

Chapter 4. General Provisions.

- 4.1 Minimum Requirement. The provisions of this Ordinance shall be applied and construed to constitute minimum standards for the promotion of the public health, safety and welfare within the Town.
- 4.2 Relation to Other Standards. Where a condition imposed by any provision of this Ordinance is either more or less restrictive than the comparable condition imposed by any other Ordinance, rule or regulation of the Town, county, state or federal government, the more restrictive condition shall prevail. For purposes of this section, “more restrictive” shall mean the least congestion, the least intrusion and the least intensity of any Use or Development permitted between those provisions which are in conflict. This shall not permit any Use or Development of land which does not meet the minimum requirements of this Ordinance.
- 4.3 Application. The provisions of this Ordinance shall apply to all land, Lots and/or Parcels within the Town.
- 4.4 Compliance with Ordinance.
- a) No Structure shall be erected, converted, enlarged, reconstructed or altered, and no Structure, Lot and/or Parcel shall be used for any purpose nor in any manner which is not in conformity with the provisions of this Ordinance.
 - b) Applications for permits, Variance, re-zonings, or orders of approval required by this Ordinance shall be made to the Zoning Administrator.
 - c) Applications for Conditional Use Permits, Variances and re-zonings shall be executed by the Owner and Applicant.
 - d) No Owner of any Lot and/or Parcel shall erect, construct, structurally alter, extend, convert, move or Use -- nor allow or permit another Person, including a lessee, tenant, agent, employee or contractor, to erect, construct, structurally alter, extend, convert, move or Use on the Owner’s Lot and/or Parcel – any Building or Structure in any Zoning District within the Town without first obtaining a Land Use Permit and/or Building Permit therefore.
- 4.5 Uses Not Provided for Within Zoning Districts. Whenever in any Zoning District a Use of any Lot, Parcel and/or Building is not specifically permitted, the Use shall be considered prohibited. If such Use is considered prohibited, the Planning Commission, on its own initiative or

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upon request by the Town Board, Owner or Applicant, may conduct a study to determine if the Use is acceptable, and if so, the appropriate Zoning District and the condition under which said Use may be permitted.

4.6 Nonconforming Uses and Structures.

- a) Any Nonconforming Use or Nonconforming Structure existing on the effective date of this Ordinance may continue.
- b) Nonconforming Uses and Nonconforming Structures shall not be extended, expanded, enlarged or increased in intensity.
- c) If a Nonconforming Use is discontinued for a period of more than one (1) year, further Use of the Structure, Lot and/or Parcel must conform to this Ordinance.
- d) If a Nonconforming Structure is destroyed by fire or other peril by more than fifty percent (50%) of its market value as indicated by the records of the Kanabec County Assessor during the year the loss occurred, any subsequent Use of the Lot and/or Parcel shall be a Conforming Use. Any subsequently erected Structure shall be a Conforming Structure. Cement slabs, foundations and equipment, which are not used to compute the cost of land use permits, shall not be used as part of the market value. Any figure of the Kanabec County Assessor which takes into account these items shall, accordingly, be adjusted.
- e) Normal maintenance of a Building or other Structure containing or related to a lawful Nonconforming Use, or which is a Nonconforming Structure, is permitted, including necessary non-structural repairs and incidental alterations which do not extend the life of the Nonconforming Use, intensify the Nonconforming Use, extend the life of the Nonconforming Structure, or expand the Nonconforming Structure.
- f) No Junkyard or Auto Reduction Yard shall continue as a Nonconforming Use.

4.7 Recreational Land Use.

- a) Short-Term Recreational Land Use.
 - 1) Any Owner of a Lot and/or Parcel may cause to be erected, parked, constructed, or otherwise situated on said Lot and/or Parcel an unlimited number of any of the following

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items for a period of time not to exceed twenty-one (21) aggregate days:

- i) Tent;
- ii) Recreational Vehicle;
- iii) Travel Trailer; or
- iv) Camper.

2) No Lot and/or Parcel size, Buildable Area, Setback, septic or foundation restrictions and/or requirements shall apply to the placement of any such items so described in Section 4.7(a)(1) on any Lot and/or Parcel, so long as said placement and/or Use thereof does not exceed the twenty-one (21) day time restriction as set forth in Section 4.7(a)(1) above.

b) Long-Term Recreational Land Use Without a Permanent Structure.

1) No Owner may cause to be erected, parked, constructed, or otherwise situated any of the following on any Lot and/or Parcel where the aggregate length of time of such placement and/or Use thereof is twenty-two (22) days or longer, without first obtaining a Non-Permanent Structure Recreational Use Permit:

- i) Tent;
- ii) Recreational Vehicle;
- iii) Travel Trailer;
- iv) Camper; or
- v) Park Trailer

2) Any such items placed on any Lot and/or Parcel pursuant to this Section 4.7(b) may only be placed upon said Lot and/or Parcel after both the Owner and, if a separate individual, the person proposing to inhabit said item as described in Section 4.7(b)(1) above, have applied for and obtained a Non-Permanent Structure Recreational Use Permit.

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- 3) Said Non-Permanent Structure Recreational Use Permits shall be issued and reviewed on an annual basis by the Zoning Administrator.
- 4) Notwithstanding the annual term of the Non-Permanent Structure Recreational Use Permit, the maximum number of consecutive days that the items collectively as described in Section 4.7(b)(1) above may remain on a given Lot and/or Parcel pursuant to said Non-Permanent Structure Recreational Use Permit is two-hundred-forty-five (245) days. Said items must be removed from said Lot and/or Parcel in accordance with the terms of the Non-Permanent Structure Recreational Use Permit for a period of at least one-hundred-twenty (120) consecutive days per each given annual Non-Permanent Structure Recreational Use Permit period.
- 5) In accordance with the Non-Permanent Structure Recreational Use Permit, no more than four (4) items, as described in Section 4.7(b)(1) above, may be erected, parked, constructed, or otherwise situated on any given Lot and/or Parcel at any given time.
- 6) All items, as described in Section 4.7(b)(1), so situated and/or placed must adhere to the following Setback requirements:
 - i) One-hundred-ten (110) feet from the Front Lot Line;
 - ii) Fifty (50) feet from both Side Lot Lines; and
 - iii) Fifty (50) feet from the Rear Lot Line.
- 7) A septic system meeting the requirements as set forth in the Kanabec County Septic Ordinance must be established prior to, and as a condition of, the issuance of any Non-Permanent Structure Recreational Use Permit as herein described.
- 8) No Lot and/or Parcel size, Buildable Area, and/or foundation restrictions and/or requirements shall apply to the placement of any such items so described in Section 4.7(b)(1) on any Lot and/or Parcel so long as all other requirements as set forth in Section 4.7(b) are met and adhered to.

- c) Long-Term Recreational Use With Permanent Structures.
- 1) No Owner may cause to be erected, parked, constructed or otherwise situated any of the following on any Lot and/or Parcel without first obtaining a Permanent Structure Recreational Use Permit:
 - i) Cabin;
 - ii) Hunting Shack;
 - iii) Modular Home; or
 - iv) Manufactured Home.
 - 2) Any such items placed on any Lot and/or Parcel pursuant to this Section 4.7(c) may only be placed upon said Lot and/or Parcel after the Owner of said Lot and/or Parcel has applied for and obtained a Permanent Structure Recreational Use Permit.
 - 3) Said Permanent Structure Recreational Use Permit shall be issued and reviewed on an annual basis by the Zoning Administrator.
 - 4) Notwithstanding the annual term of the Permanent Structure Recreational Use Permit, the maximum number of days that any given item as described in Section 4.7(c)(1) above may be occupied on a given Lot and/or Parcel pursuant to said Permanent Structure Recreational Use Permit is two-hundred-forty-five (245) aggregate days. Said occupancy must cease, in accordance with the terms of the Permanent Structural Recreational Use Permit, for a period of at least one-hundred-twenty (120) aggregate days per each given annual Permanent Structure Recreational Permit period.
 - 5) In accordance with the Permanent Structure Recreational Use Permit, no more than one (1) item, as described in Section 4.7(c)(1) above, may be erected, constructed, or otherwise situated on any given Lot and/or Parcel at any given time.

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- 6) No Permanent Structure Recreational Use Permits shall be issued for any Lots and/or Parcels smaller than ten (10) Acres in size.
- 7) No Permanent Structure Recreational Use Permits shall be issued for any Lots and/or Parcels with a Buildable Area of less than forty-thousand (40,000) square feet.
- 8) No Permanent Structure Recreational Use Permit shall be issued for any Lots and/or Parcels that do not conform to the minimum Lot Area Regulations, Lot Width Regulations and Buildable Area required pursuant to Chapter 6 and Chapter 7 of these Ordinances.
- 9) All items as described in Section 4.7(c)(1), so situated and/or placed, must adhere to the following Setback requirements:
 - i) One-hundred-fifty (150) feet from the Front Lot Line;
 - ii) Seventy-five (75) feet from both Side Lot Lines; and
 - iii) Seventy-five (75) feet from the Rear Lot Line.
- 10) A septic system meeting the requirements as set forth in the Kanabec County Septic Ordinance must be established prior to, and as a condition of, the issuance of any Permanent Structure Recreational Use Permit as herein described.
- 11) Pursuant to the requirements of the Permanent Structure Recreational Use Permit, any items as described in Section 4.7(c)(1) above must be situated upon a permanent foundation.

4.8 Temporary Residential Land Use.

- a) During the construction of a Single Family Dwelling, the Owner of the Lot and/or Parcel upon which said Single Family Dwelling construction is taking place may cause to be erected, parked, constructed, or otherwise situated on said Lot and/or Parcel any of the following, provided that said Owner first applies for and obtains a Temporary Residential Structure Permit:

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- 1) Tent;
 - 2) Recreational Vehicle;
 - 3) Travel Trailer;
 - 4) Camper; or
 - 5) Park Trailer.
- b) Any such items as placed on any Lot and/or Parcel pursuant to this Section 4.8 may only be placed upon said Lot and/or Parcel after the Owner of said Lot and/or Parcel has applied for and obtained a Temporary Residential Structure Permit and Building Permit.
- c) Said Temporary Residential Structure Permit shall be issued and reviewed on an annual basis by the Zoning Administrator.
- d) In accordance with the Temporary Residential Structure Permit, no more than one (1) item, as described in Section 4.8(a), may be erected, parked, constructed, or otherwise situated on any given Lot and/or Parcel at any given time.
- e) No Temporary Residential Structure Permits shall be issued for any Lots and/or Parcels that do not conform to the minimum Lot Area Regulations, Lot Width Regulations and Buildable Area required pursuant to Chapter 6 and Chapter 7 of these Ordinances.
- f) No Temporary Residential Structure Permits shall be issued for any Lots and/or Parcels with a Buildable Area of less than forty-thousand (40,000) square feet.
- g) All items, as described in Section 4.8(a), so situated and/or placed must adhere to the following Setback requirements:
- 1) One-hundred-ten (110) feet from the Front Lot Line;
 - 2) Fifty (50) feet from both Side Lot Lines; and
 - 3) Fifty (50) feet from the Rear Lot Line.
- h) A septic system meeting the requirements as set forth in the Kanabec County Septic Ordinance must be established prior to, and as a condition of, the issuance of any Temporary Residential Structure Permit as herein described. Said septic system must be installed and entirely functional prior to any items, as described in

Section 4.8(a) being erected, parked, constructed, or otherwise situated on any said Lot and/or Parcel period.

- i) None of the items as described in Section 4.8(a) are required to be situated upon a permanent foundation.

4.9 Sewer and Water Systems.

- a) On-Site Sewage Disposal Systems. All on-site sewage disposal systems shall be required to comply with the Kanabec County Sewage and Waste Treatment Ordinance.
- b) Private Wells. Private Wells shall be so located and constructed so that they comply with the rules, regulations and requirements of the Minnesota Department of Health.

4.10 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; and it shall be the responsibility of the Applicant and Owner to insure that these markers and/or monuments are maintained in good condition during and following construction and Development.

4.11 Lot Size Requirements.

- a) No Subdivision shall be made which results in one (1) or more Lots and/or Parcels 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 nonconforming 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 Register 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 Road shall be deemed to be separate and

individual Lots and/or Parcels of record and not be considered abutting for purposes of this Section.

- c) A Building and/or Structure may be constructed on any Nonconforming Lot provided such Use is a Permitted Use in the Zoning District in which the Nonconforming Lot and/or Parcel is located, the Nonconforming Lot and/or Parcel is in separate ownership from abutting lands, and all sanitary sewer, Front Lot Line, Setback, Buildable Area requirements of this Ordinance are complied with.
- d) Public Right-of-Ways shall not be included in the Buildable Area, 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.

4.12 Yard Requirements.

- a) Through Lots shall have a required Front Yard on each Street.
- b) Permitted Encroachments on Setback Space.
 - 1) Belt courses, sills, lintels, and pilasters may project eighteen inches into the front, rear and side Setback Spaces.
 - 2) Cornices, eaves and gutters may project three feet into front and side Setback Space and five (5) feet into rear Setback Space, provided, however, that if the side Setback Space is less than five (5) feet in width, then such projection shall not exceed one-half (1/2) of the width of the side 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.
 - 4) Height limitations shall not apply to barns, silos, and other Farm Buildings; to church spires, belfries, cupolas and domes; monuments; chimneys and smokestacks; flag poles, public utility facilities; Communication Towers; television antennae, and parapet walls extending not more than four (4) feet above the limiting height of the Building except as hereinafter provided and subject to approval by the Federal Aeronautics Administration (FAA) and the Minnesota

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Department of Transportation (MnDOT), Office of Aeronautics.

- c) Kennel Standards. Any and all Recreational and/or Commercial Kennel shall be prohibited.

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