

**Chapter 300. Performance Standards.**

300.1 Introduction. In order to ensure the compatibility of land Use and Development goals, certain uniform standards must be maintained. In the various Zoning Use Districts, Permitted Uses, Accessory Uses and Conditional Uses shall conform to the following standards as provided in this Chapter.

300.2 District Regulations. The requirements set forth in this Ordinance within each Zoning District shall apply uniformly to all Lots and/or Parcels and Buildings and/or Structures in said Zoning District as follows:

- a) No Building, Structure or Lot and/or Parcel shall hereafter be Used or occupied and no Building, Structure or part thereof shall hereafter be erected, constructed, reconstructed, moved or structurally altered except in conformity with all of the regulations herein specified for the Zoning District in which said Building, Structure, Lot and/or Parcel is located.
- b) No Building or other Structure shall hereafter be erected or altered in any manner contrary to the provisions of this Ordinance.
- c) No Yard, Lot and/or Parcel existing at the time of passage of this Ordinance shall be reduced in dimension or area below the minimum Lot Area requirements set forth herein. Yards, Lots, and or Parcels created after the effective date of this Ordinance shall meet at least the minimum Lot Area and Lot Width requirements established by this Ordinance.

**[END OF CHAPTER 300]**

## **Chapter 301. Public Nuisance Standards.**

301.1 Findings and Purpose. It is in the best interests of the citizens of the Township to protect the public health, safety and general welfare of its citizens. Accordingly, these Public Nuisance Standards will further the following objectives:

- a) To preserve the value of the Lots and/or Parcels as located within the Town;
- b) To protect the character and stability of the Town;
- c) To provide for minimum standards of maintenance for the care of the Lots and/or Parcels within the Town and ensure compliance;
- d) To cause correction to conditions on Lots and/or Parcels that do not comply with the standards of maintenance established herein;
- e) Assist in identification and correction of conditions which unreasonably annoy, injure or endanger the safety, health, comfort or repose of the members of the public; and
- f) Provide a mechanism to mitigate potential issues as identified within the Town.

301.2 Public Nuisance Defined. Whoever, by an act or failure to perform a legal duty, intentionally does any of the following is guilty of maintaining a Public Nuisance:

- a) Maintains or permits a condition which unreasonably annoys, injures, or endangers the safety, health, comfort, or repose of any considerable number of members of the public; or
- b) Interferes with, obstructs, or renders dangerous for passage any public highway or Right-of-Way or waters used by the public; or
- c) Any other act or omission declared by law or this Ordinance to be a Public Nuisance and for which no penalty is specifically provided.

301.3 Public Nuisances Affecting Health. The following are hereby declared to be Public Nuisances affecting health:

- a) Exposed accumulation of decayed or unwholesome food or vegetable matter, except for such matter placed in permitted compost heaps.

- b) All Pleasure Animals and/or Agricultural Animals running at large and/or animals that escape repeatedly because of insufficient Fences, containment or failure to properly maintain the Fence.
- c) Carcasses of Pleasure Animals and/or Agricultural Animals not buried or destroyed within twenty-four (24) hours after death.
- d) Accumulations of refuse, garbage, or other debris not contained in tight-covered receptacles.
- e) Accumulations of manure not in compliance with state, county, or local regulations.
- f) Privy vaults and garbage cans which are not rodent-free or fly-tight, or which are so maintained as to constitute a health hazard or to emit foul or disagreeable odors.
- g) The pollution of any public well or cistern, stream, lake, canal, or other body of water by sewage, industrial waste, or other substances.
- h) All noxious weeds as defined in Minnesota Rules 1505.0730 and other rank growths of vegetation upon any Lot and/or Parcel.
- i) Dense smoke, noxious fumes, gas and soot, or cinders, in unreasonable quantities.
- j) All public exposure of Persons knowingly having a contagious disease.
- k) Any offensive trade or Business as defined by statute not operating under local license, or such trade or Business whose operation constitutes a clear and present danger to the health of the public in general.
- l) Sewage, septic system effluent or seepage from a soil treatment system which may constitute a health hazard, emit foul and disagreeable odors, or otherwise threaten or damage real or personal property of others.
- m) Burning in violation of state, county or local ordinance.

301.4 Public Nuisance Affecting Peace and Safety. The following are declared to be Public Nuisances affecting public peace and safety:

- a) All trees, Hedges, billboards, or other obstructions which prevent Persons from having a clear view of all traffic approaching at an intersection.
- b) All Structures, wires, and limbs of trees which are less than eight (8) feet above the surface of the ground over any road Right-of-Way.
- c) Any distinctly and loudly audible noise that unreasonably annoys, disturbs, injures, or endangers the comfort, repose, health, peace, safety, or welfare of any Person, precludes the enjoyment of property, or affects a property's value.
- d) Obstructions and excavations affecting the ordinary Use by the public of public Rights-of-Way, trails, or other public grounds except under such conditions as are permitted by this Ordinance or other applicable law.
- e) Lack of appropriate vegetation which results in erosion of silt, sand, or gravel onto Public Road Right-of-Way or adjacent Lots and/or Parcels.
- f) Radio aerials or television antennae erected or maintained in a dangerous manner.
- g) All interference and disturbance of radios, telephones, and television sets caused by electrical appliances and equipment or improper operation thereof.
- h) All use or display of fireworks and use of explosives except as permitted by law.
- i) Any Use of a Lot and/or Parcel abutting on a public Right-of-Way or trail or any use of a public Right-of-Way or trail which causes large crowds to gather, obstructing traffic or the free Use of the Right-of-Way or trail.
- j) All hanging Signs, awnings, or other similar Structures over public Rights-of-Way and trails, or so situated as to endanger public safety, or not constructed and maintained as provided by this Ordinance.
- k) All dangerous, unguarded machinery in any public place, or so situated or operated on a given Lot and/or Parcel as to attract the public.

- l) Waste water, waste automobile crankcase or transmission oil, or any hazardous substance as defined by state or local law or rule cast upon or permitted to flow upon public Rights-of-Way or other Lot and/or Parcel.
- m) Accumulations in the open of discarded or disused machinery, household appliances, automobile bodies, or other material in a manner conducive to the harboring of rats, mice, snakes, or vermin, or the rank growth of vegetation among the items so accumulated, or in a manner creating fire, health, or other safety hazards from such accumulation.
- n) To store in any area open to the public any unlocked icebox, refrigerator, freezer, or other box with a door attached thereto which will effectively exclude air when shut.
- o) Any well, hole, Basement, or other excavation which is left uncovered or in such other condition as to constitute a hazard to any child or other Person coming on the Lot and/or Parcel where it is located.
- p) Obstruction to the free flow of water in a natural waterway or a public Right-of-Way drain, gutter, or ditch with trash, debris, silt, or other materials.
- q) The placing or throwing on any public Right-of-Way, trail, or other public property of any glass, tacks, nails, bottles, or any other substance which may injure any Person or animal or damage any vehicle tire when passing over such substance.
- r) The depositing of garbage or refuse on a public Right-of-Way, public property, or on any adjacent Lots and/or Parcels, except if placed inside tightly sealed containers which are placed specifically for garbage or refuse pickup by an authorized public or private contractor.
- s) Constructing and maintaining Fences or other Structures within the public Right-of-Way;
- t) Failure to properly maintain a Screening Fence so that it does not become in a state of disrepair.
- u) Any unattended vehicle which constitutes an obstruction to traffic or hinders snow removal or road improvement.
- v) Any abandoned or junk vehicles as defined in Minnesota Statutes.

- w) Any Use creating periodic earth-shaking vibration if undue vibrations are perceptible beyond the boundaries of the Lot and/or Parcel on which the Use is located. This standard shall not apply to vibrations created during periods of construction unless any such vibrations continue for a period in excess of thirty (30) cumulative days.
- x) Any Use producing intense heat or light transmission performed without the necessary shielding to prevent such heat or light from being detectable at or beyond the Lot Line of the Lot and/or Parcel on which the Use is located.
- y) Any Use discharging any toxic or noxious matter into the atmosphere, water or subsoil. All discharges shall be in conformity to the regulations and standards adopted by the Minnesota Pollution Control Agency.
- z) All other conditions or things which are likely to cause injury to the Person or property of anyone.

301.5 Nuisances Relating to Buildings.

- a) Appearance and Maintenance Requirements.
  - 1) Any Building, including an Accessory Structure, is a public nuisance if its exterior does not comply with the following requirements:
    - i) Does not have complete siding;
    - ii) No part of the exterior surface shall have significant deterioration including, but not limited to, holes, breaks, gaps or loose or rotting siding;
    - iii) All surfaces of the Building or Structure including, but not limited to, doors, door and window frames, cornices, porches and trim, shall be maintained in a good and safe condition; and
    - iv) Wood surfaces on the Building or Structure, other than decay-resistant woods, stucco or other materials that do not normally require protection from the elements and decay by staining, painting or other protective covering or treatment or other

appropriate method as approved by the Zoning Administrator.

b) Public Health and Safety Requirements.

- 1) Any Building or Structure that is found by the Zoning Administrator to be dangerous to the public safety or health by reason of the following is hereby declared to be a public nuisance and a hazardous Building or Structure or condition:
  - i) Damaged by fire, storm or vandalism;
  - ii) Defective Chimneys or stovepipes;
  - iii) Dilapidated condition or decay; or
  - iv) Any other defect endangering the public safety or health.
- 2) Any Building or Structure which is damaged, decayed, dilapidated, unsanitary, unsafe, vermin or rodent-infested, presents environmental health risks or which lacks provisions for safe ventilation or sanitary facilities to the extent that the defects create a hazard to the health, safety or welfare of the occupants or of the public, may be declared unfit for human habitation or unsafe to the public.
- 3) Whenever any Building or Structure has been declared unfit for human habitation or unsafe to the public, the Town may proceed to declare the Building or Structure a hazardous Building, Structure or Lot and/or Parcel and may seek to correct or remove the hazardous condition as authorized by Minnesota law.

301.6 Enforcement Duties of Zoning Administrator. The Zoning Administrator shall enforce the provisions of this Ordinance relating to Public Nuisances affecting health, and duly authorized county or state health officers may enforce such provisions. The Zoning Administrator shall enforce the provisions of this Ordinance relating to Public Nuisances affecting public safety, and such officers have the power to inspect public and private Lots and/or Parcels and take all reasonable precautions to prevent the commission and maintenance of Public Nuisances; however, except in cases of emergency imminently dangerous to the public health, safety or welfare, such inspections must be done pursuant to a search warrant issued

by a court of competent jurisdiction if access to private Lots and/or Parcels for such inspection is denied by the Owner or occupant.

301.7 Abatement.

- a) Whenever the officer charged with enforcement determines that a Public Nuisance is being maintained or exists on a given Lot and/or Parcel in the Town, the officer shall notify in writing the Owner or occupant of the Lot and/or Parcel of such fact and order that such Public Nuisance be terminated and abated. The notice shall be served in person or by certified mail. If the Lot and/or Parcel are not occupied and the Owner is unknown, the notice may be served by posting it on the Lot and/or Parcel. The notice shall specify the steps to be taken to abate the Public Nuisance and the time, not exceeding thirty (30) days within which the Public Nuisance is to be abated. The notice shall also specify that the Owner or occupant upon whom the notice is served may request, in writing to the Town Clerk, a hearing before the Board of Adjustment and Appeals pursuant to Chapter 740 of this Ordinance. Such hearing must be requested before the deadline for abatement stated in the notice or within ten (10) days after service of the notice, whichever date is longer. If the notice is served by posting, thirty (30) days must elapse between the day of posting and the deadline for abatement. If the notice is not complied with within the time specified, and a hearing has not been requested, the enforcing officer may take immediate steps to abate the Public Nuisance or proceed in accordance with Chapter 910 of this Ordinance. If a hearing has been requested, such action may not take place until after the hearing and the Board of Adjustment and Appeals has rendered a decision.
- b) Whenever a situation exists that immediately endangers the lives or health of the public and under which the above notification procedures would be impractical, the enforcing officer may take immediate steps to abate the Public Nuisance, and such action shall be immediately reported to the Town Board.

301.8 Recovery of Cost.

- a) Personal Liability. The Owner of the Lot and/or Parcel on which a Public Nuisance has been abated by the Town shall be personally liable for the cost to the Town of the abatement, including administrative, engineering, attorney, and any other costs associated therewith. As soon as the work has been completed and the cost determined, the Town Clerk shall prepare a bill for the

cost and mail it to the Owner. Thereupon, the amount shall be immediately due and payable at the office of the Town Clerk.

- b) Assessment. On or before October 1 following abatement of a Public Nuisance by the Town, the Town Clerk shall list the total unpaid charges along with all other such charges, as well as other charges for current services to be assessed against such separate Lot and/or Parcel to which the Public Nuisance abatement charges are attributable. A notice of an assessment hearing shall be sent to the affected Owner and a Public Hearing on the assessment shall be conducted in accordance with state statute. The Town Board may then spread the charges against such Lots and/or Parcels for certification to the County Auditor for collection by the County Treasurer and paid to the Town as other taxes are collected and paid.

301.9 Penalty. Any Person who violates any provision of this Ordinance is guilty of a misdemeanor and shall be punished by a fine not to exceed the maximum allowed by state law. Every day that the offense occurs shall be deemed a separate violation of the Ordinance. Alternatively, the Town may proceed with any civil action available to it under law or equity. In the event that the Town adopts administrative enforcement procedures for ordinances, these procedures may be utilized to enforce this Ordinance.

**[END OF CHAPTER 301]**

**Chapter 302. Buildability and Lot Area Standards.**

- 302.1 Minimum Lot Standard. Every Lot and/or Parcel created after the effective date of this Ordinance must adhere to the Minimum Lot Standard. As such, any and all Lots and/or Parcels must have an area of no less than three-hundred (300) feet by three-hundred (300) feet, measured at right angles.
- 302.2 Buildable Area Requirement. In order for a given Lot and/or Parcel to be deemed Buildable, said Lot and/or Parcel must meet all Buildable Area requirements. As such, in addition to adhering to the Minimum Lot Standard, in order for a Lot and/or Parcel to be deemed Buildable, at least forty-thousand (40,000) contiguous square feet of the Lot and/or Parcel as located within the Minimum Lot Standard area must be at least three (3) feet above the highest known water table. Twenty-thousand (20,000) square feet of the Buildable Area as provided herein may be approved fill material. Any Public Right-of-Way shall not be included in said Buildable Area computation. Any Structure or Building shall be built or constructed within the Buildable Area as provided herein.
- 302.3 Exemptions. Notwithstanding anything in this Chapter 302 to the contrary, Lots and/or Parcels to be used solely for Agricultural Land Uses or Recreational Uses may be exempt from the Buildable Area requirements as set forth herein, provided that a deed restriction is recorded against said Lot and/or Parcel containing the following language:

“The parties to this conveyance understand and acknowledge that the lots and/or parcels subject hereto do not conform to the buildable area requirements as required under the Ford Township Land Use Ordinance. The parties further acknowledge that the lots and/or parcels subject hereto shall be used for agricultural or recreational uses only, as further defined in the Ford Township Land Use Ordinance. As such, no Structures or Buildings shall be erected and/or constructed thereon.”

Nothing herein shall be construed as exempting any Lot and/or Parcel from meeting the Minimum Lot Standard.

- 302.4 Lot Size Requirements.
- a) No Subdivision shall be made which results in one (1) or more Lot and/or Parcel smaller in size or dimension than required in the Zoning District in which the Lot and/or Parcel is situated. No Use shall be established or maintained on a Lot and/or Parcel which is substandard in size for the Zoning District in which it is located, except as hereinafter provided. In addition to other remedies under

the law and this Ordinance, no Land Use Permit shall be issued for any Use or Structure on any Lot and/or Parcel which was illegally created and/or an illegal Subdivision that became a Nonconforming Use after the effective date of this Ordinance. Subdivisions in all Zoning Districts must have written certification from the Zoning Administrator before the newly created Lots and/or Parcels can be recorded at Kanabec County Recorders Office or with the Registrar of Titles.

- b) A Nonconforming Lot now owned by, or hereafter acquired by, the Owner of an abutting Lot and/or Parcel, shall be deemed to be a part of the abutting Lot and/or Parcel to the extent necessary to reduce the nonconforming features of the Lot and/or Parcel for the Zoning District in which it is situated. Lots and/or Parcels separated by a Public Street shall be deemed to be separate and individual Lots of Record and shall not be considered abutting for purposes of this Section.
- c) A Building and/or Structure may be constructed on any Nonconforming Lot provided the following conditions are met:
  - 1) Such Use is a Permitted Use in the Zoning District in which the Nonconforming Lot is situated ;
  - 2) The Nonconforming Lot is in separate ownership from abutting Lots and/or Parcels; and
  - 3) All sanitary sewer, Front Lot Lines, Setbacks, and Buildable Area requirements of this Ordinance are complied with.
- d) Public Right-of-Ways shall not be included in the Buildable Area calculation, and, therefore, shall not be included as part of the minimum Lot Area required.
- e) There shall be no more than one (1) Principal Building on a Lot and/or Parcel.

302.5 Yard Requirements.

- a) Through Lots shall have a Front Yard as designated in the Developer's Agreement as entered into by and between the Town and Subdivider.
- b) Permitted Encroachments on Setback Space.

- 1) Belt courses, sills, lintels, and pilasters may project eighteen (18) inches into the Front, Rear and Side Setback Spaces.
- 2) Cornices, eaves and gutters may project three (3) feet into Front and Side Setback Space and five (5) feet into Rear Setback Space.
- 3) Outside stairways may project five (5) feet into Front Setback Space, ten (10) feet into Rear Setback Space and three (3) feet into Side Setback Space.

302.6 Height Restrictions.

- a) Except as specifically provided in Section 302.6(b) below, no Building, Structure, Accessory Building, Antenna or tower may be erected or constructed more than 35 feet in height as measured from the lowest grade except as allowed pursuant to an Exemption Permit in accordance with Chapter 751 of this Ordinance.
- b) Subject, where applicable, to approval by the Federal Aeronautics Administration (FAA) and/or the Minnesota Department of Transportation (MnDOT), height limitations shall not apply to the following:
  - 1) Barns and/or silos;
  - 2) Church spires, belfries, cupolas and/or domes;
  - 3) Monuments, chimneys and smokestacks;
  - 4) Flag poles;
  - 5) Public utility facilities;
  - 6) Television antennae serving one Residential Dwelling; and
  - 7) Parapet walls extending not more than four (4) feet above the limiting height of any Building and/or Structure.

302.7 Additional Residential Zoning District Restrictions. In no event shall the combination of Off-Street Parking Spaces, Buildings and/or Structures of any type, or other features cover more than sixty (60) percent of the Lot Area, resulting in less than forty (40) percent Landscaped area in either the R-1 Residential Zoning District or the R-2 Residential Zoning District.

**[END OF CHAPTER 302]**

**Chapter 303. Visual Standards.**

303.1 Commercial Screening Standards. Where any Commercial Use is adjacent to a Lot and/or Parcel zoned or developed in the R-1 Residential Zoning District or R-2 Residential Zoning District, that Commercial Use shall be Screened from said adjacent R-1 Residential Zoning District and/or R-2 Residential Zoning District Lots and/or Parcels by the erection and/or installation of an appropriate Screening mechanism to Screen the affected R-1 Residential Zoning District or R-2 Residential Zoning District Lot and/or Parcel. The Screening required herein shall consist of Fencing, Hedging or Berms. For Screening that is required to meet the requirements of this Chapter 303 herein, an Owner and/or Applicant shall submit a site plan to the Zoning Administrator, in accordance with Chapter 750, demonstrating compliance with the requirements of this Chapter 303 before such Screening measures are planted, erected and/or otherwise installed.

303.2 Fencing Requirements. Except as otherwise stated herein, the following requirements apply to any and all Fences erected and/or otherwise installed in the Town:

a) General Fencing Requirements:

- 1) Any Fencing over six (6) feet in height shall require a Conditional Use Permit. The height of Fences will be measured from the ground level at the base of the Fence;
- 2) Public Road Right-of-Ways. No Fences shall be placed on or extend into Public Road Right-of-Ways;
- 3) Both sides of any Fence shall be maintained in a condition of reasonable repair and appearance by the Owner of the Lot and/or Parcel upon which the Fence is situated. No Fence shall be allowed to exist in a state of disrepair or in any manner presenting or creating a danger to any Person or constituting a Nuisance pursuant to Chapter 301 of this Ordinance;
- 4) All Fences must be constructed in a professional manner. No physical damage of any kind shall occur to abutting Lots and/or Parcels during the process of constructing any Fencing;
- 5) All man-made Fences shall consist of materials comparable in grade and quality to the following:

- i) Decorative masonry;
  - ii) Wrought iron;
  - iii) Wood, provided that such wood is of a proven durability such as cedar or redwood;
  - iv) Metal specifically manufactured for Fencing purposes;
  - v) Brick;
  - vi) Chain links, provided said Fencing is not intended for Screening purposes; or
  - vii) Plastic or vinyl manufactured specifically for Fencing purposes; and
- 6) All Fencing must be aesthetically comparable to any surrounding or adjacent Buildings and/or Structures, and shall be comprised of inconspicuous, neutral and/or earth-tone color-schemes;
- 7) Except for a Screening Fence as specifically provided in 303.2(b) below, there shall be no minimum Setback for a Fence.
- b) Fences Constructed for Screening. In addition to the General Fencing requirements as provided in Section 303.2(a) above, any Screening Fence shall meet the following requirements:
- 1) If the Lot and/or Parcel upon which said Screening Fence is located has not been surveyed by a Licensed Land Surveyor, the Screening Fence shall be constructed no less than ten (10) feet from the non-surveyed Lot Line;
  - 2) If the Lot and/or Parcel upon which said Screening Fence is located has been surveyed by a Licensed Land Surveyor, the Screening Fence may be constructed directly adjacent to the surveyed Lot Line;
  - 3) The finished side of any Screening Fence, having no structural supports, shall be the side of said Screening Fence to face adjacent Lots and/or Parcels or Public Road Right-of-Ways.

303.3 Hedging Requirements. The following requirements apply to any and all Hedging barriers planted in the Town:

- a) There shall be no height restrictions on Hedging or plants utilized for barrier purposes;
- b) Hedging or plant material centers shall not be located closer than ten (10) feet from the Lot Line along which they are planted;
- c) Where Hedging and/or plants used as a barrier are planted in two (2) or more rows, such rows must be staggered unless otherwise permitted by the Zoning Administrator; and
- d) Any and all plants and/or vegetation comprising any Hedging must be indigenous to, or be otherwise capable of naturally occurring in, the Town.

303.4 Berm Requirements. The following requirements apply to any and all Berms constructed in the Town:

- a) Berms shall not exceed a four to one (4:1) slope unless approved by the Zoning Administrator; and
- b) Berms shall contain no less than four (4) inches of topsoil.

303.5 Commercial Trash Containers. Garbage and/or trash containers as located in the C-1 Commercial Zoning District and C-2 Commercial Zoning District shall be enclosed or so located so as not to be visible to Persons standing at ground level on Public Streets or on adjacent Lots and/or Parcels. Garbage and/or trash containers shall be Screened by a Fence or Hedge in compliance with Setback and Fencing requirements as set forth in this Ordinance.

303.6 Screened Personal Property. All personal property stored on any Lot and/or Parcel shall be stored within a Building or Structure, or shall be otherwise Screened from view of adjoining Lots, Parcels and/or Public Roads, except for the following:

- a) Wood piles within the R-1 and/or R-2 Residential Zoning Districts;
- b) Recreational Equipment;
- c) Construction and Landscaping materials and equipment being Used for current construction on the Lot and/or Parcel upon which such materials and equipment are being stored;

- d) Agricultural Equipment and Agricultural Materials if these are Used or intended for Use on the Lot and/or Parcel;
- e) Off-Street Parking Spaces except as otherwise regulated by this Ordinance;
- f) Operable Boats, Trailers, Recreational Vehicles, Travel Trailers, Campers, ATVs, cars, trucks or any other motorized vehicle, with up-to-date licenses are permissible provided any combination of the items as identified in this paragraph does not exceed five (5) total items; and
- g) Bulk Liquid Storage for the bulk storage of oil, propane, fuel oil, gasoline or liquid fertilizer for personal Use in conjunction with any Agricultural Land Use and/or Residential Land Use provided the total, aggregate volume of any and all liquid stored does not exceed one thousand (1,000) gallons.

303.7 Storage of Vehicles, Boats and Trailers.

- a) Any and all motor vehicles, Boats, Trailers, Recreational Vehicles, Travel Trailers, Campers, ATVs, cars, trucks or any other motorized vehicles, whether operable or inoperable that are in that are in addition to those vehicles allowed pursuant to Section 303.6(f) above, shall be Screened in accordance with this Chapter 303.
- b) Except as may be specifically allowed pursuant to this Ordinance, a Person may not store or park on any Lot and/or Parcel four (4) or more motor vehicles, Boats, Trailers, Recreational Vehicles, Travel Trailers, Campers, ATVs, cars, trucks or any other motorized vehicles, whether operable or inoperable, or any combination of the items as identified in this paragraph that are in addition to those vehicles allowed pursuant to Section 303.6(f) above, unless said additional vehicles, Boats, Trailers, Recreational Vehicles, Travel Trailers, Campers, ATVs, cars, trucks or any other motorized vehicles, whether operable or inoperable, are stored within an Accessory Building.

303.8 Wood Piles.

- a) In the R-1 Residential Zoning District and R-2 Residential Zoning District, wood piles shall be neatly stacked, neatly piled or otherwise organized and shall not take up more than ten percent (10%) of the Yard.

- b) In the C-1 Commercial Zoning District and C-2 Commercial Zoning District, wood piles shall be allowed by Conditional Use Permit only.

303.9 Existing Uses. Existing Uses shall comply with this Chapter within twelve (12) months of the effective date of this Ordinance.

303.10 Exemption Permit. An Applicant and/or Owner of a Lot and/or Parcel may apply for an Exemption Permit in accordance with Chapter 751 hereof to request consent to continue any storage that would otherwise be prohibited under this Ordinance or request an exemption to the Screening requirements as provided in this Chapter. The requisite filing fee associated therewith shall be waived for any Owner and/or Applicant applying for an Exemption Permit for an Existing Noncompliant Use.

303.11 Violation for Failure to Comply. Any Owner and/or Applicant who fails to come into conformance with this Chapter 303 within the requisite twelve (12) month timeframe as herein described, or who otherwise fails to procure an Exemption Permit and nonetheless Uses any Lot and/or Parcel for prohibited storage purposes or does not construct, erect or plant the appropriate Screening, shall be deemed in violation of this Ordinance pursuant to Chapter 900 hereof.

**[END OF CHAPTER 303]**

**Chapter 304. Bulk Liquid Storage.**

304.1 Bulk Liquid Storage. Any and all Uses associated with the Bulk Liquid Storage of oil, propane, gasoline, and/or liquid fertilizer, shall comply with the requirements of this Chapter as follows:

- a) Any such Use shall comply with the requirements of any applicable federal and/or state laws and/or regulations;
- b) The Owner of any Lot and/or Parcel upon which Bulk Liquid Storage occurs shall maintain up-to-date documentation from the appropriate government agencies and/or offices confirming that such Bulk Liquid Storage complies with all applicable federal and/or state laws and/or regulations;
- c) The Owner shall provide to the Zoning Administrator copies of any and all documentation from the appropriate government agency and/or office confirming that the Owner is in compliance with the requirements of this Chapter within fifteen (15) business days of any written request from the Zoning Administrator to the Owner of any Lot and/or Parcel containing Bulk Liquid Storage;
- d) Any Bulk Liquid Storage on any Lot and/or Parcel in which the total aggregate volume of any and all liquids stored exceeds two-thousand (2,000) gallons shall require the issuance of a Conditional Use Permit;
- e) All existing, above-ground Bulk Liquid Storage tanks which have a capacity in excess of two-thousand (2,000) gallons, shall comply with the requirements of Minnesota's State Fire Marshall's office and
- f) Except for a Fuel Station or Retail Sale of Propane, no Bulk Liquid Storage in which the total volume exceeds five-thousand (5,000) gallons shall be allowed.

**[END OF CHAPTER 304]**

**Chapter 305. Residential Driveways and Culverts.**

- 305.1 Purpose of this Chapter. The purpose of this Chapter is to restrict and regulate private residential access onto Public Roads in order to promote the public safety by providing for safe and efficient private ingress and egress to Public Roads, ensure proper drainage and minimize disruption to adjacent Lots and/or Parcels.
- 305.2 Site Permit Required. No Person shall locate, establish, construct or replace a Culvert, modify a Culvert, install a Culvert or substantially reconstruct a Residential Driveway without first filing a Site Permit Application with the Zoning Administrator in accordance with Chapter 750 of this Ordinance together with all required fees.
- 305.3 Residential Driveway Access. Residential Driveway Access shall conform to the following requirements and regulations:
- a) The distance from a Residential Driveway to the intersection of two (2) Streets shall be no less than fifty (50) feet measured along the Public Road Right-of-Way to the nearest edge of the Residential Driveway. However, greater distances may be required if determined necessary by the Zoning Administrator as a result of changes in present and/or future traffic conditions and/or topography;
  - b) The distance between Residential Driveways shall be the greatest practical distance possible, as measured along the Public Road Right-of-Way to the nearest edges of each respective Residential Driveway, provided, however, that Residential Driveways shall not be less than fifty (50) feet from the nearest edge of other Residential Driveways;
  - c) The Residential Driveway angle at the point at which the Residential Driveway connects to the Street shall be ninety (90) degrees unless otherwise recommended by the Zoning Administrator;
  - d) The distance from a Residential Driveway to the Lot Line of an adjacent Lot and/or Parcel shall not be less than fifteen (15) feet from the Lot Line; and
  - e) Residential Driveway Access for Single Family Dwellings shall be not less than twelve (12) feet wide nor more than (24) feet wide as measured along the edge of the Public Road Right-of-Way or more than thirty-five (35) feet wide at the Shoulder of the Public Road.

305.4 Culvert Construction Standards.

- a) Culverts Required. Culverts shall be installed prior to construction of a Residential Driveway. The Zoning Administrator or Town Engineer may waive the requirement of a Culvert if the Zoning Administrator or Town Engineer determine that unique physical characteristics of the Lot and/or Parcel render a Culvert unnecessary.
- b) Size. The size of all required Culverts shall be determined by the Zoning Administrator and/or Town Engineer. No pipe smaller than fifteen (15) inches in diameter (or equivalent elliptical or arch pipe) shall be allowed. All Culverts shall be constructed of a minimum of sixteen (16) gauge corrugated metal or concrete and shall be of new manufacture.
- c) Drainage. All Culverts shall be placed in the ditchline at elevations that will assure proper drainage.
- d) Endwalls. Unless determined unnecessary by the Zoning Administrator or Town Engineer, all Culverts shall be provided with concrete or metal apron endwalls as directed by the Zoning Administrator or Town Engineer.
- e) Backfill Material. Material used for backfill shall be of a quality acceptable to the Zoning Administrator or Town Engineer and shall be free from frozen lumps, wood, or other extraneous or perishable materials. The minimum cover, measured from the top of the pipe to the top of the subgrade, shall be six (6) inches.
- f) Erosion Control. Erosion control measures shall be implemented as necessary to control erosion or as directed by the Zoning Administrator or Town Engineer.

305.5 Cost. The Owner of the Lot and/or Parcel shall install the Culvert and be responsible for the cost thereof.

**[END OF CHAPTER 305]**

**Chapter 306. Commercial Driveways, Off-Street Parking, Culverts and Loading Areas.**

306.1 Purpose of this Chapter. The purpose of this Chapter is to restrict and regulate Commercial Access onto Public Roads in order to promote the public safety by providing for safe and efficient private ingress and egress to Public Roads, ensure proper drainage and minimize disruption to adjacent Lots and/or Parcels.

306.2 Site Permit Required. No Person shall locate, establish, construct or replace a Culvert, modify a Culvert, install a Culvert or substantially reconstruct a Commercial Driveway or Off-Street Parking Areas without first filing a Conditional Use Permit Application and Site Permit Application with the Zoning Administrator in accordance with Chapter 750 of this Ordinance together with all required fees.

306.3 Commercial Driveway Access. Commercial Driveway Access shall conform to the following requirements and regulations:

- a) The distance from a Commercial Driveway to the intersection of two (2) Streets shall be no less than fifty (50) feet measured along the Public Road Right-of-Way to the nearest edge of the Commercial Driveway. However, greater distances may be required if determined necessary by the Zoning Administrator as a result of changes in present and/or future traffic conditions and/or topography;
- b) The distance between Commercial Driveways shall be the greatest practical distance possible, as measured along the Public Road Right-of-Way to the nearest edges of each respective Commercial Driveway, provided, however, that Commercial Driveways shall not be less than fifty (50) feet from the nearest edge of other Commercial Driveways;
- c) The Commercial Driveway angle at the point at which the Commercial Driveway connects to the Street shall be ninety (90) degrees unless otherwise recommended by the Zoning Administrator;
- d) The distance from a Commercial Driveway to the Lot Line of an adjacent Lot and/or Parcel shall not be less than fifteen (15) feet from the Lot Line; and
- e) A Commercial Driveway Access shall be not less than twenty-four (24) feet wide nor more than thirty (30) feet wide, as measured

along the edge of the Public Road Right-of-Way or more than a width of sixty (60) feet at the Shoulder of the Public Road.

306.4 Off-Street Parking.

- a) General Provisions.
  - 1) Under no circumstances shall Parking Spaces accessory to Residential Structures be used for the parking of automobiles belonging to the employees, owners, tenants, or customers of any nearby businesses.
  - 2) Required Off-Street Parking Spaces shall not be utilized for storage of personal property or for the storage of vehicles which are inoperable or for sale or for rent.
- b) Location Requirements. All Off-Street Parking facilities required for Commercial Uses herein shall be located in respect to the following:
  - 1) There shall be no Off-Street Parking Space within five (5) feet of any Street Right-of-Way and/or within fifteen (15) feet from Side Lot Lines.
  - 2) Off-Street Parking Spaces located on a Lot and/or Parcel within the C-1 Commercial Zoning District and/or C-2 Commercial Zoning District shall be located no less than fifteen (15) feet from adjacent Lots and/or Parcels.

306.5 Commercial Driveway and Off-Street Parking Design Requirements.

- a) Each Parking Space shall be no less than ten (10) feet wide and no less than twenty (20) feet in length, exclusive of the Commercial Driveway Access;
- b) Parking Spaces shall be designed so as to provide adequate means of access to Public Streets;
- c) All of the area intended to be utilized for Parking Spaces and Commercial Driveways shall be surfaced with a material which controls dust and drainage. All Commercial Parking Spaces and Commercial Driveways shall require the issuance of a Conditional Use Permit in accordance with Chapter 710 prior to construction and/or operation thereof;

- d) All lighting used to illuminate an Off-Street Parking area shall be so arranged as to direct the light away from the adjoining Lots, Parcels and/or Public Streets;
- e) All Off-Street Parking Spaces shall have access off Commercial Driveways and not directly from the Public Street; and
- f) All Commercial Driveway Lanes and Commercial Driveways shall have a minimum width of twenty (24) feet and a maximum width of twenty-eight (28) feet.

306.6 Culvert Construction Standards.

- a) Culverts Required. Culverts shall be installed prior to construction of a Commercial Driveway. The Zoning Administrator or Town Engineer may waive the requirement of a Culvert if the Zoning Administrator or Town Engineer determine that unique physical characteristics of the Lot and/or Parcel render a Culvert unnecessary.
- b) Size. The size of all required Culverts shall be determined by the Zoning Administrator and/or Town Engineer. No pipe smaller than fifteen (15) inches in diameter (or equivalent elliptical or arch pipe) shall be allowed. All Culverts shall be constructed of a minimum of sixteen (16) gauge corrugated metal or concrete and shall be of new manufacture.
- c) Drainage. All Culverts shall be placed in the ditchline at elevations that will assure proper drainage.
- d) Endwalls. Unless determined unnecessary by the Zoning Administrator or Town Engineer, all Culverts shall be provided with concrete or metal apron endwalls as directed by the Zoning Administrator or Town Engineer.
- e) Backfill Material. Material used for backfill shall be of a quality acceptable to the Zoning Administrator or Town Engineer and shall be free from frozen lumps, wood, or other extraneous or perishable materials. The minimum cover, measured from the top of the pipe to the top of the subgrade, shall be six (6) inches.
- f) Erosion Control. Erosion control measures shall be implemented as necessary to control erosion or as directed by the Zoning Administrator or Town Engineer.

g) Cost. The Owner of the Lot and/or Parcel shall install the Culvert and be responsible for the cost thereof.

306.7 Loading Areas. The location and/or Use of Loading Areas shall be conditioned on the issuance of a Conditional Use Permit in accordance with Chapter 710.

**[END OF CHAPTER 306]**

**Chapter 307. Preservation of Survey Monuments.**

307.1 Preservation of Survey Monuments. All international, federal, state, county and other official monuments, benchmarks, triangulation points, and stations shall be preserved in their precise locations on a given Lot and/or Parcel. It shall be the responsibility of any Applicant, Petitioner and/or Owner to insure that these markers and/or monuments are maintained in good condition during and following any construction, Development, Subdivision and/or other Use occurring on said Lot and/or Parcel.

**[END OF CHAPTER 307]**

**Chapter 308. Accessory Buildings.**

308.1 Introduction. The purpose of this Chapter is to restrict and regulate the Use, erection, alteration, construction or relocation of Accessory Buildings in conformity with this Chapter and the requirements of this Ordinance.

308.2 Accessory Building Standards. Any and all Accessory Buildings shall comply with the following standards:

- a) No Accessory Building shall be located nearer the Front Lot Line than the existing or any proposed Principal Structure on that Lot and/or Parcel as shown on the Site Permit Application unless allowed pursuant to an Exemption Permit in accordance with Chapter 751 of this Ordinance;
- b) An Accessory Building shall be construed as an integral part of the Principal Building if it is located less than six (6) feet from the Principal Building;
- c) All Accessory Buildings shall comply with all required Setbacks as provided for in the specific Zoning District for which the Accessory Building is to be located;
- d) No Person shall create any Livable Space within an Accessory Building;
- e) An Accessory Buildings shall not be used as a Residential Dwelling; and
- f) All Accessory Buildings shall be aesthetically comparable to any surrounding or adjacent Buildings and/or Structures, and shall be comprised of inconspicuous, neutral and/or earth-tone color-schemes or traditional color schemes unless other color schemes are allowed pursuant to the issuance of an Exemption Permit in accordance with Chapter 751.

308.3 Site Permit Required. No Person may erect, construct, alter, or relocate any Accessory Building without an approved Site Permit Application submitted pursuant to Chapter 750 of these Ordinances. In addition to the information required pursuant to Chapter 750, the Applicant shall be required to provide the following information with the Site Permit Application:

- a) The location of any existing Principal Structure or the proposed location(s) of any proposed Principal Structure if the Accessory

Building is to be erected, constructed, altered or relocated prior to the existence of a Principal Structure on the Lot and/or Parcel;

- b) If a Principal Structure does not exist on the Lot and/or Parcel for which the Accessory Building is to be erected, constructed, altered or relocated, evidence acceptable to the Zoning Administrator, including but not limited to soil borings, demonstrating that the proposed location(s) for which the Applicant intends to erect, construct or relocate a Principal Structure conform to Buildable Area Requirement;
- c) If a Principal Structure does not exist on the Lot and/or Parcel for which the Accessory Building is to be erected, constructed, altered or relocated, evidence acceptable to the Zoning Administrator, that, in addition to the location of a proposed Principal Structure, a septic system may be constructed on the Lot and/or Parcel. The Applicant shall also include a proposed septic system layout;
- d) The existing location of any existing Driveway or the proposed location(s) of any proposed Driveway if the Accessory Building is to be erected, constructed, altered or relocated prior to the existence of a Driveway on the Lot and/or Parcel;

If the Accessory Building is to be erected, constructed, altered or relocated at or to a location more than 300 feet from the Front Lot Line, the additional Site Permit Application requirements provided in 308.3(b)-(d) above shall not be required to be submitted with the Site Permit Application.

308.4 Refusal to Issue Permits. In addition to the provisions of Chapter 750.3(e), the Zoning Administrator shall refuse to approve any Site Permit Application for the erection, construction, alteration or relocation of any Accessory Building for which:

- a) The erection, construction, alteration or relocation of an Accessory Building or Principal Structure will result in either the Accessory Building or Principal Structure becoming a Non-conforming Structure;
- b) The proposed location of the Accessory Building does not meet the required Setbacks of the Zoning District for which the Accessory Building is located;
- c) The available Buildable Areas, Setbacks and location of the proposed Accessory Building prevent a Principal Structure from

being erected, constructed or relocated to a proposed location nearer the Front Lot Line than the proposed Accessory Building.

The Zoning Administrator shall provide written findings of fact to the Applicant for any Site Permits that the Zoning Administrator refuses to approve.

**[END OF CHAPTER 308]**

## **Chapter 309. Home Occupations.**

- 309.1 Introduction. The purpose of this Chapter is to restrict and regulate the existence and operation of Home Occupations in the Town.
- 309.2 Conditional Use Permit. A Conditional Use Permit shall be required prior to the commencement of any Home Occupation in accordance with this Chapter 309.
- 309.3 Useable Space Restrictions and Setbacks. Except for Agricultural and Horticultural Home Occupations as specifically provided pursuant to Section 309.7 below, the following useable space restrictions shall apply to any and all Home Occupations within the Town.
- a) Residential Dwellings. In no event shall a Home Occupation exclusively occupy more than twenty-five percent (25%) of the Livable Space in a Residential Dwelling.
  - b) Non-Livable Space and Accessory Buildings. In no event shall a Home Occupation collectively occupy more than one-thousand (1,000) square feet of an Accessory Building and the Non-Livable Space of a Residential Dwelling.
  - c) Lot and/or Parcel Useable Acreage. In no event shall a Home Occupation occupy more than ten percent (10%) of the Lot and/or Parcel upon which said Home Occupation occurs, unless otherwise permitted pursuant to an Exemption Permit in accordance with Chapter 751 of this Ordinance.
  - d) Setbacks. Unless otherwise specifically set forth herein, all Home Occupations, and any operations thereof, must adhere to the Setback requirements as set forth in this Ordinance.
- 309.4 Screening Requirements. Home Occupation Uses occurring upon any Lot and/or Parcel shall be Screened in accordance with Section 303.1 of this Ordinance, unless an Exemption Permit is approved in accordance with Chapter 751 of this Ordinance.
- 309.5 Non-Familial Employees. Except for Agricultural and Horticultural Home Occupations as specifically provided pursuant to Section 309.7 below, a Home Occupation is not allowed to employ any non-familial employees.
- 309.6 Home Occupations: R-1 Residential Zoning District.
- a) The following Uses may be allowed in the R-1 Residential Zoning District as a Home Occupation by submission and issuance of a

Conditional Use Permit pursuant to Chapter 710 of these Ordinances provided that, unless otherwise specifically set forth herein, there are no unrelated individuals employed as an employee:

- 1) Daycare;
- 2) Barber Shop;
- 3) Beauty Salon;
- 4) Bicycle Sales and Repair;
- 5) Electronics Sales;
- 6) Interior Decorating;
- 7) Locksmith;
- 8) Radio and Television Service and Repair;
- 9) Picture Framing;
- 10) Shoe Repair;
- 11) Apparel Sales;
- 12) Tailor;
- 13) Electronics Components and Accessories;
- 14) Film Video and Audio Production;
- 15) Watches and Clocks Sales/Repair;
- 16) Wood Crafting and Carving;
- 17) Wood Furniture and Upholstery Sales/Repair;
- 18) Art Studio;
- 19) Bed and Breakfast Home;
- 20) Contracting Business;
- 21) Exterminating Business;

- 22) Firearms Dealer;
- 23) Small Engine Repair;
- 24) Limousine Service;
- 25) Taxicab Service;
- 26) Board and Care Home;

309.7 Home Occupations: R-2 Residential Zoning District.

- a) The following Uses may be allowed in the R-2 Residential Zoning District as a Home Occupation by submission and issuance of a Conditional Use Permit pursuant to Chapter 710 of these Ordinances, provided that, unless otherwise specifically set forth herein, there are no unrelated individuals employed as an employee:
  - 1) Daycare;
  - 2) Barber Shop;
  - 3) Beauty Salon;
  - 1) Bicycle Sales and Repair;
  - 2) Electronics Sales;
  - 3) Interior Decorating;
  - 4) Locksmith;
  - 5) Radio and Television Service and Repair;
  - 6) Picture Framing;
  - 7) Shoe Repair;
  - 8) Apparel Sales;
  - 9) Tailor;
  - 10) Electronics Components and Accessories;

- 11) Film Video and Audio Production;
- 12) Watches and Clocks Sales/Repair;
- 13) Wood Crafting and Carving;
- 14) Wood Furniture and Upholstery Sales/Repair;
- 15) Art Studio;
- 16) Bed and Breakfast Home;
- 17) Contracting Business;
- 18) Exterminating Business;
- 19) Firearms Dealer;
- 20) Small Engine Repair;
- 21) Limousine Service;
- 22) Taxicab Service;
- 23) Board and Care Home;

309.8 Agricultural and Horticultural Home Occupations. Agricultural and Horticultural Home Occupations shall be allowed pursuant to the issuance of a Conditional Use Permit pursuant to Chapter 710 of this Ordinance provided any such Agricultural and Horticultural Home Occupations comply with the following provisions:

- a) Employees. Agricultural and Horticultural Home Occupations may employ up to, but not exceeding, ten (10) non-familial employees. There shall be no limit on the number of familial employees employed. Said non-familial employees shall only be hired on a seasonal basis, and said employment may not exceed more than 120 aggregate days per 365 day period;
- b) Residential Dwellings. In no event shall an Agricultural and Horticultural Home Occupation occupy more than twenty-five percent (25%) of the Livable Space in a Residential Dwelling;
- c) Non-Livable Space. In no event shall an Agricultural and Horticultural Home Occupation occupy more than One Thousand

(1,000) square feet of a the Non-Livable Space of a Residential Dwelling;

- d) Accessory Buildings. In no event shall an Agricultural and Horticultural Home Occupation occupy more than Five Thousand (5,000) square feet of an Accessory Building;
- e) Lot and/or Parcel Useable Acreage. In no event shall an Agricultural or Horticultural Home Occupation occupy more than Ninety percent (90%) of the Lot and/or Parcel upon which said Agricultural and Horticultural Home Occupation occurs, unless otherwise permitted pursuant to an Exemption Permit in accordance with Chapter 751 of this Ordinance;
- f) Setbacks. Except for Agricultural and Horticultural Products produced on the Lot and/or Parcel as well as any personal property or equipment used in production of the Agricultural and Horticultural Products, all other personal property, Structures, Buildings, Driveways, Parking Lots, septic systems and/or wells associated with the Agricultural and Horticultural Home Occupation or any operation thereof, shall adhere to the Setback requirements as set forth in this Ordinance;
- g) Screening Requirements. Agricultural and Horticultural Home Occupation Uses occurring upon any Lot and/or Parcel may be Screened in accordance with Section 303.1 of this Ordinance if the Planning Commission and/or Town Board deem that it is necessary;
- h) Prohibited Agricultural and Horticultural Home Occupations. Livestock Sales shall not be allowed as an Agricultural and Horticultural Home Occupation; and
- i) Residential Dwellings. No Residential Dwelling shall be required on any given Lot and/or Parcel for the operation of an Agricultural and Horticultural Home Occupation.

309.9 Hay Sales. Any Business consisting entirely of hay sales that would otherwise qualify as a Home Occupation and require compliance with this Chapter 309 is hereby exempt from the requirements set forth herein.

**[END OF CHAPTER 309]**

**Chapter 350. Recreational Land Use.**

350.1 Short-Term Recreational Land Use. Any Owner of a Lot and/or Parcel may cause to be parked or otherwise situated on said Lot and/or Parcel an unlimited number of Recreational Shelters for a period of time not to exceed twenty-one (21) aggregate days in any calendar year.

350.2 Long-Term Recreational Use With Permanent Structures.

- a) Except as otherwise specifically provided in this Ordinance, no Owner may cause to be erected, parked, constructed or otherwise situated any Lot and/or Parcel a Recreational Structure.

**[END OF CHAPTER 350]**

**Chapter 351. Kennel Standards.**

351.1 Kennel Standards. Any and all Recreational and/or Commercial Kennels shall be prohibited.

**[END OF CHAPTER 351]**