.

Frohn Township Zoning & Land Use Ordinance
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Applicant: A person or entity who/which has fee title to the land in question, or his/her/its authorized representative. No person may submit an application without the signature of the land owner.

Attorney: The duly appointed attorney for Frohn Township, in Beltrami County, Minnesota.

Auditor: The County Auditor for Beltrami County, Minnesota, or their authorized representative.

Basement: The part of a building that is wholly or partly below ground level.

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 the entire feature is located within a shoreland area.
- B. The slope rises at least 25 feet above the ordinary high water level of the water body.
- C. The grade of the slope from the toe of the bluff to a point 25 feet or more above the ordinary high water level averages 30 percent or greater.
- D. The slope drains toward the water body.

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

Bluff Impact Zone: A bluff from the toe of the bluff to the top of the bluff.

Board of Appeals and Adjustments: The Frohn Township Board of Appeals and Adjustments as appointed by the Town Board and which is authorized to carry out the duties as provided in this Ordinance.

Board of Supervisors: The Frohn Town Board of Supervisors.

Buffer: The use of land topography, spaces and screening to separate uses or structure from other uses or structures. Examples of screening materials include, but are not limited to trees, shrubs and fences.

Buildable Area: The minimum contiguous area remaining on a lot or parcel of land after the following are subtracted: 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

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 used for the shelter or enclosure of any person, animal or property of any kind, situated on private property and used for purposes of a building.

Building Setback: The minimum horizontal distance between the building and specified lot line as prescribed in this Ordinance.

Business: Any establishment, occupation, employment or enterprise where merchandise is manufactured, exhibited, sold or where services are offered for compensation.

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.

Cemetery: Public and private cemeteries as defined under Minnesota Statutes, Chapter 306.

Certificate of Survey: A document prepared by a licensed land surveyor that defines the property boundaries of a particular parcel to include the legal description of said parcel.

Church: A building, together with its accessory buildings and uses, where persons regularly assembly for religious worship and which building, together with its accessory buildings and uses, is maintained and controlled by a religious body organized to sustain public worship.

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

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.

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

Common Interest Community (CIC): 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 that 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 Zoning and Land Use Plan: The most current version of the land use plan adopted by the Board of Supervisors and that applies within the boundaries of the Township.

Conditional Use: A land use or development identified by this Ordinance as being allowed within a particular zoning district with the issuance of a conditional use permit. Such uses are generally not appropriate within the district, except that they may be allowed upon the imposition of restrictions established by conditions placed on the permit and the required compliance with all applicable standards imposed by the Ordinance, but only after finding the standards and criteria stated in this Ordinance for issuing a conditional use permit will be satisfied. imposed for the protection of the public health, safety, and welfare, and the integrity of this Ordinance and the Comprehensive Plan. Previously called a Special Use Permit.

Conditional Use Permit: A permit issued by the Town Board to allow a use identified by this Ordinance as a conditional use within a particular zoning district and on which conditions are

Condominium: Any real estate, portions of which are designated for separate ownership and the remainder of which is designated for common ownership solely by the owners of those portions. Real estate is not a condominium unless the undivided interests in the common elements are vested in the unit owners.

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. Controlled access lots may not provide watercraft launching facilities and buildings shall not be constructed on these lots. Controlled access lots are only allowed in environmental lot and block subdivisions meeting the requirements and conditions as contained in this Ordinance.

Conventional Lot and Block Subdivision: A pattern of subdivision development that permits the division of land in the standard form (lot and block), where lots are spread evenly throughout a parcel with little regard for natural features or common open space as compared to a residential planned unit development where lots are clustered and common open space is provided.

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: 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.

County: Beltrami County, Minnesota.

County Planning Commission: The Beltrami County Planning and Zoning Advisory Commission established pursuant to law.

County Board: The Board of County Commissioners, Beltrami County, Minnesota.

Cul-de-sac: A vehicular turnaround terminating a dead end street.

Dead-End Street: A comparatively short street having 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.

Density: The number of dwelling units residing upon or to be developed upon a particular area of land.

Development Agreement: An agreement entered into between the Township and the owner/developer of land within the Township as a condition of preliminary and/or final plat approval and which addresses the construction of public improvements within the development as well as such other issues regarding the development and use of the land as the Town Board may deem appropriate.

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 minimum or maximum dimensions of such items as right-of-ways, blocks, easements, and lots.

Development Agreement: An agreement entered into with the Township and the owner/developer of land within the Township as a condition of preliminary or final plat approval which addresses the construction of public improvements within the development as well as such other issues regarding the development and use of the land as the Board of Supervisors may deem appropriate.

District/Zoning District: A designated area of the Township in which the regulations governing the use of land are uniform.

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 wateroriented recreational activities.

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

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

Dwelling: Any house or building, or portion thereof, which is occupied wholly as a home, residence or sleeping place of one or more human beings, either permanently or on a seasonal basis. In case of mixed occupancy where a building is occupied in part as a dwelling, the part so occupied shall be deemed a dwelling for the purpose of this Ordinance and shall comply with the provision thereof relative to dwellings.

Dwelling – (Single Family): A dwelling occupied only by one family and so designed and arranged as to provide cooking and kitchen accommodations and sanitary facilities for one family together with such domestic help as may be necessary to service and maintain the premises and its occupants.

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

Easement: A temporary or permanent grant by a property owner for the use of land for the public or a person for specific purposes (example, granting a right to travel across land).

Effluents: Outflowing of water or gas from a natural body of water, or from a made manmade structure.

Environmental Assessment Worksheet (EAW): Governed by state law, a brief document in worksheet format that assists local governments and state agencies in deciding whether a proposed action is a major action with a potential for significant environmental effects and, in the case of a private action, whether it is of more than local significance.

Environmental Impact Statement (EIS): 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 and Block Subdivision: A development based on a parcel's environmental properties, setbacks and requirements to allow lots not normally allowed access under conventional lot and block development requirements to access a lake. Environmental lot and block subdivisions are allowed the same number of lots that may access a lake, but the size and locations of the lots may differ from a conventional lot and block development.

Environmental Setback: A setback which is the minimum horizontal distance between a structure, sewage or other facility, and the ordinary high water level mark, 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 ordinary high water level mark.

Environmental Questionnaire: A questionnaire, in worksheet format, which assists a land owner or the developer and the Township in assessing the environmental attributes, assets, and potential environmental problems with regard to a particular parcel.

Erosion Control: Measures employed to prevent erosion including but not limited to: soil stabilization practices, limited grading, mulch, temporary or permanent cover and construction phasing.

Erosion Prevention: 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.

Essential Services: All utility services whether they are public or private. Essential services include, but are not limited to, power lines, telephone lines, sewer, water, gas and cable TV.

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

Farm: See Agriculture.

Family: An individual or group of two or more persons related by blood, marriage, or adoption, together with not more than three additional persons not related by blood, marriage, or adoption, living together as a single housekeeping unit.

Feedlot: A lot or building or combination of lots and buildings intended for the confined feeding, breeding, raising or holding of animals and specifically designed as a confinement area in which manure may accumulate, or where a concentration of animals is such that a vegetative cover cannot be maintained within the enclosure. Pastures shall not be considered animal feedlots under these parts. An open area used in a manner as will require the operator thereof to have a Feedlot permit from the Minnesota State Pollution Agency shall constitute a feedlot.

Fence: A free-standing structure made of metal, masonry, composition or wood, or a combination thereof, including gates, resting on or partially buried in the ground rising above ground level and used to delineate a boundary or as a barrier or means of protection, confinement or screening.

Fill: An act by which earth, sand, gravel, rock or any other material is deposited, placed, replaced, pushed, dumped, pulled, transported or moved by man to a new location and any conditions resulting there from, including but not limited to, the increase in the natural ground surface elevation.

Final Plat: The final map, drawing or chart prepared pursuant to Minnesota Statutes, Chapter 505 on which the plat's plan or subdivision is presented to the County Board and Frohn Township for approval and which, if approved, shall be recorded with the County Recorder or the County Registrar of Titles.

Floodplain: The area adjoining a lake, watercourse, or wetland which has been, or hereafter may be covered by a regional 100-year flood.

Floor Area: The sum of the gross horizontal area of the several floors of the building, measured from the exterior faces of the exterior walls. In determining the floor area, cellars and basements without egress windows shall not be considered.

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. For non-riparian lots, the front lot line is a line dividing a lot from any public highway, except a limited or controlled access highway to which the lot has no access.

Garage: A fully enclosed building designed or used for the storage of motor vehicles.

Greenhouse: A nursery located in a building with a foundation whose roof and sides are made largely of glass or other transparent or translucent material and in which the temperature and humidity can be regulated for the cultivation of delicate or out-of-season flowers, shrubs and plants.

Greenhouse (Commercial): A greenhouse where flowers, shrubs and plants that are sold.

Greenhouse (Non-Commercial): A greenhouse where flowers, shrubs and plants are grown on-site for personal enjoyment. Non-commercial greenhouses are a form of agriculture.

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.

Hazardous Waste: Any refuse, sludge or other waste material or combinations of refuse, sludge or other waste material in solid, semi-solid, liquid or contained gaseous form which because of its quantity, concentration, chemical physical or infectious characteristics may:

- A. Cause an incapacitating reversible illness; or
- B. Pose a substantial present or potential hazard to human health of the environment.

Categories of hazardous waste materials include, but are not limited to, explosives, flammables, oxidizers, poisons, irritants and corrosives.

Height of Building/Structure: The vertical distance between the lowest ground level at the structure and the highest point of the structure.

Home Occupation: Any gainful occupation or profession carried on by a member of the immediate family who is also an occupant of the dwelling unit when conducted entirely within a dwelling unit or in an accessory building on the same property. The conducting of the occupation or profession must clearly be secondary and incidental to the use of the property as a residence.

Housing Performance Standards/Dwelling: Those standards established for the purpose of promoting residential energy conservation, preserving and protecting desired architectural and aesthetic characteristics of housing and neighborhoods in the community, and protecting the health, safety, welfare and environment of residents of the community. (See general regulations).

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 installation. Impervious surfaces include, but are not limited to, the horizontal area of buildings and accessory structures, including roofs, roof overhangs, decks, patios, paved driveways, paved parking lots, paver blocks, storage areas, surfaces generally impenetrable to water, 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 percent in the calculation of impervious surfaces.

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.

Improvement: Any structure, object, fence, gate, wall, work of art or other object the permanently becomes part of, is placed upon or is affixed to real estate.

Individual Sewage Treatment System or Subsurface Sewage Treatment System: A sewage treatment system or part thereof, serving a dwelling or other establishment or group thereof and using sewage tanks or advance treatment followed by soil treatment and disposal sewage treatment system approved by Beltrami County Planning and Zoning Administration.

Inoperable Vehicles. An inoperable vehicle means any motor vehicle from which, for a period of at least 90 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.

Interim Use: A land use identified by this Ordinance as being allowed within a particular zoning district with the issuance of an interim use permit. Such uses are generally not permanent or appropriate within the zoning district, except that they may be allowed upon the imposition of restrictions established by conditions imposed on the permit and the required compliance with the standards and criteria stated in this Ordinance, but only after finding the standards and criteria stated in this Ordinance for issuing an interim use permit will be satisfied.

Interim Use Permit: A permit issued by the Town Board to allow a use identified by this Ordinance as an interim use within a particular zoning district and on which conditions are imposed for the protection of the public health, safety, and welfare, and the integrity of this Ordinance and the Comprehensive Plan. All such permits must state an ending date or event.

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-hand material of any kind, including, but not limited to, motor vehicles, machinery 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.”

Land Use Administrator: The person appointed by the Town Board to serve as, and to perform the duties of, the land use administrator for the Township. The Town Board, or its designee, shall serve as the land use administrator in the absence or disability of the appointed land use administrator.

Land Use Permit: See Zoning and Land Use Permit.

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 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 lot, not including land located below the ordinary high water level of a lake or stream.

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: The line marking a boundary of a lot.

Lot on Corner: A lot situated at the junction of and abutting on two (2) or more intersecting roads; or a lot at the point of deflection in alignment of a single street, the interior angle of which is one hundred thirty-five (135) degrees or less.

Lot of Record: A parcel of land, whether subdivided or otherwise legally described, of record in the office of the Beltrami County Recorder as of the effective date of the Township's first Zoning and Land Use Ordinance ("Frohn Township Zoning (Land Use) Ordinance", May 9, 1977).

Lot (Substandard): A lot or parcel of land for which a deed has been recorded in the office of the Beltrami County Recorder upon or prior to the effective date of this Ordinance ("Frohn Township Zoning (Land Use) Ordinance", May 9, 1977) which does not meet the minimum lot area, structure setbacks or other dimensional standards of this Ordinance.

Lot Width: For non-riparian lots, the shortest distance between side lot lines measured at the midpoint of the longest axis of said lot. For 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.

Manufactured Home: A structure, transportable in one or more sections, which in the traveling mode, is eight body feet or more in width or 40 body feet or more in length, or, which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained therein; except that the term includes any structure which meets all the requirements and with respect to which the manufacturer voluntarily files a certification required by the secretary of the United States Department of Housing and Urban Development and complies with the standards established under Minnesota Statutes Chapter 327.

Manufactured Home Park: A parcel of land which has been planned and improved for the placement of two (2) or more manufactured homes and licensed by the State of Minnesota. The park may allow for homes on individual lots or as part of a planned unit development.

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 by Minnesota Statutes Sections 93.44 through 93.51.

Mississippi Headwater Board: A joint powers board established pursuant to law charged with Planning and Zoning in the Upper Mississippi River corridor and which has adopted a management plan and land use standards that apply within its jurisdictional area.

Motor Vehicle: A motorized device intended for the transportation of people or property over land surfaces. The term specifically includes automobiles, trucks, motorcycles, motor bikes, go-carts, all-terrain vehicles and any other motorized recreational vehicles.

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.

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

Non-Riparian Lot: A lot that does not abut a public or protected water of the state of Minnesota.

Normal Wetted Perimeter: 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.

Off-Premise Sign: A sign which directs the attention of the public to a business not on the same lot or site where such a sign is located.

Ordinary High-Water Level (OHWL): The boundary of public waters and wetlands indicated by an elevation delineating the highest water level which has been maintained for a sufficient period of time to leave evidence upon the landscape, commonly that point where the natural vegetation changes from predominantly aquatic to predominantly terrestrial. For watercourses, the ordinary high-water level is the elevation of the top of the bank of the channel. 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 another specified use; or
- B. Land held in common by an association or group of lots governed by covenants for use by members of the subdivision or the 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 legal entity having a proprietary or fee interest in land subject to this Ordinance.

Parcel: A contiguous lot or tract of land owned and recorded or controlled by the same person(s) or entity.

Park: A piece of publicly owned land kept free of commercial use and overnight lodging that can be used for pleasure or recreation.

Parking Area: Any area designed or designated for the purpose of parking more than six vehicles.

Parking Space: A designated space, measuring 10 feet by 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 ensure the completion of an activity permitted or allowed in any manner pursuant to this Ordinance.

Permanent Cover: 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 percent 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.

Permit: A Zoning and Land Use Permit, Conditional Use Permit, Interim Use Permit or other permit required in this Ordinance allowing a property owner to undertake an activity, which is regulated under the provisions of this Ordinance.

Planning Commission: The Frohn Township Planning Commission established by the Town Board.

Permittee: A person or persons, firm, or governmental agency or other institution that signs the application submitted to the Township and is responsible for compliance with the terms and conditions of the Township's permit and the requirements of this section.

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, and also usually involving the clustering of these units or sites to provide areas of common open space, density increases, and a mix of structure types and land uses. These developments may be organized and operated as 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 preexisting 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 commercial planned unit developments. There shall be no hybrid or mixed planned unit developments (i.e. commercial and residential planned unit development) uses within the same planned unit development 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; manufactured 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 a residential planned unit development. There shall be no hybrid or mixed planned unit developments (i.e. residential and commercial planned unit development) uses within the same planned unit development or common interest community.

Plat: A map, plan or layout representing a tract of land showing the boundaries, location and existing conditions, such as easements and utilities, of individual properties and streets or showing a map of a subdivision or site plan.

Preliminary Plat: The preliminary map, drawing, or chart indicating the proposed layout of the subdivision to be submitted to the Town Board for their consideration.

Premises: A lot, together with all buildings and structures thereon.

Principal Building: A building or structure in which is conducted the main or principal use of the premises on which said building or structure is situated.

Principal Use: The primary or main use of the premises.

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. Covenants constitute private restrictions on property that are not administered or enforced by the Township, but the Township may require the imposition of certain covenants as part of the approval process. The provisions of this Ordinance apply in addition to any restrictions or requirements contained within any covenants.

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, stormwater structures, 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 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. 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 residential planned unit development and there shall be no mixed or hybrid planned unit developments or land use of the same dwellings or dwelling sites.

Right-of-Way: The entire width of a publicly owned thoroughfare dedicated to, or otherwise acquired for, public use whether held by public in fee, easement, or otherwise.

Road: A right-of-way which affords the principal means of access to abutting property, a road may be designated as a highway, thoroughfare, street, parkway, boulevard, avenue, land, drive, easement, place or other appropriate designation.

Road Agreement: An agreement in Frohn Township regulating the road standards. (Refer to Road/Development Agreement).

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.

Screening: The use of fences, permanent landscape plantings or other suitable means to reduce visual impact of a structure or use upon adjacent structures or uses.

Sediment Control: 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.

Semipublic Use. The use of land by a private nonprofit organization to provide a public service that is ordinarily open to some persons outside the regular constituency of the organization.

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 or other restrictions of this Ordinance.

Septic Compliance Inspection: An evaluation, investigation, inspection or other such process conducted by a certified licensed inspector for the purpose of issuing a Certificate of Compliance (COC) or Notice of Non-compliance (NON).

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, individual sewage treatment system, well, 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 mains, 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, or the landward extent of a floodplain designed by ordinance on a river or stream, whichever is greater.

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.

Shoreland Management Ordinance: The shoreland management ordinance adopted by Beltrami County, including any subsequent revisions.

Short-Term Rental: The offering for rent, or the rental of, a dwelling, or portion thereof, to others for a period of less than 30 consecutive calendar days.

Side Lot Line: Any lot line which meets the end of a front lot line and any other lot line within 30 degrees of being parallel to such line, except a front lot line.

Sign: An identification, description, illustration or device which is affixed to or represented directly or indirectly upon a building, structure or land and which directs attention to a product, place, activity, person, institution or business.

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 Minnesota Statutes Section 307.08. A historic site meets these criteria if it is presently listed on either register or if it is determined to meet the qualifications for listing after review by the Minnesota State Archaeologist or the Director of the Minnesota Historical Society. All unplatted cemeteries are automatically considered to be significant historic sites.

Single Family Dwelling: See dwelling (single family).

Solid Waste Landfill: Any area of land which is used for the disposal of domestic (household generated) solid waste without creating pollution of land, water or air without creating hazards to the public health or safety or without creating a public nuisance, by utilizing principals of engineering to confine the solid waste to the smallest practical volume.

Special Use Permit: See Conditional Use Permit.

Spot Zoning: A request for the rezoning of a relatively small portion of land in a way that is incompatible with the surrounding area and inconsistent with the Comprehensive Plan.

Stabilized: 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.

Steep Slope: Lands having slopes over 12 percent, as measured over horizontal distances of 50 feet or more, that are not bluffs or land where agricultural activity or development is either not recommended or described as poorly suited due to slope steepness and the soil characteristics of the site, as mapped and described in available County soil surveys or other technical reports, unless appropriate design and construction techniques and farming practices are used in accordance with the provisions of this Ordinance.

Structure: Anything built, constructed, or erected, the use of which required permanent or temporary location on the ground or attachment to something having a permanent or temporary location on the ground, including, but not limited to, signs, buildings, utility lines, towers, poles and other supporting facilities.

Structural Alteration: Any change, except those required by law or Ordinance, which would prolong the life of the supporting members of a structure or building, such as bearing walls, columns, beams or girders.

Subdivider: Any person who undertakes the subdivision of land that is subject to the subdivision regulations contained within this Ordinance. The subdivider may be the owner or the authorized agent of the owner of the land to be subdivided.

Subdivision: The process of subdividing land as defined in the Subdivision Controls Ordinance, Beltrami County as well as the process outlined in this Ordinance.

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.

Surface Water or Waters: All streams, lakes, ponds, marshes, wetlands, reservoirs, springs, rivers, drainage systems, waterways, watercourses, and irrigation systems whether natural or artificial, public or private.

Telecommunications Tower: Structures erected and intended to support antennas for the transmission of wireless communications.

Temporary Construction Structures: Temporary structures for uses incidental to construction work, which shall be removed upon completion or abandonment of such construction work.

Temporary Erosion Protection: Methods employed to prevent erosion. Examples of temporary erosion protection include: straw, wood fiber blanket, wood chips, and erosion netting.

Temporary Structures: A non-dwelling structure not permanently affixed to the ground, which has been erected or moved onto a lot for a specific purpose. Temporary structures shall not be located on a parcel of land for more than six months in a one year period. Any structure which is not a temporary structure is considered to be a permanent structure and must comply with all provisions of this Ordinance.

Toe of Bluff: The lower point of a 50 foot bluff segment with an average slope in excess of eight percent.

Top of Bluff: The higher point of a 50 foot bluff segment with an average slope in excess of eight percent.

Town Board: The Frohn Township Board of Supervisors.

Township: Frohn Township, Beltrami County, Minnesota.

Use: The purpose or activity for which land, or any structure thereon, is designed, arranged or intended, or for which it is occupied or maintained.

Variance: Relief from the strict application of the provisions of this Ordinance may be granted when, due to the particular physical surroundings, shape or topographical condition of the property, compliance would result in practical difficulties for the property owner. Practical difficulties are distinguished from a mere inconvenience or a desire to increase the value of the property. A variance shall not be issued to allow a use that is not allowed under the terms of this Ordinance in the zoning district in which the property is located.

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, 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. In no event shall a water-oriented accessory structure or facility be any 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 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; or

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C. Under normal circumstances, support a prevalence of such vegetation.

Yards: An open space on the same lot with a structure, unoccupied and unobstructed by a portion of the structure from the ground upward, except as otherwise provided in this Ordinance.

Zoning Districts: The districts into which the Township has been divided as set forth on the Zoning District Map.

Zoning District Map: The official zoning map, showing zoning district boundaries for the Township.

Zoning and Land Use Permit: A permit to allow a use, which requires reasonable limitations particular to the use for the protection of public welfare, and the integrity of the Township's Zoning and Land Use Ordinance, and requiring a permit and review process. Previously known as a Land Use Permit.

Article XXII: Effective Date

This Ordinance is effective on the first day of publication after its passage.

Adopted by the Board of Supervisors of Frohn Township this 18th day of January, 2022.

Marion Reil
Township Supervisor/Chairperson

Attest: _____
Kym Kovacic
Township Clerk

