

Thorpe Township Zoning Ordinance



278351

306

March, 2002

Planning Consultant:
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COUNTY RECORDER
STATE OF MINNESOTA
COUNTY OF HUBBARD
I hereby certify that the within
instrument was filed in this office for
record on the 8th day of
April A.D. 2002 at
1:35 O'clock P.M. and was duly
recorded in Book X of Misc.
on page 306.

Karen Ross
County Recorder

By _____ Deputy

**THORPE TOWNSHIP ZONING ORDINANCE
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ARTICLE I – GENERAL PROVISIONS

Section 10. Title and Application

This Ordinance shall be known, cited and referred to as the Thorpe Township Zoning Ordinance. This is an ordinance regulating the use of land in the Township of Thorpe by districts, including the regulation of the location, size, use and height of buildings, the placement of buildings on lots and the density of population of Thorpe Township. Hubbard County will be responsible for administering the shoreland zoning, as well as subdivision and on-site septic regulations within Thorpe Township. Additional regulations in shoreland are also found in this Ordinance and both Thorpe Township and Hubbard County regulations shall apply.

Section 20. Intent and Purpose

This ordinance, adopted pursuant to the provisions of the Minnesota Statutes Annotated, Chapter 462.351 to 462.364 and 365.10, subd. 17, is intended to serve the following purposes:

1. To protect the public health, safety, comfort, convenience and general welfare of the Township;
2. To guide the future growth and development of the Township in accordance with the Comprehensive Plan adopted by the Township Board;
3. To protect and preserve the environmental quality and natural beauty of the lakes and woods located in the Township;
4. To protect and conserve the value of land throughout the Township and the value of buildings appropriate to the various districts established by this Ordinance;
5. To provide adequate light, air, and privacy, to secure safety from fire, flood and other danger, and to prevent overcrowding and undue congestion of land and population;
6. To bring about the gradual conformity of the uses of land and buildings throughout the Township through the zoning plan set forth in this Ordinance and to minimize the conflicts among the use of land and buildings;
7. To promote the most beneficial relation between the uses of land and buildings and the circulation of traffic throughout the Township;
8. To provide a guide for public policy and action in the efficient provision of public facilities and services and for private enterprises in building development, investment and other economic activity relating to uses of land and buildings throughout the Township; and,
9. To preserve and enhance the quality of surface waters, preserve the economic and natural environmental values of shorelands, and provide for the wise utilization of waters and related land resources.

Section 30. Rules

The language contained in the text of this Ordinance shall be interpreted in accordance with the following rules of construction:

1. The singular number includes the plural and the plural, the singular.
2. The present tense includes the past and future tenses, and the future the present.
3. The word "shall" is mandatory, and the word "may" is permissive.
4. The masculine gender includes the feminine and neuter genders.
5. Whenever a word or term defined hereinafter appears in the text of this Ordinance, its meaning shall be construed as set forth in such definition.
6. All measured distances expressed in feet shall be to the nearest tenth of a foot.
7. In the event of conflicting provisions, the more restrictive provisions shall apply.

Section 40. Definitions

Accessory Structure or Use: A structure or use of secondary or subordinate use to the principal structure or use, located on the same lot.

Agricultural Building or Structure. Any building or structure, existing or erected which is used principally for agricultural purposes, with the exception of dwelling units.

Agriculture Use: The use of land for agricultural purposes, including farming, dairying, pasturage, horticulture, floriculture, tree farms, and animal and poultry husbandry and the accessory uses of packing, treating or storing the produce; provided that the operation of any such accessory uses shall be secondary to that of the normal agricultural uses.

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

- 1) Part or all of the feature is located within a shoreland area;
- 2) The slope rises at least 25 feet above the ordinary high water level of the water body;
- 3) The grade of the slope from the toe of the bluff to a point twenty-five (25) feet or more above the ordinary high water level averages thirty (30) percent or greater;
- 4) The slope drains toward the water body.

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

Board of Adjustment and Appeals: The Thorpe Township Board of Adjustment as appointed by the Thorpe Township Board.

Building: Any structure having a roof or other covering, and designed for the shelter or enclosure of any person, animal or property of any kind and used for purposes ordinarily attributed to a building or structure.

Building Line: A line parallel to a lot line or the ordinary high water level at the required setback, at any story level of a building and representing the minimum distance beyond which all or any part of the building may not extend.

Campground: An area or tract of land on which accommodations for temporary occupancy are located or may be placed, including cabins, tents, and major recreational equipment, and which is primarily used for recreational purposes and retains an open air or natural character.

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

Commission: The Planning Commission (recommending body) of Thorpe Township.

Commissioner: The Commissioner of the Department of Natural Resources.

Conditional Use: A land use or development as defined by ordinance that may be allowed but only after an in-depth review procedure and with appropriate restrictions or conditions as provided by the Zoning Ordinance upon a finding that standards and criteria stated in this Ordinance will be satisfied. The use must be compatible with the existing neighborhood, and

must conform to the comprehensive plan.

Deck: A horizontal, unenclosed platform with or without attached railings, seats, trellises or other features, attached or functionally related to a principal use, structure or site, and at any point extending more than three feet above ground.

Dwelling: Any structure, or portion of a structure, used exclusively for residential purposes, including one-family, two-family and multiple family dwellings, but not including rental or timeshare accommodations such as motel, hotel and resort rooms and cabins.

Family: An individual or two or more persons related by blood, marriage or adoption, living together as a single housekeeping unit in a dwelling unit; or a group of not more than four (4) persons who need not be related by blood, marriage, or adoption, living together as a single housekeeping unit in a dwelling unit.

Guest cottage/house: A structure used as a dwelling unit that may contain sleeping spaces and kitchen and bathroom facilities, in addition to those provided in the primary dwelling unit on a lot.

Home Occupation: A use conducted entirely within an enclosed building, which is clearly secondary and incidental to residential occupancy, and which does not change the character thereof. Specifically excluded are any activities that result in the alteration of a building, window display, construction features, equipment, machinery, or outdoor storage, any of which is visible from outside of the lot on which such use is located.

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

Lot Line. A line marking a boundary of a lot except that where any portion of a lot extends in to the public right-of-way, the lot line shall be deemed to be the boundary of said public right-of-way.

Lot Line - Front. For a riparian lot, the front lot line is that line indicating the ordinary high water level. For a non-riparian lot, a front lot line is a line dividing a lot from any public road, except a limited or controlled access highway to which the lot has no access.

Lot Line - Rear. The lot line not intersecting a front lot line that is most distant from and most closely parallel to the front lot line. A lot bounded by only three lot lines will not have a rear lot line. For any lot abutting on an alley, the rear setback may be measured from the center line of such alley right-of-way.

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

Lot of Record. Any lot which is one (1) unit of a recorded plat designated by auditor's plat, subdivision plat, or other accepted means and separated from other parcels or portions of said description, for the purpose of sale, lease or separation thereof that has been recorded in the Office of the County Recorder.

Manufactured Home: A manufactured home is a structure transportable in one or more sections, which in the traveling mode, is eight body feet or more in width or 40 body feet or more in length, or, when erected on site is 320 or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling for one family, with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained therein, except that the term includes any structure which meets all the requirements and with respect to which the manufacturer voluntarily filed a certification required by the Secretary of the United States Department of Housing and Urban Development. No Manufactured home shall be moved into Thorpe Township that does not meet the Manufactured Home Building Code as defined in Minnesota Statutes, Chapter 327.31, Subdivision 3.

Manufactured Home Park. Any park, court, lot, parcel or tract of land, designed, improved, maintained or intended for the purpose of supplying a location for manufactured home units or upon which any manufactured homes are parked. It shall include all buildings used or intended for use as part of the equipment thereof, whether a charge is made for the use of the manufactured home park or not.

Metes and Bounds Description: A description of real property which is not described by reference to a lot or block shown on a map, but is described by starting at a known point and describing the bearings and distances of the lines forming the boundaries of the property or delineates a fractional portion of a section, lot or area by described lines or portions thereof.

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

Ordinary High Water Level: The boundary of public waters and wetlands indicated by an elevation delineating the highest water level which has been maintained for a sufficient period of time to leave evidence upon the landscape, commonly that point where the natural vegetation changes from predominantly aquatic to predominantly terrestrial. For watercourses, the ordinary high water level is the elevation of the top of the bank of the channel.

Permanent Foundation: A foundation meeting the Minnesota State Building Codes and consisting of approved footings, crawl space or a basement. For manufactured homes, an approved system of piers or a hardstand with appropriate tie downs may be used as a permanent foundation with skirting required.

Plat: A map or drawing which graphically delineates the boundary of land parcels for the purpose of identification and record of title. The plat is a recorded legal document and must conform to the law.

Practical Difficulties: As used in connection with granting a variance, means the property owner proposes to use the property in a reasonable manner that is not permitted by the Ordinance, the plight of the property owner is due to circumstances unique to the property not created by the property owner, and the variance, if granted, would not alter the essential character of the locality. Economic considerations alone do not constitute practical difficulties. Practical difficulties include, but are not limited to, inadequate access to direct sunlight for solar energy systems.

Private Road: Any road that is not accepted, recorded or maintained by a public jurisdiction and is not a public road as defined by the Ordinance.

Public Road: A right-of-way, dedicated to, opened and accepted by, a public jurisdiction. All public streets must have a minimum width of sixty-six (66) feet of right-of-way and twenty-six (26) feet of road top. All public roads must be constructed in accordance with state law, and must be legally recorded.

Public Waters: Any waters as defined in Minnesota Statutes, Section 103G.005, Subdivision 15. However, no lake, pond, or flowage of less than 25 acres in size will be regulated for purposes of these parts. A body of water created by a private user where there was no previous shoreland shall be exempt from the provisions of this ordinance. The official determination of the size of public water basins and physical limits of drainage areas of rivers and streams shall be made by the Commissioner.

Recreation-Oriented Commercial Use: non-motorized, seasonal recreation use, secondary to the principal use of the property.

Resort: a private commercial recreational development which includes multiple units intended for habitation on a temporary basis for relaxation or recreational purposes. Resorts are considered commercial planned unit developments.

Riparian Lot: Any lot which is bounded on one or more sides by public waters frontage.

Setback: The distance between a boundary and a building or sewage treatment system, or the minimum horizontal distance between a structure, sewage treatment system, or other facility and an ordinary high water level, top of a bluff, road, highway, and the property line. Decks must also meet the setback requirements of the ordinance and must be measured from the nearest point on the deck to the feature in question.

Sewage Treatment System: A system which uses subsurface soil treatment and disposal whereby septic tank effluent is treated and disposed of below the ground surface by filtration and percolation through the soil and includes those systems commonly known as: seepage beds; disposal fields; and mounds. All private sewage treatment systems must meet or exceed the Hubbard County Environmental Services Department standards for individual sewage treatment contained in the document titled, "Hubbard County Shoreland Management Ordinance".

Shoreland: Land located within the following distances from public waters: 1,000 feet from the ordinary high water level of a lake, pond or flowage; and 50 feet from a river or stream, or the landward extent of a floodplain designated by ordinance on a river or stream, whichever is greater. The limits of shorelands may be reduced whenever the waters involved are bounded by topographic divides which extend landward from the waters for lesser distances and where approved by the Commissioner.

Structure. That which is built or constructed, an edifice or building or appurtenance thereto, or any piece of work artificially built up, or composed of parts joined together in some definable manner, except aerial or underground utility lines such as: sewer, electric, telephone, telegraph, gas lines, towers, poles, and other supporting appurtenances.

Zoning Administrator: The zoning administrator of the Thorpe Township Zoning Ordinance or its authorized agent or representative.

Section 50. Relation to the Comprehensive Plan.

It is the policy of Thorpe Township that the enforcement, amendment, and administration of this Ordinance be accomplished with due consideration of the recommendations contained in the Township Comprehensive Plan as developed and amended from time to time by the Planning Commission and Township Board. The Township Board recognizes the Comprehensive Plan as the policy for regulating land use and development in accordance with the policies and purposes herein set forth.

Section 60. Standard Requirements:

The following standards shall apply to all zoning districts and property, unless otherwise noted in this Ordinance.

1. More Restrictive Provisions to Govern: Where the conditions imposed by any provisions of this Ordinance are either more restrictive or less restrictive than comparable conditions imposed by any other law, ordinance, code, statute, resolution or regulation, the regulations which are more restrictive or impose higher standards or requirements shall prevail.
2. Interpretation: In their interpretation and application, the provisions of this Ordinance shall be held to be the minimum requirements for the promotion of the public health, safety and general welfare. Interpretation shall be made by the Zoning Administrator, subject to appeal to the Board of Adjustment.
3. Conformity with this Ordinance: No building or structure shall be erected, converted, enlarged, constructed, reconstructed, moved or altered, and no building, structure or land shall be used for any purpose nor in any manner which is not in conformity with the provision of this Ordinance and without a land use permit being issued when required by this Ordinance for Thorpe Township.
4. Building Occupancy: Except as herein provided, no building, structure or premises shall hereafter be used or occupied and no land use permit shall be granted that does not conform to the requirements of this Ordinance.
5. Land Reduction: No yard or lot existing at the time of passage of this Ordinance shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this ordinance shall meet at least the minimum requirements established by this Ordinance.
6. Abrogation's and Regulations: These regulations shall not abrogate any easement, covenant, or any other private agreement where such is legally enforceable, provided that where the regulations of this Ordinance are more restrictive, or impose higher standards or requirements than such easements, covenants, or other private agreements, the requirements of this Ordinance shall be controlling.

Section 70. Uses Not Provided For within Zoning Districts.

Whenever in any zoning district a use is neither specifically permitted nor denied, the use shall be considered prohibited. In such cases, 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 and if so, what zoning district would be most appropriate and the determination of conditions

and standards relating to development of the use. The Township Board, Planning Commission or property owner, upon receipt of the staff study shall, if appropriate, initiate an amendment to this Ordinance to provide for the particular use under consideration or shall find that the use is not compatible for development within the Township.

Section 80. Separability.

It is hereby declared to be the intention of the Township that the several provisions of this Ordinance are separable in accordance with the following:

1. If any court of competent jurisdiction shall adjudge any provision of this Ordinance invalid, such judgment shall not affect any other provisions of this Ordinance not specifically included in said judgment.
2. If any court of competent jurisdiction shall adjudge invalid the application of any provision of this Ordinance to a particular property, building, or other structure, such judgment shall not affect the application of said provision to any other property, building, or structure not specifically included in said judgment.

ARTICLE II – GENERAL ZONING DISTRICTS AND REGULATIONS

Section 10. Zoning Map.

The zoning map of Thorpe Township can be accessed by calling the Thorpe Township Clerk. This map is hereby adopted by reference. A copy of this map, showing the location of all zoning districts within Thorpe Township, is provided on page 9.

Section 20. Interpretation of Zoning Map.

Regardless of the existence of purported copies of the Official Zoning Map which may from time to time be made or published, the official Zoning Map, which shall be located in the office of the Township Clerk, shall be the final authority as the current zoning status of land and water areas, buildings or other structures in the Township.

A. District Boundaries:

The location and boundaries of the zoning districts established by this Ordinance are set forth on the official Zoning Map. District boundary lines as indicated on the Zoning Map follow lot lines, property lines, right-of-way or center lines of streets or alleys, right-of-way or center lines of streets or alleys projected, the township limit lines, shorelines, all as they exist upon the effective date of this Ordinance. If said boundary lines do not follow any of the above, the district boundary lines are established as drawn on the Zoning Map.

B. Vacated Ways:

Whenever any street, alley or other public way is vacated in the manner authorized by law, the zoning district adjoining each side of such street, alley or public way shall be automatically extended to the center of such vacation and all included in the vacation shall then and henceforth be subject to all regulations of the extended districts.

C. Appeals:

Appeals concerning the exact location of a zoning district boundary line shall be heard by the Board of Adjustment.




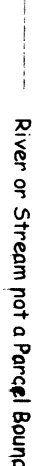
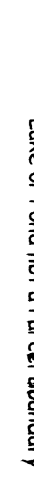
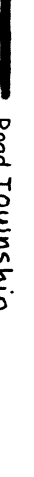
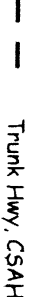
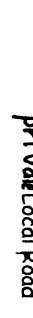

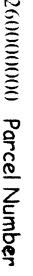




Section 30. Zoning Districts.

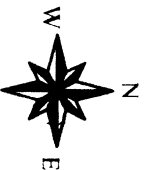
The Township of Thorpe is hereby divided into the following zoning districts as shown below. These zoning districts are created in order to promote the orderly development of land, including the shoreland of its public waters, within Thorpe Township.

	<u>Symbol:</u>	<u>District Name:</u>
1.	L	Lake Shore (L)
2.	C	Conservation (C)

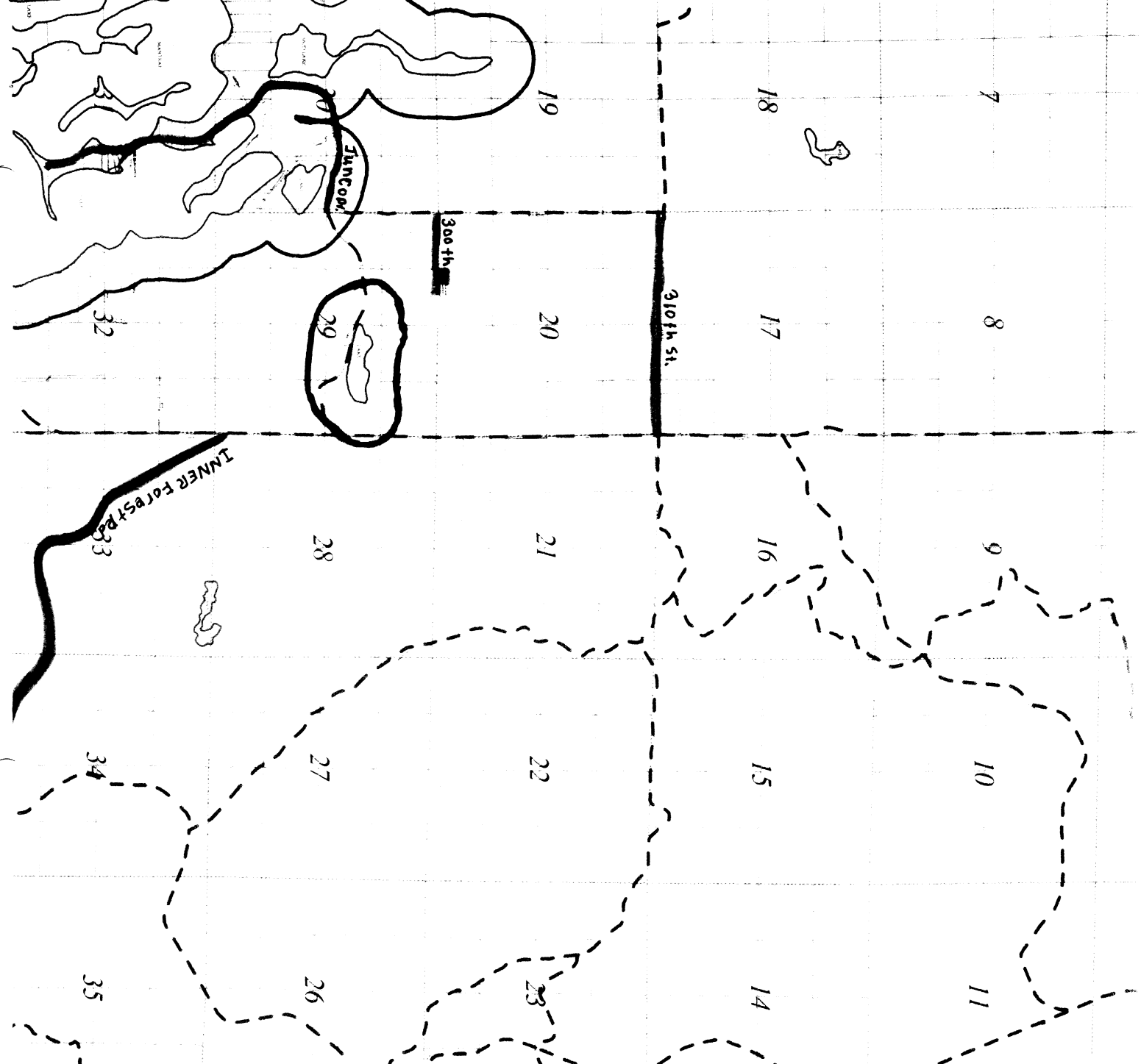
T142N - R33W Thorpe Twp

LEGEND

-  Plat Boundary
-  Parcel Line
-  Parcel Boundary - Lake or Pond
-  Parcel Boundary - River or Stream
-  River or Stream not a Parcel Boundary
-  Lake or Pond not a Parcel Boundary
-  Forty or Lot Line
-  Road Township
-  Trunk Hwy, CSAH, or County Road CL
-  Private Local Road
-  Forest Road CL
-  Rec Trail CL
-  Parcel Number
-  1000' Buffer Lake Share Zone



1000 0 1000 2000 3000 4000 5000 6000 7000 Feet



Section 30.10 Lake Shore District:

The Lake Shore district shall apply to all lands in Thorpe Township that are located within 1000 feet of public waters. The public waters (lakes) of Thorpe Township and their classifications are as follows:

1. Big Mantrap Lake (#29-151 – Recreational Development)
2. Mud Lake (#29-119 – Natural Environment)
3. No Name Lake (#29-112 – Natural Environment)

All uses within this district shall comply to both the Hubbard County Shoreland Management Ordinance and the Thorpe Township Zoning Ordinance. In cases where two standards exist, the stricter standard shall apply

Section 30.10.1 Purpose and Intent.

The Lake Shore district is created to augment the existing Hubbard County Shoreland Management Ordinance as it is the desire of the residents of Thorpe Township to protect, preserve and enhance the quality of it's lakes and preserve the economic and natural environmental values of lakeshore and provide for the wise use of waters and related land resources.

Section 30.10.2 Permitted Uses.

The following uses are permitted with the issuance of a Land Use Permit from the Zoning Administrator, in the Lake Shore District:

1. Single-family dwellings.
2. Licensed daycare facilities serving 12 or fewer persons.
3. Group family day care facilities licensed under MN Rules, parts 9502.0315 to 9502.0445 to serve 14 or fewer children.
4. State Licensed residential facility registered under chapter 144D, serving six (6) or fewer persons.
5. Telecommunication towers 199 feet or less, for residential uses.
6. Accessory buildings.

Section 30.10.3 Conditional Uses.

The following uses may be permitted with the approval of a Conditional Use Permit by the Township Board following the procedures outlined in Article IV, Section 40 of this Ordinance.

1. Home Occupations.
2. Federal, state or local governmental buildings and facilities.
3. Resorts and campgrounds.
4. Guest Cottages (per Hubbard County Shoreland Management Ordinance requirements).
5. Accessory uses and structures

Section 30.10.4 Minimum Lot Requirements and Setbacks.

The following minimum requirements shall apply to all property and structures in the Lake Shore District*. Requirements in Article III on Performance Standards and other standards as noted, shall also apply.

- A. Lot Area: 5 acres
- B. Lot Width: 300 feet (at building and front lot line)
- C. Setbacks (from lot lines): 100 feet from existing lot lines*

* Hubbard County Shoreland Standards shall also apply to setbacks from the Ordinary High Water Mark of public waters.

Section 30-20. Conservation District

This includes all other property outside of the Lake Shore District in Thorpe Township.

Section 30.20.1 Purpose and Intent.

The purpose of the Conservation District is to allow development at densities compatible with maintaining the rural character of the Township and that also maintain and preserve the environmental quality of the area.

Section 30.20.2 Permitted Uses.

The following uses are permitted with the issuance of a Land Use Permit from the Zoning Administrator, in the Conservation District:

- 1. Single family dwellings.
- 2. Agricultural uses.
- 3. Licensed daycare facilities serving 12 or fewer persons.
- 4. Groups family day care facilities licensed under MN Rules, parts 9502.0315 to 9502.0445 to serve 14 or fewer children
- 5. State Licensed residential facility registered under chapter 144D, serving six (6) or fewer persons.
- 6. Telecommunication towers 199 feet or less for residential uses.
- 7. Accessory buildings.

Section 30.20.3 Conditional Uses.

The following uses may be permitted with the approval of a Conditional Use Permit by the Township Board following the procedures outlined in Article IV, Section 40 of this Ordinance.

- 1. Home Occupations.
- 2. Federal, state or local governmental buildings and facilities.
- 3. Resorts, campgrounds and other recreation-oriented commercial use.
- 4. Hunting preserves and game land.
- 5. Guest cottages. (see Article III, Section 60)
- 6. Telecommunication towers 200 feet or greater.
- 7. Accessory uses.

Section 30.20.4 Minimum Lot Requirements and Setbacks.

The following minimum requirements shall apply to all property and structures in the Conservation District. Requirements in Article III, on Performance Standards and other standards as noted, shall also apply.

- A. Lot Area: 20 acres
- B. Lot Width: NA
- C. Setbacks (from lot lines): 100 feet from existing lot lines

ARTICLE III. PERFORMANCE STANDARDS

Section 10. Purpose.

The performance standards established in this section are designed to encourage a high standard of development by providing assurance that neighboring land uses will be compatible. These standards are also designed to prevent and eliminate conditions that cause blight. Before any permit is approved, the Zoning Administrator shall determine whether the proposed use will conform to the performance standards. An applicant shall supply data necessary to demonstrate such conformance.

The performance standards shall apply to future development and to existing development within compliance periods as noted in individual sections. Compliance may be waived by the Township if a building condition created under prior ordinances physically precludes the reasonable application of the standards.

Section 20. Exterior Storage.

In residential areas, all materials and equipment shall be stored within a building or be fully screened so as not to be visible from adjoining properties, except for the following:

1. Laundry (i.e., clothesline with clothes, etc);
2. Recreational Equipment;
3. Construction and landscaping materials currently being used on the premises;
4. Agricultural equipment and materials if these are used or are intended for use on the premises;
5. Off-street parking of passenger automobiles and pick-up trucks; and
6. Boats and trailers.

Existing uses shall comply within twelve (12) months following enactment of this Ordinance.

Section 30. Refuse, Weeds and Junk Cars.

In all zoning districts, all waste material, debris, refuse, or garbage shall be kept in an enclosed building or properly contained in a closed container designed for such purposes. The owner of all land shall be responsible for keeping such land free of refuse and noxious weeds. All exterior storage not included as a permitted use, or included as part of a conditional use permit, or otherwise permitted by provisions of this Ordinance shall be considered as refuse.

Passenger vehicles and trucks in an inoperative state due to age, damage, or malfunction shall not be parked outside for a period exceeding thirty (30) days; inoperative shall mean incapable of movement under its own power and in need of repair or junking, and shall include vehicles incapable of legal movement on public roads.

Section 40. Maintenance.

All structures shall be properly maintained in a clean and acceptable manner so as not to constitute a menace to the public health, safety, convenience, general welfare, property values, and aesthetics. All landscaping shall be properly maintained so as to preserve planting in a live state and free of noxious weeds.

Section 50. Standards for Single Family Dwellings and Property.

The following standards shall apply to all single family dwelling units, unless specifically exempted:

1. All single family dwellings shall have a minimum floor area of five hundred (500) square feet.
2. All single family dwellings shall be attached to a permanent foundation.
3. Not more than one principal residential structure shall be located on a lot, unless permitted by the district regulations, nor shall a principal residential building be located on the same zoning lot with any other principal building.

Section 60. Guest Cottages in the Conservation (C) district.

One guest cottage may be allowed on lots in the Conservation district provided the following standards are met:

1. A guest cottage may only be allowed as an accessory structure to a conforming single-family dwelling.
2. A guest cottage must not cover more than 1,400 square feet of land surface.
3. A guest cottage must be located or designed to reduce its visibility as viewed from adjacent properties by vegetation, topography, increased setbacks or color, assuming summer leaf-on conditions.

Section 70. Home Occupations.

The purpose of this section is to provide a means through the establishment of specific standards and procedures by which home occupations can be conducted without jeopardizing the health, safety and general welfare of the surrounding neighborhood. Home Occupations existing as of the date of enactment of this ordinance are allowed to continue but should notify the Township Zoning Administrator of their existence. If existing home occupations change the nature of their business or expand their activity, they must first obtain a Conditional Use Permit.

A. In some zoning districts, customary home occupations may require a Conditional Use Permit. Such permit may be issued if they meet the following conditions:

1. Such occupation is carried on in the principal building and may not be conducted in an accessory building other than a private garage.
2. Not more than twenty-five percent (25%) of the gross floor area of the residence or 50% of the gross floor area of a garage or storage building is used for this purpose.
3. Only articles made or originating on the premises shall be sold on the premises.
4. No articles for sale shall be displayed so as to be visible from the street.
5. Not more than two non-residents (of the home) may be employed by the home occupation.
6. No mechanical or electrical equipment shall be used if the operation of such equipment interferes unreasonably with the desired quiet residential environment of the neighborhood or if the health and safety of the residents is endangered. No equipment shall be used in the home occupation which will create electrical interference to surrounding properties.
7. Such occupation must provide off-street parking.

8. There shall be no exterior storage of equipment or materials used in the home occupation, except personal automobiles used in the home occupation may be parked on the site.
9. One sign no larger than six (6) square feet shall be permitted on site.
10. No home occupation shall be conducted between the hours of 10:00 PM and 7:00 AM unless said occupation is contained entirely within the principal building and will not require any on-street parking facilities.
11. No home occupation shall require exterior or significant interior renovation or alteration not customarily found in dwellings except where required to comply with local and state fire and police recommendations.
12. A person having a home occupation shall provide proof of meeting the above requirements if complaints are received by the Township Board.

B. The following occupations are not required to receive a Conditional Use Permit for home occupations:

1. Artists, illustrators, writers, photographers, editors, drafters, publishers;
2. Consultants, private investigators, field representatives and other similar activities where the entire work of the business except for record keeping and telephone are conducted off of the premises;
3. Music and educational instructors that instruct one student at a time; and
4. Bookkeeping and other similar computer activities.

Section 80. Signs

Because of Thorpe Township's rural nature and unique environmental setting and awareness, and it's reliance on tourism, it is the intent of this Ordinance to encourage: quality and aesthetics in the size, design and the materials used for sign construction; minimal signage; and to assure that the public is not endangered by the unsafe, disorderly or unnecessary use of signage.

Section 80.10 Signs Not Requiring a Permit.

The following types of signs are exempt from permit requirements but must be in conformance with all other requirements of this Ordinance:

1. Construction signs of thirty-two (32) sq. ft. or less for a maximum of 180 days;
2. Non-illuminated political signs. Such signs shall be removed ten (10) days following such election or referendum. Political signs may be placed only on private property and with the permission of the property owner;
3. Real estate signs, not exceeding 16 sq.ft. per frontage, and removed within 10 days after sale;
4. Works of art that do not include a commercial message;
5. Signs as required by federal, state or local government;
6. Freestanding or portable signs for garage sales not more than 4 sq.ft. on private property, and property owner is responsible for removal of signs; and
7. No trespassing, no hunting or similar signs are allowed without a permit.

Section 80.20 Off-site Signs

Off-site signs are signs that advertise an establishment, service, merchandise or entertainment, which is not sold, produced, manufactured, or furnished at the property on which said sign is located. Off-site signs, other than those existing as a legal use as of the date of this ordinance, are not allowed, with the exception of directional signs.

Off-site, directional signs are allowed with a sign permit from Thorpe Township provided that they:

1. May not be illuminated;
2. Do not exceed four (4) square feet; and
3. One per road directly leading to the establishment is allowed.

Section 80.30 On-site Signs

On-site signs are those that pertain to the use of the premises and/or property on which it is located. The following on-site signs are allowed with a sign permit from Thorpe Township:

1. Directional signs, not illuminated and not exceeding one sign per lot, of not more than four (4) square feet;
2. One subdivision identification sign per subdivision or development, not to exceed thirty-two (32) square feet in sign area; and
3. Home Occupations – one free standing sign not to exceed six (6) square feet.
4. Resorts and campgrounds – one sign per resort/campground not to exceed thirty-two (32) square feet.

Section 90. Telecommunication Towers

The purpose of the Telecommunication Towers section shall be to establish regulations that protect the public health, safety, and general welfare of the township. These regulations are intended to:

- A. Facilitate the provision of telecommunications services and facilities including commercial wireless telecommunication services in Thorpe Township;
- B. Minimize adverse visual effects of towers through careful design and siting standards;
- C. Avoid potential damage to adjacent properties from tower or antenna failure and weather related occurrences through structural standards, careful siting, and setback requirements;
- D. Encourage the use of existing towers and buildings to accommodate commercial wireless telecommunication service antennas in order to minimize the number of towers needed to serve the township.

Section 90.10 Definitions.

Antenna - any structure or device used for the purpose of collecting or radiating electromagnetic waves including but not limited to directional antennas such as panels, microwave dishes, satellite dishes, and omnidirectional antennas such as whip antennas.

Commercial wireless telecommunication services - all commercial wireless telecommunications services including cellular, personal communications services, specialized mobilized radio, enhanced specialized mobilized radio, paging and similar services that are marketed to the general public.

Public Utility - persons, corporations, or governments, supplying gas, electric, transportation, water, sewer, or land line telephone services to the general public. For the purpose of the Ordinance, commercial wireless telecommunications services shall not be considered a public utility use and are defined separately.

Tower – a structure situated on a site that is intended for transmitting or receiving television, radio, telephone, cellular or wireless communications.

- a. Communication tower, freestanding, self-supporting – a ground mounted tower consisting of a pole, spire, structure, or combination thereof constructed without guy wires and anchors.
- b. Communication tower, guyed – a tower that is supported in whole or part by wires and ground anchors.
- c. Communication tower, monopole – a ground mounted tower consisting of a single pole constructed without guy wires and anchors.

Tower height – determined by measuring the vertical distance from the point of contact with the ground to the highest point of the tower including all antenna or other attachments.

Section 90.20 Permits Required.

It shall be unlawful for any person, firm or corporation to erect, construct in place, place or reerect any tower over 200 feet, unless it shall replace a like tower, without first making application to the Township and securing a conditional use permit. A change in construction, dimension, lighting design or design type shall also require a conditional use permit. Routine maintenance of towers and related structures shall not require the issuance of a conditional use permit.

Section 90.30 Permit Requirements.

In addition to the information required elsewhere, applications shall include the following information:

- A. A report from a licensed professional engineer that describes the commercial wireless telecommunication service tower's capacity, including the number and type of antennas that it can accommodate;
- B. A letter of intent from the commercial wireless telecommunication service tower owner committing the tower owner and successors to allow, when possible the shared use of the tower;
- C. The location of all public and private airports within a 3 mile radius of the tower site;
- D. FCC licensure and approval as required for various communications applications;
- E. For towers over 500 ft., an Environmental Assessment Worksheet (EAW) is required and the applicant shall be responsible to complete the EAW prior to the issuance of a permit from the township; and.
- F. The owner of the tower shall provide the Township with an acceptable financial guarantee in an amount equal to one and one-half (1 and ½) times the cost to remove the tower and related infrastructure, if abandoned, including footings and other underground improvements to a depth of 36 inches below existing grade, and to restore the site. Failure to remove the structure shall be cause for the Township to remove the tower and associated equipment at the expense of the property owners.

Section 90.40 Tower and Antenna Design Requirements.

Proposed or modified towers and antennas shall meet the following design requirements:

- A. Towers and their antennas shall be certified by a qualified and licensed professional engineer to conform to applicable state structural building standards.
- B. Towers and their antennas shall be designed to conform with accepted electrical engineering methods and practices and to comply with the provisions of the National Electrical Code.
- C. Metal towers shall be constructed of, or treated with, corrosive resistant material.
- D. The use of any portion of a tower for signs other than warning or equipment information signs, as required by the Federal Aviation Administration or the Federal Communications Commission or state agency, is prohibited.

Section 90.50 Tower Setbacks.

Towers and all accessory structures or buildings shall conform to the following minimum setback requirements:

- A. Towers shall be setback from all property lines an amount equal to the height of the structure;
- B. Guy wires for towers shall be located no closer than 25 feet to any property line and shall meet the setback from the public road right of way;
- C. Suitable protective anti-climbing fencing, with a minimum height of 4 feet, shall be provided around any tower and guy wires.
- D. Towers less than 199 feet in height shall be located a minimum of ½ mile from the end of an airport clear zone as measured from the center point of the base of a free-standing tower.
- E. Towers that are 199 feet or more in height shall be located a distance of at least three miles from any public or private airport.

Section 90.60 Tower Location.

Towers greater than 199 feet are allowed on property zoned Conservation with a Conditional Use Permit. Towers under 199 feet are allowed in all districts as a permitted use.

Section 90.70 Co-Location Requirements.

All commercial wireless telecommunication towers erected, constructed, or located within the Township shall comply with the following requirements:

- A. Documentation of the area to be served including a search ring for the antenna location. A narrative describing a search ring for the request, with not less than one (1) mile radius clearly explaining why the site was selected, what existing structures were available and why they are not suitable as locations or co-locations.
- B. Documentation that the communications equipment planned for the proposed tower cannot be accommodated on an existing or approved tower within the search ring of the service area due to one or more of the following reasons:
 - 1. The planned equipment would exceed the structural capacity of the existing or approved tower, as documented by a qualified and licensed professional engineer, and the existing or approved tower cannot be reinforced, modified, or replaced to accommodate planned equipment at a reasonable cost;
 - 2. Existing or approved towers within the search radius that cannot accommodate the planned equipment at a height necessary to function reasonably as documented by a qualified and licensed professional engineer;
 - 3. Other unforeseen reasons that make it unfeasible to locate the planned telecommunications equipment upon an existing or approved tower.

Section 90.80 Accessory Utility Buildings.

All buildings and structures accessory to a tower shall:

- A. Be architecturally designed to blend in with the surrounding environment and shall meet the height and setback limitations as established for the land use district in which they are located.
- B. Have ground mounted equipment screened from view by suitable vegetation, except where a design of non-vegetative screening better reflects and complements the architectural character of the surrounding neighborhood.

Section 90.90 Tower Lighting.

Towers shall not be illuminated by artificial means only as required by the Federal Aviation Administration or the Federal Communications Commission or state agency.

Section 90.100 Abandoned Towers.

Unmaintained towers that do not meet current FCC standards shall be removed within 18 months of the cessation of operations at the site unless a time extension is approved by the Planning Commission. In the event that a tower is not removed within the 18 months of the cessation of operations at a site, the tower and associated facilities may be removed by the Township and the costs of removal assessed against the property.

Section 90.110 Nonconforming Towers.

In order to avoid requiring new towers and to minimize the number of towers needed to serve the township, the following provisions shall apply to nonconforming towers. Telecommunication towers in existence at the time of this amendment may be permitted to increase tower height after being issued a conditional use permit. The Planning Commission shall consider the following criteria as part of the conditional use permit process:

- A. Tower safety concerns including tower collapse, falling ice, and airplane traffic;
- B. Disturbance or conflict with agricultural uses on the property;
- C. Other factors which tend to reduce conflicts; and,
- D. Uses incompatible with the character and need of the area.

Section 90.120 Screening and Landscaping Requirements.

A screening and landscaping plan designed to screen the base of the tower, accessory utility buildings, utility structures, and security fencing shall be submitted. The plan shall show the location, size, quantity, and type of landscaping materials. Landscape materials shall be capable of screening all year and must be six (6) feet in height by the end of the second growing season. Gravel or other durable surface or other weed prevention measures shall be applied within the fenced area to prevent the growth of weeds. A maintenance plan for landscaped materials shall also be submitted.

Section 100. Use of Pre-existing lots, Substandard lots and Non-conforming Uses.

Section 100.10 Pre-Existing, Substandard Lots

A pre-existing, substandard lot for which a deed, recorded contract for deed or other legal conveyance or plat has been recorded prior to 1979, or that has been created and met existing regulations between 1979 and the effective date of this Ordinance, shall be considered for a zoning permit without requiring a variance, provided that:

- 1. The use is permitted in the district;
- 2. All the setbacks can be met; and
- 3. Sanitary provisions for well and sewage disposal can be maintained.

Variances will be considered for lots not able to meet the above requirements.

Section 100.20 Lots formed to meet minimum requirements.

Legal and/or equitable interests in lots joined together to meet the minimum requirements for zoning permit applications shall not, as to title, use by easement, license, or contract interest, be divided, sold, mortgaged or conveyed separately

thereafter, but the said lots shall thereafter remain bound together by covenants filed with the County Recorder. This provision does not apply to easements or licenses which convey an interest in lots joined together for zoning permit application if the purpose or use of the easement or license is utility placement, utility access, drainage, access easement, road maintenance, local improvements and/or pedestrian ingress/egress.

Section 100.30 Non-conforming Uses in the Conservation District.

Any structure or use approved and recorded by the owner before the effective date of this Ordinance, and which does not conform to the provisions of the Ordinance, may be continued subject to the following:

- A. Expansion/enlargement of non-conforming uses. No such use shall be expanded or enlarged unless the entire use is in conformity with the provisions of this Ordinance, with considerations for variances.
- B. Damage to a non-conforming structure. If a non-conforming structure is damaged by any cause to an extent exceeding fifty (50) percent of the structure's market value, then the structure or its replacement shall thereafter conform to this Ordinance. If a non-conforming building or structure so damaged to the extent that its value is reduced to 49% or less of its pre-damaged appraised value; said building or structure may be restored to its original condition provided such renovation is completed within 12 months of the date of the damage to the building or structure.
- C. Use discontinued. If the nonconforming use is discontinued for twelve (12) consecutive months, it shall not be resumed again and the new use shall conform to the provisions of this Ordinance.
- D. Normal maintenance of non-conforming structures. Normal maintenance of a building or other structure containing or relating to a lawful non-conforming use is permitted, including necessary non-structural repairs and incidental alterations which do not extend or intensify the non-conforming use.
- E. Non-conforming, offsite signs. Non-conforming, offsite signs in existence on the effective date of this Ordinance shall be allowed to continue but if damaged by any cause to an extent exceeding fifty (50) percent of the sign's value, then the sign shall thereafter conform to this Ordinance.

Section 100.40 Non-conforming Uses in the Lakeshore District.

Uses that are non-conforming in the Lake Shore District must meet the requirements of the Hubbard County Shoreland Management Ordinance. See Hubbard County Environmental Services office for regulations.

ARTICLE IV. ADMINISTRATION

Section 10. Zoning Administrator. There is hereby created the office of Zoning Administrator, which shall be filled by appointment by the Town Board. Business hours of the Zoning Administrator will be determined at the annual meeting. The duties and responsibilities of the Zoning Administrator shall be as follows:

- a. Receive applications and issue land use permits for all permitted uses;
- b. Receive applications for all conditional use permits and variance requests and forward them to the Planning Commission.
- c. Issue land use permits for all conditional uses when authorized by the Town Board.
- d. Enforce and administer the provisions of this ordinance subject to any required approval by the Town Board.
- e. Maintain all records relating to the application for, and deliberations relating to, the issuance or denial of permits.
- f. Inspect all development to ensure that the standards of this Ordinance are complied with. All persons involved in land development activity shall allow free access to authorized representatives of the Township at any reasonable time for the purpose of making such inspections as may be necessary to determine compliance with this Ordinance. Failure of such persons to allow an inspection shall be considered a violation of this Ordinance and the Zoning Administrator shall have the authority and responsibility to take appropriate legal actions, or to suspend review of a permit, or to revoke a permit.
- g. Receive applications for zoning amendments and forward them to the Planning Commission.
- h. Such other duties associated with zoning management as may be determined by the Town Board.

Section 20. Planning Commission.

The authorization for the establishment of a Planning Commission is set forth under Minnesota Statute, Chapter 462.351 through 462.265 amendments and supplements thereto. Powers and duties are delegated to the Planning Commission by the Town Board by resolution dated April 5, 1999, in accordance with the above-mentioned enabling law. Separate by-laws have been established for said Commission and available from the Thorpe Township Clerk.

- A. The Planning Commission shall be advisory in nature, and shall serve at the pleasure of the Town Board. In this advisory role the Planning Commission shall:
 1. Assist the Town Board in the formulation of goals, policies and programs for the future development of Thorpe Township;
 2. Assist the Town Board in the preparation of development controls designed to promote development consistent with adopted goals and policies;
 3. Review applications for conditional use permits, variances and ordinance amendments, conduct public hearings in accordance with the provisions of the Ordinance, and make recommendations to the Town Board;
 4. Any other such duties as required or requested by the Town Board to further goals and policies in furtherance of the intent of this Ordinance.

Section 30. The Board of Adjustment and Appeals

The Thorpe Town Board shall serve as the Board of Adjustment and Appeals. The Board of Adjustment and Appeals shall act upon all questions as they may arise in the administration of this Ordinance.

- A. The Board of Adjustment and Appeals shall elect a Chairperson and Vice-Chairperson from among its members. It shall adopt rules or bylaws, for the transaction of its business and shall keep a permanent record of its proceedings, findings and determinations. The Board of Adjustment and Appeals shall cause all such records of its proceedings, findings and determinations to be filed with the Thorpe Township Clerk.
- B. The meeting of the Board of Adjustment and Appeals shall be held as specified in the rules or bylaws, and at other such times as the Chairperson of the Board shall deem necessary and appropriate.
- C. The Board of Adjustment and Appeals shall have the exclusive power concerning the following:
 - 1. To grant variances from the strict enforcement of standards and provisions prescribed by this Ordinance. Variances shall only be granted based upon the criteria prescribed in Article IV, Section 50 of this Ordinance;
 - 2. To hear and decide any appeal from an order, requirement, decision or determination made by the Zoning Administrator;
 - 3. To interpret any management district boundary on the Official Zoning Map;
 - 4. All decisions by the Board of Adjustment and Appeals in granting variances, or in hearing any appeals from administrative order, requirement, decision or determination shall be final except that any aggrieved person, department, agency, Board or Planning Commission shall have the right to appeal to the District Court within thirty (30) days after receipt of the notice of the decision made by the Board of Adjustment and Appeals.

Section 40. Conditional Use Permits.

Any use listed as a Conditional Use in this Ordinance shall be permitted only upon application to the Zoning Administrator, review and recommendation of the Planning Commission, and approval and issuance of a Conditional Use Permit by the Thorpe Township Board. Application for a conditional use permit shall be accepted by the Township Zoning Administrator. When such permit is completed and submitted, the appropriate fee shall be paid in order for the application to be considered complete and to receive consideration by the Planning Commission. A thorough site evaluation shall be conducted by the Zoning Administrator and the Planning Commission prior to consideration of the permit.

- A. In considering the granting of any conditional use permit the Planning Commission and the Township Board shall evaluate the effect of the proposed use upon:
 - 1. the maintenance of the public health, safety and welfare;
 - 2. the prevention and control of water pollution, including sedimentation and nutrient loading;
 - 3. existing topography and drainage features and vegetative cover on the site;
 - 4. the location of the site with respect to floodplains and floodways of rivers and tributaries;

5. the erosion potential of the site based upon the degree and direction of slope, soil type and existing vegetative cover;
 6. the location of the site with respect to existing and proposed access roads;
 7. its compatibility with adjacent land uses and the Thorpe Township Land Use Plan;
 8. the amount of liquid waste to be generated and the adequacy of the proposed sewage disposal system; and
 9. the adequacy of the site for water supply and on-site sewage treatment systems.
- B. Upon consideration of the factors listed above, the Planning Commission may attach such conditions, in addition to those required elsewhere in this Ordinance, that it deems necessary for the furtherance of the purposes set forth in this Ordinance. Such conditions attached to conditional use permits may include, but shall not be limited to:
1. Increased yards and setbacks;
 2. Periods and/or hours of operation;
 3. Deed restrictions;
 4. Landscaping and vegetative screening;
 5. Type and extent of shore cover;
 6. Location of signs, parking, docks and piers;
 7. Fire control and access plan;
 8. Any other reasonable requirements necessary to fulfill the purposes and intent of this Ordinance.
- C. An applicant for a Conditional Use Permit may be required to furnish the Planning Commission, in addition to the information required for the land use or other permit, the following:
1. A plan of the proposed project area showing contours, soil types, ordinary high water level, ground water conditions, bedrock, slope, and vegetative cover;
 2. Location of existing and proposed buildings, parking areas, traffic access, driveways, walkways, piers, open spaces and vegetative cover;
 3. Plans of buildings, sewage treatment facilities, water supply systems, and arrangements of operations;
 4. Specifications for areas of proposed grading, filling, dredging, lagooning, or other topographic alterations;
 5. Other pertinent information necessary to determine if the proposal meets the requirements and intent of this ordinance.
- D. The Planning Commission and the Town Board, in evaluating each conditional use application, may request the Hubbard County Soil and Water Conservation District or Natural Resources Conservation Service to make available expert assistance to assist in the evaluation and consideration of such application.
- E. Procedure for applying for a Conditional Use Permit:
1. An applicant desiring a conditional use permit shall fill out and submit to the Thorpe Township Zoning Administrator a completed Conditional Use Permit Request form, copies of which are available from the Zoning Administrator. The appropriate fee shall be paid in order for the application to receive consideration by the Planning Commission.
 2. The Zoning Administrator shall make a recommendation, in writing, to the Planning Commission, and forward the request for their review.

3. The Planning Commission shall hold a public hearing in accordance with M.S. Chapter 462 and the provisions of this Ordinance.
4. The Planning Commission will forward their recommendation to the Town Board within thirty (30) days after receiving the application. If it recommends the conditional use permit, the Planning Commission may impose conditions it considers necessary to protect the public health, safety and welfare.
5. The Town Board will act upon the request within 30 days of receipt from the Planning Commission. If it grants the conditional use permit the Town Board may impose conditions (including time limits) it considers necessary to protect the public health, safety and welfare and such conditions may include a time limit for the use to exist or operate.
6. If a time limit or periodic review is included as a condition by which a conditional use permit is granted, the conditional use permit may be reviewed at a public hearing with notice of said hearing published at least ten (10) days prior to the review; it shall be the responsibility of the Zoning Administrator to schedule such public hearings and the owner of land having a conditional use permit shall not be required to pay a fee for said review. A waiver from a public hearing for annual review of conditional use permits may be granted at the discretion of the Town Board.
7. An application for a conditional use permit shall not be resubmitted for a period of twelve months following denial.
8. Conditional Use Permits issued shall be recorded in the office of the Hubbard County Recorder as per Minnesota statutes.

F. Existing Conditional Use Permits.

Any change involving structural alterations, enlargement, intensification of use, or similar change not specifically permitted by the original Conditional Use Permit issued shall require an amended conditional use permit and all procedures shall apply as if a new permit were being issued. The Zoning Administrator shall maintain a record of all conditional use permits issued including information on the use, location, and conditions imposed by the Town Board, time limits, review dates, and such other information as may be appropriate.

Section 50. Variances and Appeals.

- A. The Thorpe Board of Adjustment and Appeals shall have the exclusive power to order the issuance of variances from the terms of any official controls including restrictions placed on nonconformities. All such variances shall be granted in accordance with M.S. Chapter 462. Variances shall only be permitted when they satisfy all of the following criteria:

1. The variance is in harmony with the general purpose and intent of the Ordinance;
2. The variance is consistent with the comprehensive plan;
3. The owner proposes to use the property in a reasonable manner not permitted by the Ordinance;
4. The owner has established that there are practical difficulties in complying with the Ordinance that are unique to the property, not created by the owner, and are not based on economic considerations along; and
5. The variance will not alter the essential character of the locality.

The Planning Commission shall consider the criteria set forth above when hearing and making a recommendation upon a variance request.

- B. The Planning Commission must make an affirmative finding on all of the five criteria listed above in order to make a recommendation to the Board of Adjustment and Appeals to grant a variance. The applicant for a variance has the burden of proof to show that all of the criteria listed above have been satisfied. A variance shall not be granted for a use that is not permitted under this ordinance in the particular zoning district in which the property is located.
- C. The Planning Commission may recommend conditions to be placed upon a variance that relate to the purposes and objectives of this Ordinance. The Board of Adjustment and Appeals makes the final decision on whether to issue a variance and the conditions to be placed on the variance. If conditions are imposed, they must be directly related to, and must bear a rough proportionality to, the impact created by the variance and the variance shall not be effective until the conditions are fully complied with. A conditional variance shall be in effect only as long as the conditions are complied with. If a condition is not complied with, the variance may be revoked and the Township may pursue the enforcement remedies set forth in Article IV, Section 90 herein.
- D. Procedure for applying for a Variance:
1. An applicant desiring a variance shall fill out and submit to the Thorpe Township Zoning Administrator a completed Variance Request form, copies of which are available from the Zoning Administrator. The appropriate fee shall be paid in order for the application to receive consideration by the Planning Commission.
 2. The Zoning Administrator shall make a recommendation, in writing, to the Planning Commission, and forward the request for their review.
 3. The Planning Commission shall hold a public hearing in accordance with M.S. Chapter 462 and the provisions of this Ordinance.
 4. The Planning Commission will forward their recommendation to the Board of Adjustment and Appeals within thirty (30) days after receiving the application. If it recommends the variance, the Planning Commission may recommend conditions (including time limits) it considers necessary to protect the public health, safety and welfare. Any such conditions must be directly related to and must bear a rough proportionality to the impact created by the variance.
 5. The Board of Adjustment and Appeals will act upon the request within 30 days of receipt from the Planning Commission.
 6. An application for a variance shall not be resubmitted for a period of twelve months following denial.
 7. Variances shall be recorded in the office of the Hubbard County Recorder.
- E. Procedure for filing an Appeal:
1. An appeal of any administrative decision made in the enforcement of this Ordinance shall be made by filling out and submitting to the Zoning Administrator an Application for Appeal, which is available from the Zoning Administrator and /or the Township Clerk. The appropriate fee shall be paid in order for the application to receive consideration by the Board of Adjustment and Appeals. Such appeal shall be heard by the Board of Adjustment and Appeals within sixty (60) days of the date that such complete application is submitted to the Zoning Administrator. (See fee schedule.)

Section 60. Amendments.

The Town Board may adopt amendments to the zoning ordinance and zoning map in relation to land uses within a particular district or to the location of the district lines. Such amendments shall not be issued indiscriminately, but shall only be used as a means to reflect changes in the goals and policies of the community or changes in conditions of the Township. The procedure for amendments to this Ordinance shall be as follows:

- A. An amendment may be initiated by a property owner, the Planning Commission or the Town Board. Property owners wishing to initiate an amendment shall fill out an Application for Amendment form, available from the Zoning Administrator. Such application shall be filled out and submitted to the Zoning Administrator together with the appropriate fee.
- B. The applicant shall appear before the Planning Commission to answer any questions that Planning Commission members may have concerning the amendment request.
- C. A public hearing on the amendment request shall be conducted by the Planning Commission within thirty (30) days following such initial meeting. The public hearing shall be conducted in accordance with M.S. Chapter 462.
- D. The Planning Commission shall make its recommendation to the Town Board after the proceedings of this public hearing. The applicant shall be notified in writing of the recommendation that shall be forwarded to the Town Board.
- E. The Town Board shall consider the recommendation of the Planning Commission within thirty (30) days after the public hearing is conducted. The applicant shall be notified in writing of the action of the Town Board.
- F. No application of a property owner for an amendment to the text of the Ordinance or the zoning map shall be considered by the Planning Commission within the one-year period following a denial of such request, except the Planning Commission may permit a new application, if in the opinion of the Planning Commission, new evidence or a change of circumstances warrant it.
- G. Amendments adopted by the Town Board shall be recorded in the office of the Hubbard County Recorder as per Minnesota statutes.

Section 70. Land Use Permits and Other Permits.

Permits shall be required for the following permitted activities in all districts: new building construction or construction that increases the outside dimension of an existing structure, any new use of a building or property, demolition, and signs.

- A. *Prior to any work on a tract of land, a property or structure use change, work performed on a development, new structure, structural change that alters the exterior dimensions of a structure, the enlargement of an existing structure, the owner or occupant of the property shall make application for the necessary permit or permits to the Zoning Administrator. A Land Use Permit or Fee is not required for inside or outside residential repair provided the exterior dimensions of the structure remain the same. A Land Use Permit or Fee is also not required for one shed or storage structure of 150 sq. ft. or less with no permanent foundation.*
- B. An authorized agent of the owner or occupant may make application for the necessary permit or permits. A Land Use Permit shall be issued by the Zoning Administrator only

when the applicant has met all requirements of this ordinance. In the event any of the following permits are required, such as a Conditional Use or Variance, such applications will be processed by the Zoning Administrator in accordance with procedures within this ordinance. The accuracy and completeness of the application and accompanying documents are solely the responsibility of the applicant. **No permit application will be approved from landowners, or their agents for property on which there are unresolved violations, also including delinquent taxes.** This includes receiving a permit prior to the issuance of another permit such as a Variance, Conditional Use or Land Use permit, etc.

- C. Permits for the construction or placement of signs must be obtained from the Zoning Administrator before such construction or placement shall be allowed.
- D. All land use and sign permits shall expire one year from the date of approval. A request for an extension may be considered by the Board of Adjustment and Appeals pursuant to M.S. Chapter 462.
- E. State and Federal Permits – In conjunction to the Township granting a Permit or processing an application for a Conditional Use Permit or Variance, the applicant shall provide proof that all necessary State and Federal Permits have been received within one year of Township permit issuance. Approval by the Township does not imply approval by other agencies.
- F. Environmental Assessment Worksheet (EAW) and Environmental Impact Statements (EIS). The proposer of any project exceeding the limits defined in the Environmental Quality Board's Rules and Regulations for Environmental review program, or as requested by the Planning Commission, shall submit a draft Environmental Assessment Worksheet (EAW) for the Township to review with other pertinent data.
 - 1. The applicant for a permit for any action for which environmental documents are required either by State law or rules, or by the Planning Commission, shall supply, in the manner prescribed by this Section, all unprivileged data or information reasonably requested by the Township that the applicant has in his possession or to which he has reasonable access.
 - 2. The applicant for a permit for any action for which an environmental assessment worksheet (EAW) is required either by State law or rules, or by the Planning Commission, shall pay all costs of preparation and review of the EAW and, upon request of and in a manner prescribed by the Township, shall prepare a draft EAW and supply all information necessary to complete that document.
 - 3. Both the Township and the applicant shall comply with the provisions of the rules governing assessment of costs for Environmental Impact Statements (EIS). One copy of these rules is on file with the Township Clerk.
 - 4. No permits for an action for which an EAW or EIS is required shall be issued until all costs of the preparation and review are paid and the environmental review process has been completed.
 - 5. The Township Board and applicant may, in writing, agree to a different division of the cost of the preparation and review of any EAW or EIS as provided in 6MCAR 3.042.
 - 6. The administration of an EAW or EIS shall be in accordance with the rules and regulations of the Minnesota Environmental Quality Board. The Zoning Administrator shall be responsible to the Township Board and have the authority to administer the environmental document. The Planning Commission shall review each document and make recommendations to the Township Board, whose decisions shall be final.

Section 80. Public Notice and Hearing Requirements.

- A. In addition to the procedures described in preceding sections of this Ordinance, all conditional use permit requests, variance requests, requests for amendments, and preliminary plat approval shall be reviewed at a public hearing conducted at least ten (10) days following official public notification including publication in the official newspaper of Thorpe Township and notification of all property owners within the following distances from affected property when such notice is applicable: In the case of Variances, and Conditional Use Permits, all property owners within one-half (1/2) mile of the property or ten (10) surrounding property owners, whichever includes the most property owners, must be notified; In the case of amendments to official controls which involve changes in district boundaries of five acres or less, all owners of property within one-half (1/2) mile must be notified.
- B. The Environmental Services Office of Hubbard County shall be sent a notice of all public hearings.

Section 90. Enforcement and Penalties.

- A. The Town Board, Zoning Administrator or an authorized Township representative shall conduct Zoning Ordinance compliance inspections prior to the issuance of permits and during the course of construction of permitted activities. No person shall hinder or otherwise interfere with the Town Board, Zoning Administrator or authorized Township representative in the performance of their duties and responsibilities. Refusal to allow reasonable access shall be deemed a separate and distinct offense, whether or not any other specific violations are cited.
- B. In the event of violation or threatened violation of this Ordinance, the Town Board, in addition to other remedies including prosecution under Section 90(C) of this Ordinance, may institute appropriate actions or proceedings to prevent, restrain, correct or abate such violations or threatened violations, and it shall be the duty of the Thorpe Township Attorney to institute such action after approval for such action has been granted by the Thorpe Town Board.
- C. This Ordinance is enforced with the imposition of civil and/or criminal penalties provided for under Minnesota law. Utilization of a civil remedy shall not prevent a criminal prosecution for the same violation. A criminal prosecution for a violation shall not be a bar to a civil remedy.
- D. Any person, firm or corporation who shall violate any of the provisions herein, or who shall fail to comply with any of the provisions herein, or who shall make any false statement in any document required to be submitted under such provision, shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by such penalties and fines as provided in Minnesota Statute Sec. 609.03. Each day that the violation continues shall constitute a separate offense.
- E. A violation of this Ordinance can occur regardless of whether or not a permit is required for a regulated activity. In the event any land is used or is proposed to be used in such a manner as to be in violation of this Ordinance or in the event any building, structure, alteration thereof or part thereof, is, or is proposed to be used or erected in violation of this Ordinance, the Town Board or Zoning Administrator may issue cease and desist orders to halt the progress of any on-going violation. Once a cease and desist order has been issued, the activity shall not be resumed until the violation is corrected and the

cease and desist order is lifted. In addition, the Town Board or Zoning Administrator, may institute an injunction, mandamus, abatement, or other appropriate action to prevent, enjoin, correct, abate or remove such unlawful use, construction , reconstruction, alteration or maintenance.

Section 100. Fees.

- A. In order to defray the administrative costs associated with the processing of applications for land use and related permits, conditional use permits, variance requests, amendments, and appeals, a schedule of fees has been adopted by the Thorpe Township Board of Supervisors. The schedule of fees shall be available from the Zoning Administrator and/ or the Clerk by request, and may be altered or amended only by resolution of the Thorpe Township Board of Supervisors.
- B. In the event of a violation of this Ordinance, any costs of enforcement, including administrative expense and legal expense incurred in the enforcement proceedings, may be assessed against the party found to have violated the ordinance. Within 45 days after the conclusion of a civil or criminal case, Thorpe Township may certify the costs of enforcement for assessment against the violator's property where the violator has either been found to have violated this Ordinance by the Court or has admitted the violation. The Town Clerk shall prepare a bill for the amount certified and mail a copy by certified mail to the violator's last known address or the violator's address of record with the Hubbard County Auditor's Office. If the total amount of the bill is not paid within thirty days of receipt of mailing, Thorpe Township may certify the bill as any other special assessment. The violator may appeal the certification of the costs of enforcement to the Thorpe Township Board of Adjustment by filing an objection to the assessment within fifteen days upon receipt of notice of the certification. The appeal must include a detailed explanation for the objection.
- C. Any person making application for a permit after the commencement of work requiring a permit shall be charged a double permit fee. The Planning Commission, Board of Adjustment or the Zoning Administrator may require correction and/or restoration of the concerned property to its original state in the event the application for a permit is denied or the action permitted does not include all or part of the work commenced prior to approval of said permit.

Section 110. Adoption, Recording and Effective Date.

The previous zoning/land use ordinance is hereby repealed with the adoption of this ordinance. This Ordinance shall take effect and be in force from and after its passage and publication according to law. Notice of the adoption of this Ordinance will be recorded in the Office of the Registrar of Deeds of Hubbard County, Minnesota, and a copy shall be furnished to the Hubbard County Zoning Administrator.

Approved this 12th day of March 2002.

Francine Laska
Board Chair

Elaine Perkins
Board Clerk

Ronnie Fisher
Supervisor

Judith Se
Supervisor

March 28 2002
Date Published

March 28, 2002
Effective date of Ordinance