

Chengwatana Township

Zoning Regulations

10-16-2023

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INTENT AND PURPOSE

Section 1.01 General Purposes

The general purpose of this Ordinance is to regulate the use of land in the Township of Chengwatana through the establishment of zoning districts and including the regulation of size, location, construction and use of buildings and structures, limitations on density of population, buildings and structures; all for the purpose of protecting the character and maintaining the integrity of the Township, and prohibit uses, buildings or structures which are incompatible with the character of development in such areas.

The general intent of this Ordinance is to provide for the orderly growth of the Township, to protect and conserve its natural resources, its ecological systems, and its economic stability by fostering appropriate land use, so as to preserve the rural character, property owner rights, observe responsibilities to neighbors, and minimize the need for regulations.

Pursuant to MN Statute 462.357, this Ordinance shall protect the public health, safety, and general welfare of the township and its people.

Section 1.02 Specific Purposes

It is hereby determined by the Township Board that in order to accomplish the general purposes of this Ordinance as set forth in Section 1.01 above, it is necessary and proper to establish and enforce the regulations contained in this Ordinance for the following specific purposes:

1. To support and enforce the goals and policies of the Comprehensive Plan.
2. To divide the Township into districts, providing for and regulating therein the location, construction, reconstruction, alteration and use of buildings, structures and land for agricultural, environmental, rural, residential and other specific uses.
3. To protect the natural environment of the Township and retain its rural character.
4. Preserve property owners' rights while observing responsibilities to neighbors.
5. Preserve and promote agricultural endeavors.
6. To limit congestion in public streets and to provide protection against fire, and other hazards in the interest of public health, safety and comfort.
7. To provide for the administration and enforcement of this Ordinance; to provide for amendments; to prescribe penalties for violation of such regulations; and to define and limit powers and duties of the administrative officers, the Board of Adjustment and Appeals, the Planning Commission, and the Township Board in relation to the Zoning Ordinance.

Section 1.03 Scope

Where the conditions imposed by any provisions of this Ordinance are either more or less restrictive than comparable conditions imposed by other ordinance, rule or regulation of the Township, County, State, or Federal Government, the ordinance, rule or regulation which imposes the more restrictive condition standard or requirements 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.

Whenever, in any zoning district, a use is neither specifically permitted or denied, the use shall be considered prohibited. In such case, the Township Board, or the Planning Commission, on their own initiative or upon request, may conduct a study to determine if the use is acceptable, what zoning district would be most appropriate, and the determination as to conditions and standards relating to the development of the use. The Township Board, Planning Commission or property owner shall, if appropriate, initiate an amendment to the Zoning Ordinance to provide for the particular use under consideration or the Township Board shall find that the use is not compatible and therefore not allowed within the Township.

This Ordinance establishes and maintains minimum requirements to fulfill the Comprehensive Plan. As such, the regulations shall address known concerns of the Chengwatana Township citizens. If and when other concerns arise, amendments may be made as needed to address new or different concerns.

DEFINITIONS

Section 2.01 Definitions

For the purposes of the Ordinance, certain words and phrases are defined as follows:

1. **Accessory Building or Use.** A subordinate building, structure or use which is located on the same lot on which the main building or use is situated and is reasonably necessary and incidental to the conduct of the primary or principal use of such building or main use.
2. **Accessory Dwelling.** A dwelling on the property in addition to the primary dwelling, such as a mother-in-law apartment.
3. **Agricultural Building or Uses.** Those uses commonly associated with the growing of produce and raising of livestock on farms. These include, but are not limited to: field crop farming; pasture; the production of hay, fruit, trees, plants, shrubs or flower nursery without building; truck gardening; roadside stand for sale in season; and livestock raising and feeding.
4. **Abandonment.** An intentional or permanent leaving or vacating of a property or use.
5. **Application.** The documents and written material by which a property owner justifies a request for a Building Permit, Zoning Amendment, Conditional Use Permit, Variance, Appeal, or other request for approval, relief or consideration, which shall include all information on an application form provide by the Township Clerk.
6. **Automobile Wrecking or Junk Yard, Salvage Operations.** Any place where five (5) or more vehicles not in running condition and/or not licensed, or parts thereof are stored in the open and are not being restored to operation; or any land, building or structure used for wrecking or storing of such motor vehicles or parts thereof; and including any commercial salvaging and scavenging of any other goods, articles, merchandise or structures.
7. **Automotive Repair.** General repair, rebuilding or reconditioning of engines, motor vehicles or trailers, including body work, framework, welding and painting.
8. **Appeal.** A formal application to a higher authority to have a decision reviewed and potentially reversed.
9. **Attorney.** The Township Attorney.
10. **Basement.** A portion of a building located partially underground but having more than one-half (1/2) its floor to ceiling height below the average land grade.
11. **Buildable Area.** The portion of a lot remaining after the exclusion of required yards, lowland or wetland areas and unbuildable soils or topography.
12. **Building.** Any structure designed, used or intended for supporting or sheltering any use or occupancy. When any portion thereof is completely separated from every other part, each portion of such buildings shall be deemed as a separate building.
13. **Building Code.** The current code in use as determined by the Chengwatana Township Supervisory Board.
14. **Building Line.** That line measured across the width of the lot at the point where the main structure is placed in accordance with setback provisions.
15. **Building Setback.** The minimum horizontal distance between the building and the specified lot line as prescribed in this Ordinance.
16. **Business.** See Home Business

17. **Cabin**. A recreational building that provides temporary or seasonal shelter to individuals occupying the property for a recreational purpose, but is neither used, nor constructed, to support year-round residential habitation.
18. **Campground**. A recreational facility designed for temporary use by campers in tents, pop-up trailers, etc.
19. **Certificate of Occupancy**. A written certification issued by the Building Official or designee specifying compliance with the applicable Building Code or other codes, and authorizing the subject building for use as described under the applicable regulations.
20. **Certificate of Survey**. A land survey prepared by a land surveyor registered in the State of Minnesota with a certification that the information on the land survey is accurate.
21. **Church or Place of Worship**. A building, together with its accessory buildings and uses, where persons regularly assemble for religious worship and which building, together with its accessory buildings and uses, is maintained and controlled by a religious body organized to sustain public worship. The term “Church” shall include other Places of Worship such as Synagogues, Temples, Mosques and similar descriptions.
22. **Commercial**. A use of land providing for business transactions on the subject property, primarily related to the exchange of currency for business services and retail goods. Commercial land uses shall include only incidental production or fabrication activities in support of the business transactions described herein.
23. **Community**. See also “Township” - the governmental unit which has adopted this Code, except where otherwise indicated.
24. **Comprehensive Plan**. The policies, statements, goals, interrelated plans for private and public land and water use, transportation and community facilities which are documented in texts, ordinance and maps which constitute the guide for the future development of the community or any portion of the community.
25. **Conditional Use**. A land use or development as defined by Code that may not be appropriate generally, but may be allowed with appropriate restrictions as provided by official controls upon a finding that (1) certain conditions as detailed in the Zoning Ordinance exist, (2) the use of development conforms to the comprehensive land use plan of the community (3) is compatible with the existing neighborhood and (4) is compatible with the integrity of the Township’s Comprehensive Plan. This use may remain with the property indefinitely.
26. **Conditional Use Permit**. A permit issued by the Township Board in accordance with procedures specified in this Ordinance, as well as its compatibility with the Town’s Comprehensive Plan, as a flexibility device to enable the Township Board to assign dimensions to a proposed use or conditions surrounding it after consideration of adjacent uses and their functions and the special problems which the proposed use presents.
27. **DayCare – Home**. A family dwelling in which foster care, supervision and training for children of school or pre-school age is provided by a member of the family residing in the dwelling.
28. **District**. A section or sections of the Township which the regulations and provisions governing the use of building and lands are uniform for each class of use permitted herein.
29. **Driveway**. A private pathway designed and improved for vehicular access to a public road, which is wholly located on the Lot which is afforded access, or which is located on

another lot via a recorded easement benefitting the lot using the driveway for such access purposes.

30. **Dwelling**. A building or portion thereof, designated exclusively for residential occupancy, not including hotels, motels and boarding houses. A residential accommodation including complete kitchen and bathroom facilities (consisting of a toilet and bathtub or shower pan), permanently installed, which is arranged, designed, used or intended for use exclusively as living quarters
31. **Dwelling, Single Family**. A detached dwelling unit designed for occupancy of one (1) family.
32. **Dwelling, Multi-Family**. A dwelling designed exclusively for occupancy by two (2) or more families living independently of each other.
33. **Earth Sheltered Buildings**. Buildings constructed so that more than fifty percent (50%) of the exterior surface area of the buildings, excluding garages and other accessory buildings, is covered with earth. Partially completed buildings shall not be considered earth sheltered.
34. **Essential Services**. Underground or overhead gas, electrical, steam or water distribution systems; collection, communication, supply or disposal system including poles, wires, mains, drains, sewer, pipes conduits, cables, fire alarm boxes, traffic signals, hydrants or other similar equipment and accessories in conjunction therewith; but not including buildings or transmission services.
35. **Family**. An individual or two or more persons related by blood, marriage, or committed relationship, or a group of not more than five unrelated persons living together on the premises as a single housekeeping unit.
36. **Farm**. A farm is an active commercial food producing use on ten (10) or more contiguous acres and is further defined under a portion of Minnesota Agricultural Property Tax Law (Green Acres Law), Minn. Stat. 273.111, Subd, 6 (2).
37. **Feed Lot**. The place of housing or feeding of livestock or other animals for food, fur, pleasure or resale purposes in yards, lots, pens, buildings or other areas not normally used for pasture or crops and in which substantial amounts of manure or related other wastes may originate by reason of such feeding of animals or where confinement of animals prevents adequate vegetation from being established to avert erosion and pollution.
38. **Fence**. A partition, structure or gate erected as a dividing marker, visual or physical barrier, or enclosure.
39. **Fill**. Any act, by which soil, earth, sand, gravel, rock or any similar material is deposited, placed, pushed or transported and shall include the conditions resulting therefrom.
40. **Final Plat**. A drawing or map, meeting all requirements of the Subdivision Ordinance and in such form as required by the Township for purposes of recording.
41. **Flood**. A temporary rise in stream flow or stage which results in inundation of the areas adjacent to the channel.
42. **Flood Plain**. The areas adjoining a watercourse which have been or hereafter may be covered by the regional flood.
43. **Floor Area/Footprint**. The gross area of the main floor of a residential building measured in square feet exclusive of an attached garage, breezeway or similar attachment.

44. **Forestry.** The management, as logging of a forest, woodland, or plantation, and related research and educational activities, including the construction, alteration or maintenance of wood roads, skid roads, landings, and fences.
45. **Frontage.** That boundary of a lot which abuts a public street or private road from which the lot gains its principal access.
46. **Garage - Private.** A detached one-story accessory building, or attached portion of the principal building, including a carport, which is used primarily for the storing of passenger vehicles.
47. **Guest House.** An accessory building used as sleeping quarters for the guests of the primary resident. The building may contain a bathroom, but shall not contain a kitchen.
48. **Hardship, Undue.** The property in question cannot be put to a reasonable use if used under conditions allowed by the official controls; the plight of the landowner is due to circumstances unique to his property not created by the landowners.
49. **Hazardous Buildings or Hazardous Property.** Any building or property which, because of inadequate maintenance, dilapidation, physical damage, unsanitary condition, or abandonment, constitutes a fire hazard or a hazard to public safety or health.
50. **Home Business/Primarily Residential.** Land use is primarily residential/farming. Minimal interaction with the public. See Commercial. An example would be EBay sales, occasional sales of honey, bakery, etc. This would not include home businesses with a retail counter.
51. **Home Business/Primarily Business.** Land use is primarily business with significant interaction with the public and shall require an Interim Use Permit. See Commercial. An example might be an auto repair business with customers coming and going.
52. **Home Occupation.** Any gainful business or profession conducted in the home by an occupant of the home which is a use that is clearly incidental to the use of the home for residential purposes. An example would be working from home remotely for a company located elsewhere.
53. **Hunting Shack.** See “Cabin”
54. **Interim Use.** A temporary use of property until a particular date, until the occurrence of a particular event, or until zoning regulations no longer permit it.
55. **Interim Use Permit.** A permit issued in accordance with provisions of this Ordinance, as a flexible device to enable the Township Board to assign time limits and conditions to a proposed use, after consideration of current or future adjacent land uses. An interim use permit is specific to a person and does not attach to the property. See Conditional Use.
56. **Kennel.** Any place where four (4) or more dogs over six (6) months of age are boarded, commercially bred and offered for sale, except veterinary clinics. Kennels shall be considered a commercial use for the purposes of the Ordinance.
57. **Livestock.** Farm animals including, but not limited to, cattle, hogs, horses, bees, sheep, goats, chickens and other animals and fowl commonly kept for food production.
58. **Lot.** A parcel of land designated by metes and bounds, registered land survey, plat or other means, and which description is either recorded in the Office of the Pine County Recorder or Registrar of Titles or used by the County Treasurer or County Assessor to separate such parcel from other lands for tax purposes.
59. **Lot, Area.** The area of a horizontal plane within the lot lines.
60. **Lot - Buildable.** A lot which meets or exceeds all requirements of the Township land use and development codes without the necessity of variances

61. **Lot, 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
62. **Lot Line - Front.** That boundary of lot which abuts a public street or a private road used as the principal access. In the case of a corner lot which abuts public streets on two sides, the Front Lot Line shall be the shortest dimension of a public street. If the dimensions of a corner lot are equal, the front lot line shall be designated by the owner. In the case of a corner lot in a non-residential area, the lot shall be deemed to have frontage on both streets.
63. **Lot Line.** A lot line is the property line bounding a lot, except that where any portion of a lot extends into a public right-of-way shall be the lot line.
64. **Lot Width.** The horizontal distance between the side lot lines of a lot measured at the front and shoreline setback lines.
65. **Manufacturing - General.** All manufacturing, compounding, processing, packaging, treatment or assembly of goods or materials which would involve a risk of overly offensive or dangerous noise, odor or pollution beyond the lot on which the use is located.
66. **Manufacturing - Limited.** All compounding, processing, packaging, treatment or assembly of goods and materials, provided such use will not involve the risk of overly offensive odors, glare, smoke, dust, noise, vibrations or other pollution extending beyond the lot on which the use is located.
67. **Mining.** The removal from the land and sale of stone, sand, gravel, black dirt, peat, sod, coal, salt, iron, copper, nickel, granite, petroleum products or other material for commercial, industrial, or governmental purposes. For the purposes of this code, mining shall not include the removal of materials associated with the construction of a building, the removal of excess materials in accordance with approved plats or utility highway construction, minor agricultural and sod removal.
68. **Mobile or Manufactured Home.** A single family detached dwelling designed for year-round occupancy, constructed at a factory or assembly plant and drawn to the site on a permanently attached undercarriage and wheels. Mobile Home shall not include Recreational Vehicle as herein defined, nor shall it include modular or prefabricated dwelling units.
69. **Modular or Prefabricated Home.** A non-mobile dwelling unit for year-round occupancy constructed or fabricated at a central factory and transported to a building site where final installations are made permanently affixing the dwelling unit to the site. Said dwelling unit shall be equivalent to a unit constructed on the site, meeting all requirements of the Chengwatana Building Code.
70. **Motor Home.** A recreational vehicle designed to provide temporary living quarters. The motor home has a living unit built into as an integral part of, or permanently attached to the chassis of, a motor vehicle or van. A motor home may also consist of a living unit meeting these same requirements, but which is permanently affixed to a separate chassis that is towed by a motor vehicle.

A motor home must contain permanently installed, independent, life-support systems that meet the American National Standards Institute standard number A119.2 for recreational vehicles and provide at least four of the following facilities, two of which must be from the systems listed in clauses (1), (5), and (6): (1) a cooking

facility with liquid propane gas supply, (2) a refrigerator, (3) a self-contained toilet or a toilet connected to a plumbing system with a connection for external water disposal, (4) a heating or air conditioning system separate from the motor vehicle engine, (5) a potable water supply system including a sink with a faucet either self-contained or with connections for an external source, and (6) a separate 110-125 volts electrical power supply.

For purposes of this subdivision, "permanently installed" means built into or attached as an integral part of a chassis or van, or an integral part of the chassis of a trailer towed for this specific purpose, and designed not to be removed except for repair or replacement. A system that is readily removable or held in place by clamps or tie-downs is not permanently installed.

71. **Noise - Nuisance.** Any distinctly and loudly audible noise that unreasonably annoys, disturbs, injures, or endangers the comfort, repose, health, peace, safety, or welfare of any person or precludes their enjoyment of property or affects their property's value.
72. **Normal (Ordinary) High Water Mark.** A continuous mark of reference at an elevation where land and water meet for some period of record; is commonly that point where the natural vegetation changes from predominantly aquatic to predominantly terrestrial. Such Mark as established by the Department of Natural Resources.
73. **Nonconforming Structure or Use.** Any structure or use which on the effective date of this Ordinance does not, even though lawfully established, conform to the applicable conditions if the structure or use was to be erected under the guidance of this Ordinance.
74. **Non-Conforming Use or Lot.** Any legal use or lot already in existence, recorded or 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.
75. **Official Control.** Legislatively defined and enacted policies, standards, precise detailed maps and other criteria; all of which control the physical development of a municipality or a county, or any part thereof, or any detail thereof, and the means of translating into ordinances or code all or any part of the general objectives of the comprehensive plan. Such official controls may include, but are not limited to ordinances or codes establishing zoning, subdivision controls, site plan regulations, sanitary codes, building codes, housing codes, and official maps.
76. **Open Storage.** Storage of any material outside of a building
77. **Owner.** Includes all persons interested in a property as fee simple owner, life estate holder, or having a legal interest therein.
78. **Ordinance/ Zoning.** Regulates the use of land, the location, the size and the use of buildings, and the arrangement of buildings on lots.
79. **Parking Space.** An area of not less than nine (9) feet in width and nineteen (19) feet in length, enclosed in the main building, in an accessory building, or unenclosed, sufficient in size to store one (1) automobile which has adequate access to a public road and permitting satisfactory ingress and egress of an automobile.
80. **Permitted Use.** A use which may be lawfully established in a particular district or districts provided it conforms to all requirements, regulations, and performance standards of such districts. Some permitted uses may require a permit such as a building permit.
81. **Person.** Any person, corporation or association, including governmental agencies and political entities.

82. **Planning Commission.** The duly appointed planning and zoning advisory commission of the Township.
83. **Principal Structure or Use.** One which determines the predominant use as contrasted to accessory use or structure.
84. **Protective or Restrictive Covenant.** A recordable contract entered into between private parties and or the Township which constitutes a restriction of the use of a particular parcel of property.
85. **Recreational Vehicle Parks (also “Resort”).** A park, court, campsite, lot, parcel or tract of land designed, maintained or intended for the purpose of supplying the location or accommodations specifically for motor homes as defined herein, and upon which said motor homes are parked. The term "Recreational Vehicle Park" shall include all buildings used or intended for use as part of the equipment thereof, whether or not a charge is made for the use of the park and its facilities.
86. **Rental - Short Term or Vacation.** A dwelling or portion of a dwelling unit, rented for a period of less than thirty (30) days.
87. **Resident.** An individual whose primary residence is in Chengwatana Township.
88. **Resort.** See “Recreational Vehicle Parks”.
89. **Riding Stable, Private.** Stables, barns, and facilities for the keeping and riding of horses, both indoor and outdoor, as an Accessory Use to a Single Family Dwelling or a Farm Dwelling.
90. **Riding Stable, Public.** Stables, barns, and facilities for the keeping and riding of horses, both indoor and outdoor, operated as a public livery or boarding stable, or other commercial recreational use, whether as an Accessory Use or the Principal Use on the lot.
91. **Road, Private.** For the purpose of this Ordinance private roads are roads serving more than one lot that have not completed the process to be accepted as a Chengwatana managed and maintained public road.
92. **Road, Public.** For the purpose of this Ordinance public roads shall include only those roads which have been accepted for management and maintenance by the township, county, state, or federal government, and dedicated for public use.
93. **Screening.** Screening includes earth mounds, berms or ground forms; fences; landscaping (plant materials) or landscaped fixtures (such as timbers); used in combination or singularly, so as to block direct visual access to an object throughout the year.
94. **Setback.** The minimum horizontal distance between a structure and a road or highway right-of way or property lot line.
95. **Shoreland.** For the purpose of this ordinance, shoreland shall be that area which is subject to the shoreland regulations as promulgated by Pine County.
96. **Sign.** A display, illustration, structure or device which directs attention to an object, product, place, activity, person institution, organization or business.
97. **Slope.** The degree of deviation of a surface from the horizontal, usually expressed in percent or degrees.
98. **Solar Energy System.** A device or structural design feature intended for the collection, storage, and distribution of solar energy.
99. **Street.** See road
100. **Structure.** Anything which is built, constructed or erected on the ground or attached to the ground; an edifice or building of any kind; or any piece of work artificially built up

- and/or composed of parts joined together in some definite manner whether temporary or permanent in character, including decks and signs.
101. **Subdivision**. A described tract of land which is to be or has been divided into two (2) or more lots or parcels for the purposes of transfer of ownership, building development or for tax assessment purposes. The term includes re-subdivisions and where it is appropriate to the context, relates to either the process of subdividing, or to the land subdivided, or to the development for which it is being subdivided.
 102. **Temporary Dwelling**. A structure intended to be lived in for a specified and approved length of time. A common use would be temporarily living in a camper during the construction of a primary residence.
 103. **Township**. See also “Community” - the governmental unit which has adopted this Ordinance, except where otherwise indicated.
 104. **Use**. The purpose or activity for which the land or building thereon is designated, arranged, or intended, or for which it is occupied, utilized or maintained, and shall include the performance of such activity as defined by the performance standards of this Ordinance.
 105. **Use – Accessory**. A use subordinate to and serving the principal use or structure on the same lot and customarily incidental to such principal use.
 106. **Use – Conditional**. See “Conditional Use”
 107. **Use – Interim**. See “Interim Use”
 108. **Use – Open**. The use of the land without a building or including a building incidental to the open use.
 109. **Use – Principal**. The predominant purpose or activity for which the land, structure or building thereon is designed, arranged, or intended for which it is occupied or maintained.
 110. **Variance**. A finding that a modification of or variation from the provisions of this Ordinance consistent with state statutes due to the conditions of the land, as applied to a specific property and granted pursuant to the standards and procedures of this Ordinance. Except that a variance shall not be used for modifications of the allowable uses within a district and shall not allow uses that are prohibited.
 111. **Written Notice**. A formal notification, in writing, regarding a violation which includes a specific timeframe to correct the violation to be in compliance and penalties for noncompliance.
 112. **Yard**. The open space on an occupied lot which is not covered by any structure.
 113. **Yard - Front**. A yard extending across the front of the lot between the inner side yard lines and lying between the front line of the lot and the nearest building line.
 114. **Yard - Rear**. A yard extending across the rear of the lot between the inner side yard lines and lying between the rear line of the lot and the nearest building line.
 115. **Yard - Required**. A yard area which may not be built on or covered by structures because of the dimensional setbacks for said structures within the zoning district.
 116. **Yard - Side**. A yard between the side line of the lot and the nearest building line, between the front and rear yards.
 117. **Zoning Administrator**. The officer or other designated authority, appointed by the Township Board of Supervisors, charged with the administration and enforcement of the Chengwatana Township Zoning Regulations, or his duly authorized representative.

118. **Zoning District**. An area or areas within the Township in which the regulations and requirements of this Chapter are uniform.
119. **Zoning Map**. The maps or map incorporated into this Ordinance as part thereof, and as amended, designating the zoning districts.

GENERAL PROVISIONS; NON-CONFORMING USES AND STRUCTURES

Section 3.01 Non-Conforming Uses, Buildings, and Structures

1. **Purpose.** It is the purpose of this Ordinance to provide for the regulation of non-conforming buildings, structures and uses and to specify those requirements, circumstances and conditions under which non-conforming buildings, structures and uses will be operated and maintained. The Zoning Ordinance establishes separate districts, each of which is an appropriate area for the location of uses which are permitted in that district. It is necessary and consistent with the establishment of these districts that non-conforming buildings, structures and uses not be permitted to continue without restriction.
2. **Preservation of Non-Conforming Uses.** Except as hereinafter provided in this Section, the lawful use of land or the lawful use of a building or structure existing on the effective date of this Ordinance or on the effective date of any amendment thereto may be continued although such use does not conform to the provisions of this Ordinance, except as otherwise provided in this Section 3.01.
3. **Preservation of Non-Conforming Buildings or Structures.** Except as hereinafter provided in this Section, existing buildings or structures on the effective date of this Ordinance or on the effective date of any amendment thereto are allowed as they exist and do not have to be modified to meet this Ordinance, but any such building or structure shall not be altered or improved beyond normal maintenance. Any such alteration or improvement shall conform to all of the provisions of this Ordinance. Expansions of any nonconforming building shall only be in conformance with the requirements of this Ordinance. However, if it is destroyed ie: by fire, the building or structure can be replaced to its original form.
4. **Permit Holders and Permit Applicants.** Any non-conforming structure that is ready for or under construction on the effective date of this Ordinance or any amendment thereto may be completed and occupied in accordance with the requirements of any valid building permit issued therefore prior to such effective date.
5. **Restoration of Non-Conforming Buildings or Structures.** A non-conforming building or structure which is damaged or destroyed by fire, flood, wind, earthquake or other event may be restored and the occupancy or use of such building, structure, or part thereof, which existed at the time of such partial destruction, may be continued or resumed, provided that the restoration is started within a period of one (1) year and is diligently pursued to completion.
If the restoration is not commenced within the one (1) year period in this section the damaged structure shall be removed, and any reconstruction shall conform to the provisions of this Ordinance.

6. **Abandonment of Use.** When any non-conforming use of land or of a building or structure is abandoned for a period in excess of one (1) year, such land, building or structure shall, thereafter, be used only as provided by this Ordinance.

ADMINISTRATION

Section 4.01 Zoning Administrator

1. **Office Established.** The Office of the Zoning Administrator is hereby established; the Zoning Administrator shall be appointed by the Township Board and serve at its pleasure.
2. **Duties of the Zoning Administrator.** The Zoning Administrator shall enforce the provisions of this Ordinance as provided herein; in addition to the duties and powers of the Zoning Administrator under this Ordinance, express or implied, and shall have the duty and power to:
 - a. Issue permits required by the Zoning Ordinance.
 - b. Conduct inspections of land, buildings or structures at reasonable times, to determine compliance with and enforce the provisions of this Article.
 - c. Maintain all records necessary for the enforcement of this Article, including, but not limited to, all maps, amendments, and use permits, variances, appeal notices, and applications therefore.
 - d. Receive, file and forward all appeals, notices, applications for variances, use permits or other matters to the appropriate officials or boards.
 - e. Institute in the name of the Township, any appropriate actions or proceedings to enforce this Article.
 - f. Serve as ex-officio, non-voting member of the Planning Commission.
3. **Application Procedure.** A zoning application shall be processed in accordance with the following procedure:
 - a. **Timeline.** Pursuant to Minnesota Statute 15.99, a zoning application shall be approved or denied within sixty (60) days, or such time period as prescribed by Minnesota State Statutes, from the date of its official and complete submission (or other time as may be required by law) unless extended in writing by the Township pursuant to statute of up to an additional sixty (60) days. This period may be further extended if a written waiver is provided by the applicant prior to the end of the applicable review period.
 - b. **Application.** Applications shall be filed with the Township Clerk on an official application form of the Township, accompanied by a fee as established by the Township Board. The application shall also be accompanied by detailed written and graphic materials fully explaining the proposed change, development, or use. The number of copies to be provided and any additional data shall be determined by the Zoning Administrator.

- c. **Time to deem an application complete.** An application will be deemed complete unless the applicant receives written notice within fifteen (15) business days, or such time period as prescribed by Minnesota State Statutes, exclusive of Saturdays, Sundays and legal holidays of its submission (or other time as may be required by law) indicating it is not complete and indicating what information is missing. This notice shall be considered given by its deposit in the U. S. Mail, addressed to any listed applicant at the address given on the application form, or electronically to a valid email address provided on the application. If either the physical or electronic address is invalid, the application shall not be considered complete.
 - d. **Additional data.** The Township Board, Planning Commission, and staff may request additional information from the applicant concerning the application or may require as a condition of proceeding with its consideration of any matter that the applicant furnish expert opinion and data at the expense of the applicant. Such application, once deemed complete by the Zoning Administrator, shall be considered by the Township Planning Commission at a public hearing if required, following notice as required by law.
4. **Application Fees, Costs and Expenses.** The Town Board shall establish fees by ordinance as necessary for the administration of this Ordinance. The Town Board may periodically review and revise all or portions of the fee schedule. The acceptance of all zoning applications and issuance of permits shall not occur until a complete application has been filed and the appropriate fee has been paid. Zoning applications must be accompanied by a fee and a non-interest-bearing escrow deposit. The escrow deposit is required to cover all costs incurred for staff and consultants; time directly related to processing applications, preparation of studies, and any other cost incurred with processing zoning applications.
- a. **Responsibility for Fees and Costs.** The property owner of the property subject to the land use application shall be responsible for all costs incurred by the Township in processing said land use application.
 - b. **Escrow.** When a land use application has been submitted, the applicant shall deposit funds in an escrow account with the Township from time to time an amount determined by the Zoning Administrator to be necessary to cover such costs prior to commencement of the review stage of the application. The applicant shall reimburse the escrow account for any deficits caused if the amount actually expended or billed to the Township by the consultants exceeds the fund balance. The Township shall refund any amount deposited in the escrow account not expended within thirty (30) calendar days after final action on the application. The Township shall not pay interest on such security fund deposits.
 - c. **Certification of Unpaid Costs and Expenses.** All unpaid expenses incurred by the City under this Chapter and this Ordinance not covered by the escrow will be

charged against said parcel and will be the responsibility of the property owner pursuant to Minn. Stat. Chapter 462 and Minn. Stat. § 366.012 and any other relevant statutes. The property owner shall be invoiced for the Township's costs to where property tax statements are sent by the County. The invoice shall be paid within 30 days of the date of the invoice, should property owner not reimburse the Township within said time, the Township shall be authorized to certify said unreimbursed costs to the County Auditor for payment with the property owner's property taxes and said certified amounts shall constitute a lien against the property which shall be collected and enforced in the same manner as general property taxes pursuant to Minnesota Statute § 366.012 or any other relevant statutes. This cost recovery shall be in addition to any penalty or legal or equitable remedy the Township may seek or receive for the violation of this Ordinance.

Section 4.02 Variances and Appeals

1. **Board of Appeals and Adjustments.** The Township Board shall act as the Board of Appeals and Adjustments and shall have the following powers:
 - a. To hear and decide appeals where it is alleged that there is an error in any order, requirement, decision, or determination made by an administrative official in the enforcement of the Zoning Ordinance.
 - b. To hear requests for variances from the literal provisions of this Ordinance in instances where their strict enforcement would cause practical difficulties and interfere with reasonable use of the property undue under consideration.
2. Procedures.
 - a. Persons requesting a variance or appeal shall attend a pre-application meeting with the Zoning Administrator for the purpose of reviewing the request, application requirements, and the application review process and timeline.
 - b. At any time following the pre-application meeting, requests for variances or appeals shall be filed with the Zoning Administrator on an official application form with any required fee and escrow. Such application shall also be accompanied by complimentary copies of detailed written or graphic materials fully explaining the proposed request. The Zoning Administrator shall refer said application, along with all related information to the Board of Appeals and Adjustments, for consideration.
 - c. The Board of Appeals and Adjustments, shall consider the request at its next meeting after all notice requirements have been satisfied. The applicant or a representative thereof shall appear before the Board in order to answer questions concerning the variance request or appeal.
 - d. The Board of Appeals and Adjustments and Township staff shall have the authority to request additional information from the applicant or to retain expert testimony,

at the expense of the applicant, when said information is declared necessary by Township staff.

- e. The Zoning Administrator, on behalf of the Board of Appeals and Adjustments, shall set a date for a public hearing. A notice of the time, place and purpose of the hearing shall be published in the official newspaper of the Township at least ten (10) days prior to the date of the hearing. A similar notice shall also be mailed not less than ten (10) days prior to the hearing to all property owners of record according to the county assessment records, within five hundred (500) feet of the affected property. A copy of the notice and a list of the property owners and addresses to which the notices were sent shall be attested to by the Zoning Administrator or Township Clerk and made part of the official record. The failure to give mailed notice to individual property owners or defects in the notice shall not invalidate the proceedings, provided a bona fide attempt to comply with this subdivision has been made.
- f. Following the public hearing, the Board of Appeals and Adjustments shall make a finding of fact. Such findings shall be entered in and made a part of the written record of the Board of Appeals and Adjustments meeting.
- g. Variances. In considering requests for variances, the Board of Appeals and Adjustments shall make a finding of fact as to whether the request meets all of the following cases.
 - i. The proposed action will be in keeping with the spirit and intent of the Comprehensive Plan and Ordinance.
 - ii. The property in question cannot be put to a reasonable use if used under conditions allowed by this Ordinance.
 - iii. The plight of the landowner is due to circumstances unique to his property and not created by the landowner.
 - iv. The variance, if granted, will not alter the essential character of the locality or adversely impact the environment.
 - v. The variance requested is the minimum variance which would alleviate the hardship.

If the variance request meets all of the conditions above, the variance may be granted. Economic considerations alone shall not constitute an undue hardship if reasonable use of the property exists under the terms of the Ordinance. Access to direct sunlight in cases of solar energy systems shall constitute grounds for granting a variance. The Board of Appeals and Adjustments may not permit as a variance any use which is not permitted within the zone that the property is located.

- h. Lapse of Variance or Appeal. Whenever within one (1) year after granting a variance or appeal the work as permitted by the variance or appeal has not been started, then such variance or appeal shall become null and void unless a request for extension of time in which to complete the work has been granted by the Board of Appeals and Adjustments. Such extension shall be requested in writing

and filed with the Zoning Administrator at least thirty (30) days before the expiration of the original variance or appeal. There shall be no charge for the filing of such request. The written request for extension shall state facts showing a good faith attempt to complete the work permitted in the variance or appeal. Such request shall be presented to the Board of Appeals and Adjustments for a decision, and shall be requested only one time on a singular action.

- i. Performance Bond. The Town Board shall have the authority to require a performance bond or other security, in a form acceptable to the Township, when it is deemed necessary and appropriate as a condition of variance approval.
 - i. If a performance bond or other security is required as a condition of approval, such security shall be provided prior to the issuing of land use permits or initiation of work on the proposed improvements or development.
 - ii. The security may be in the amount of the Township Board's Estimated costs of labor and materials for the proposed improvement or development.
 - iii. The Township may hold the security until completion of the proposed improvements or development and compliance with the variance or appeal conditions and ordinances of the Township have been satisfied in the sole discretion of the Town Board.

Section 4.03 Interim Use Permits

1. **Compatibility with Comprehensive Plan.** The Township Board, upon recommendation by the Planning Commission, may grant an interim use permit in any district provided the proposed use is listed as an interim use for the district. In reviewing an interim use permit application, both the Planning Commission and Township Board shall consider the effect of the proposed use on the Comprehensive Plan. The Planning Commission and the Township Board must ascertain that said use is in harmony with the general purpose and intent of this Ordinance and the Comprehensive Plan.

Conditions may be applied to issuance of the permit and a periodic review of the permit shall be required. The permit shall be granted for a particular use and a particular person or firm. The revocation of an interim use permit shall be when the interim use permit expires, or through a formal process including a public hearing if the township finds that the original conditions are no longer being complied with.

The Township shall maintain a record of all interim use permits issued including information on the use, location, conditions imposed by the Planning Commission, time limits, review dates and such other information as may be appropriate.

2. **Preliminary Plan; Staged Development.** In order to preserve an appropriate flexibility in the development plans for a large project which is to be developed over a number of years, a preliminary plan may be approved after a public hearing. The developer will then seek approval of the final plan in stages as the developer progresses with development. Additional public hearings may need to be held if the developer proposes to make a change from the plans or conditions included in the interim use permit when it was granted in approving the preliminary plan providing the phasing plan is being completed over a maximum of five (5) years. Enlargement, intensification of use or similar changes not specifically permitted by the interim use permit issued, shall be considered changes. All legally permitted uses existing at the time of adoption of this Ordinance that now require an interim use permit shall be considered as having an interim use permit which contains conditions which permits the land use and structures as they existed on said date and any enlargement, structural alteration or intensification of use shall require an amended interim use permit as provided for above. The Planning Commission may recommend, and the Township Board may impose, additional conditions for the continuation of such use in accordance with the hearing provisions as set forth in this Ordinance.
3. **Application.** Whenever this Ordinance requires an interim use permit, written application, on a form provided by the Town, shall be filed with the Township Clerk at least 21 days prior to the Planning Commission Meeting.

The application shall be accompanied by the fee as set forth in the Chengwatana Township Fee Schedule and the development plans of the proposed use showing such information as may be necessary or desirable including, but not limited to that listed below. These plans need not meet engineering or construction detail so long as they contain adequate information upon which the Planning Commission can determine the proposed development will meet all development standards if the project proceeds in accordance with such plans.

- a. Full legal name (first, middle, and last) and address of the applicant, fee owner name and address and any other persons having a legal interest therein.
- b. The complete legal description of the property involved in the request for interim use permit, including the street address, if any, of the property, the property identification number, and proof of legal ownership.
- c. A site plan drawn to scale showing the property dimensions, all existing and proposed buildings, their dimensions and square footage, and adjacent roads.
- d. Location of curb cuts, driveways, existing wells, septic systems, wetland locations, parking spaces and general topographic information.
- e. Landscaping and screening plans, including species and size of trees and shrubs proposed.

- f. Finished grading and drainage plan sufficient to drain and dispose of all surface water accumulated within the area.
 - g. Type of use or activity and proposed number of employees (if applicable).
 - h. Proposed floor plan and elevations of any building(s) with use(s) indicated.
 - i. Sewer and water plan with estimated use per day.
 - j. Soil type and soil limitations for the intended use. If severe soil limitations for the intended use are noted, a plan or statement indicating the soil conservation practice or practices to be used to overcome said limitation shall be made part of the permit application.
 - k. A location map showing the general location of the proposed use within the Town.
 - l. A map showing all principal land uses within five hundred (500) feet of the parcel for which the application is being made.
 - m. Any additional data requested by the Planning Commission or the Zoning Administrator.
4. **Proof of Ownership.** The applicant shall supply proof of ownership of the property for which the interim use permit is requested consisting of a property identification number, legal description of the property subject to the interim use permit and a current Certificate of Title or an attorney's title opinion based thereon, together with any unrecorded documents whereby the applicant acquired a legal or equitable ownership interest.
5. **Hearing Procedure.** The Zoning Administrator shall, upon the filing of request for an Interim Use Permit refer the matter to the Planning Commission and establish a time for the hearing thereof by said Planning Commission. The Zoning Administrator shall notify the applicant, the chairman of the Planning Commission, and the Building Official of the time and place of the hearing. At least ten (10) days before the date of the hearing, a notice of the hearing shall be published once in the official newspaper of the Town.
- a. **Appearance by Applicant.** The Planning Commission shall consider the application at its next regular meeting as scheduled by the Clerk, but not earlier than ten (10) days after publication.
- The applicant or authorized representative must appear before the Planning Commission in order to answer questions concerning the proposed conditional use permit.
- b. **Notification of Surrounding Property Owners.** All property owners of record within five hundred (500) feet of the affected property or the ten (10) properties nearest to the affected property, whichever would provide notice to the greatest

number of owners, shall be notified by written notice in the U.S. Mail as to the time and place of the public meeting. The failure of any property owner to receive notification or defect in such notification shall not invalidate the proceedings.

- c. **Continuances.** On the request of the Zoning Administrator, or Planning Commission, the Planning Commission shall continue said hearing for a reasonable time, not to exceed sixty (60) days from the date of filing of the notice of appeal or application for a variance, in order to allow the Planning Commission or its authorized representative to review and report to the Board on the matter.
6. **Recommendation of Planning Commission.** The Planning Commission shall make written findings on the disposition of an application within sixty (60) days from the date of the public hearing on the application, unless applicant consents to an extended consideration by the Planning Commission. If the Planning Commission recommends approval of the interim use permit, it may also recommend impose conditions, which shall be considered necessary to comply with the general purpose and intent of the Comprehensive Plan and protect the health, safety, and welfare of Township residents.
7. **Planning Commission to Forward Recommendation.** The written recommendation of the Planning Commission shall be forwarded to the Township Board for final action.
8. **Written Findings Township Board Review.** The Planning Commission shall recommend, and the Township Board shall make, written findings in each case and shall state the reasons for its decision. Such decision shall be filed with the Township Clerk who shall file a copy of any approved interim use permit with the County Recorder or Registrar of Titles. A copy of the filed permit, or a notice of denial with the adopted Findings of Fact, bearing a notation of the filing date, shall be mailed to the applicant.
9. **Granting or Recommending Conditional Use Permit.** In granting or recommending any Interim Use Permit provided for in this Ordinance, the Zoning Administrator, the Planning Commission or the Board shall find that the proposed use conforms substantially to the policies, goals and standards of the Comprehensive Plan.
10. **Compliance with Terms of Permit.** Any use permitted under the terms of any interim use permit shall be established and conducted in conformity to the terms of such permit and of any conditions designated in connection therewith.
11. **Revocation.** A violation of any condition set forth in an interim use permit shall be a violation of this Ordinance. Failure to correct said violation within thirty (30) days of written notice from the Township Board may result in the revocation of the permit. All costs incurred by the Township in reviewing and revoking the Interim Use Permit resulting from the violation shall be the responsibility of the applicant/holder.
12. **Suspension of Interim Use Permit.** If construction relative to the use authorized under said interim use permit is commenced and subsequently determined by the Township Board to be abandoned for a period of one hundred twenty (120) days, the interim use

permit shall be suspended at the end of said one hundred twenty (120) days. Before said construction may be resumed, an interim use permit must be reinstated by the Township Board provided that no changes or alterations in the original plan have been made. If the building permit for construction that was determined to be abandoned became invalid prior to the recommencement of such construction, the suspended interim use permit shall expire at the time said building permit became invalid.

13. **Amended Interim Use Permit.** An amended interim use permit application may be administered in a manner similar to that required for a new interim use permit. Amended interim use permits shall include reapplication for permits that have been denied or permits that have expired, requests for changes in conditions and as otherwise described in this Ordinance.
14. **Reapplication upon Denial.** No application for an interim use permit for a particular use on a particular parcel of land shall be resubmitted for a period of six (6) months from the date of the denial of the previous application.
15. **Periodic Inspection.** A periodic inspection or review may be required as a condition in the granting of an interim use permit, along with any fees associated therewith. The interim use permit shall be reviewed by the Planning Commission and Township Board.
16. **Renewal of Interim Use Permit.** If the permit holder wishes to renew an interim use permit, an application must be submitted to the Township Clerk. The renewal application shall be processed as provided in this Interim Use section.

Section 4.04 Conditional Use Permits

1. **Compatibility with Comprehensive Plan.** The Township Board, upon recommendation by the Planning Commission, may grant a conditional use permit in any district provided the proposed use is listed as a conditional use for the district. In reviewing a conditional use permit application, both the Planning Commission and Township Board shall consider the effect of the proposed use on the Comprehensive Plan. The Planning Commission and the Township Board must ascertain that said use is in harmony with the general purpose and intent of this Ordinance and the Comprehensive Plan.

Conditions may be applied to issuance of the permit and a periodic review of the permit may be required. The permit shall be granted for a particular use and not for a particular person or firm. The revocation of a conditional use permit shall be through a formal process including a public hearing if the township finds that the original conditions are no longer being complied with.

The Township shall maintain a record of all conditional use permits issued including information on the use, location, conditions imposed by the Planning Commission, time limits, review dates and such other information as may be appropriate.

2. **Preliminary Plan; Staged Development.** In order to preserve an appropriate flexibility in the development plans for a large project which is to be developed over a number of

years, a preliminary plan may be approved after a public hearing. The developer will then seek approval of the final plan in stages as the developer progresses with development. Additional public hearings may need to be held if the developer proposes to make a change from the plans or conditions included in the conditional use permit when it was granted in approving the preliminary plan providing the phasing plan is being completed over a maximum of five (5) years. Enlargement, intensification of use or similar changes not specifically permitted by the conditional use permit issued, shall be considered changes. All legally permitted uses existing at the time of adoption of this Ordinance that now require a conditional use permit shall be considered as having a conditional use permit which contains conditions which permits the land use and structures as they existed on said date and any enlargement, structural alteration or intensification of use shall require an amended conditional use permit as provided for above. The Planning Commission may recommend, and the Township Board may impose, additional conditions for the continuation of such use in accordance with the hearing provisions as set forth in this Ordinance.

3. **Application.** Whenever this Ordinance requires a conditional use permit, written application, on a form provided by the Town, shall be filed with the Township Clerk at least 21 days prior to the Planning Commission Meeting.

The application shall be accompanied by the fee as set forth in the Chengwatana Township Fee Schedule and the development plans of the proposed use showing such information as may be necessary or desirable including, but not limited to that listed below. These plans need not meet engineering or construction detail so long as they contain adequate information upon which the Planning Commission can determine the proposed development will meet all development standards if the project proceeds in accordance with such plans.

- a. Full legal name (first, middle, and last) and address of the applicant, fee owner name and address and any other persons having a legal interest therein.
- b. The complete legal description of the property involved in the request for conditional use permit, including the street address, if any, of the property, the property identification number, and proof of legal ownership.
- c. A site plan drawn to scale showing the property dimensions, all existing and proposed buildings, their dimensions and square footage, and adjacent roads.
- d. Location of curb cuts, driveways, existing wells, septic systems, wetland locations, parking spaces and general topographic information.
- e. Landscaping and screening plans, including species and size of trees and shrubs proposed.
- f. Finished grading and drainage plan sufficient to drain and dispose of all surface water accumulated within the area.

- g. Type of use or activity and proposed number of employees (if applicable).
 - h. Proposed floor plan and elevations of any building(s) with use(s) indicated.
 - i. Sewer and water plan with estimated use per day.
 - j. Soil type and soil limitations for the intended use. If severe soil limitations for the intended use are noted, a plan or statement indicating the soil conservation practice or practices to be used to overcome said limitation shall be made part of the permit application.
 - k. A location map showing the general location of the proposed use within the Town.
 - l. A map showing all principal land uses within five hundred (500) feet of the parcel for which the application is being made.
 - m. Any additional data requested by the Planning Commission or the Zoning Administrator.
4. **Proof of Ownership.** The applicant shall supply proof of ownership of the property for which the conditional use permit is requested consisting of a property identification number, legal description of the property subject to the interim use permit and a currently certified copy of the Abstract of Title, an affidavit of ownership, a current Certificate of Title or an attorney's title opinion based thereon, together with any unrecorded documents whereby the applicant acquired a legal or equitable ownership interest.
5. **Hearing Procedure.** The Zoning Administrator shall, upon the filing of request for a Conditional Use Permit refer the matter to the Planning Commission and establish a time for the hearing thereof by said Planning Commission. The Zoning Administrator shall notify the applicant, the chairman of the Planning Commission, and the Building Official of the time and place of the hearing. At least ten (10) days before the date of the hearing, a notice of the hearing shall be published once in the official newspaper of the Town.
- a. **Appearance by Applicant.** The Planning Commission shall consider the application at its next regular meeting as scheduled by the Clerk, but not earlier than ten (10) days after publication.
- The applicant or authorized representative must appear before the Planning Commission in order to answer questions concerning the proposed conditional use permit.
- b. **Notification of Surrounding Property Owners.** All property owners of record within five hundred (500) feet of the affected property or the ten (10) properties nearest to the affected property, whichever would provide notice to the greatest number of owners, shall be notified by written notice in the U.S. Mail as to the

time and place of the public meeting. The failure of any property owner to receive notification or defect in such notification shall not invalidate the proceedings.

- c. **Continuances.** On the request of the Zoning Administrator, or Planning Commission, the Planning Commission shall continue said hearing for a reasonable time, not to exceed sixty (60) days from the date of filing of the notice of appeal or application for a variance, in order to allow the Planning Commission or its authorized representative to review and report to the Board on the matter.
6. **Recommendation of Planning Commission.** The Planning Commission shall make written findings on the disposition of an application within sixty (60) days from the date of the public hearing on the application, unless applicant consents to an extended consideration by the Planning Commission. If the Planning Commission recommends approval of the conditional use permit, it may also recommend conditions, which shall be considered necessary to comply with the general purpose and intent of the Comprehensive Plan and to protect the health, safety and welfare of Township residents.
7. **Planning Commission to Forward Recommendation.** The written recommendation of the Planning Commission shall be forwarded to the Township Board for final action.
8. **Written Findings Township Board Review.** The Planning Commission shall recommend, and the Township Board shall make, written findings in each case and shall state the reasons for its decision. Such decision shall be filed with the Township Clerk who shall file a copy of any approved conditional use permit with the County Recorder or Registrar of Titles. A copy of the filed permit, or a notice of denial with the adopted Findings of Fact, bearing a notation of the filing date, shall be mailed to the applicant.
9. **Granting or Recommending Conditional Use Permit.** In granting or recommending any Conditional Use Permit provided for in this Ordinance, the Zoning Administrator, the Planning Commission or the Board shall find that the proposed use conforms substantially to the policies, goals and standards of the Comprehensive Plan.
10. **Compliance with Terms of Permit.** Any use permitted under the terms of any conditional use permit shall be established and conducted in conformity to the terms of such permit and of any conditions designated in connection therewith.
11. **Revocation.** A violation of any condition set forth in a conditional use permit shall be a violation of this Ordinance. Failure to correct said violation within thirty (30) days of written notice from the Township Board may result in the revocation of the permit. All costs incurred by the Township in reviewing and revoking the Conditional Use Permit resulting from such violation shall be the responsibility of the applicant/holder.
12. **Suspension of Conditional Use Permit.** If construction relative to the use authorized under said conditional use permit is commenced and subsequently determined by the Township Board to be abandoned for a period of one hundred twenty (120) days, the conditional use permit shall be suspended at the end of said one hundred twenty (120)

days. Before said construction may be resumed, a conditional use permit must be reinstated by the Township Board provided that no changes or alterations in the original plan have been made. If the building permit for construction that was determined to be abandoned became invalid prior to the recommencement of such construction, the suspended conditional use permit shall expire at the time said building permit became invalid.

13. **Amended CUP.** An amended conditional use permit application may be administered in a manner similar to that required for a new conditional use permit. Amended conditional use permits shall include reapplication for permits that have been denied or permits that have expired, requests for changes in conditions and as otherwise described in this Ordinance.
14. **Reapplication upon Denial.** No application for a conditional use permit for a particular use on a particular parcel of land shall be resubmitted for a period of six (6) months from the date of the denial of the previous application.
15. **Periodic Inspection.** A periodic inspection or review may be required as a condition in the granting of a conditional use permit, along with any fees associated therewith.

Section 4.05 Amendments to Code (Text and Map)

1. **Procedure.** An amendment to this Ordinance (text and map) may be initiated by the Township Board, the Planning Commission or by petition of affected property owners, as defined herein. An amendment not initiated by the Planning Commission shall be referred to the Planning Commission for study and report, as hereinafter provided, and may not be acted upon by the Township Board until it has received the recommendation of the Planning Commission on the proposed amendment or until sixty (60) days have elapsed from the date of reference of the amendment without a report by the Planning Commission. The Township shall maintain a record of all applications for amendments to this Ordinance.
2. **Application (Text Amendment and Zoning Map Amendment (Rezoning)).** Where an amendment (text or map) to the Ordinance is proposed by a property owner, an application therefore shall be filed with the Zoning Administrator; said application shall be accompanied by the required fee. Where a map amendment (rezoning) is proposed by a property owner, said application shall be accompanied by development plans, if any, for the use which requires the rezoning. The development plans shall show such information as may be reasonably required by the administrator, including but not limited to those things listed below.
 - a. Full legal name (first, middle, and last) and address of the applicant, fee owner name and address and any other persons having a legal interest therein.
 - b. The complete legal description of the property involved in the request for an amendment, including the street address, if any, of the property, the property identification number, and proof of legal ownership.

- c. A site plan drawn to scale showing the property dimensions, all existing and proposed buildings, their dimensions and square footage, and adjacent roads.
 - d. Location of curb cuts, driveways, existing wells, septic systems, wetland locations, parking spaces and general topographic information.
 - e. Landscaping and screening plans, including species and size of trees and shrubs proposed.
 - f. Finished grading and drainage plan sufficient to drain and dispose of all surface water accumulated within the area.
 - g. Type of use or activity and proposed number of employees (if applicable).
 - h. Proposed floor plan and elevations of any building(s) with use(s) indicated.
 - i. Sewer and water plan with estimated use per day.
 - j. Soil type and soil limitations for the intended use. If severe soil limitations for the intended use are noted, a plan or statement indicating the soil conservation practice or practices to be used to overcome said limitation shall be made part of the permit application.
 - k. A location map showing the general location of the proposed use within the Town.
 - l. A map showing all principal land uses within five hundred (500) feet of the parcel for which the application is being made.
 - m. Any additional data requested by the Planning Commission or the Zoning Administrator.
3. **Hearing Procedure.** The Zoning Administrator shall, upon the filing of an application for an amendment, refer the matter to the Planning Commission and establish a time for the hearing thereof by said Commission. The Zoning Administrator shall notify the applicant, the chairman of the Planning Commission and the Building Official of the time and place of the hearing. At least ten (10) days before the date of the hearing, a notice of the hearing shall be published once in the official newspaper of the Town
- a. **Appearance by Applicant.** The Planning Commission shall consider the application at its next regular meeting as scheduled by the Clerk, but not earlier than ten (10) days after publication.

The petitioner or authorized representative must appear before the Planning Commission in order to answer questions concerning the proposed conditional use permit.

- b. **Notification of Surrounding Property Owners.** All property owners of record within five hundred (500) feet of the affected property or the ten (10) properties nearest to the affected property, whichever would provide notice to the greatest number of owners, shall be notified by written notice in the U.S. Mail as to the time and place of the public meeting. The failure of any property owner to receive notification or defect in such notification shall not invalidate the proceedings.
 - c. **Continuances.** On the request of the Zoning Administrator, or the Planning Commission, the Township Board shall continue said hearing for a reasonable time, not to exceed sixty (60) days from the date of filing of the notice of appeal or application for a variance, in order to allow the Planning Commission or its authorized representative to review and report to the Board on the matter.
4. **Planning Commission Report.** The Planning Commission shall make its report on the application to the Township Board within sixty (60) days after the public hearing, unless the applicant consents to extended consideration by the Planning Commission. The report shall recommend that the amendment be granted or denied and shall include the Planning Commission's recommendation as to any conditions to be imposed if the amendment is granted and shall state the reasons therefor.

The Planning Commission's report shall be filed with the Township Clerk who shall refer the same to the Board for consideration at its next regular meeting; provided however, if the next regular meeting of the Board is within seven (7) days of the date of filing; then such consideration may be at the second regular meeting after said filing. At the same time, the Zoning Administrator shall mail to the applicant a copy of the Planning Commission's report and a notice of the time and place of the meeting at which the report will be considered by the Board.

If the Planning Commission fails to file a report with the Zoning Administrator within the time period provided by this Section, the application shall be referred to the Board as herein provided, without report, after the time for filing the report has expired.

5. **Township Board Action on Application.** The Board shall make its decision on the application within sixty (60) days of the filing of the Planning Commission's report with the Township Clerk or after the last day for filing same, if no report is filed. The Board shall make written findings and shall state therein the reasons for its decision. Any such order shall be filed with the Township Clerk who shall immediately mail a copy thereof, bearing the notation of the filing date, to the applicant.

In the event such order directs amendment of the Zoning Ordinance, the Zoning Administrator shall refer the order to the Township Attorney to prepare an amendment of the Zoning Ordinance as provided by law.

6. **Re-Application.** No re-application for zoning amendment shall be resubmitted for a period of six (6) months from the date of the denial of a previous application.
7. **Zoning and the Comprehensive Plan.** Any amendment to the Zoning Ordinance may require an amendment to the Comprehensive Plan in accordance therewith. The Planning Commission shall inform the Board of any zoning proposal which does not conform to the Comprehensive Plan and inform the Board as to why the plan should or should not be amended.
8. **Zoning Changes Not Conforming to the Comprehensive Plan.** Prior to approval of any zoning change not conforming to the Comprehensive Plan, a public hearing shall be conducted by the Planning Commission and the results noted in the minutes of the official proceedings. The public hearing required for the zoning change or amendment may also serve as the public hearing for an amendment to the Comprehensive Plan.
9. **Granting or Recommending Rezoning.** In granting or recommending any rezoning provided for in this Ordinance, the Zoning Administrator, the Planning Commission or the Board shall find that the proposed development conforms substantially to the policies, goals and standards of the Comprehensive Plan.

Section 4.06 Environmental Assessment (EAW) or Impact Statements (EIS)

1. **Zoning Administrator Review.** No zoning, building permit, structure or land use, variance or Ordinance amendment shall be approved prior to review by the Zoning Administrator to determine the necessity for completion of a Minnesota Environmental Assessment Worksheet (EAW) as required by the Minnesota Environmental Quality Board Regulations as amended.
2. **Adoption of Minnesota Statutes Regulating Environmental Assessment Worksheet (EAW or Impact Statements (EIS)).** The Township of Chengwatana adopts the Minnesota Environmental Quality Board Regulations as established pursuant to Minnesota Statute 116D Entitled State Environmental Policy.

USES IN AGRICULTURAL-RESIDENTIAL AND CONSERVANCY

Section 5.01 Zoning Districts

For the purpose of this Ordinance, the Township is hereby divided into the following basic Zoning Use Districts:

<u>District Symbol</u>	<u>Intent and Primary Use</u>
AG-R	AGRICULTURAL-RESIDENTIAL. Preserve commercial agriculture as a viable land use and significant economic activity within the community. Areas designated will provide land area for permanent economically viable commercial food production. Agricultural Preserve is an option that may be utilized in this zoning classification pursuant to Minn. Stat. 473H.
C	CONSERVANCY. Preserve, protect and manage environmentally sensitive areas having wet soils, steep slopes, exposed bedrock or unique natural or biological characteristics in accordance with compatible uses. For Chengwatana Township, the Conservancy District shall apply to those portions of the Township owned and/or operated by divisions of the State of Minnesota as State Forest land.

Section 5.02 Zoning District Map

The boundaries of the districts as established by this Ordinance are as shown on the Zoning Map published and maintained on the Township website, and in the Clerk's office. The Zoning Map is hereby made part of this Ordinance. Said map is designated as the Official Zoning Map of the Town, and shall be maintained as provided herein according to applicable law. The district boundary lines on said map are intended to follow street right-of-way lines, street centerlines or lot lines unless such boundary line is otherwise indicated on the map. In the case of unsubdivided property or in any case where street or lot lines are not used as boundaries, the district boundary lines shall be determined by use of dimensions or the scale appearing on the map. All of the notations, references and other information shown thereon shall have the same force and effect as if fully set forth herein and are made a part of this Ordinance by reference and incorporated herein as fully as if set forth herein at length. Whenever any street or public way is vacated, any zoning district line following the centerline of said vacated street or way shall not be affected by such vacation.

When uses in a district are listed as both permitted and as conditional uses, or when any other conflict appears in this Chapter with respect to permitted uses within a district, the more restrictive provision shall be applied.

Section 5.03 Agricultural-Residential District (AG-R)

1. **Purpose.** The AG-R District is intended to provide rural low density housing. Agricultural-Residential districts will allow acreage large enough to support agricultural operations and/or hobby farming, and residential lots of a size suitable to retaining the Township's Rural Character. Uses which are neither agricultural or residential shall be limited to ensure the realization of these objectives.
2. **Permitted Uses** The following uses are permitted:
 - a. Farm buildings which are used for purposes related to the operation of the farm.
 - b. Farm production which shall include the raising of crops or animals for sale, profit, or pleasure
 - c. Greenhouse or nursery
 - d. Forestry
 - e. Wildlife areas, forest preserves, pastures and other open space uses.
 - f. Temporary or seasonal roadside stands for sale of agricultural products
 - g. Single family dwellings
 - h. Essential services
3. **Conditional Uses:** The following uses may be permitted by a Conditional Use Permit issued by the Township Board.
 - a. Cemeteries.
 - b. Government buildings
 - c. Churches
 - d. Transmission Services
4. **Interim Uses:** The following interim uses may be permitted by a Interim Use Permit issued by the Township Board.
 - a. Commercial extraction of sand, gravel, black dirt, peat, sod, minerals or rock.
 - b. Nurseries – Day and School
 - c. Parks, except as established by the Township
 - d. Temporary Farm Dwelling
 - e. Short Term or vacation Rental
 - f. RV Parks and Resorts
 - g. Event Centers
 - h. Accessory residence during construction of a permanent building
 - i. Accessory residence for healthcare reasons
 - j. Accessory residence for farm employees
 - k. Accessory residence for guest houses
 - l. Home Business
 - m. Kennels

n. Commercial Mining

5. **Development Agreements.** Development Agreement between the applicant and the Township, when required as a condition of a variance, interim use permit or conditional use permit approval, shall include, but is not limited to, the following information:
- a. The applicant warrants to the Township that the applicant is the fee owner of the property or contract purchaser with the fee owner as co-signer on the development agreement; and
 - b. All terms for the construction of any improvement to the property required by the conditions of approval; and
 - c. A cash escrow deposit shall be maintained by the applicant with the Township for expenses incurred by the Township for its engineer, attorney, staff, and/or Township officials in the review and processing of applicant's zoning application, the drafting and enforcement of the development agreement, and the installation and inspection of any required improvements. The Township shall be entitled to reimburse itself out of such deposit for any cost or expense incurred by the Township for completion of the work in case of default of the applicant under such contract and for any damages sustained on account of any breach thereof; and
 - d. Applicant shall also be required to defend, indemnify and hold the Town harmless against all claims made by the applicant and third parties for damages sustained or costs incurred resulting from the approval of the zoning request or the development, including the Township's attorney's fees incurred in defending against any such claim; and
 - e. Applicant shall deposit with the Township an irrevocable letter of credit or other Township approved security which shall certify:
 - i. That the creditor does guarantee funds in an amount equal to 125 percent of the total cost of complying with conditions of approval of the variance, interim use permit, or conditional use permit, as estimated by the Town Engineer.
 - ii. That the creditor, in case of failure on the part of the applicant to complete the specified improvements or otherwise comply with approval conditions within the required time period or the failure to comply with the development agreement, shall upon written notification by the Township, immediately and without further action pay to the Township such funds as are necessary to finance the completion of those improvements or to otherwise comply with the conditions of approval, up to the limit of credit stated in the letter, plus all legal costs incurred by the Township related to applicant's failure to comply with approval conditions or the terms of the development agreement.
 - iii. That the letter of credit or other approved security shall not be withdrawn, reduced in amount, revised or amended in its terms until approved by the Town Board.

iv. All such letters of credit or other security shall be in a form acceptable to the Town Board and shall be issued by an FDIC member bank located in the State of Minnesota, but not more than 100 miles from the Chengwatana Town Hall unless otherwise agreed to in writing by the Town.

6. **Shoreland**. The shoreland areas of the township are considered an overlay district of the Agricultural-Residential District and as such, must conform to the Chengwatana Township Comprehensive Plan and Zoning Ordinance in addition to the County's Shoreland Management Ordinance. Where the Township's Zoning Ordinance and Shoreland Overlay conflict with the County's Shoreland Management Ordinance, the more restrictive shall prevail.

PERFORMANCE AND DIMENSIONAL STANDARDS IN ZONING DISTRICTS

Section 6.01 General Building Requirements

A. **Purpose.** The purpose of this Section is to establish building requirements and standards which apply to all districts within the zoning jurisdiction of the Township to assure compatible land uses; to ensure compliance with the performance standards and intent of this Ordinance

B. **Building Standards for Residential Dwellings**

- a. No building shall be permitted on areas considered as wetlands, peat or muck soils, and areas having poor drainage.
- b. **Dwelling Size.** All dwellings shall have a minimum finished livable space of at least seven hundred (700) square feet. Additions to manufactured homes shall not be considered in determining area requirements.
- c. **Frost Free Footings.** All dwellings must be placed on frost free footings, foundations or pillars. Such footings shall have a minimum depth of at least five (5) feet.
- d. **Manufactured Homes.** Any manufactured home placed on a lot shall be a U.S. Department of Housing and Urban Development certified unit as evidenced by the HUD certification seal affixed to the unit or the title.
- e. **Mobile Homes:** All mobile homes permitted under this section shall meet or exceed the current Federal Mobile Home Construction and Safety Standards. The mobile home shall have a sanitary sewer treatment and disposal system in compliance with this Ordinance, the Minnesota State Pollution Control Agency and Health Department. (See definition for Mobile Homes)
 - i. When the mobile home is utilized as an accessory dwelling unit, the placement of the mobile home is subject to the same zoning district dimensional setbacks as the principal dwelling unit.
 - ii. Mobile homes utilized as accessory dwelling units shall use the existing road access driveway of the principal dwelling unit.
 - iii. Mobile homes utilized as accessory dwelling units shall be separated by a minimum horizontal distance of forty (40) feet from any other structure.
 - iv. Mobile homes utilized as accessory dwelling units shall have ground anchors or tie downs as approved by the State of Minnesota Mobile Home Code.

- f. **Design Standards.** The architectural appearance and function of any building and site shall not be dissimilar to the existing buildings or area. Earth sheltered buildings are allowed if in compliance with all other zoning provisions promulgated pursuant to M.S. 462.357.
- g. No garage, tent or accessory building shall at any time be used as an independent residence or dwelling unit, other than allowed for in this section.
- h. Not more than one (1) dwelling shall be located on a lot, except in cases described herein. In case of doubt or on any question or interpretation, the decision of the Zoning Administrator shall be final, subject to the right of appeal to the Board of Appeals and Adjustments.
- i. **Accessory Residences.** An interim use permit may be issued for an accessory residence to be placed or constructed on the same lot as a proposed principal dwelling in the following cases:
 - i. **Temporary (Interim-Use) Accessory Residence during Construction of Permanent Dwelling.** A twelve (12) month permit, renewable for one additional twelve (12) month period, may be issued to allow a manufactured home to be placed and occupied on the same site as the permanent dwelling is being constructed, provided:
 1. The site permit for the permanent dwelling has been issued.
 2. An acceptable sewer system has been installed on the site to serve the temporary manufactured home.
 3. The accessory residence shall not be subsequently divided from the original parcel or lot unless all density, lot and setback provisions of this Ordinance are met.
 - ii. **Temporary (Interim-Use) Accessory Residence for Health Care Reasons.** A twelve (12) month, renewable permit may be issued to allow a manufactured home to be placed and occupied on the same lot as the principal residence when the person(s) occupying the accessory residence or principal residence requires close supervision due to health or age related reasons, yet are capable of independent living, provided:
 1. An acceptable sewer system exists on the site to accommodate the additional structure.
 2. The accessory residence shall not be subsequently divided from the original parcel or lot unless all lot, density and setback provisions of this Ordinance are met.

- iii. Accessory Residence for Farm Employees. An interim use permit may be issued to allow an accessory residence to be placed or constructed and occupied on a farm to provide housing for a person(s) or family which is actively engaged in the operation of the farm, provided:
 - 1. The major portion of the livelihood of the person(s) or family residing is derived from the farm.
 - 2. An acceptable sewer system exists on the site to accommodate the additional structure.
 - 3. The accessory residence shall not be subsequently divided from the farm unless all density, lot and setback provisions of this Ordinance are met.

- iv. Guest Houses. An interim use permit may be issued to allow a guest house to be placed or constructed and occupied to provide temporary accommodations for sleeping provided:
 - 1. Having no permanent kitchen facility.
 - 2. Such structure is intended for the use of persons visiting the occupants of the principal structure.
 - 3. The structure shall not consist of elements that could be interpreted to create a second freestanding dwelling unit on the property.
 - 4. Any structure qualifying as a guest house shall have no more than six hundred (600) square feet of finished livable space.
 - 5. An acceptable sewer system exists on the site to accommodate the additional structure.
 - 6. The accessory residence shall not be subsequently divided from the property unless all density, lot and setback provisions of this Ordinance are met.

- v. When issuing or renewing an interim (temporary) accessory residence permit, the Township Board may place additional, reasonable conditions on the permit to further the purpose and intent of this Ordinance. The failure to comply with these conditions may result in the revocation of said permit.

- vi. If an interim-use permit is not renewed for a (temporary) accessory residence or accessory farm residence the accessory residence may remain and be occupied through the term of the original permit, however, the accessory residence shall be removed from the lot within ninety (90) days of the expiration date of the permit.

j. **Temporary Dwellings.** Temporary dwellings including travel trailers, campers, tents, recreational vehicles, and other vehicles or structures which are adaptable for living and may be reasonably transported, may only be parked on the parcel and used for dwelling purposes for a period not to exceed thirty (30) consecutive days or more than thirty (30) days of a sixty (60) day period. Only one temporary dwelling may be occupied for dwelling purposes on a parcel or lot, except for short term periods such as family reunions and visits which do not exceed a period of fourteen (14) days. A camper, travel trailer or other recreational vehicle parked on a lot within an Agricultural-Residential district shall comply with all parking and building setbacks for the zoning district and shall only utilize the existing permitted access driveway into the site. Any deviation from the above restrictions requires an interim use permit.

i. The Township Board may grant an interim use permit for the use of a mobile home, camper, travel trailer, or other recreational vehicle for temporary residential purposes within the community in conjunction with a home construction project that is underway, provided however, that a duly authorized and valid building permit shall have been approved by the building official prior to the application for an interim use permit.

1. The applicant for said permit shall file an application with the Zoning Administrator setting forth the area in which said trailer is to be located, together with a copy of the building permit for the home to be constructed on said property.
2. The term of said permit shall not exceed one hundred eighty (180) days or upon receipt of certificate of occupancy of the residential home in question, whichever comes first. Upon the expiration of said permit, use as a temporary residence shall terminate.
3. The Township Board may attach such conditions and obligations to the issuance of said permit as deemed necessary to ensure compliance with the performance standards and intent of this Ordinance.

Section 6.02 Yard and Lot Area Requirements

1. **Purpose.** The purpose of this Section is to determine minimum yard and lot area requirements to be applied to all zoning districts under the jurisdiction of the Township.
2. **Yard Requirements.** The minimum yard setback distances from the appropriate lot line are set forth within the district provisions of this Ordinance and are in addition to the following requirements:

- a. Corner Lots. Where a lot is located at the intersection of two (2) or more roads, the width of the yard along the side road shall not be less than the required front yard.
- b. Through Lots. On a lot fronting on two (2) parallel roads, both road lines shall be considered front lot lines for applying the yard regulations of this Ordinance.
- c. Earth Sheltered Buildings. Computations for yard requirements shall be based upon measurements from the exposed exterior surface of the building.
- d. Exceptions. The following shall not be considered as encroachment into yard setback requirements:
 - i. Architectural projections including chimneys, flues, leaders, sills, pilasters, lintels, ornamental features, mechanical devices, cornices, eaves, gutters, and the like, provided they do not extend more than three (3) feet.
 - ii. Yard lights and signs provided they are located three (3) feet or more from all lot lines. Lights for illuminated parking or loading areas or yards for safety and security purposes may be installed where necessary provided that glare is not visible from public right of way or adjacent residential property.
 - iii. Off-street parking spaces except as hereinafter regulated.
 - iv. Fencing not exceeding eight (8) feet in height or screening materials as hereinafter regulated.
 - v. The planting of new trees, provided they are not less than eight (8) feet from any property line
 - vi. In rear yards: recreational and laundry drying equipment, swimming pools, balconies, breezeways, porches, detached outdoor living rooms and decks, and outdoor eating facilities which are above ground and of a permanent nature are allowed, provided these are not less than ten (10) feet from any lot line

3. **Lot Area Requirements.** All construction in the Agricultural-Residential District shall meet the following physical standards:

- a. Minimum Residential Lot Area, unplatted, without Central Sewer - 5 Acres with a buildable area on approved soils.
- b. Minimum Residential Lot Area, Platted, without Central sewer– 2.5 Acres with a buildable area on approved soils.

- c. Minimum Residential Lot Area, Platted, with Central sewer – 2.0 Acres gross lot area.
 - d. Minimum Lot Width at Front Yard Setback Line, Unplatted - 300 feet.
 - e. Minimum Lot Width at Front Yard Setback Line, Platted – 200 feet.
 - f. **Setbacks.** All buildings and structures, including houses with attached garages, shall meet or exceed the following setbacks as measured from the front property line*:
 - i. Minimum Front Yard Setback – 50 feet from the right-of-way
 - ii. Minimum Side Yard Setback
 - 1. From Street in Case of Corner Lot – 50 feet from the right-of-way
 - 2. From Interior Lot Line – 50 feet from the right-of-way
 - iii. Minimum Rear Yard Setback – 50 feet from the right-of-way
 - iv. Setback from Lakes, Rivers, Streams – Refer to Pine County Ordinances

*Parcels with legal descriptions to the centerline of the adjoining roadway shall maintain setbacks as those listed in this section, plus 33 feet.
4. **Lot Area Exceptions.** A lot of record existing upon the effective date of this Ordinance which does not meet the area or width requirements of this Ordinance may be allowed as a building site provided that the following conditions are met:
- a. All building setback requirements for the district are met.
 - b. The lot can provide a compliant sewer treatment system, an alternative drain field site, and private well.
5. **Shoreland Exception.** Lots within the Shoreland Overlay seeking a construction permit are exempt from the lot area and setback requirements of Section 6.02 3a-f of this Ordinance provided that the lot meets the requirements of Sections 5.0 and 6.0 of the County’s Shoreland Management Ordinance.

Section 6.03 Screening

- 1. **Parking.** Screening shall be required in all zones where; (a) any off-street parking area supporting a non-residential use contains more than four (4) parking spaces and is within thirty (30) feet of an adjoining parcel; or (b) where the driveway to a parking area serving non-residential use is within thirty (30) feet of an adjoining residential use or zone.
- 2. **Exterior Storage.** Screening shall be required in all zones where needed to block direct visual access to an object from the public right of way, and from adjoining residential uses or districts and object is within thirty (30) feet of the public right of way or adjoining parcel. The exceptions are (1) merchandise being displayed for sale under an approved Home-based Business Permit; (2) materials and equipment currently being used for

construction on the premises; and (3) agricultural equipment used on the property of a farm during a twelve month period.

3. **Types of Screening.** The screening required by the Ordinance shall consist of earth mounds, berms or ground forms; fences and walls; landscaping (plant materials) or landscaped fixtures (such as timbers) used in combination or singularly so as to block direct visual access to an object from the public right of way, and from adjoining residential uses or districts.

Section 6.04 Soil Conservation

On any development or land reclamation project with more than one (1) acre of soil, drainage patterns or vegetation cover that would be either destroyed or disturbed by the construction process, the Township Board may require the owner or contractor on said project to request the Soil Conservation District to prepare a Soil and Water Conservation Plan to protect the soil from erosion or sheet and rill erosion for the duration of the construction project and/or over the long term occupancy of the site.

Section 6.05 Drainage

No land shall be developed or altered that results in surface water run-off causing unreasonable flooding, erosion, or deposition of minerals on adjacent properties or waterbodies. Such run-off shall be properly channeled into a storm drain, natural water course or drainage-way, ponding area, or other public facility.

Section 6.06 Solar Energy Systems

1. **Solar Energy Systems.** Solar energy systems may be allowed as an accessory use in all districts pursuant to the standards in this Ordinance. Solar energy systems cannot be a principal use of a property, and industrial solar energy systems, or solar energy systems larger than what is permitted in this Ordinance, are not allowed. Solar energy systems must meet State Building and Electrical Codes.
2. **Building Mounted Solar Energy Systems.** Solar energy systems are a permitted accessory use if materially and structurally attached to a dwelling, or accessory building used for another purpose, provided the system meets all performance standards in the zoning district related to height and setbacks, and this Ordinance. Building mounted solar energy systems must be roof mounted and not mounted on the sides of a building. Solar energy systems may not be mounted on fences, sheds, nor other structures incapable of supporting such systems.
3. **Ground Mounted Solar Energy Systems.** Accessory ground mounted solar energy systems may be permitted on a lot with a principal residential structure, meeting the following conditions:

- a. The maximum permitted square footage of a ground mounted solar energy system is 1/5th the foundation size of the primary dwelling. Square footage is determined by its coverage of the ground as viewed from directly above.
 - b. The system shall not exceed fifteen (15) feet in height at maximum tilt.
 - c. No storage shall be permitted underneath the system components, nor shall any area around the system be finished to create any partially enclosed structure.
 - d. The area under and around a ground mounted solar energy system shall not be maintained as a nuisance under applicable law.
 - e. Ground mounted solar energy systems shall meet all setbacks for accessory buildings.
4. Any ground mounted solar energy systems may be erected after a review by the Township Building Official is completed and a properly issued Chengwatana Township Building Permit has been obtained, so long as the design meets all standards in this Ordinance and in the Township Code generally. No additional Township permit or certificate is required.
 5. Erecting a ground mounted solar energy system in violation of Section 3 above shall be a violation of this ordinance, and shall be removed upon order of the Township Board.

Section 6.07 Home Business

Home based businesses shall be allowed in any zoning district as an Interim Use Permit. The purpose of this Section is to establish general requirements for the operation of a Home Business. A Home Business shall be subject to the following requirements and other conditions that the Township Board may so determine are necessary to comply with the terms of this Ordinance, the Comprehensive Plan and to protect the health safety and welfare of the residents of the Township.

Performance Standards. All home businesses shall conform to the following standards:

1. Conduct of the home business shall not require alterations to the exterior of the residence which substantially alters the appearance of the dwelling as a residence.
2. Signage for the home business shall consist of no more than 1 single or double-faced sign with a maximum area of sixteen (16) square feet per side.
3. The activities, equipment, and materials involved in the home business shall be conducted and contained within the home or accessory structure to the principal use, except in those cases when such activities, equipment and materials are being utilized at the present time or in the immediate future, or are not visible from a public road or adjacent residences.

4. The home business shall not generate sewage of a nature or type that cannot be treated by a standard onsite sewage treatment system or generate hazardous wastes without an approved plan for offsite disposal.

Section 6.08 Short Term or Vacation Rentals

The rental, leasing, or offer for rent or lease of any dwelling unit, part of a dwelling unit, guest house, guest room, or lodging room for a period of less than thirty (30) days shall be an allowed Interim Use Permit. The Interim Use may be granted for a period determined by the Township Board. The Township may adopt regulations for the operation of such rental properties, and/or may apply specific operational requirements to such rentals to ensure protection of the health, safety, and welfare of the neighboring areas.

Conditions that may be included as factors for such requirements, and may further be grounds for revocation, may include excessive noise, lights, outdoor disturbances, illicit or illegal activities, and other similar conditions. The property owner and operator of any Short Term or Vacation Rental facilities shall enter into a written agreement with the Township, in a form acceptable to the Township, stating the Township Board's conditions and the termination event or date for the Interim Use Permit. The Township Board shall be under no obligation to renew or issue a new permit for any prior IUP holder.

Section 6.09 Event Centers

The use of any agricultural parcel may include a farm-related event center as an accessory use which may include attractions related to the farming that occurs on the property, or on a contiguous parcel under the same ownership. Such Event Centers shall require approval of an Interim Use permit for a period determined by the Township Board. The Township may adopt regulations governing the nature and extent of the use, attendance capacity, the season and duration of the use, the hours of operation, and any site improvements (including parking) that may be necessary to protect the public health, safety, and welfare of the residents of the Township and the visitors to the Event Center. The property owner and operator of any Event Center facilities shall enter into a written agreement with the Township, in a form acceptable to the Township, stating the Township Board's conditions and the termination event or date for the Interim Use Permit.

Examples of such Event Centers include apples and apple products for sale which are grown at an orchard on-site, wine made on site from ingredients that are in part grown on the property, or similar uses. Events may include live music, other entertainments, private gatherings such as weddings and receptions or similar events, and other activities.

Any Interim Use Permit for such an Event Center shall require review and approval of the Building Official certifying that the buildings and areas used for the Events have made due consideration for life safety, including building codes, fire codes, and other related public safety concerns.

Event Centers shall be approved only when the Township Board finds that adjoining residential uses will not be negatively impacted by noise, lights, or encroachments of the use or users onto private property. Violations of the terms of the Interim Use Permit may result in revocation of said Permit by action of the Township Board.

Section 6.10 Recreational Vehicle (RV) Park (also “Resort”)

A resort or RV Park shall only be allowed in any zoning district as an Interim Use Permit (IUP). Such resort or RV Park shall be subject to the following requirements and other conditions that the Township Board may so determine are necessary to comply with the terms of this Ordinance, the Comprehensive Plan and to protect the health safety and welfare of the residents of the Township. Due to the high potential of disturbance to the community, violations of any IUP conditions shall be grounds for revocation of the IUP. Sanitary sewage treatment shall be provided as defined in this section. Failure of the safe collection and treatment of any such sewage system shall be grounds for revocation of the IUP. For purposes of this Section, a “unit” is a Motor Home.

Performance Standards. All resort or RV Parks shall conform to the following standards:

1. **Minimum Density.** No resort or RV Park shall have a density of more than one Motor Home per (1) acre. For example, no more than ten (10) Motor Homes can be located on a ten (10) acre property. The motor homes may be clustered together.
2. **Sanitary Sewer.** If the resort or RV Park has a density of less than 2.5 acres, the resort or RV Park shall either connect to a public sanitary sewer system, or shall construct and operate a private sanitary sewer collection and treatment system approved by the Township Board and other appropriate governmental authorities.
3. **Minimum Lot Size.** No resort or RV Park shall be on a parcel less than ten (10) acres in size to ensure the recreational needs of clients/customers do not solely rely on the surrounding community and Township.
4. **No Tents.** No unit sites in the resort or RV park shall be occupied by any tent, tent-camper, or tent-trailer.
5. **Motor Homes Only.** Resort or RV Park unit sites shall only be occupied by Motor Homes as defined by this Ordinance, which are planned to occupy the property for more than 30 days, or the duration of the season.
6. **Number of Units.** There shall be no more than fifty (50) unit sites for Motor Homes in any contiguous resort or RV park under the same management, ownership, or on contiguous parcels.
7. **Open Space.** At least 50% of the resort or RV Park property shall be dedicated to permanent open space excluding streets and parking areas.
8. **Screening.** Structures and parking areas shall be screened to neighboring properties.

9. Development Agreement. If required as a condition of IUP approval, the owner/operator of said resort or RV Park shall enter into a development contract with the Township specifying the terms of the IUP, including the duration.
10. Property Owner. Property Owner shall live on the property and be responsible for overseeing the day-to-day operations of the resort or RV Park.

Section 6.11 Campgrounds

Campgrounds are not permitted in Chengwatana Township.

Section 6.12 Kennels

Kennels, are an “Interim Use” in all Zoning Districts where they are allowed, whether Private Kennel, Small Business Kennel or Commercial Kennel. From the effective date of this ordinance, Kennels operating under a Township of Chengwatana permit may continue to do so until the permit expires.

Section 6.13 Temporary Health Care Dwellings

Pursuant to authority granted by Minnesota Statutes, Section 462.3593, subdivision 9, the Township of Chengwatana opts-out of the requirements of Minnesota Statutes, Section 462.3593, which defines and regulates temporary family health care dwellings. This does not apply to or affect other regulations in the Township Code related to care facilities and temporary housing.

Section 6.14 Land Reclamation and Land Grading

1. **Mining Interim Use Permit (IUP) or Grading Plan.** Within this Article, land reclamation and grading is the reclaiming of land by depositing or moving material so as to alter the grade. Land reclamation and grading may be permitted by Mining Interim use Permit (IUP) in the AG zone, or by a Grading Plan in all zones. Depositing a total of more than fifty (50) cubic yards of material per acre, either by hauling in or regrading the area, shall constitute land reclamation and grading. Land reclamation and grading in flood plains shall be in accordance with the Floodplain Ordinance. The plan shall include as a condition thereof a finished grading plan which will not adversely affect the adjacent land and as conditions thereof shall regulate the type of material permitted, program for rodent control, plan for fire control, and general maintenance of the site, controls of vehicular ingress and egress, drainage and control of material disbursed from wind or hauling of material to or from the site.
2. **DNR Permit for Water Appropriation.** No person, partnership or association, private or public corporation, county, municipality or other political subdivision shall appropriate or use any public water, surface or underground, without first securing a Use of Public Waters Permit and written permission of the Commissioner of the Division of Waters, Soils and Minerals of the State Department of Natural Resources. For purposes of these regulations, public waters shall be as defined in Minnesota Statute Chapter 105, and as follows:

- a. Public water shall include all lakes, ponds, swamps, streams, drainageways, floodways, floodplains, natural water courses, underground water resources and similar features involving directly or indirectly the use of water within the community.
3. No public water area shall be filled, partially filled, dredged altered by grading, mining or otherwise utilized or disturbed in any manner without first securing a permit from the Minnesota Department of Natural Resources and the U.S. Army Corps of Engineers and a grading permit from the Township Board. Such Grading permits may be reviewed and approved by the Department of Natural Resources, the Township Engineer, the Watershed District and the Planning Commission.

Section 6.15 Commercial Mining

The per year extraction of sand, gravel, or other material from the land in the total amount of one thousand (1,000) cubic yards or more from the site shall be defined as commercial mining. In all districts, the conduct of commercial mining shall be permitted only upon issuance of an interim use permit. Commercial mining operations in existence prior to the enactment of this Ordinance shall apply for a conditional use permit and be subject to the provisions of this Ordinance at any time that the existing mining operation is expanded to or moved to another land parcel. The following requirements shall apply to commercial mining operations:

- 1. In addition to the requirements for conditional uses, the following information shall accompany the conditional use permit application in writing with necessary maps.
 - a. Site Plan
 - i. Area of site
 - ii. Proximity of site to lot lines, adjacent structures
 - iii. Existing drainage and permanent or temporary ponding areas
 - b. Operational Plan
 - i. Placement of structures and equipment
 - ii. Location and amount of materials to be removed
 - iii. Location and height of materials to be stock piled
 - iv. Altered drainage and ponding areas
 - v. Erosion and sediment controls to be used
 - vi. Dust, noise, and smoke control
 - vii. Duration of mining operation
 - viii. Hours of operation
 - ix. Materials to be produced
 - x. Other activities occurring related to mining
 - xi. Haul Route
 - c. Reclamation Plan
 - i. Final grade of site
 - ii. Vegetative cover

iii. . Use of site

- d. Other information as may be requested by the Planning Commission or Township Board.
2. The Township Board may require updated operational plans on an annual basis. The approval of the current operational plan shall be a condition of the use permit.
3. Any use beyond the extraction and stockpiling, crushing, washing, or processing of materials; such as the production of architectural or structural stone; of the manufacture of asphalt, concrete or concrete building blocks shall be considered a separate use and may be allowed by issuance of a separate interim use permit.
4. The Township Board may place conditions upon the issuance of the permit. These conditions may include:
 - a. Maintenance standards of site – including weed control, storage and parking of vehicles and equipment.
 - b. Drainage and sediment control.
 - c. Fencing and screening.
 - d. Location and maintenance of access roads and hauling routes.
 - e. Dust, noise, and smoke control.
 - f. Setbacks from property lines.
 - g. Hours of operation.
 - h. Rehabilitation of land and vegetation
 - i. Posting of security to reimburse the Township for any costs which may be incurred for the following:
 - i. Costs of bringing the operation into compliance with the conditional use permit requirements.
 - ii. Costs of reclamation should the permittee fail to execute any part of a reclamation plan as required within this Ordinance or as a condition of the permit.
 - iii. Extraordinary costs of repairing roads due to the special burden resulting from the hauling of materials and traffic associated with the operation. The amount of such cost shall be determined by the Township Board or its agent.

Section 6.16 Agricultural Operations

All Agricultural operations in existence upon the effective date of this Ordinance shall be a permitted use. However, all regulations contained herein and other community codes and ordinances in effect shall apply to all changes of the agricultural operation which will cause all or part of the area to become more intensively used or more urban in nature.

1. **Rural Agricultural Operations.** Rural agricultural operations may occur on parcels of ten (10) or more contiguous acres. Rural agricultural operations may include the production of farm crops, such as vegetables, fruit trees, grain and other crops and their storage on

the area, as well as for the raising thereon of farm poultry, domestic pets and domestic farm animals.

2. **Performance Standards.** Performance standards for detached agricultural buildings and domesticated farm animal buildings shall include the following:
 - a. **Setbacks.** All domestic farm animal buildings, feedlots and manure storage sites shall be setback as follows:
 - i. Any property line – 100 feet
 - ii. Any existing well or residential structure on the same parcel – 50 feet
 - iii. Any existing well or residential structure on an adjacent or nearby parcel – 200 feet
 - iv. Any body of seasonal or year round surface water – 200 feet
3. **Treating, Storing or Producing Retail Farm Market Products.** Rural agricultural operations may include necessary accessory uses for treating, storing or producing retail farm market products; provided however, that the operation of any such accessory shall be secondary to that of the primary agricultural activity.
4. **Feedlots.** Rural agricultural operations may not include commercial livestock pen feeding (feedlots) without first receiving a Minnesota Pollution Control Agency Feedlot Permit.
5. **Commercial Feeding Operations.** Commercial feeding operations shall only be conducted in associated with a Feedlot Permit from the Minnesota Pollution Control Agency.
6. **Forestry Products and Processing.** The storage and processing of forestry products is considered an allowed use.

Section 6.17 Animal Slaughtering and Processing

It shall be unlawful for any person to slaughter animals or to custom process animals or to process animals or animal parts for commercial purposes in the Township of Chengwatana, except as defined by this ordinance.

1. **Permitted Commercial Animal Slaughtering and Processing.** The slaughtering and processing of animals for commercial purposes which involves the animals raised by others, and/or transported to the processing facility from other owners for such purposes, shall be an Interim Use Permit. Said IUP shall be subject to any requirements of other regulatory agencies as may apply.

ENFORCEMENT

Section 7.01 Violations and Penalties

- A. **Violations.** The violation of any provision of this Ordinance or the violation of the conditions or provisions of any permit issued pursuant to this Ordinance shall be a misdemeanor, and upon conviction thereof, the violator shall be subject to a fine, imprisonment or both; plus in either case, the cost of prosecution. The imposition of any fine or sentence shall not exempt the offender from compliance with the requirements of this Ordinance.
- B. **Penalties.** Unless otherwise provided, each act of violation and every day on which such violation occurs or continues, shall constitute a separate offense.
- C. **Application to Township Personnel.** The failure of any officer or employee of the Township to perform any official duty imposed by this Ordinance shall not subject the officer or employee to a penalty imposed for violation unless a penalty is specifically provided for such failure.
- D. **Just Relief.** In the event of a violation or the threatened violation of any provision of this Ordinance or any provision or condition of a permit issued pursuant to this Ordinance, the Township, in addition to other remedies, may institute appropriate actions or proceedings to prevent, restrain, correct or abate such violation or threatened violation.
- E. Nothing in this Section shall prevent the Township from taking such other actions as are permitted under law, and the penalties provided here shall be cumulative.
- F. Any building or structure being erected, constructed, reconstructed, altered, repaired, converted or maintained, or any building, structure or site hereafter erected or maintained, or land use made or permitted in violation of this Ordinance, is hereby declared unlawful.

|CHENGWATANA TOWNSHIP ZONING FEE SCHEDULE

(subject to change)

SERVICE	
CUP	\$550 +costs
IUP	\$550 +costs
Variance	\$550 +costs
Pine County Recording Fee	County cost x2
Board of Appeals/Adjustments	\$400
Site Plan/Building Site Permit	\$200/dwelling unit
Accessory Structures (over 200 sqft)	\$100
Lot Split or Combination	\$100
Septic Permit	See County
Driveway Access permit	\$800
Right of way permit	\$50
Mailbox Post/Installation	\$150
Signs	\$50
Special Meeting (not including legal fees/travel expenses)	\$575
Rezoning/Ordinance Amendment	\$400
NSF check fee	\$30
Copies (per pg)/Envelopes/Stamps	See administrative rates
Service Charge after 30 days	1.5% (\$5 min)
Administrative Citation 2 nd offense	\$100
Administrative Citation 3 rd offense	\$200
Administrative Citation 4 th offense	\$400
Administrative Citation 5 th offense	\$800

*All unpaid fees will be applied to property taxes