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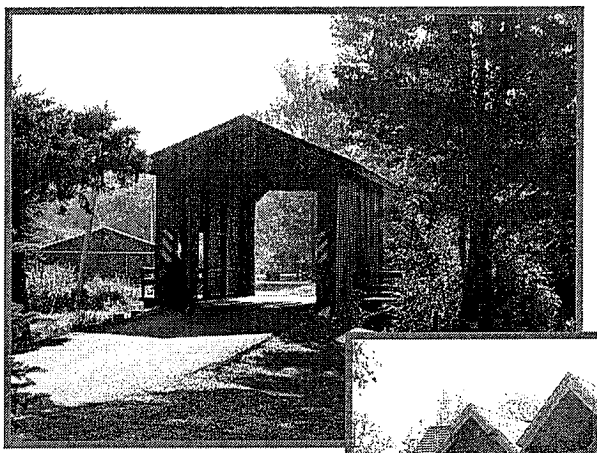
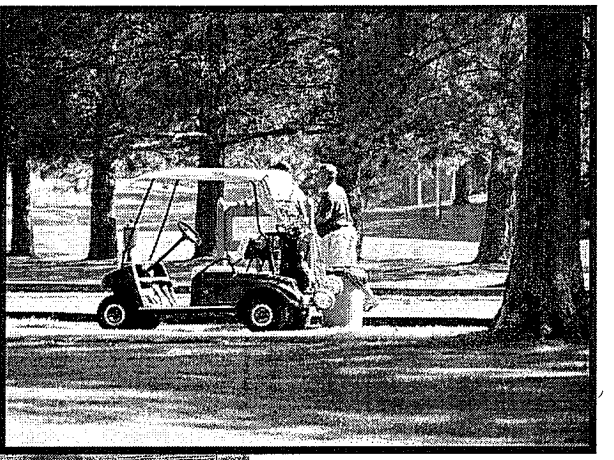
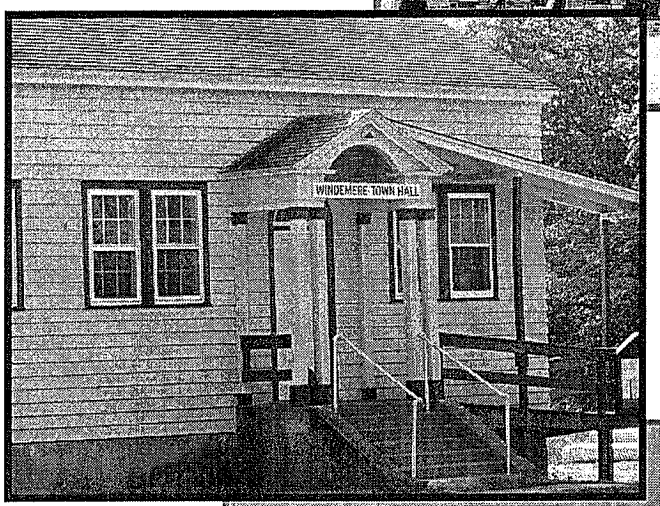
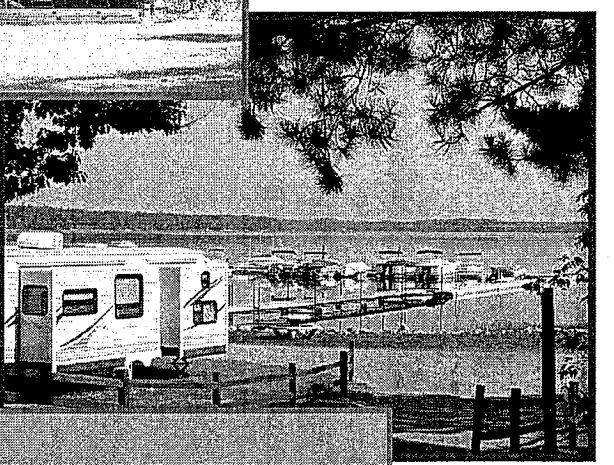
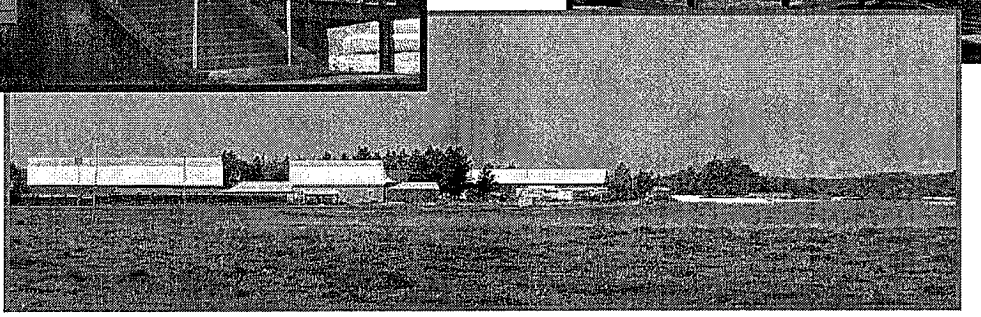
Township of Windemere
Pine County, Minnesota











Zoning Ordinance

2009

DOC# A 484774

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REPEAL OF PREVIOUS ORDINANCES

The Windemere Township Land Use and Zoning Ordinances, as presently enacted, are hereby repealed. The repeal of the Township's previous zoning ordinances does not itself affect the status of any use, structure, or lot that was not in conformance with the earlier ordinances.

TITLE AND APPLICATION

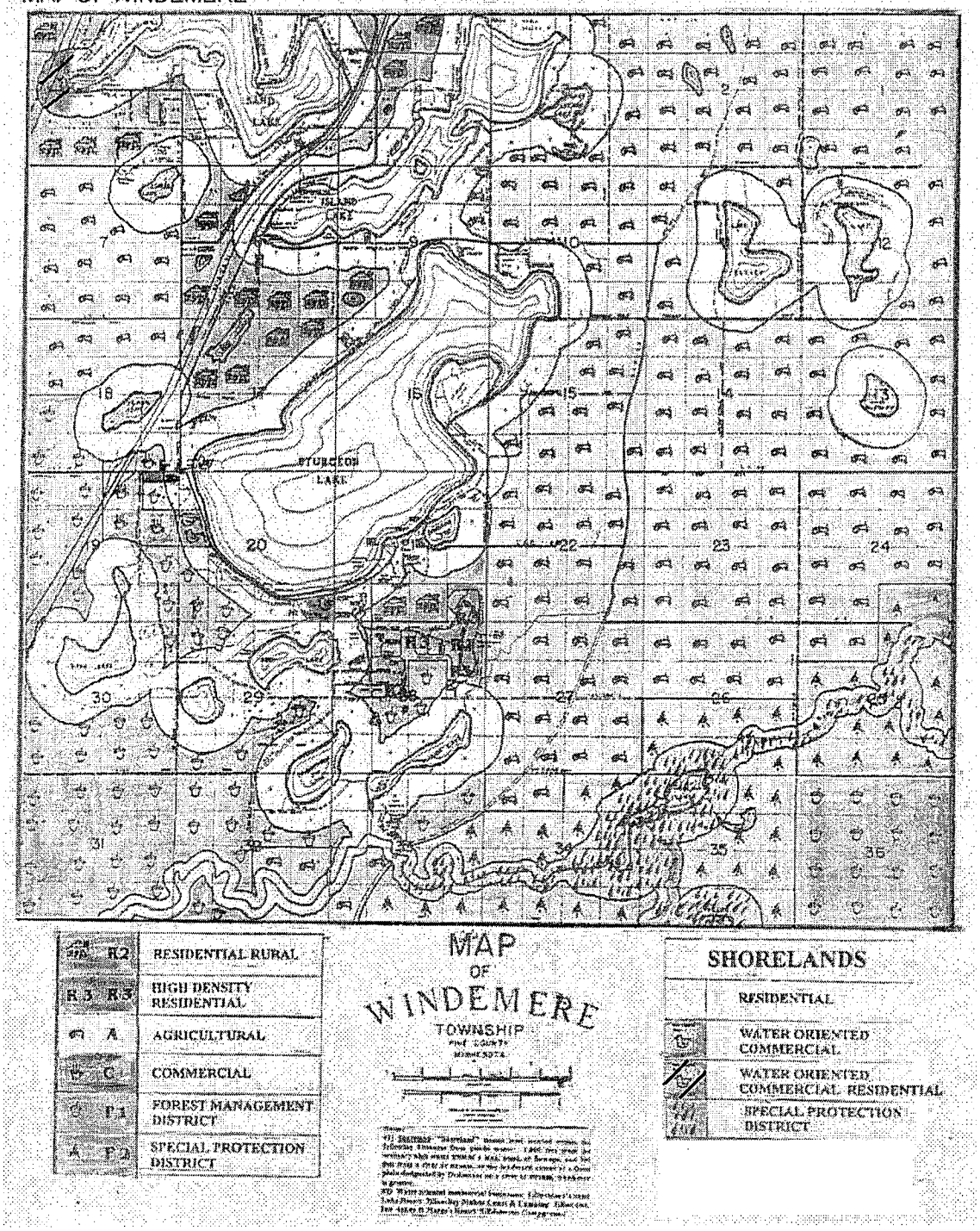
Subd. 1. **Title**

Town of Windemere Zoning Ordinance

Subd. 2. **Intent and Purpose**

An Ordinance establishing comprehensive zoning regulations for the Town of Windemere in accordance with the provisions of Minnesota Statutes 366 and 462, and all acts amendatory thereof, and the Town of Windemere Comprehensive Land Use Plan and Town Zoning map, and the incorporation of the 1989 Minnesota Department of Natural Resources standards for management of shoreland areas, to promote the health, safety, morals, and general welfare of the inhabitants by dividing the town into zones and regulating therein the uses of land and the placement of all structures with a view to encouraging the most appropriate use of land in the town, and to recognize and preserve the economic and environmental values of all lands within the town.

MAP OF WINDEMERE



WINDEMERE TOWNSHIP ROAD CLASSIFICATIONS

Class I - Principal and Minor Arterials
Class II - Major Collectors
Class III - Minor Collectors, Local, or Private Roads Class I - Principal and Minor Arterial Roads

1. Interstate Highway 35
2. Highway #61
3. County Line Road (Co. #10). Class II - Major Collectors
4. Co. Road #46 (Laketown Road)
5. Co. Road #50 (North Shoreland Road)
6. Co. Road #51 (East Frontage Road)
7. Co. Road #161 (West Frontage Road)
8. Co. Road #162 (Oak Leaf Road)
9. Co. Road #167 (Long Lake Road)

Class III - Minor Collectors, Local, or Private Roads

1.	North Ridge Road	1.0 miles
2.	Pioneer Road	2.47 miles
3.	Rings Road	1.85 miles
4.	Chestnut Circle	1.13 miles
5.	Warbler Lane	.48 miles
6.	Dobosenski Road	1.5 miles
7.	North Partridge Road	.72 miles
8.	Telker Road	.5 miles
9.	Brandt Road	.63 miles
10.	Sunset Bay	.6 miles
11.	Lake Twelve Rd.	.17 miles
12.	Twilight Lane	.17 miles
13.	Warloe Road	.4 miles
14.	Birchview Road (East of intersection with North Partridge Road)	.85 miles
15.	North Partridge Road	1.0 miles
16.	Heppner Road	.5 miles
17.	Poplar Road	.4 miles
18.	Lakeview Drive	.3 miles
19.	Cliff Lane	.38 miles
20.	Camp Farm Lane	.25 miles
21.	Lake Shore Drive	.2 miles
22.	Sunny Beach Road	.45 miles
23.	Sunset Lane	.39 miles
24.	Viking Way	.45 miles
25.	Runestone Place	.13 miles
26.	Paulus Road	.2 miles
27.	Sun Bay Lane	.1 miles
28.	Cori Lane	.3 miles
29.	Valdez Circle	.1 miles
30.	North Star Drive	1.5 miles
31.	Devils Elbow Road	.6 miles
32.	Teal Drive	.45 miles
33.	Spruce Drive	.45 miles
34.	Dobosenski Road	.17 miles
35.	Fern Lane	.1 miles

36. Pinewood Loop .2 miles
37. Thornbury Way .65 miles
38. Alder Loop 1.13 miles
39. Geneva Road .15 miles
40. Frontier Lane .45 miles
41. Woodstock Road .15 miles
42. Sheridan Road .13 miles
43. Marina Beach Way .35 miles
44. Victoria Place .12 miles
45. Jack Pine Lane .3 miles
46. Windemere Way (only to the corner) .5 miles
47. Evergreen Road
48. Missing Link Road
49. Lords Drive and Cul Du Sac (Settlers Pond Drive and Settlers Court)
50. South Sand Road .55 miles
51. Sturgeon Island Road.8 miles to intersection with the Hill Street Rd
52. Hill Street Road 1.3 miles
53. Dago Lake Road 2.25 miles
54. Palon Road 1.49 miles
55. Military Road 3.63 miles
56. Birchview Road west of intersection
57. with North Partridge Road to Military Road .5 miles
58. North Partridge Road .99 miles
59. Island Lake Road 1.77 miles
60. Harmony Lane .85 miles
61. Rush Boulevard 2.2 miles
62. Wetherille Road
63. Elm Tree Road

TERMS AND DEFINITIONS

The following words and terms, wherever they occur in this Ordinance, shall be interpreted as herein defined.

For the purpose of this Ordinance, certain terms and words are hereby defined. The word person includes a firm, association, company organization, partnership, trust, or corporation as well as an individual; the present tense includes the future tense, the singular number shall include the plural and the plural the singular; the word shall is mandatory, and the word may is permissive; the words used or occupied include the words intended, designed, or arranged to be used or occupied; the word lot includes the words plot or parcel.

Agriculture Uses — Those uses commonly associated with the growing of produce on farms. These include: field crop farming, pasture for hay; fruit growing; tree, plant, shrub or flower nursery without building; truck gardening; roadside stand for sale in season; and livestock raising and feeding.

Airport — Any Federal Aeronautics Administration approved locality, either of land or water, which is regularly used or intended to be used for the landing and take-off, storage or servicing of one or more aircraft.

Accessory Structure or Facility — "Accessory structure" or "facility" means any building or improvement subordinate to a principal use which, because of the nature of its use, can reasonably be located at or greater than normal structure setbacks.

Attorney — Attorney of the Town of Windemere, Minnesota, or his authorized representative.

Auditor — The County Auditor of Pine County, Minnesota, or his authorized representative.

Automobile Wrecking or Junk Yard — Any place where two (2) 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 or merchandise.

Basement — A portion of a building located partially underground but having less than one-half (1/2) its floor to ceiling height below the average land grade.

Blight — (See Ordinance # 09-02-99, Page 113 for complete definition). Defined as:

A. Junk motor vehicles.

B. Storage or accumulation of junk, trash, rubbish, or refuse of any kind.

C. Uninhabitable structures.

D. Vacant dwelling, garage, or other outbuilding.

E. Manure except for horticulture or where animals and fowl permitted.

F. Debris must be in odor and fly tight covered receptacles.

Bluff

"Bluff" means a topographic feature such as a hill, cliff, or embankment having all of the following characteristics

A. part or all of the feature is located in a shoreland area;

B. the slope rises at least 25 feet above the ordinary high water level of the water body;

C. the grade of the slope from the toe of the bluff to a point 25 feet or more above the ordinary high water level averages 30 percent or greater; and the slope must drain toward the water body.

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

Bluff Impact Zone

Bluff impact zone" means a bluff and land located within 20 feet from the top of a bluff.

Board of Adjustment

The Board of Adjustment for the Town of Windemere, Minnesota.

Boathouse

An accessory structure used for the sole purpose of storage of watercraft and related equipment, not intended for human occupancy

Buffer

The use of land topography, spaces and screening to separate uses or structures from other uses or structures.

Buildable Area

The portion of a lot remaining after required yards have been provided.

Building

Any structure used or intended for supporting or sheltering any use or occupancy.

Building Line

"Building line" means a line parallel to a Lot Line or the ordinary high water level at the required setback beyond, which a structure may not extend.

Building Setback

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

Bunkhouse

A residential accessory structure secondary to a cabin or dwelling used for sleeping quarters, with no sanitation or cooking facilities.

Cabin

Seasonal or Recreational - A residence occupied only on a part-time basis for seasonal or recreational use and not as a single family dwelling.

Campground	An area accessible by vehicle and containing campsites or camping spurs for tent and trailer camping.
Cellar	That portion of a building having more than one half of the floor to ceiling height below the average land grade.
Certificate of Compliance	"Certificate of compliance" means a document written after a compliance inspection, certifying that a system is in compliance with applicable requirements at the time of the inspection.
Church	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.
Commercial Recreation	Privately owned facilities such as a bowling alley, cart track, golf course, pool hall, vehicle racing, riding stables, dance hall, skating, theatre, firearms range, boat rental, amusement rides, campgrounds, deer park, and similar uses.
Commercial Uses	Any establishment, occupation, employment, or enterprise where merchandise is exhibited or sold, or where services are offered for compensation.
Commissioner	"Commissioner" means the Commissioner of the Department of Natural Resources.
Community Center Facility	A building, or group of buildings, or use of land intended to serve a community's educational, recreational, and service activities, typically containing space for a meeting hall, Town garage, a post office, a volunteer fire hall or local recreational facilities.
Conditional Use	Means the same as that term is defined in Minnesota Statutes, Chapter 394.
Conditional Use Permit	A permit issued by the Planning Commission 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 Town 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.
Deck	A horizontal unenclosed platform above the ground attached or adjacent and functionally related to a dwelling or bunkhouse. All normal setbacks will apply to deck whether attached or unattached to structure.
Duplex, Triplex, and Quad	"Duplex, triplex, and quad" means a dwelling structure on a single lot, having two, three, and four units respectively, being attached by common walls and each unit equipped with separate sleeping, cooking, eating, living, and sanitation facilities.

Dwelling — A building or portion thereof, designated exclusively for residential occupancy, including one family, two-family and multiple-family dwellings, lake dwellings, manufactured housing, but not including hotels, motels, and boarding houses. A dwelling shall have a minimum of 750 square foot first floor enclosed living space; otherwise no building permit shall be issued. The term "Residence" shall mean the same as "Dwelling" as defined herein.

Dwelling, Single Family — A detached dwelling unit designed for occupancy of one (1) family.

Dwelling Site — Site - "Dwelling site" means a designated location for residential use by one or more persons using temporary or movable shelter, including camping and recreational vehicles sites.

Dwelling Unit — "Dwelling unit" means any structure or portion of a structure, or other shelter designed as short or long-term living quarters for one or more persons, including rental or timeshare accommodations such as motel, hotel, and resort rooms and cabins.

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.

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.

Extractive Use — (Borrow Pits) - "Extractive use" means the use of land for surface or subsurface removal of sand, gravel, rock, industrial minerals, other nonmetallic minerals, and peat not regulated under Minnesota Statutes, Sections 93.44 to 93.51.

Family — An individual or two or more persons related by marriage, blood or a group of not more than five unrelated persons living together on the premises or in a single housekeeping unit.

Farm — A tract of land ten (10) or more acres which is principally used for commercial agriculture, all of which is owned and operated by a single family, farm corporation, individual or corporation.

Feedlot Animal — A lot or building or combination of lots and buildings intended for the commercial confined feeding, breeding, raising or holding of animals and specifically designed as a confinement area in which manure may accumulate, or where the concentration of animals is such that a vegetative cover cannot be maintained within the enclosure. Open lots used for the feeding and rearing of poultry (poultry ranges) shall be considered to be animal feedlots. Pastures shall not be considered animal feedlots.

Fence	A barrier forming a boundary to, or enclosing some area.
Floor Area	The sum of the gross horizontal area of the several floors of the building, measured from the exterior faces of the exterior walls.
Forest Land Conversion	"Forest land conversion" means the clear cutting of forested lands to prepare for a new land use other than reestablishment of a subsequent forest stand.
Forestry	The management, including 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.
Garage, Private	An accessory building or accessory portion of the principal building which is intended and used to store the private passenger vehicles of the family or families resident upon the premises, and in which no business service or industry is carried on; provided that not more than one-half (1/2) of the space may be rented for the private vehicles of persons not resident on the premises, except that all the space in a garage of one (1) or two (2) car capacity may be so rented.
Guest Cottage	"Guest cottage" means 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.
Group Home	A residential facility licensed by the State of Minnesota or the Pine County Welfare Department which serves from seven to sixteen developmentally disabled, physically handicapped, or socially maladjusted individuals.
Hardship	Means the same as that term is defined in Minnesota Statutes, Chapter 462.357
Height of Building	"Height of building" means the vertical distance between the highest adjoining ground level at the building or ten feet above the lowest ground level, which ever is lower, and the highest point of a flat roof or average height of the highest gable of a pitched or hipped roof.
Highway Commercial Uses	Those uses which by their nature customarily relate to, depend upon, or provide essential services to the highway travelling public, including but not limited to gasoline service and light automotive repair stations, drive-in food service facilities, motels, truck stops, etc. and which do not include operational. Activities that are or may be a nuisance to or otherwise incompatible with the existing or intended development pattern of the area.
Home Business	A commercial or minor industrial business use conducted on the same property on which the owner's home is situated, which may employ up to five (5) persons who are not residents of the owner's home, which is of a type or character consistent with rural residential lifestyle, and which is established and operated under such conditions that the use may not be a nuisance to or otherwise incompatible with the surrounding area.

Home Occupation	Any occupation or profession carried on by a member of the family residing on the premises, provided that the use is clearly incidental and secondary to the main use of the premises for dwelling purposes, does not change the character thereof, or have any exterior evidence of such secondary use.
Horizontal Distance	A distance measured along a plane which is perpendicular to an axis running through the center of the earth at the point of measurement.
Improved Public Road	Any road constructed or maintained by any unit of government as an official portion of that government's road system, or any platted road dedicated to the public which has a history of maintenance by a unit of government such that the road is drivable by general purpose, public, and emergency vehicles on a year-around basis, and such that the public road maintenance is likely to continue.
Industrial Use	Any establishment, occupation, employment, or enterprise where the industrial manufacturing, storage, or warehousing of industrial products and materials occur.
Intensive Vegetation Clearing	"Intensive vegetation clearing" means the complete removal of trees or shrubs in a contiguous patch, strip, row, or block. (Mature trees cannot be cut).
Kennel	An establishment created or used for the commercial breeding or boarding of two or more dogs over three (3) months of age for profit or compensation.
Like Structure	A structure to be used in a common or similar fashion. (i.e. a dwelling = a dwelling, a garage = a garage, an outhouse = an outhouse)
Livestock	Farm animals such as horses, cows, sheep, goats, poultry, etc. kept for use or profit, excluding poultry and rabbits kept as pets or raised for personal use.
Lot	"Lot" means a parcel of land designated by plat, metes and bounds, registered land survey, auditor's plot, or other accepted means and separated from other parcels or portions by said description for the purpose of sale, lease or separation.
Lot Area	The area of a horizontal plane within the lot lines
Lot Corner	A lot situated at the junction of and abutting on two (2) or more intersection roads; or a lot at the point of deflection in alignment of a single street, the interior angle of which is one hundred thirty-five (135) degrees or less.
Lot Frontage	The front of a lot shall be that boundary abutting a dedicated right-of-way.

Lot Line	A property boundary line of any lot held in single or separated ownership, except that where any portion of the lot extends into the abutting road, the lot line shall be deemed to be the road right-of-way.
Lot of Record	A parcel of land, whether subdivided or otherwise legal described of record as of the effective date of this Ordinance.
Lot of Width	The shortest horizontal distance between the side lot lines measured at the right angles at the building line and front lot line.
Manufactured Dwelling	Any building constructed off-site and assembled as a permanent dwelling at a building site. (750 square feet minimum).
Manufacturing	All uses which include the compounding, processing, packaging, treatment, or assembly of products and materials.
Mobile Home	Same as manufactured dwelling. See definition of manufactured dwelling.
Mobile Home Park	A lot which has been planned and improved for the placement of, or which contains three or more mobile homes.
Neighborhood Commercial Uses	Those uses which provide neighborhood level convenience services to communities such as small grocery stores, small sundry and convenience item stores, and small professional, office buildings such as doctor and dental clinics, which uses are of such size and nature as to blend well with the existing and intended development pattern of the neighborhood.
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.
Nonconformity	Means the same as that term is defined in Minnesota Statutes, Section 462.357.
Off-Road Loading Space	A space accessible from a public road, in a building or on the lot, for the use of trucks while loading or unloading merchandise or materials. Such space shall be of such size as to accommodate one (1) truck of the type typically used in the particular business.
Ordinary High Water Level	"Ordinary high water level" means the boundary of public waters and wetlands, and shall be an elevation delineating the highest water level which has been maintained for a sufficient period of time to leave evidence upon the landscape, commonly that point where the natural vegetation changes from predominantly aquatic to predominantly terrestrial. For watercourses, the ordinary high water level is the elevation of the top of the bank of the channel. For reservoirs and flowages, the ordinary high water level is the operating elevation of the normal summer pool.

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.
Permitted Use	A use which may be lawfully established in a particular district or districts, provided it conforms with all requirements, regulations, and performance standards (if any) of such districts.
Planning Commission	The planning agency of the Town, designated by the Town Board.
Principal Use	The primary or main use of land or buildings as distinguished from subordinate, incidental or accessory uses.
Private Road	An easement of record in perpetuity and transferable to successors, heirs and assigns which provides the right of ingress and egress between a lot and an improved public road.
Public Road	For purposes of the Ordinance, public roads shall include township, county, state, or federal government roads. Platted road whether or not accepted and maintained by the Town shall be included in the definition of Public Road as defined herein. The terms "Principal and Minor Arterials," "Major Collectors," and "Minor Collectors and Local-Roads" as used in this Ordinance shall mean those functional systems for rural areas as designated by the American Association of State Highway and Transportation Officials and identified as such by state or county classification.
Public Uses	Uses owned or operated by municipal, school districts, town, county, state or other governmental units.
Public Water	A body of water capable of substantial beneficial public use. For the purpose of this Ordinance, this shall be construed to mean any lake, pond, or flowage of 25 acres or more in size, or any river or stream with a total drainage area of two square miles or more which has the potential to support any type of recreational pursuit or water supply purpose. A body of water created by a private user where there was no previous shoreland as defined herein, for a designated private use authorized by the Minnesota Commissioner of Natural Resources shall be exempt from the provisions of this Ordinance as they apply to shoreland management or as defined in MN 103G.005, Subdivision 1515A.
Recreational Camping Area	A lot which has been planned and improved for the placement of, or which contains two or more tents, recreational camping vehicles or tourist cabins for any activity other than accessory use to a single family residence or seasonal cabin.
Recreational Camping Vehicle	Includes any of the following:

Travel Trailer: Any trailer 40 feet or less in length; 8 feet or less in width, designed for recreational living quarters, not permanently affixed to the ground having current license plates and used on a seasonal basis.

Note: Any permanent or non-licensed trailer must acquire a building permit.

Pickup Coach: a structure designed to be mounted on a truck chassis for use as a temporary dwelling for travel, recreation and vacation.

Motor Home: a portable temporary dwelling for travel, recreation and vacation use constructed as an integral part of a self-propelled vehicle.

Camping Trailer: a folding structure mounted on wheels and designed for travel, recreation and vacation use.

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

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

Sensitive Resource Management — "Sensitive resource management" means the preservation and management of areas unsuitable for development in their natural state due to constraints such as shallow soils over groundwater or bedrock, highly erosive or expansive soils, steep slopes, susceptibility to flooding, or occurrence of flora or fauna in need of special protection.

Setback — "Setback" means the minimum horizontal distance between a structure, sewage treatment system, or other facility and an ordinary high water level, sewage treatment system, top of a bluff, road, highway, property line, or other facility.

Sewage Treatment System — "Sewage treatment system" means a septic tank and soil absorption system or other individual or cluster-type sewage treatment system. (as described and regulated in the State Standards Chapter 6120)

Shore Impact Zone — "Shore impact zone" means land located between the ordinary high water level of a public water and a line parallel to it at a setback of 50 percent of the structure setback.

Shoreland — "Shoreland" means land located within the following distances from public water: 1,000 feet from the ordinary high water level of a lake, pond, or flowage; and 300 feet from a river or stream, or the landward extent of a flood plain 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 when approved by the Commissioner.

Sign	Any device designed to inform or attract attention of persons not on the premises on which the device is located, including any structure erected primarily for use in connection with the display of such device and all lighting or other attachments used in connection therewith.
Sign, On-Site	A sign relating in its subject matter only to the premises on which it, is located, or to products, services, accommodations, or activities on the premises.
Sign, Off-Site	A sign other than an on-site sign.
Significant Historic Site	"Significant historic site" means any archaeological site, standing structure, or other property that meets the criteria for eligibility to the National Register of Historic Places or is listed in the State Register of Historic Sites, or is determined to be an unplatted cemetery that falls under the provisions of Minnesota Statutes, Section 307.08. A historic site meets these criteria if it is presently listed on either Register or if it is determined to meet the qualifications for listing after review by the Minnesota State Archaeologist or the Director of the Minnesota Historical Society. All unplatted cemeteries are automatically considered to be significant historic sites.
Slope	The degree of deviation of a surface from the horizontal, usually expressed in percent or degrees.
Steep Slope	"Steep slope" means land where agricultural activity or development is either not recommended or described as poorly suited due to slope steepness and the site's soil characteristics, as mapped and described in available county soil surveys or other technical reports, unless appropriate design and construction techniques and farming practices are used in accordance with the provisions of these regulations. Where specific information is not available, steep slopes are lands having average slopes over 12 percent, as measured over horizontal distances of 50 feet or more, that are not bluffs.
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.
Subdivision	"Subdivision" means land that is divided for purpose of sale, by lot.
Surface Water-oriented Commercial Use	"Surface water-oriented commercial use" means the use of land for commercial purposes, where access to and use of a surface water feature is an integral part of the normal conductance of business. Marinas, resorts, and restaurants with transient docking facilities are examples of such use.
Surface Water-oriented Commercial/Residential Use	In sewered areas "Surface water-oriented commercial/residential use" means the use of land for commercial and/or high density residential purposes, where access to and use of a surface water feature is an integral part of the normal conductance of business and/or residents.

	Marinas, resorts, multifamily dwellings, mixed use developments and restaurants with transient docking facilities are examples of such use.
Toe of the Bluff	"Toe of the bluff" means the lower point of a 50-foot segment with an average slope exceeding 18 percent.
Top of the Bluff	"Top of the bluff" means the higher point of a 50-foot segment with an average slope exceeding 18 percent.
Town	Any town (or township), including those with the powers of a statutory city pursuant to law.
Town Board	The Board of Supervisors of the Town of Windemere, Minnesota.
Transfer Station	A facility in which solid waste from collection vehicles is concentrated for subsequent transport. A transfer station may be fixed or mobile.
Uniform	Finishing the exterior of a building with standard siding or corrugated metal material in order to give a structure(s) or building(s) at a property, a neat, orderly and continuous or finished appearance.
Unincorporated Area	That area lying outside the incorporated limits of any city.
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.
Variance	Means the same as that term is defined in Minnesota Statutes, Chapter 462.357.
Waterfront Commercial Uses	Those uses which by their nature customarily relate to or service recreational water activities or depend upon waterfront locations, such as marinas, fishing and boating resorts, canoe outfitters, boat sales if part of a permitted marina, restaurants and supper clubs if part of a permitted resort, which uses do not include operational activities or development characteristics that are or may be a nuisance to or otherwise incompatible with the existing or intended development pattern of the area.
Water-Oriented Accessory Structure or Facility	"Water-oriented accessory structure or facility" means a small, above ground, building and other improvement, except stairways, fences, docks, and retaining walls, which, because of the relationship of its use to a surface water feature, reasonably needs to be located closer to public waters than the normal structure setback. Examples of such structures and facilities include boathouses, gazebos, screen houses, fish houses, pump houses, and detached decks.
Water Supply Purpose	Includes any uses of water for domestic, commercial, industrial or agricultural purposes.

Wetland	"Wetland" means a surface water feature classified as a wetland in the United States Fish and Wildlife Service Circular No. 39 (1971 edition).
Yard	An open space on the lot which does not contain structures. A yard extends along a lot line at right angles to such lot line to a depth or width specified in the yard regulations for the zoning district in which such lot is located. A yard does not include tennis courts, etc.
Yard-Front	A yard extending across the front of the lot between the side lot lines and lying between the front line of the lot and the nearest line of the building. Property adjoining any road will constitute a "front" yard.
Yard - Rear	A yard extending across the full width of the lot and lying between the rear line of the lot and the nearest line of the building.
Yard Side	A yard between the side line of the lot and the nearest line of the building and extending from the front line of the lot to the rear yard.
Zone District	Any section of the Town of Windemere within which the zoning regulations are uniform
Zoning Administrator	A person appointed by the Town Board to enforce the Zoning Ordinance. The Town Board may designate one or more persons to assist the zoning administrator.
Zoning Map	The official map incorporated into the Ordinance as part thereof, and as amended, designating the zoning district.

GENERAL PROVISIONS - Application and Interpretation

No structure or part thereof shall hereafter be erected, constructed, converted, reconstructed, moved, or structurally altered and no land shall change in use unless in conformity with all of the regulations specified in this Ordinance, and all acts amendatory thereof. All buildings of a like nature at a property must be constructed to conform to current building style and must be finished with "Uniform" material of similar appearance to current structures.

In each zone district each structure or use hereafter erected, or altered or established, shall be provided with the yards and setbacks specified, shall be on a lot of the area and width specified, and shall not exceed the percent of maximum total building coverage of its lot as specified in this Ordinance. No open space, lot, off-street parking, or loading space required for a building or structure, shall be included as part of a lot, open space, off-street parking, or loading space for another building structure.

Two residential structures may be allowed on one parcel, provided that each structure meets the minimum lot area, lot width, and dimensional requirements of the zone district and for a proper and legal subdivision of the parcel.

Sewage Disposal - Structures which require sewage disposal facilities and which are located on a lot serviced by public sewage facilities shall be required to connect to such facilities subject to the approval of the local unit of government operating the sewage collection/disposal system. Any premises intended for human occupancy or use must be provided with an approved method of sewage disposal according to the standards of the Moose Lake Windemere Sanitary Sewer District (MLWSSD) and/or Chapter 7080 and the Windemere Township Ordinance.

A building permit shall be required for the following:

A. New additions or improvements to existing structures in excess of 150 square feet;

B. Dwelling(s)

C. Accessory structure(s);

D. Deck(s);

E. Building(s);

F. Bunkhouse(s);

G. Cabin(s):

H. Garage(s);

I. Guest:

J. Cottage(s);

K. Lean-tos; (Roofed with no walls.)

L. Kennel(s); and

M. Other similar structures

No permit shall be required for normal repair and maintenance of existing structures. The cost of building permit for a particular purpose shall be established from time to time by the town board. Note: the replacement of an entire structure requires that existing square footage must be confirmed by the Windemere Township zoning administration prior to existing structure removal.

Construction of a building or commencement of a use shall be substantially begun within twelve (12) months of the date of issue of a permit or said permit shall become void. Permit extensions may be granted provided that the proposal meets Ordinance requirements.

No building permit will be issued for any lot that is subdivided after June 3, 2004 when such subdivision is in violation of the Subdivision Regulations.

No lot shall be created after the passage of this Ordinance which does not meet the requirements of this Ordinance; transfers to adjoining parcels may be excluded.

For any use, whether permitted or conditional, where an Environmental Assessment Worksheet, or Environmental Impact Statement is required and where Pine County is also designated as responsible agency, the proposer shall be required to supply all information requested by the Township to complete said documents.

Roadside Standards

A. General

Along all public rights-of-way the provision set forth in Article VI-B (Page 76) shall apply.

B. Driveway Entrances and Entrance Permits

No entrance onto any Federal, State, County State Aid, County or Township roadway shall be permitted unless a permit has been approved by the Minnesota Commissioner of Highways, the County Highway Engineer, or applicable road authority. Whenever possible, new commercial and industrial uses shall use driveways and parking areas in combination with existing establishments so as to reduce the number of driveway entrances. (Note: Minimum culvert length of 24' required. Final driveway side slopes must be a minimum of 3:1 finished grade).

Dwelling Unit Restrictions

The following restrictions apply to all zone districts including the high density residential (R-3) district.

A. Except for permitted earth-sheltered structures, no cellar, basement, garage, tent or accessory building shall at any time be used as an independent residence or dwelling unit, temporarily or permanently,

except in multiple family dwellings, with additional living units located above ground, except in cases of new construction, in which case the basement, etc. may be resided in for a period not to exceed one year.

B. Basements and cellars may be used as living quarters or rooms as a portion of the principal residential dwelling.

C. All dwellings shall be located upon a permanent foundation that meets the requirements of the State of Minnesota building code.

D. All dwellings and manufactured homes shall contain no less than 750 square feet enclosed first floor living space, to meet the minimum floor area requirements set out in this Ordinance. Overhangs and other projections beyond the principal walls shall not be taken into account in determining the minimum square footage of living space required hereunder.

E. Mobile Homes (&/or Manufactured dwellings), may only be used as a principal dwelling or guest cottage.

F. Recreational Camping Vehicles (Page 17, #86). Licensed camping vehicles may be located in shoreland areas without a building site permit, provided structure setback standards, Sec E, pg. 49 are met. All vehicles shall be connected to an approved sanitary sewer when running water is available on or to the site. Licensed fish houses may be temporarily located in shoreline areas without a building site permit, provided the setbacks of Sec. E, page 49 are met.

G. Recreational Camping Vehicles shall be limited to two (2) per lot and will be considered permanent subject to all permits; setbacks, area and sanitary sewer system requirements in either of the following cases:

   1. when the development of a structural addition of any square footage to the camping vehicle occurs, or when an accessory structure of any type or square footage or storage building of any type or square footage is completed on the site; or

   2. camping vehicle is unlicensed (reference Page 17, #86) or cannot be shown to be operable upon highways of the State of MN.

H. Proximity to roads and highways. No structure may be placed nearer than 20 feet from the right-of-way vary line of any federal, state, county, or township highways. County highways right-of-way vary from 33' to the road center to greater than 50' to the road center line as per (8) page 22. Structure setbacks shall be 20' from the right-of-way line of any town road, public street or others not classified. Township road right-of-way is 33' from the road centerline. Private (1 lane) right-of-way is 16.5' from the road centerline

   Structure setback will be measured from a known property line if available. It is the obligation of the permit applicant to provide property line documentation. If any dispute arises as to the location of property lines, a survey will be required before a permit is issued.

Structure setbacks as measured from the road centerline are as follows:

County Roads

Varies from 53' to the road centerline to over 70' as per attached map

Township Roads

53' to the road centerline

Private Roads. (1 lane)

36.5' to the road centerline

I. Building permits in S-1 Shoreland will only be issued when the present septic system is determined to be in compliance with M.P.C.A. standards as far as imminent health threats or any signs of failure are concerned. The permit applicant shall provide a current Certificate of Sanitary Sewer Compliance or a Compliance Inspection will be required. Systems which are found to be Non-Compliant shall be replaced within a maximum of 10 months from a Notice of Non-Compliance. They include:

1. Signs of system drainage to a cesspool, drywell, seepage pit or leaching pit
2. Signs of surface discharge from system
3. System backup to dwelling.
4. Less than 3 feet vertical separation from system bottom to water saturated (mottled) soil or bedrock.

J. Building permits will be required for projects that exceed 150 square feet in size. NOTE: ALL WATER ORIENTED ACCESORY STRUCTURES MUST OBTAIN A ZONING PERMIT REGARDLESS OF BUILDING SQUARE FEET.

K. Windemere Township shall not issue a permit or variance for a bedroom or bathroom addition on property served by a system unless the individual sewage treatment system is in compliance with applicable requirements, as evidenced by a certificate of compliance.

L. That no mobile home, trailer, or manufactured dwelling, which was manufactured prior to July 1, 1972 shall be permitted. (If a dwelling manufactured prior to July 1, 1972, is installed per a Variance or Conditional Use Permit, the dwelling must be fully compliant with the current Minnesota State Building Code requirements for site built structures.)

M. Prior to any dwelling being moved into Windemere Township, a pre-inspection of the dwelling at its current location shall be made by the Windemere Township Zoning Administrator. The permit applicant shall pay an inspection fee, which shall be based on the actual time of inspection plus the travel time to and from the current location of the dwelling. Said fee shall be paid to Windemere Township prior to the Zoning Administrator performing the inspection. The attached Appendix A, which is incorporated into this Ordinance by reference, (a, 23 Item Code Non-Compliance Checklist) shall apply to each inspection when applicable in the opinion of the Zoning Administrator.

N. Dwellings must be sided and roofed in a uniform fashion. Skirting, if required, shall be of a corrosion resistant material with proper venting. Skirting shall be installed within 60 days after receipt of an approved Zoning permit.

Article III-A ZONE DISTRICTS AND DISTRICT REQUIREMENTS

Sec. 1 Districts Enumerated. For the purposes of this Ordinance, the Town of Windemere is hereby divided into the following seven zone districts:

R-2 Residential
R-3 High Density
C-1 Commercial
A-1 Agricultural-Open Space District
F-1 Forest Management District
F-2 Special Protection District
S-1 Shoreland Zone

Sec. 2 Summary Table. For ease in comparing basic lot width, lot area, and setback requirements of the zone districts in this Ordinance, the following table is provided. Where there is an exception to any figure in the table, the exception is footnoted.

MINIMUM REQUIREMENTS

Zone District	Lot Area	Lot Width	Maximum Lot Coverage	Lot Line Setback				Front Yard
				Side Yard		Rear Yard		
				D	A	D	A	*See note below
R-2 Residential Unsewered	40,000	100'	10%	15'	10'	20'	10'	20'
Sewered	20,000	100'	20%	10'	10'	20'	10'	20'
R-3 High Density	20,000	100'	10%	10'	10'	20'	10'	20'
C-1 Commercial	20,000	100'	90%	10'	10'	20'	20'	20'
A-1 Agricultural Open Space District	217,800	165'		35'		50'	100'	100'
F-1 Forest Management District	217,800	165'		35'		50'	100'	100'

F-2 Special Protection - 40 acres - See Article III-A, Sec. 9
S-1 Shoreland Zone See Article 111-A, Sec. 10
D = Principal Dwelling
A = Accessory Structure
* Front yard set back will be measured to the designated right of way line or to the road side property line. (Determination based on meets and bounds description or plotted description)

Sec. 3 Zoning Map. (See page 6)

The boundaries of the above zone districts are hereby established as shown on the official Zoning Map for the Town of Windemere, Minnesota, which map is approved and on file in the office of the Town Clerk.

The boundaries of the above zone districts are hereby established as shown on the official Zoning Map for the Town of Windemere, Minnesota, which map is approved and on file in the office of the Town Clerk.

Said map and 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 hereby made a part of this Ordinance by reference and incorporated herein as fully as if set forth herein at length.

District boundary lines as indicated on said map are intended to follow road right of way lines.

In the case where a boundary line does not appear to follow a property line, road or right-of-way line, or where such line is not dimensioned on said map, the boundary line shall be determined by the scale appearing on said map.

Where the road or property layout existing on the ground is at variance with that shown on the official zoning map, or in other circumstances not covered above, the Board of Adjustment shall interpret the zone district boundaries in accordance with the provisions of Article VII.

Sec. 4 R-2 Residential Rural

Purpose: The R-2, Residential zone district is established to provide medium density, semi-rural or suburban on moderate size lots.

A. Permitted Uses:

1. Single family dwelling.
2. Two family dwelling. Provided lot size is at least 1-1/2 times minimum lot area and width required for single family dwelling within the zone district.
3. Farming activities, excluding livestock.
4. Publicly owned or operated forest reserve.
5. Accessory uses clearly incidental to principal use.
6. Accessory structures provided the maximum floor area per structure does not exceed 1,200 square feet.
7. Accessory structures with a floor area greater than 1,200 square feet, by Conditional Use Permit only.
8. Home occupation (Definition: Page 14, #53).
9. Signs, on-site, subject to provisions of Articles I and VI-A of this Ordinance
10. Borrow Pits and related facilities including, but not limited to, portable crushing, screening and batching equipment provided Article III-B, Sec. 2 Performance Standards are met. If not, by Conditional Use Permit only.
11. Seasonal or recreational cabin

Uses Authorized by Conditional Use Permit:

A. Multiple family dwelling, not exceeding four dwelling units.
B. Farming activities, including livestock.
C. Highway commercial.
D. Neighborhood commercial.
E. Kennel or veterinary hospital.
F. Public and semi-public uses including but not limited to the following: public and private schools, churches, community buildings, private parks and recreation areas, campgrounds, hospitals, rest homes, fire and police stations, public maintenance repair or storage buildings.
G. Utility corridors and necessary related facilities including but not limited to transmission towers and lines, microwave relay towers, substations, and pipelines.
H. Borrow pits and related facilities including but not limited to portable crushing, screening, and batching equipment.
I. Accessory structures, the floor area of which exceeds 1,200 sq. ft. per structure.
J. Signs, off-site, subject to provisions of Articles I and VI-A of this Ordinance.
K. Group home.
L. Transfer station.
M. Public, noncommercial recreational uses including trails, parks, beaches, wayside rests, etc.
N. Other uses similar to those listed above.
O. Mobile home.

Requirement–Unsewered Lots:		
	Unsewered Lots	40,000 sq. ft.
	A. Minimum Lot Area	100 ft
	B. Minimum Lot Width	10%
	C. Maximum Lot Coverage Allowed including accessory structures	
	D. Minimum Lot Line Setback Side	
	1. Yard Setback	15 ft.
	a. Principal structure	10 ft.
	b. Accessory structure	
	2. Rear Yard Setback	20 ft.
	a. Principal structure	10 ft.
	b. Accessory structure	
	3. Road Setback	See page 7

a. Major collectors – State & County

b. Minor collectors and local private roads and township — See page 7

4. Parking Requirements

a. Off-street parking shall be provided in accordance with the requirements for specific uses set forth in Article V-A of this Ordinance.

Requirement – Sewered Lots

Sewered Lots

A. Minimum Lot Area	20,000 sq ft.
B. Minimum Lot Width	100 ft.
C. Maximum Lot Coverage Allowed	20%
D. Minimum Lot Line Setbacks	
1. Side Yard Setback	
a. Principal structure	10 ft.
b. Accessory structure	10 ft.
2. Rear Yard Setback	
a. Principal structure	20 ft.
b. Accessory structure	10 ft.
3. Road Setback	
a. Major Collectors	See page 7
b. Minor collectors and local road	See page 7
4. Parking Requirements	

Off-street parking shall be provided in accordance with the requirements for specific uses set forth in Article V of this Ordinance.

Sec. 5
R-3 High Density Residential
(20,000 sq. ft.)

Purpose: The district is intended to provide intensive residential use of land in areas of existing high density. In the future, it will be economically feasible to accommodate public or group facilities such as sewer and water.

A. Permitted Uses

1. Single family dwelling including mobile home.
2. Accessory uses.
3. Seasonal recreational cabin.
4. Recreational camping vehicle

B. Permitted Uses with Performance Standards

Note: Performance Standard formula is: Accessory Feet Squared divided by 1,000 equals sideyard setback.

1. Accessory structures, subject to Article III-B, Sec. 1.

2. Signs, on-site, subject to Article VI-A

C. Uses Authorized by Conditional Use Permit:

1. Multiple family dwelling

2. Mobile home park.

3. Highway commercial.

4. Neighborhood commercial.

5. Public and semi-public uses including but limited to the following: public and private schools, churches, community building neighborhood recreation areas, hospitals, rest homes, fire and police stations, public maintenance repair or storage buildings.

6. Utility corridors and necessary related facilities including but not limited to transmission towers and lines, microwave relay towers, substations and pipelines.

7. Borrow pits and related facilities including but not limited to portable crushing, screening, and batching equipment.

8. Group homes.

9. Recreational trails.

10. Public facility renovation.

11. Home occupation.

12. Other uses similar to those listed above.

D. Requirements

1.	Minimum Lot Area	20,000 sq ft
2.	Minimum Lot Width	100 ft.
3.	Maximum Lot Coverage Allowed including access structures	10%

4. Minimum Lot line Setbacks

   a. Side Yard Setback

      i. Principal structure — 10 ft.

      ii. Accessory structure — 10 ft.

   b. Rear Yard Setback

      i. Principal structure — 20 ft.

      ii. Accessory structure — 10 ft.

   c. Road Setback

      i. Major collectors – State & County — See page 7

      ii. Minor collectors and local private roads and township — See page 7

   d. Parking Requirements

      Off street parking shall be provided in accordance with the requirements for specific uses set forth in Article VI-A of this Ordinance.

Sec. 6 C-1, Commercial (20,000 sq. ft).

Purpose: The C-1, Commercial Zone District is established to direct commercial development to appropriate locations which will promote the efficient delivery of goods and services while assuring the integrity of surrounding land uses.

A. Permit Uses

1. Commercial retail and service establishments including but not limited to: general merchandise, motor vehicles, farm machinery, apparel, furniture, hardware, food, eating, drinking, lodging, personal and professional services, entertainment and recreation facilities and services, finance, insurance and real estate services which include highway commercial and neighborhood commercial uses.

2. Wholesale, storage and warehousing operations such as: food products, automotive parts, electrical equipment, hardware and feeds.

3. Signs, on-site and off-site, subject to provisions of Articles I and VI-A of this Ordinance.

4. Accessory uses clearly incidental to principal use.

5. Single family dwelling may be physically attached to the commercial establishment.

6. Transfer station.

7. Public, noncommercial recreational uses including trails, parks, beaches, wayside. rests, etc.

8. Accessory structures, provided the maximum floor area per structure does not exceed 1,200 square feet.

9. Accessory structures with a floor area greater than 1,200 square feet provided Article III-B, Sec. 1 Performance Standards are met. If not, by Conditional Use Permit only

10. Borrow Pits and related facilities including but not limited to portable crushing, screening and batching provided Article III-B, Sec. 2 Performance Standards are met. If not, by Conditional Use Permit only.

11. Other uses, similar to those listed above, which clearly reflect the purpose and intent of the Commercial Zone District.

B. Uses Authorized by a Conditional Use Permit:

1. Public and semi-public uses including but not limited to the following: public and private schools, churches, community buildings, hospitals, rest homes, fire and police stations, public maintenance repair or storage buildings.

2. Utility corridors and necessary related facilities including but not limited to transmission towers and lines, microwave relay towers, substations and pipelines.

3. Necessary facilities for production of electric power including but not limited to dams, reservoirs, and power plants. Projects requiring mandatory review by the Minnesota Environmental Quality Council shall be exempt from conditional use review.

4. Transportation terminals.

5. Single family dwelling or mobile home provided there be only one dwelling per commercial establishment.

6. Borrow Pits and related facilities including but not limited to portable crushing, screening, and batching equipment.

7. Accessory structures, the floor area of which exceeds 1,200 square feet.

8. Other uses similar to those listed above.

C. Requirements:

1.	Minimum Lot Area	20,000
2.	Minimum Lot Width	100 ft.
3.	Maximum Lot Coverage Allowed including all structures and plus parking areas, loading areas, and similarly altered ground surface	90%
4.	Minimum Lot line Setbacks	
	All structures on commercially zoned property adjacent to a residential waterfront zone district must be set back a minimum of 50 feet from side and rear lot lines, regardless of provisions listed below, or must be screened in a manner which will provide an effective buffer between the districts, such screening to be approved by the Planning Commission	
	a. Side Yard Setback	
	i. Principal structure	
	ii. Accessory structure	10 ft.
	iii. Parking areas	10 ft.
	b. Rear Yard Setback	5 ft.
	i. Principal structure	20 ft
	ii. Accessory structure	20 ft
	iii. Parking areas	20 ft.
	c. Minimum Road Setback	
	i. Major Collectors - State & County	See page 7
	ii. Minor Collectors-local, private, and Township roads	See page 7
	d. Parking Requirements	
	Off-street parking shall be provided in accordance with the requirements for specific uses set forth in Article V-A of this Ordinance.	

Sec. 7 A-1 Agricultural - Open Space District (5 acres).

Purpose: The A-1 Agricultural - Open Space District is intended to provide areas to be utilized and retained in agricultural and/or open space uses, preserve the local agricultural economy, protect private agricultural investments, promote orderly development by limiting scattered non-farm uses, and secure economy in government expenditures for public facilities and services

A. Permitted Uses: The following uses are permitted:

1. Farm buildings which are used for purposes related to the operation of the farm.
2. Farm production which shall include the raising of crops and animals for sale, profit, or pleasure.
3. Greenhouse or nursery.
4. Forestry.
5. Wildlife areas, forest preserves, public parks owned or operated by a government agency or nonprofit organization, and other open space uses.
6. Temporary or seasonal roadside stands for sale of agricultural products.
7. Essential services (power lines, etc.).
8. Single family dwelling including mobile home.

B. Conditional Uses: The following uses may be permitted upon the issuance of a conditional use permit:

1. Commercial uses
2. Industrial uses.
3. Commercial recreational parks, campgrounds, and facilities.
4. Churches.
5. Organized group camps.
6. Extraction of sand, gravel, minerals, or rock.
7. Two-family and multi-family residences.
8. Government buildings.
9. Other uses determined to be similar to the identified permitted and conditional uses.
10. Airport.

C. Accessory Uses: The following uses are permitted accessory uses:

1. Any structure or use which is incidental to the permitted principal use including garages, sheds, fencing, and landscaping.

2. Recreational facilities.

3. Operation and storage of vehicles, equipment and machinery which is incidental to the permitted principal use.

D. Lot Area Requirements.

1. Lot Area. A lot area of not less than five (5) acres for each dwelling unit is required, of which an area of at least one (1) acre is determined to be buildable.

2. Lot Width. A lot width of not less than one hundred sixty-five feet (165') fronting a public road and one hundred sixty-five feet (165') at the building line is required for each dwelling unit.

3. Front Yard. A front yard of not less than one hundred feet (100') is required.

4. Side Yard. Two side yards are required, each having a width of not less than thirty-five feet (35').

5. Rear Yard. A rear yard of not less than fifty feet (50') is required.

E. Road Setback and Parking Requirement

1. Major Collectors - State & County See page 7

2. Minor Collectors and local, private and Township roads See page 7

F. Parking Requirements

Off-street parking shall be provided in accordance with the requirements for specific uses set forth in Article V-A of this Ordinance

Sec. 8 F-I Forest Management District (5 acres).

Purpose. This district is intended to insure that certain forest and agricultural lands are protected and managed both as a natural resource and to produce products on a continuing basis in those areas best suited for these purposes; minimal governmental services are provided in this District. The forest areas also help maintain the natural character of the County, and can be valuable for dispersed recreational activities.

A. Permitted Uses:

1. Temporary wood processing activities.

2. Home occupation.

3. Home business.

4. Accessory uses and structures.

5. Seasonal or recreational cabins.

6. Single family dwelling including mobile home

7. Farming activities, including livestock

B. Permitted Uses with Performance Standards:

1. Signs, on-site and off-site, subject to Article VI-A.

2. Borrow pits and related facilities including but not limited to portable crushing, screening and batching equipment, subject to Article III-B, Sec. 2.

C. Uses Authorized by Conditional Use Permit:

1. Public facility renovation.

2. Utility corridors and related facilities including but not limited to transmission towers and lines, substations, and pipelines.

3. Necessary facilities for the production of electric power including but not limited to dams, reservoirs, and power plants. Projects requiring mandatory review by the Minnesota Environmental Quality Board shall be except from condition use review.

4. Sanitary landfill.

5. Airport.

6. Mineral exploration.

7. Commercial or private recreational uses which, by their nature, require large land areas, such as race tracks, gun clubs, and campgrounds.

8. Rural industry.

9. Peat extraction and/or processing.

10. Kennel.

11. Highway commercial.

12. Two-family dwelling.

13. Community Center Facility.

14. Mineral evaluation.

15. Permanent wood processing activities including sawmills.

16. Other uses similar to those listed above.

D. Lot Area Requirements.

1. Lot Area. A lot area of not less than five (5) acres for each dwelling unit is required, of which an area of at least one (1) acre is determined to be buildable.

2. Lot Width. A lot width of not less than one hundred sixty-five feet (165') fronting a public road and one hundred sixty-five feet (165') at the building line is required for each dwelling unit.

E. Front, Side, and Rear Yard Requirements.

1. Front Yard. A front yard of not less than one hundred feet (100') is required.

2. Side Yard. Two side yards are required, each having a width of not less than thirty-five feet (35').

3. Rear Yard. A rear yard of not less than fifty feet (50') is required.

F. Road Setback and Parking Requirements

1. Road Setback

a. Major Collectors - State & County See pg 7

b. Minor Collectors, local, private and Township roads See pg 7

G. Parking Requirements

1. Off-street parking shall be provided in accordance with the requirements for specific uses set forth in Article V-A of this Ordinance

Sec. 9 F-2 Special Protection District (40 acres

Purpose. This district is created to protect those areas that are environmentally sensitive to aquifers, wetlands and woodlands. In these areas, development will be limited to protect the natural resource as well as the health and safety of the citizen in the community.

Special Protection District defined: Section 24, S-1/2 of SE-1/4; Section 26, S-1/2; Section 25, all of Section excluding N-1/2 of NW-1/4; Section 33, all lands south and east of the Military Road; Section 34, all of this Section excluding N-1/2 of NW-1/4; Section 35, entire Section.

A. Permitted Uses

1. Agricultural Land Uses.

2. Single family dwelling including mobile home.

3. Forestry and Nurseries.

4. Public Recreation.

5. Historic Sites.

6. Flood Control and Watershed Structures, Erosion Controls.

7. Wildlife and Conservation.

B. Accessory Uses

1. Any building or structure necessary for the operation of a permitted use.

C. Conditional Uses

1. Cemeteries.

2. Commercial Outdoor Recreation.

3. Essential Services - Telephone, Telegraph, and Power Transmission Lines and Necessary Appurtenant Structures.

4. Mining and Extraction only with reclamation.

D. Special Protection District Performance Standards

1. Construction of any use listed above shall conform to all standards in this Ordinance or applicable subdivision regulations on drainage, erosion and sedimentation, wet soils, tree removal, septic tanks and drainfields.

2. The same standards related to height, front, side and rear yards as in the General Agriculture (A-1) District shall apply to this District.

3. Lot Area - The minimum lot size for each dwelling shall be 40 acres.

4. No draining of wetlands shall be permitted in this District

Sec. 10 S-1 Shoreland Zone.

Purpose. To manage the effects of shoreland and water surface crowding, to prevent pollution of surface and ground waters of the State, to provide ample space on lots for sewage treatment systems, to minimize flood damages, to maintain property values, to maintain historic values of significant historic sites, and to maintain natural characteristics of shorelands and adjacent water areas, shoreland controls must regulate lot sizes, placement of structures, and alterations of shoreland areas.

Policy. The uncontrolled use of shorelands adversely affects the public health, safety and general welfare by contributing to pollution of public waters and by impairing the local tax base. In furtherance of the policies declared in Minnesota Statutes, Chapters 103F, 115, 116, 394, 396 and 462, the Commissioner provides the following minimum standards and criteria for the subdivision, use and development of the shorelands of public waters. The standards and criteria are intended to preserve and enhance the quality of surface waters, conserve the economic arid natural environmental values of shorelands, and provide for the wise use of water and related land resources of the State.

A. The DNR Classification of Lakes and Streams.

1. RECREATIONAL DEVELOPMENT

Name	Range	Township	Section	Department of Natural Resources Number
Island	19	45	3,4,8,9	58-62
Sturgeon	19	45	9,10,15-17,20,21	58-67
Eleven	19	45	11	58-68
Twelve	19	45	12	58-69
Passenger	19	45	28,29,32,33	58-76
Rush	19	45	NW 28, NE 29	58-78
Sand	19	45	4,5,6	58-81

2. NATURAL ENVIRONMENT LAKES

Name	Range	Township	Section	Department of Natural Resources Number
East Island	19	45	3	58- 61
Lords	19	45	5, 6, 7,	58- 63
Thirteen	19	45	13	58- 70
Close	19	45	18	58- 71
Dago	19	45	19, 30	58- 73
Johnson	19	45	21	58- 74
Willow	19	45	26, 34,	58- 75
Big Slough	19	45	28, 33	58- 77
Turtle	19	45	W 29	58- 79
L'Named	19	45	29-30	58- 80

3. TRIBUTARY RIVER SEGMENTS

Name	Range	Township
Willow River	19	25,26,31,32,33,34,35
Little Willow River	19	35
Hay Creek	19	24,25
Unnamed Creek	19	5
Big Slough Creek	19	22,27, 28,33

B. Shoreland Zoning Districts and Uses Allowed:

P = permitted uses; C = conditional uses; N = prohibited uses.

1. Special Protection Districts. Uses Allowed Natural Environment

Essential services .....P
Single family dwelling/mobile home C
Home occupation.....C Signs (See Articles I and VI-A)
Forest management .....P
Sensitive resource management .....P
Agriculture: cropland and pasture .....P*
Agriculture: feedlots.....C
Parks and historic sites C
Extractive use.....C
Single family dwelling C
Mining of metallic minerals and peat C
Accessory structures greater than 1,200 feet square of floor area C

* As per Pine County Zoning: "except that no wetlands shall be drained to facilitate cultivation of shoreland areas within specified distances of lakes or streams depending on topography."

2. Lake Classes in Residential Zone Districts.

Uses Allowed	Recreational Development	Natural Environment
Essential services	P	P
Group home	C	C
Single family dwelling/mobile home	C	C

Uses Allowed	Recreational Development	Natural Environment
Home occupation	C	C
Signs (see Articles I and VI-A)		
Single family dwelling	P	P
Semipublic	C	C
Parks and historic sites	C	C
Extractive use	C	C
Duplex, triples, quad residential	C	C
Forest management	P	P
Mining of metallic minerals and peat	C	C
Agriculture: cropland and pasture	C	C
Agriculture: feedlots	C	C
Accessory structures greater than 1,200 feet square of floor area	C	C

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3. Lake Classes in Water-Oriented Commercial Districts. Uses Allowed Recreational Development

Essential Services	P
Single family dwelling/mobile home	C
Signs (See Articles I and VI-A	P
Surface water-orientated commercial/residential	
- For commercial use	P
- For high density residential PUD's	C
Public, semipublic	C
Parks and historic sites	C
Forest management	P
Accessory structures greater than 1,200 feet square of floor area	C

4. Tributary River Segments

Uses Allowed	Special Protection	Residential Zone
Essential services	P	P
Group home	C	C
Uses Allowed con't.	**Special Protection**	**Residential Zone**
Home occupation	C	C

Signs (see Articles I and VI-A)		
Single family dwelling	C	P
Semipublic	N	C
Parks and historic sites	C	C
Extractive use	C	C
Duplex, triplex, quad residential	N	C
Forest management	P	P
Mining of metallic minerals and peat	C	C
Agriculture: cropland and pasture	P	C
Agriculture: feedlots	C	N
Accessory structures greater than 1,200 feet square of floor area	C	

C. Lot Requirements:

1. Residential lot size. All single, duplex, triplex, and quad residential lots created after the date of enactment of the local shoreland controls must meet or exceed the dimensions presented in Tables in Article III-A, Section 10, Part D and the following:

2. Lots must not be occupied by

3. more dwelling units than indicated in Tables located in the Shoreland section of this ordinance. Only land above the ordinary high water level of public waters can be used to meet lot area standards, and lot width standards must be met at both the ordinary high water level and at the building line. The sewer lot area dimensions in Tables on pages 46-47 can only be used if publicly owned sewer system service is available to the property.

4. On natural environment lakes, subdivisions of duplexes, triplexes and quads must also meet the following standards:

   a. Each building must be set back at least 200 feet from the ordinary high water level.

   b. Each building must have common sewage treatment and water systems that serve all dwelling units in the building.

   c. Watercraft docking facilities for each lot must be centralized in one location and serve all dwelling units in the building.

d. No more than 25 percent of a lake's shoreline can be in duplex, triplex or quad developments.

5. One guest cottage may be, allowed on lots meeting or exceeding the duplex dimensions presented in Pages 46-47 if the control also require all of the following standards to be met:

   a. For lots exceeding the minimum lot dimensions of duplex lots, the guest cottage must be located within the smallest duplex-sized lot that could be created including the principal dwelling unit.

   b. a guest cottage must not cover more than 700 square feet of land surface and must not exceed 15 feet in height.

   c. A guest cottage must be located or designed to reduce its visibility as viewed from public waters and adjacent shorelands by vegetation, topography, increased setbacks, color, or other means, assuming summer leaf-on conditions.

6. Lots intended as controlled accesses to public waters or recreation areas for use by owners of non-riparian lots within subdivisions must meet or exceed the following standards:

   a. They must meet the width and size for residential lots, and be suitable for the intended uses of controlled access lots. If docking, mooring, or over-water storage of watercraft is to be allowed at a controlled access lot, then the width of the lot must be increased by the percent of the requirements for riparian residential lots for each watercraft provided for by covenant beyond six, consistent with the following table:

Controlled Access Lot Frontage Requirements

Ratio of lake size to shore length (acres/miles)	Required increase in frontage (percent)
Less than 100	25
100-200	20
201-300	15
301-400	10
Greater than 400	5

   b. They must be jointly owned by all purchasers of lots in the subdivision or by all purchasers of non-riparian lots in the subdivision who are provided riparian access rights on the access lot.

   Covenants or other equally effective legal instruments must be developed that specify which lot owners have authority to use the access lot and what activities are allowed. The activities may include watercraft launching, loading, storage, beaching, mooring or docking. They must also include other outdoor recreational activities that do not

significantly conflict with general public use of the public water or the enjoyment of normal property rights by adjacent property owners. Examples of nonsignificant conflict activities include swimming, sunbathing or picnicking. The covenants must limit the total number of watercraft allowed to be parked and the total number of watercraft allowed to be continuously moored, docked or stored over water, and must require centralization of all common facilities and activities in the most suitable locations on the lot to minimize topographic and vegetation alterations. They must also require all parking areas, storage buildings, and other facilities to be screened by vegetation or topography as much as practical from view from the public water, assuming summer, leaf-on conditions.

D. Area, Width and Coverage Standards

Lot area, width and coverage standards for single, duplex, triplex and quad residential development; lake classes. The lot area, width and coverage standards for single, duplex, triplex and quad residential developments for the lake classes are:

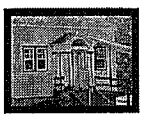
1. NATURAL ENVIRONMENT LAKE, NO SEWER

Lot area (square feet)	Shoreline Riparian Lots	Non-Shoreline Lots
Single	80,000	80,000
Duplex	120,000	160,000
Triplex	160,000	240,000
Quad	200,000	320,000
Lot Width (feet)		
Single	200	200
Duplex	300	400
Triplex	400	600
Quad	500	800

Lot structural coverage (maximum coverage allowed - 5%)

2. NATURAL ENVIRONMENT LAKE, SEWER

Lot area (square feet)	Riparian Lots	No
Single	40,000	20,000



Duplex	70,000	35,000
Triplex	100,000	52,000
Lot area (square feet)	Riparian Lots	No
Quad	130,000	65,000
Lot Width (feet)		
Single	125	125
Duplex	225	220
Triplex	325	315
Quad	425	410

Lot structural coverage (maximum coverage allowed - 10%)

3. RECREATIONAL DEVELOPMENT LAKE, NO SEWER Lot area (square feet)

Lot area (square feet)	Riparian Lots	Non-riparian Lots
Single	40,000	40,000
Duplex	80,000	80,000
Triplex	120,000	120,000
Quad	160,000	160,000
Lot Width (feet)		
Single	150	150
Duplex	225	265
Triplex	300	375
Quad	375	490

Lot structural coverage (maximum coverage allowed - 10%)

4. RECREATIONAL DEVELOMENT, SEWER

Lot area (square feet)	Riparian Lots	Non-riparian Lots
Single	20,000	20,000
Duplex	35,000	26,000

Triplex	50,000	38,000
Quad	65,000	49,000
Lot Width (feet)		
Single	100	100
Duplex	135	135
Triplex	195	190
Quad	255	245

Lot structural coverage (maximum coverage allowed - 20%)

5. RIVER CLASSES

Single	200
Duplex	300
Triplex	400
Quad	500

E. STRUCTURE SETBACK AND HIEGHT STANDARDS

Placement and height of structures and facilities on lots. When more than one setback requirement applies to a site, structures and facilities must be located to meet all setbacks. The placement of structures and other facilities on all lots must be managed by shoreland controls as follows:

1. Structure setbacks. The following minimum setbacks presented in the following table for each class of public waters apply to all structures, except water-oriented accessory structures and facilities that are managed according to item 9.

Shoreland Classes	Ordinary High Water Level Setback (feet)		Setback from Top of Bluff (feet)
	Unsewered	Sewered	
Natural environment	150	150	30
Tributary river segments	100	50	30
Recreation	100	75	30
Sideyard setbacks (feet)	Principal Structure		Accessory Structure
Unsewered	15		10

Sewered	10	10
Rear yard setbacks for non-riparian lots (feet)	Principal Structure 20	Accessory Structure 10

Exceptions to ordinary high water level setback standards for structures in subitem (1). Where "like" structures exist on the adjourning lots on both sides of a proposed building site, structure setbacks may be altered without a variance to conform to the adjoining setbacks provided the proposed building site is not located in a shore impact zone or in a bluff impact zone via the string test.

a. High water elevations. In addition to the setback requirements, local shoreland controls must regulate placement of structures in relation to high water elevation. Where state-approved, local flood plain management controls exist, structures must be placed at an elevation consistent with the controls. See Pine County Zoning. Where these controls do not exist, the elevation to which the lowest floor, including basement, is placed or flood-proofed must be determined as follows:

b. For lakes, by placing the lowest floor at a level at least three feet above the highest known water level, or three feet above the ordinary high water level, whichever is higher. In instances where lakes have a history of extreme water level fluctuations or have no outlet capable of keeping the lake level at or below a level three feet above the ordinary high water level, local controls may require structures to be placed higher.

c. For rivers and streams, by placing the lowest floor at least three feet above the flood of record, if data is available. If data is not available, by placing the lowest floor at least three feet above the ordinary high water level, or by conducting a technical evaluation to determine effects of proposed construction upon flood stages and flood flows and to establish the flood protection evaluation. Under all three approaches, technical evaluations must be done consistent with the management of flood plain areas. If more than one approach is used, the highest flood protection elevation determined must be used for placing structures, and other facilities. See FIRM's #50 and #125 for floodplains.

d. Water-oriented accessory structures may have the lowest floor placed lower than the elevation determined in this subpart if the structure is constructed of flood-resistant materials to the elevation, electrical and mechanical equipment is placed above the elevation and if long duration flooding is anticipated, the structure is built to withstand ice action and wind-driven waves and debris.

3. Bluff impact zones. Structures and accessory facilities, except stairways and landings, must not be placed bluff impact zones.

4. Steep slopes. Local government officials must evaluate possible soil erosion impacts and development visibility from public waters before issuing a permit for construction of sewage treatment systems, roads, driveways, structures, or other improvements on steep slopes. When

determined necessary, conditions must be attached to issued permits to prevent erosion and to preserve existing vegetation screening of structures, vehicles, and other facilities as viewed from the surface of public waters, assuming summer, leaf-on vegetation. NOTE: ANY AREA IN EXCESS OF 15% SLOPE SHALL NOT BE TOPOGRAPICALLY ALTERED.

5. Proximity to unplatted cemeteries and significant historic sites. No structure may be placed nearer than 50 feet from the boundary of an unplatted cemetery protected under Minnesota Statutes, Section 307.08, unless necessary approval is obtained from the Minnesota State Archaeologist's Office. No structure may be placed on a significant historic site in a manner that affects the values of the site unless adequate information about the site has been removed and documented in a public repository.

6. Proximity to roads and highways. No structure may be placed nearer than 20 feet from the right-of-way line of any federal, state or county highway; or 20 feet from the right-of-way line of any town road, public street or others not classified.

7. Parking Requirements. Off-street parking shall be provided in accordance with the requirements for specific uses set forth in Article V-A of this Ordinance.

8. Height. All structures in residential districts, except churches and non-residential agricultural structures, must not exceed 25 feet in height.

9. Accessory structures and facilities. All accessory structures and facilities, except those that are water-oriented, must meet or exceed structure setback standards. Each residential lot may have <u>one water-oriented</u> accessory structure or facility located closer to public waters than the structure setback if all of the following standards are met: (Definition Page 9). NOTE: A ZONING PERMIT MUST BE OBTAINED FOR ALL WATER ORIENTED ACCESORY STRUCTURE(S), REGARDLESS OF SQUARE FEET OF STRUCTURE.

   a. The structure or facility must not exceed <u>ten feet</u> in height, exclusive of safety rails and cannot occupy an area greater than <u>250 square feet.</u> Detached decks must not exceed eight feet above grade at any point.

   b. The setback of the structure or facility from the ordinary high water level must be at <u>least ten feet.</u>

   c. The structure or facility must be treated to reduce visibility as viewed from public waters and adjacent shorelands by vegetation, topography, increased setbacks, color or other means, assuming summer, leaf-on conditions per state DNR regulations.

   d. The roof may be used as a deck with safety rails, but must not be enclosed or used as a storage area.

e. The structure or facility must not be designed or used for human habitation and must not contain water supply or sewage treatment facilities.

f. As an alternative for general development and recreational development water bodies, water-oriented accessory structures used solely for watercraft storage, and including storage of related boating and water-oriented sporting equipment, may occupy areas up to 400 square feet provided the maximum width of the structure is 20 feet as measured parallel to the configuration of the shoreline.

g. Any accessory structures or facilities not meeting the above criteria, or any additional accessory structures or facilities must meet or exceed structure setback standards.

F. STAIRWAYS, LIFTS AND LANDINGS. Stairways and lifts are the preferred alternative to major topographic alterations for achieving access up and down bluffs and steep slopes to shore areas. Stairways and lifts must meet the following design requirements:

1. Stairways and lifts must not exceed four feet in width on residential lots. Wider stairways may be used for commercial properties, public open-space recreational properties.

2. Landings for stairways and lifts on residential lots must not exceed 32 square feet in area. Landings larger than 32 square feet may be used for commercial properties, public open-space recreational properties and planned unit developments

3. Canopies or roofs are not allowed on stairways, lifts or landings.

4. Stairways, lifts and landings may be either constructed above the ground on posts or pilings, or placed into the ground, provided they are designed and built in a manner that ensures control of soil erosion.

5. Stairways, lifts and landings must be located in the most visually inconspicuous portions of lots, as viewed from the surface of the public water assuming summer, leaf-on conditions, whenever practical.

6. Facilities such as ramps, lifts or mobility paths for physically handicapped persons are also allowed for achieving access to shore areas, provided that the dimensional and performance standards of subitems 1) to 5) are complied with in addition to the requirements of Minnesota Statutes, Chapter 1340.

G. DECKS. Except as provided in E.9., decks must meet the structure setback standards. Decks that do not meet setback requirements from public waters may be allowed without a variance to be added to structures existing on the date the shoreland structure setbacks were established by Ordinance, if all of the following criteria and standards are met:

1. a thorough evaluation of the property and structure reveals no reasonable location for a deck meeting or exceeding the existing ordinary high water level setback of the structure

2. the deck encroachment toward the ordinary high water level does not exceed 15 percent of the existing shoreline setback of the structure from the ordinary high water level or does not encroach closer than 30 feet, whichever is more restrictive; and

3. the deck is constructed primarily of wood, and is not roofed or screened.

H. SHORELAND ALTERATIONS.

Vegetative alterations and excavations or grading and filling necessary for the construction of structures and sewage treatment systems under validly issued permits for these facilities are exempt from the vegetative alteration standards in this subpart and separate permit requirements for grading and filling. However, the grading and filling conditions of this subpart must be met for issuance of permits for structures and sewage treatment systems. Alterations of vegetation and topography must be controlled by local governments to prevent erosion into public waters, fix nutrients, preserve shoreland aesthetics, preserve historic values, prevent bank slumping and protect fish and wildlife habitat. Public roads and parking areas, as regulated by III-A, Sec.10, H., 5., are exempt from the provisions of this part.

1. Removal or alterations of vegetation, except for forest management or agricultural uses as provided for in Article III-A, Sec.10, I and J, is allowed according to the following standards:

NOTE; A maximum of 50% of brush and shrubs may be removed up to a diameter of 1 inch. A maximum of 33% of vegetation from a 1 inch to a 3 inch diameter may be removed. Diameter of vegetation will be based on measurement at a 6 inch height above grade. Removal of trees larger in diameter than 3 inches may be approved based on a Zoning Permit obtained from the Windemere Township Zoning Administrator. All tree removal permits will be based on topographic conditions to promote erosion control and improved water quality.

2. Intensive vegetation clearing within the shore and bluff impact zones and on steep slopes is not allowed. Intensive vegetation clearing outside of these areas is allowed if the activity is consistent with the forest management standards in Article III-A, Sec.10, J and per DNR Regulations.

3. Limited clearing of trees and shrubs and cutting, pruning and trimming of trees to accommodate the placement of stairways and landings, picnic areas, access paths, livestock watering areas, beach and watercraft access areas and permitted water-oriented accessory structures or facilities, as well as providing a view to the water from the principal dwelling site, in shore and bluff impact zones and on steep slopes is allowed, provided that:

a. the screening of structures, vehicles, or other facilities as viewed from the water, assuming summer, leaf-on conditions, is not substantially reduced;

b. along rivers, existing shading of water surfaces is preserved; and

c. the above provisions are not applicable to the removal of trees, limbs or branches that are dead, diseased or pose safety hazards.

Note: If the removal of trees, branches or limbs due to diseased, dead or safety hazard conditions results in a change in leaf on screening at a property, the property owner will be responsible to plant and maintain similar tree species and or vegetation to replace those trees which were removed.

d. Use of fertilizer and pesticides in shoreland management district must be done in such a way as to minimize runoff into the shore impact zone or public water by use of earth, vegetation, or both.

e. Buffer strips a minimum of 25 feet in width are recommended for all shoreland areas immediately adjacent to the Ordinary High Water Mark in order to limit the effects of runoff and erosion.

2. Before grading or filling on steep slopes or within shore or bluff impact zones involving the movement of more than ten cubic yards of material or anywhere else in a shoreland area involving movement of more than 50 cubic yards of material, it must be established by local official permit issuance that all of the following conditions will be met. The following conditions must also be considered during subdivision, variance, building permit and other conditional use permit reviews

   a. Before authorizing any grading or filling activity in any type 2, 3, 4, 5, 6, 7 or 8 wetland, local officials must consider how extensively the proposed activity would affect the following functional qualities of the wetland:

      i. sediment and pollutant trapping and retention;

      ii. storage of surface runoff to prevent or reduce flood damage;

      iii. fish and wildlife habitat;

      iv. recreational use;

      v. shoreline or bank stabilization; or

      vi. noteworthiness, including special qualities such as historic significance, critical habitat for endangered plants and animals, or others.

3. This evaluation must also include a determination of whether the wetland alteration being proposed requires permits, reviews or approvals by other local, state or federal agencies such as a watershed district, the Minnesota Department of Natural Resources or the United States Army Corps of Engineers.

a. Alterations must be designed and conducted in a manner that ensures only the smallest amount of bare ground is exposed for the shortest time possible.

b. Mulches or similar materials must be used, where necessary, for temporary bare soil coverage, and a permanent vegetation cover must be established as soon as possible.

c. Methods to minimize soil erosion and to trap sediments before they reach any surface water feature must be used.

d. Altered areas must be stabilized to acceptable erosion control standards consistent with the field office technical guides of the Pine County Soil and Water Conservation District and the United States Soil Conservation Service.

e. Fill or excavated material must not be placed in a manner that creates an unstable slope.

f. Plans to place fill or excavated material on steep slopes must be reviewed by qualified professionals for continued slope stability and must not create finished slopes of 30 percent or greater.

g. Fill or excavated material must not be placed in bluff impact zones.

h. Any alterations below the ordinary high water level of public waters must first be authorized by the Commissioner under Minnesota Statutes, Section 103.G245.

i. Alterations of topography must only be allowed if they are accessory to permitted or conditional uses and do not adversely affect adjacent or nearby properties.

j. Placement of natural rock riprap, including associated grading of the shoreline and placement of a filter blanket, is permitted if the finished slope does not exceed three feet horizontal to one foot vertical, the landward extent of the riprap is within ten feet of the ordinary high water level; and the height of the riprap above the ordinary high water level does not exceed three feet.

4. Connections to public waters. Excavations where the intended purpose is connection to a public water, such as boat slips, canals, lagoons, and harbors, must be controlled by local shoreland controls. Permission for excavations may be given only after the DNR Commissioner has approved the proposed connection to public waters.

5. Placement and design of roads, driveways and parking areas. Public and private roads, driveways and parking areas must be designed to take advantage of natural vegetation and topography to achieve maximum screening from view from public waters. They must be designed and constructed to minimize and control erosion to public waters consistent with the field office technical guides of the Pine County Soil and Water Conservation District, or other applicable technical materials.

a. Roads, driveways and parking areas must meet structure setbacks and must not be placed within bluff and shore impact zones, when other reasonable and feasible placement alternatives exist. If no alternatives exist, they may be placed within these areas, and must be designed to minimize adverse impacts.

Public and private watercraft access ramps, approach roads and access-related parking areas may be placed within shore impact zones provided the vegetative screening and erosion control conditions of this subpart are met. For private facilities, the grading and filling provisions of Article III-A, Sec.10, H., 2., must also be met.

I. AGRICULTURAL USE STANDARDS. The agricultural use standards for shoreland areas are:

1. 1 Agricultural use is only permitted in the A-1 Agriculture Zone and F-2 Special Protection Zone. It is not a permitted use in any residential or commercial zone.

2. The shore impact zone for parcels with permitted agricultural land uses is equal to a line parallel to and 50 feet from the ordinary high water level.

3. General cultivation farming, grazing, nurseries, horticulture, truck farming, sod farming and wild crop harvesting are permitted uses if steep slopes and shore and bluff impact zones are maintained in permanent vegetation or operated under an approved conservation plan (Resource Management Systems) consistent with the field office technical guides of the Pine County Soil and Water Conservation District or the United States Soil Conservation Service.

4. Animal feedlots as defined by the Minnesota Pollution Control Agency, where allowed by zoning district designations, must be reviewed as conditional uses and must meet the following standards:

   a. New feedlots must not be located in the shoreland of watercourses or in bluff impact zones and must meet a minimum setback of 300 feet from the ordinary high water level of all public waters basins.

   b. Modifications or expansions to existing feedlots that are located within 300 feet of the ordinary high water level or within a bluff impact zone are allowed if they do not further encroach into the existing ordinary high water level setback or encroach on bluff impact zones.

   c. A certificate of compliance, interim permit or animal feedlot permit must be obtained by the owner or operator of an animal feedlot from the Minnesota Pollution Control Agency.

5. Use of fertilizer, pesticides or animal wastes within shorelands must be done in such a way as to minimize impact on the shore impact zone or public water by proper application or use of earth or vegetation.

J. FOREST MANAGEMENT STANDARDS. The harvesting of timber and associated reforestation or inversion of forested use to a non-forested use must be conducted consistent with the following standards:

1. Timber harvesting and associated reforestation must be conducted consistent with the provisions of the Minnesota Nonpoint Source Pollution Assessment Forestry and the provisions of Water Quality in Forest Management "Best Management Practices in Minnesota."

2. If allowed by local governments, forest land conversion to another use requires issuance of a conditional use permit and adherence to the following standards:

   a. shore and bluff impact zones must not be intensively cleared of vegetation; and

   b. an erosion and sediment control plan is developed and approved by the local Soil and Water Conservation District before issuance of a conditional use permit for the conversion.

K. SURFACE USE OF JOHNSON LAKE.

Subd. 1: PURPOSE, INTENT AND APPLICATION: As authorized by Minnesota Statutes 86B.201, 86B.205, and 459.20, AND Minnesota Rules 6110,300-6100.3800 as now in effect and as hereafter amended, this Ordinance is enacted for the purpose and with the intent to control and regulate the use of the waters of Johnson Lake in Windemere Township, Minnesota, said bodies of water being located entirely within the boundaries of Pine County, Windemere, Township to promote its fullest use and enjoyment by the public in general and the lakeshore owners of Johnson Lake in particular; to insure safety for persons and property in connection with the use of said waters; to harmonize and integrate the varying uses of said waters; and to promote the general health, safety and welfare of the citizens of Windemere Township, Minnesota.

Subd. 2.: SURFACE ZONING OF JOHNSON LAKE BY RESTRICTING CERTAIN MOTOR TYPES:

(a) Motor type is restricted to electric motors on all portions of the lake.

Subd. 3.: ENFORCEMENT: The enforcement of Ordinance shall be the primary responsibility of the Pine County Sheriff's Department. Other licensed peace officers including Conservation Officers of the Department of Natural Resources of the State of Minnesota are also authorized to enforce this Ordinance.

Subd. 4.: EXEMPTIONS: All authorized Resource Management, Emergency and Enforcement Personnel, while acting in the performance of their assigned duties are exempt from foregoing restrictions.

Subd 5.: NOTIFICATION: It shall be the responsibility of the Windemere Township to provide for adequate notification of the public, which shall include placement of a sign at any future public accesses, and/or publication in a locally, circulated newspaper.

Subd 6.: PENALTIES: Any person who shall violate any of the provisions of this Ordinance shall be guilty of a misdemeanor, and upon conviction therefore, shall be punished by a line of not more than Seven Hundred Dollars or by imprisonment of not more than ninety days, or both.

Subd 7.: EFFECTIVE DATE: This Ordinance shall be in effect from and after the date of its passage.

L. SHORELAND POINT OF SALE SEWER COMPLIANCE

This Section applies to Shoreland zoned property sales only. Prior to any real estate sales, property title transfers or contracts for deed, a Certificate of Sanitary System compliance shall be obtained by the seller or his/her agent, determining if a non-conforming septic system exists, and inform the buyer of such as well as upgrading requirements. Certificate of Sanitary System compliance is as described in MN Stat. 115.55 and Minnesota R. Chapter 7080.

A. Compliance Inspection form shall be submitted to the Windemere Township Zoning Administrator upon forms required by the Minnesota Pollution Control Agency. All compliance inspections shall include both a soil boring and a site plan of the property.

B. In the case of system which is in compliance the Compliance Inspection shall constitute a Certificate of Compliance.

C. In those times of year when the ground is frozen and no evaluation can be done, the seller or buyer shall be required to establish an escrow account to be used to bring a treatment system into compliance, if upon evaluation, it is determined to be a nonconforming or failing system. The account shall be established in a financial institution mutually agreed upon by the seller and buyer and shall be jointly controlled by the seller and buyer. All costs associated with the repair or replacement of a failing or non-conforming on-site sewage treatment system shall be the responsibility of the seller or buyer, as provided for in the written agreement between the seller and buyer.

D. The fee for the issuance of the Certificate of Sanitary System Compliance shall be established by the Windemere Township Board of Supervisors and shall be paid prior to the issuance of a Certificate of Compliance.

ARTICLE III-B PERFORMANCE STANDARDS

A Conditional Use Permit shall not be required for the following uses provided the Performance Standards applicable to them can be met.

Sec. 1 Accessory Structures

A. Accessory structures with a floor area greater than 1,200 square feet may be allowed in the R-3, C-1, A-1, F-1, Zone Districts with the following criteria applying:

1. Side yard setbacks - For any increase in square footage above the

allowable maximum size, the minimum required side yard setback shall be determined by the following formula:

a. Divide the square footage of the proposed structure by the figure (1,000);

b. Multiply the required side yard setback of the Zone District by this figure and round to the nearest whole number (if necessary).

2. Permanent and effective screening from the lakeshore and adjacent property(ies) shall be established and maintained.

3. Structures shall not be placed in a manner which obstruct the solar access of adjacent properties, as far as practicable.

Sec. 2 Extractive use standards. Processing machinery must be located consistent with setback standards for structures from ordinary high water levels of public waters and from bluffs.

An extractive use site development and restoration plan must be developed, approved by the local government and followed over the course of operation of the site. The plan must address dust, noise, possible pollutant discharges, hours and duration of operation and anticipated vegetation and topographic alterations. It must also identify actions to be taken during operation to, mitigate adverse environmental impacts, particularly erosion, and must clearly explain how the site will be rehabilitated after extractive activity ends.

A. Borrow pits and related facilities may be permitted uses with the following exceptions:

1. Where one or more residences exist within 660 feet of the site of proposed pit, the proposal shall be a conditional use unless the applicant provides the Planning Commission with a signed statement from the owner or occupant of each dwelling to the effect that he concurs with the issuance of a permit for the proposed pit operation. Such statement shall be on a form prepared and supplied by the Planning Commission.

2. Where the housing density within 1/4 mile of the site of the proposed pit is equal to or greater than one dwelling unit per 40 acres, the proposal shall be a conditional use unless the applicant provides the Planning Commission with a signed statement from the owner or occupant of each dwelling unit within the 1/4-mile distance, to the effect that each one concurs with the issuance of a permit for the proposal. Such statement shall be on a form prepared and supplied by the Planning Commission.

3. Where any platted and developed property exists within 1/4 mile of the proposed pit operation site, the proposed pit operation use shall be a conditional use.

B. In all instances, in order to remain a permitted use, a proposed borrow pit operation shall meet and abide by the following criteria and provisions:

1. The applicant shall verify that the pit operation is for tile principal purpose of road construction or maintenance in conjunction with a contract with, or directly conducted by, a government agency having road construction or maintenance responsibility.

2. The applicant shall specify the volume of material intended to be excavated or processed for the specified road or maintenance project, and may exceed that volume by 25% for said project, and may also exceed the original specified volume of material by 10%, which may be offered for general sale.

3. All permits issued under these provisions shall be valid for not longer than one year from the date of issuance, and may be extended or renewed in conjunction with the same road construction project upon inspection and approval of the Planning Commission. Stockpiled materials may continue to be removed for a period of three years from the expiration date of the permit. However, if, within the permit time period, the operator becomes engaged in an entirely different road project, he may apply for a new permit which would amend the original permit in all respects. The amending permit would be valid for one year from the date of issuance. The Planning Commission may require an increase in the amount of the bond covering the site.

4. If the applicant is not the owner of the property for which application is submitted, the applicant shall file with the application the written consent of the property owner to the work to be done on the premises, and to the issuance of a permit for said proposed work.

5. The applicant shall file with the Planning Commission an application on a form to be supplied by the Planning Commission containing the following information:

   a. A detailed statement of the purpose and extent of the proposed work, including the volume of material to be excavated for the road project only;

      i. A scale drawing or plan at a scale of approximately 800 feet to the inch of the property described in the application, and of a sufficient amount of surrounding property, explaining and showing:

      ii. The horizontal dimensions of the property described in the application;

      iii. The area to be excavated;

      iv. The location of any structures on the premises;

      v. All roads and public easements within 1/4 mile of the pit site;

      vi. Proposed routes of access to public roads from the area to be excavated;

vii. Location of all residences within 1/4 mile of the pit site;

viii. Existing and proposed drainage on the pit site, and from the pit site for a distance of 1/4 mile.

b. A detailed scale drawing, at a scale of not more than 200 feet to the inch, explaining and showing:

i. Contour intervals not to exceed 10 feet, showing the slope of the proposed pit;

ii. The horizontal dimensions of the proposed pit site;

iii. All setbacks from roads and adjacent property lines;

iv. The location, size and use of all structures an the parcel;

v. Existing and proposed drainage of the proposed pit;

vi. Location and nature of existing screening surrounding the pit site, and any proposed additional screening.

C. The following provisions shall apply to the establishment, operation and care of any borrow pit authorized under the terms of this Ordinance:

1. All clearing, excavating, stockpiling or filling attendant to pit operation shall be at least fifty feet from the right-of-way of any public road and one hundred feet from any common property line between the pit site property and adjacent parcels where a residence is established, and fifty feet from vacant lands except those being mined.

2. Existing vegetation shall remain as a screen between the pile site and surrounding residences and public roads; where necessary and physically practicable, the Planning Commission may require additional screening between the pit site property and any residences within 1/4 mile, and shall file a sketch and description of the required screening in his records and provide a copy to the applicant.

3. The pit shall not drain directly into any public water as defined in this Ordinance.

4. All areas of the pit shall be adequately drained to prevent confinement of water wherever possible; no pit shall be excavated to a depth below the ground water table and dewatered without approval of the Department of Natural Resources.

5. All entrances and exits shall be constructed so as not to create a traffic safety hazard, and, during the hours of operation of the pit, "trucks hauling" signs shall be placed along all public roadways leading to the pit entrance(s) at a distance of not less than 500 feet from the entrance(s).

6. Entrance/exit roads shall be constructed so as to minimize the view into the pit from the public road wherever possible, such as the utilization of road curves, topography and existing vegetation.

7. All barriers controlling access to a borrow pit such as gates, etc., shall be utilized during the operation of the pit and shall be clearly visible to prevent safety hazards to snowmobilers and other members of the public. The use of cable, chain or similar type barriers is prohibited.

8. Dust control measures shall be utilized on non-paved routes.

9. Decibel levels, measured at the property line, shall conform to State O.S.H.A. regulations.

10. Crushers and hot mix plants to be operated in conjunction with any pit shall be operated in accordance with Minnesota Pollution Control Agency standards for air, pollution control.

11. Hours of operation shall be limited to the hours between 7:00 A.M. and 8:00 P.M., Monday through Saturday.

12. Concurrent reclamation shall occur during the operation as well as at completion of borrow pit removal and related activities:

    a. All trees, brush, stumps and debris resulting from clearing, stripping and pit operation shall be burned or buried at ten-acre intervals and at the cessation of pit operations.

    b. At the nonworking face of the pit, banks shall be maintained at a slope not to exceed 2:1 except at the cessation of the extraction activities, which shall be 3:1.

    c. The tops of all banks shall be rounded to conform to surrounding topography.

13. Upon depletion of useful borrow in any pit, or any face or portion thereof, the depleted portion shall be stabilized, by revegetation, shaping or other soil erosion control methods, sufficient to prevent erosion of the pit walls and floor. Within 20 days of written notice of cessation of the operation of the pit, the County Highway Engineer shall inspect the pit, or any face or portion thereof, to determine areas of depletion, if any, and shall report his findings to the Planning Commission in writing. Within 10 working days of receipt of a report indicating depletion of useful borrow material, the Planning Commission shall order revegetation as follows:

    a. Revegetation shall take place within one year of depletion or cessation of borrow pit and related activities.

    b. The type, quantity and manner of placement of soil erosion prevention methods shall conform to the Minnesota Department of Transportation Standard Specifications for Highway Construction or to the technical standards and specifications or soil erosion control of the Pine County Soil and Water Conservation District.

14. Twenty days prior to cessation of the operation, the application shall provide the Planning Commission with a reclamation plan detailing:

    a. Concurrent reclamation activities undertaken while the pit was in operation including stockpiling, revegetation and shaping;

    b. Those reclamation activities remaining to be done to fulfill the terms of this Ordinance.

15. Upon cessation of the operation, all equipment shall be removed from the pit site within six months.

D. All excavation, removal and processing of earth material and the extent and limits thereof, together with operational time limits, site preparation, development, operation and restoration, and all activities related to site preparation, development, operation and restoration, shall be in accordance with the written application and permit. Signature of the applicant on the permit application shall be deemed consent of the contractor and property owner to all requirements set forth in this Article, including any standards for screening, access road arrangement, site restoration, etc., as may be specified in the permit by the Planning Commission. As a guarantee of performance, and to insure that the property is and shall be left in the final condition desired, and as a prerequisite to issuance of the permit, the applicant, except when it is a division or agency of government, shall give proof that all taxes and assessments against the property which are due and payable have been paid, and shall execute and file with the Planning Commission a corporate surety bond (or cashiers check or cash deposit in lieu thereof) approved by the Town Attorney. Such bond shall be executed by a corporate surety authorized to transact business in the State of Minnesota, in an amount approved by the Planning Commission within limits set by the Town Board, conditioned upon the due and faithful performance of the principal(s) named in such bond of all requirements pertaining to pit excavation, shaping, screening, drainage, debris, disposal, entrance construction, access barriers and site restoration, and to indemnify the Town of Windemere against any damage resulting from issuance of said permit. In determining the amount of each bond, the Planning Commission shall consider the nature and extent of the proposed extraction, removal of processing, required screening, drainage, restoration, etc. and fix an amount which will, as nearly as can be estimated, cover the costs of performing the requirements of, the permit in the event of default by the permittee. The Planning Commission shall be authorized to release or collect on the bond as follows:

1. The bond shall remain in full force and effect until the Planning Commission has issued a Certificate of Compliance certifying to the fact that all provisions and conditions of the permit have been fully complied with.

2. Upon expiration of the permit, or upon earlier receipt of a written notice of cessation of the operation and request for a compliance inspection, the Planning Commission shall within 20 days make an inspection of the site to determine compliance with the permit.

3. Upon completion of inspection, the Planning Commission shall issue Certificate of Compliance and release the bond if all work has been satisfactorily completed. If not, the Planning Commission shall, within ten working days notify permittee in writing of any work not satisfactorily completed and order said work done by a specified deadline.

4. If the permittee does not perform all work ordered by the Planning Commission within the ordered time limit, the Town may contract for or perform all necessary work to bring the site into compliance with the permit, and may assess the costs of such work against the bond.

5. If immediate vegetative restoration is prohibited by this Ordinance, the Planning Commission shall initially inspect for and order compliance with all required work other than vegetative restoration. The Planning Commission shall then make a separate inspection within 30 days of the date vegetative restoration was to have been completed and follow the same procedure as specified above to order or obtain compliance with the permit. The Planning Commission shall retain the full bond or any remaining portion thereof until vegetative restoration has been properly completed.

E. Mining of metallic minerals and peat, as defined by Minnesota Statutes, Sections 93.44 to 93.51. Mining of metallic minerals and peat shall be a permitted use provided the provisions of Minnesota Statutes, Sections 93.44 to 93.51, are satisfied.

Sec. 3 Standards for commercial, industrial, public and semipublic uses. Surface water-oriented commercial uses and industrial, public or semi-public uses with similar needs to have access to and use of public waters may be located on parcels or lots with frontage on public waters. Uses without water-oriented needs must be located on lots or parcels without public waters frontage, or if located on lots or parcels with public waters frontage, must either be set back double the normal ordinary high water level setback or be substantially screened from view from the water by vegetation or topography, assuming summer, leaf-on conditions. Those with water-oriented needs must meet the following standards:

A. In addition to meeting impervious coverage limits, setbacks and other zoning standards presented elsewhere in this Ordinance, the uses must be designed to incorporate topographic and vegetative screening of parking areas and structures.

B. Uses that require short-term watercraft mooring for patrons must centralize these facilities and design them to avoid obstructions of navigation and to be the minimum size necessary to meet the need.

C. Uses that depend on patrons arriving by watercraft may use signs and lighting to convey needed information to the public, subject to the following general standards:

1. No advertising signs or supporting facilities for signs may be placed in or upon public waters. Signs conveying information or safety messages may be placed in or on public waters by a public authority or under a permit issued by the county sheriff.

2. Signs may be placed, when necessary, within the shore impact zone if they are designed and sized to be the minimum necessary to convey needed information. They must only convey the location and name of the establishment and the general types of goods or services available. The signs must not contain other detailed information such as product brands and prices, must not be located higher than ten feet above the ground and must not exceed 32 square feet in size. If illuminated by artificial lights, the lights must be shielded or directed to prevent illumination out across public waters.

3. Other outside lighting may be located within the shore impact zone or over public waters if it is used primarily to illuminate potential safety hazards and is shielded or otherwise directed to prevent direct illumination out across public waters. This does not preclude use of navigational lights.

Sec. 4. Stormwater management. Local governments must consider proper stromwater management in all reviews, approvals and permit issuances under shoreland management controls. The following general and specific standards must be incorporated into local government shoreland management controls and their administration.

A. The following are general standards:

1. When possible, existing natural drainageways, wetlands and vegetated soil surfaces must be used to convey, store, filter and retain stormwater runoff before discharge to public waters.

2. Development must be planned and conducted in a manner that will minimize the extent of disturbed areas, runoff velocities, erosion potential and reduce and delay runoff volumes. Disturbed areas must be stabilized and protected as soon as possible and facilities or methods used to retain sediment on the site.

3. When development density, topographic features and soil and vegetation conditions are not sufficient to adequately handle stormwater runoff using natural features and vegetation, various types of constructed facilities such as diversions, settling basins, skimming devices, dikes, waterways and ponds may be used. Preference must be given to designs using surface drainage, vegetation and infiltration rather than buried pipes and manmade materials and facilities.

B. The following are specific standards:

1. Impervious surface coverage of lots must not exceed 25 percent of the lot area.

2. When constructed facilities are used for stormwater management, they must be designed and installed consistent

with the field office technical guide of the Pine County Soil and Water Conservation District.

3. New constructed stormwater outfalls to public waters must provide for filtering or settling of suspended solids and skimming of surface debris before discharge.

Sec. 5 Sanitary Provisions. A. General

A. Water Supply. Any public or private supply of water for domestic purposes must meet or exceed standards for water quality of the MN Department of Health and the Minnesota Pollution Control Agency.

B. Private wells must be located, constructed, maintained and sealed in accordance with or in a more thorough manner than the Water Well Construction Code of the Minnesota Department of Health.

C. Sewage treatment. Any premises used for human occupancy must be provided with an adequate method of sewage treatment.

1. Publicly-owned sewer systems must be used where available.

2. All private sewage treatment systems must meet or exceed applicable rules of the Minnesota Department of Health, the Minnesota Pollution Control Agency's standards for individual sewage treatment systems contained in the document titled "Individual Sewage Treatment Systems Program, Chapter 7080", a copy of which is hereby adopted by reference and declared to be a part of this ordinance. In addition to the Chapter 7080 regulations, the Windemere Township Ordinance will also require the following:

a. All privies must contain a sealed tank as defined in chapter 7080 and no open pits will be allowed. Any existing privy may be updated to conform to this Ordinance by the placement of a 55 gallon plastic drum to act as a holding tank instead of a pit or concrete holding tank. A design for all privys is required by an MPCA Certified designer to Chapter 7080 Standards.

b. All sewer designs will include a minimum of 2 Soil Borings for the Original sewer drainfield as well as 2 Soil Borings for the Alternate or reserve (back-up) sewer drainfield site.

c. All sewer designers will stake or mark in a clear fashion the location of all sewer design items to include a well location, a buried sewer location, a tank location, all drainfield components, property line locations and any other items of concern including utilities.

d. All sewer designs must include relevant elevations and slope or grade percent in area of sewer design & upslope water diversion to prevent drainfield site flooding.

e. All mound designs must include 2 or more Percolation tests in absorption area performed per Chapter 7080.

3. The Windemere Township Council has responsibility for the enforcement of the upgrading of non-compliant sewage treatment systems.

4. Shorelands. On-site sewage treatment systems must be set back from the ordinary water level in accordance with the following table:

Sewage Treatment System Setback Standards
Class ..... Setback from ordinary high water level (feet)
Natural environment 150
Recreational development 100
Tributary river segments.....75

ARTICLE IV - NON-CONFORMITIES

Sec. 1. General.

A. Where the districts established by this Ordinance, and amendments thereto, contain structures, uses or lots of record which were legally established or created prior to the enactment of this Ordinance, and amendments thereto, which structures, uses or its of record would be prohibited under the provisions of this Ordinance, said structures, uses or lots of records may be continued subject to the provisions herein described.

Sec. 2. Nonconforming Uses.

A. Nonconforming uses shall not be enlarged, increased, moved or extended to occupy a greater area of land than was occupied at the effective date of this Ordinance and amendments thereto, except to bring the use in conformity with the provisions of this Ordinance. (Note: See Section 3 Item A on Page 68 and Section 4 Item C on Page 70).

B. Nonconforming uses shall not be changed to another nonconforming use.

C. Nonconforming uses shall not be reestablished if voluntarily discontinued for a continuous twelve (12)-month period.

D. Nonconforming uses may add an accessory structure, provided the structure does not increase the nonconformity.

E. Existing nonconforming uses deemed as conditional uses under this Ordinance shall receive a conditional use permit for the existing use from the Zoning Administrator upon request but shall require a conditional use permit for any enlargement, addition or change in use.

F. Local governments must require upgrading or replacement of any nonconforming existing on-site sewage treatment system. Systems installed according to all applicable local shoreland management standards adopted under Minnesota Statutes, Section 103F.201-211, in effect at the time of installation may be considered as conforming unless they are determined to be failing, except that systems using cesspools, leaching pits, seepage pits or other deep disposal methods, or systems with less soil treatment area separation above groundwater than required by Chapter 7080, shall be considered nonconforming.

Sec. 3 Nonconforming Structures.

A. See Minnesota Statutes 394.36

Sec. 4 Nonconforming Lots.

A. nonconforming lot may be allowed as a building site provided that:

1. The lot is a Lot of Record as defined in Article I, Sec. 2 of this Ordinance; and,

2. Lots of Record in the office of the County Recorder on the date of enactment of local shoreland controls that do not meet the requirements of Article III-A, Sec. 2, may be allowed as building sites without variances from lot size requirements provided the use is permitted in the zoning district. The lot has been in separate ownership from abutting lands at all times since it became substandard, was created compliant with official controls in effect at the time, and sewage treatment and setback requirements of the shoreland controls are met. Necessary variances from setback requirements must be obtained before any use, sew age treatment system or building permits are issued for the lots. In evaluating all the variances, boards of adjustment shall consider sewage treatment and water supply capabilities or constraints of the lots and shall deny the variances if adequate facilities cannot be provided. If, in a group of two or more contiguous lots under the same ownership, any individual lot does not meet the requirements of Article III-A, Sec. 2, the lot must not be considered as a separate parcel of land for the purposes of sale or development. The lot must be combined with the one or more contiguous lots so they equal one or more parcels of land, each meeting the requirements of Article III-A Sec. 2, Page 27, as much as possible.

3. All other applicable Zoning Ordinance requirements are met, including sanitary sewer system.

B. Nonconforming lots containing a principal structure may add a permitted accessory structure, provided the accessory structure will meet all minimum setback requirements of this Ordinance and will not cause the maximum percentage of lot coverage requirements to be exceeded.

C. Additions to principal or accessory structures located on nonconforming lots may be permitted, provided that any such addition will meet all minimum setback requirements of this Ordinance, and will not cause the maximum percentage of lot coverage to be exceeded, except that a dwelling with a shore line setback less than the minimum required herein may be extended if the shoreline setback will not be less than for the existing structure, the addition will meet all other minimum setback requirements of this Ordinance and will not cause the maximum percentage of lot coverage to be exceeded. If the structure extension is within the shoreland or bluff impact zone, a variance is required.

Sec. 5 Amortization of Certain Non-conformities

A. All presently existing open land uses of the type listed in Article VI-B, Sec. 2, which do not conform to the screening requirements as set forth in Article VI-B, shall be required to conform and comply with said screening requirements upon notice to the property owner from the Zoning Administrator, or to cease and remove the nonconforming use. Said notice shall be in writing, and shall establish a reasonable time limit within which the property owner shall provide said screening.

ARTICLE V-A
OFF-STREET
LOADING AND
PARKING

Sec. 1 Loading - Space for off-street loading and unloading of vehicles shall be provided for every building used or designed for commercial, industrial, manufacturing or warehousing purposes. One such space shall be provided for every ten thousand (10,000) square feet of floor area or fraction thereof, and such spaces shall be a minimum of ten (10) feet in width, thirty-five (35) feet in length and fourteen (14) feet in height, plus necessary maneuvering space.

Sec.2 Parking - Off-street automobile parking or storage space shall be provided on every lot on which any new structures are hereafter established. Such space shall be provided with vehicular access to a street or alley, and such space shall be provided with a suitable area for vehicle turnaround so as to allow vehicles safe entry onto the roadway, and such space shall be deemed to be required open space associated with the permitted use and shall not thereafter be reduced or encroached upon in any manner. When a structure is enlarged, the required off-street parking space shall be provided for the enlarged portion. If a use is changed to a different use requiring more space, the additional amount of parking area shall be provided. In addition, the following minimum standards shall apply:

A. An off-street parking space shall comprise an area with minimum dimension of ten (10) feet by eighteen (18) feet plus necessary maneuvering space; total area for parking and maneuvering shall not encroach upon any public right-of-way.

B. Residential dwelling: Two (2) parking spaces for each unit.

C. Tourist accommodations: One (1) parking space for each room, unit or campsite and one (1) parking space for each nonresident employee.

D. Theater, stadium, auditorium, church or other places of public assembly: One (1) parking space for each five (5) seats, based on maximum seating capacity, and one (1) parking space for each employee.

E. Stores and other retail business establishments: One (1) parking space for each one hundred (100) square feet of total floor area, and one (1) parking space for each employee.

F. Office buildings: One (1) parking space for each two hundred (200) square feet of office floor area.

G. Industrial, manufacturing or wholesale establishments: One (1) parking space for each three (3) workers, based on peak employment.

H. Restaurants, supper clubs, taverns and bars: One (1) parking space for each five (5) seats, based on maximum seating capacity; and one parking space for each employee.

ARTICLE V-B
PRIVATE DRIVES

Each lot on which a structure is to be erected, altered in its exterior dimensions or moved, shall have frontage on and access to an improved public road, except as follows:

A. Such lots to be used for a seasonal or recreational cabin may have alternate means of access, which shall be either a private drive, easement of record or by public water.

B. Such lots to be used for other single family residential structures may have permits issued for such use only after the lot owner has met the following criteria:

1. The lot owner shall provide to the Planning Commission and/or Zoning Administrator a copy of an easement of record across all lands between the lot in question and an improved public road, which easement shall be in perpetuity and transferable to the successors, heirs and assigns of the lot owner, and which easement shall provide to the lot owner the right of ingress and egress between the lot in question and an improved public road.

2. The lot owner shall agree to maintain a private access to the lot, within the easement, at his or her own expense, that allows the reasonable access of emergency vehicles.

a. The lot owner shall agree to comply with the road right-of-way setback of 35 feet for the placement of structures off the private easement.

C. For divisions of property containing more than two (2) parcels per forty not having frontage on, and access to an improved public road, see Subdivision Regulations for the County of Pine.

D. Private drives must have a minimum side yard setback of five (5) feet, unless adjoining property owners have a deeded agreement to a mutual driveway.

ARTICLE VI-A
SIGNS

Sec. 1 Exceptions - A permit shall not be required for the following signs:

A. Signs not exceeding four (4) square feet in area and bearing only property numbers, post box numbers, names of occupants, or other identification of premises, not having commercial connotations.

B. Flags and insignias of any government except when displayed in connection with commercial promotion.

C. Legal notices, identification, information or directional signs erected or required by governmental bodies, as defined in Minnesota Laws 1971, Chapter 173, Sec. 173.01, Subd. 6.

D. Integral decorative or architectural features of buildings, except letters, trademarks, moving parts or moving lights.

E. Signs directing and guiding traffic and parking on private property but bearing no advertising matter.

F. A temporary sign indicating real estate for rent or for sale, garage sale, auction or other similar uses located on, or providing direction to the premises, and not exceeding seven (7) square feet in area. These signs must be removed three days after the event.

Sec. 2 Prohibited Devices - No advertising device shall be erected or maintained:

A. Which purports to be or resembles an official traffic control device, sign or signal, or railroad sign or signal; or which hides from view or interferes to any material degree with the effectiveness of any traffic control device, sign or signal, or railroad sign or signal; or which obstructs or interferes with a driver's view of approaching, merging or intersecting traffic for a distance not to exceed 500 feet.

B. Which prominently displays the words "stop" or "danger."

C. To which access can be obtained only from an interstate main traveled way, but excluding frontage roads adjacent thereto.

D. Which are structurally unsafe, in disrepair or are abandoned.

E. Within the right-of-way of any public roadway.

Sec. 3 Signs, Number and Surface Area - For the purpose of determining number of signs, a sign shall be considered to be a single display surface or display device containing elements organized, related and composed to form a unit. Where matter is displayed in a random manner without organized relationship of elements, or where there is reasonable doubt about the relationship of elements, each element shall be considered to be a single sign. The surface, or advertising area of a sign, shall mean that portion of the advertising face of a sign which includes the border

and trim thereof, but excludes the base and apron supports and other structural members.

Sec. 4 Outdoor Advertising.

A. Official Signs - Only official identification, directional or Traffic control signs, as defined in Minnesota Laws 1971, Chapter 173, Sec. 173.02, Subd. 6(a), (b), and (d), and all acts amendatory thereof, shall be allowed within the public right-of-way.

B. Setbacks - All signs shall be set back a minimum distance of ten (10) feet from any front, side or rear lot line, except that normal shoreline setbacks shall prevail where applicable.

C. Lighting - Illuminated signs are permitted subject to 1. and 2. following:

1. Signs shall not be erected or maintained which are not effectively shielded so as to prevent (a) beams or rays of light from being directed at any portion of the traveled way of any roadway, or (b) beams of light of such intensity or brilliance as to cause glare or impair the vision of the operator of any motor vehicle. Use of strobe lights is prohibited.

2. No sign shall be erected or maintained which will be so placed or illuminated that it obscures or interferes with the effectiveness of any official traffic sign, device or signal, or any official sign such as defined in Article VIA, Sec. 2. of this Ordinance.

D. The change in advertising message, maintenance and repair, or the use of extensions, cut-outs or embellishments upon an existing sign shall not be considered an enlargement, extension or structural alteration, provided thereby that the sign does not exceed any limitation imposed by this Ordinance.

Sec. 5 On-site Signs.

A. On-site signs within commercial, industrial and agricultural zone districts shall be limited to not more than three (3) display units, each not to exceed twenty-five (25) square feet in area for each twenty-five (25) linear feet of total road frontage.

B. For the purpose of providing necessary direction or identification for approved highway commercial uses, waterfront commercial uses, neighborhood commercial uses, and other limited commercial and industrial uses as listed in Article VI of this Ordinance, except for home occupations, one on-site sign per such use shall be permitted provided such sign shall not exceed sixty-eight (68) square feet per each or two faces or sides, or one hundred twenty-eight (128) square feet if only a one-sided sign. For home occupations, one on-site sign shall be permitted, having only one face not to exceed nine (9) square feet in area.

Sec. 6 Off-site Signs.

A. Off-site signs shall be allowed as permitted or conditional uses as provided in Article VI of this Ordinance, provided the following standards and criteria are adhered to:

1. Within the C1, Commercial Zone District, off-site signs shall only be allowed upon determination by the Planning Commission that the sign's advertising message will relate only to services and accommodations available from specific establishments within the same general neighborhood as the sign.

2. The maximum area of a sign face, whether a single sign face or each face of two back-to-back or V-type signs, shall not exceed 250 square feet, including border and trim, but excluding base and apron supports and other structural members. The maximum size limitation stated herein shall apply to each side of a sign structure, and signs may be placed back-to-back, side-by-side, or in a V-type arrangement, provided that there shall be not more than two (2) displays to each facing and such structure shall be considered as one sign.

3. Off-site signs shall not be erected or maintained in such a place or manner as to obscure or otherwise physically interfere with an official traffic control device or a railroad safety signal or sign, or to obstruct or physically interfere with a driver's view of approaching, merging or intersecting traffic for a distance of 500 feet.

4. No off-site sign shall be erected closer to any other off-site sign on the same side of the same roadway facing traffic proceeding in the same direction than (a) 500 feet on any interstate highway or fully controlled freeway, or (b) 300 feet on any other highway or roadway.
5. No all Zone Districts as permitted uses where the following criteria are shown to exist:
   a. The site is on a major access route to a major recreation area.
   b. The parcel is located within a quarter mile of a "Y" or "T" intersection on the route.
   c. The site contains a clustering of not less than 3 and not more than 10 informational/directional signs.
   d. Each individual sign shall have a surface area no greater than 4 square feet, or a combination sign shall not exceed 32 square feet.

Sec. 7 Political Posters.

A. Political posters, erected or placed in accordance with all applicable state laws, may be allowed without obtaining a Zoning Permit provided that they are removed within thirty (30) days following the

election for which they were intended, and provided that such posters do not exceed thirty-two (32) square feet in area. In the event that the posters are not removed within the specified period of time, the Township may remove them at the name bearer's expense.

ARTICLE VI-B SCREENING

Sec. 1 General.

A. Screening may consist of walls, fences, land forms or natural or planted landscape materials (at least four feet in height at the time of planting). In the case of conditional use permits where the Planning Commission finds that prevention of vandalism, continuity of service and general safety so indicate, screening shall not be required.

Sec. 2 Roadside Standards.

A. Junk yards, auto wrecking yards, solid waste disposal facilities, building material storage yards, maintenance equipment or contractor yards, bulk oil and gas plants, borrow pits and other similar uses (except mining pits, dumps and tailings disposal areas) shall be adequately screened to effectively conceal the establishment from the general view of motorists using the roadway

ARTICLE VII ADMINISTRATION ENFORCEMENT AND APPLICATION

Sec. 1 General.

A. This Ordinance shall be administered as hereinafter provided. The Zoning Administrator shall provide assistance to any applicant in preparing his application; advise the applicant as to the provisions of this Ordinance; and shall conduct an inspection program.

B. Any permit issued on the basis of an application which is in error, whether the error is intentional or not, shall be null and void. No such permit may be construed as permission to build or begin a land use. It shall be the responsibility of the Zoning Administrator to notify the property owner upon discovery of an erroneous application.

C. For a full list of permits required, please contact Pine County.

D. Shorelands - Notification to Commissioner

1. Copies of all notices of any public hearings to consider variances, amendments or conditional uses under local shoreland management controls must be sent to the commissioner or the commissioner's designated representative and postmarked at least ten days before the hearings. Notices of hearings to consider proposed plats must include copies of the plats.

2. A copy of approved amendments and plats, and final decisions granting variances or conditional uses under local shoreland management controls must be sent to the commissioner or the commissioner's designated representative and postmarked within ten days of final action.

Sec. 2 Enforcement.

A. The Zoning Administrator shall investigate all violations of this Ordinance, notify the owners of violations and direct the property owner to correct violations within a reasonable period of time, and, if compliance is not obtained within a reasonable period of time, the Zoning Administrator will issue a Notice of Violation, and the property owner will have fifteen (15) days to correct violations in the event the property owner does not correct said violations, a Citation will be issued by the Local Law Enforcement.

1. Taxpayers within the Town may institute mandamus proceedings to compel specific performance by proper officials in reference to administration or enforcement of the Zoning Ordinance.

2. The Town of Windemere may enforce all provisions of this Ordinance through such proceedings for injunctive relief as may be proper under the Laws of Minnesota. The Town Board, or any member thereof, upon notification from the Zoning Administrator, may initiate action to prevent, restrain, correct or abate violations or threatened violations. The Town Board may, at a later date, vote to discontinue proceeding.

B. Any person, firm or corporation, or agent, employees or contractors of such, who violate, disobey, omit, neglect, refuse to comply with, or who resist enforcement of any of the provisions of this Ordinance shall, upon conviction, be guilty of a misdemeanor. Upon conviction, the violator, shall pay to the Township the reasonable cost of prosecution, including attorney's fees. Each day that the violation continues to exist shall constitute a separate offense. All fines for violation shall be paid to the Town.

C. In the event that an applicant or his authorized representative violates, neglects or refuses to comply with the conditions, performance standards or dimensional requirements imposed upon the proposed or established use or structure as a condition of granting the permit for said use or structure, he shall be notified by the Zoning Administrator in writing by mail or in person of those requirements that have not been complied with (for purposes of computation of time, notification, is complete upon mailing), in which:

1. He shall have no more than fifteen (15) days from the date of the notification to satisfy said requirements or be subject to the revocation of said permit; or

2. He shall have no more than fifteen (15) days from the date of the notification to make an appeal to the appropriate body.

Sec. 3 Conditional Uses.

A. Any use listed in this Ordinance as a conditional use may be permitted only after an application for a conditional use permit has been reviewed and approved by the Town Planning Commission.

B. Application, Hearings, Decisions and Conditions.

1. Applications:

   a. An application shall be filed with the Zoning Administrator on a proper form provided for that purpose, and shall be submitted in a timely manner as prescribed by the Planning Commission in its rules of procedure.

   b. The application shall be complete and shall be accompanied by detailed plans, drawn to scale, showing all details of the land area and proposed use, as well as any other information hereinafter prescribed.

   c. The application shall be accompanied by the required fee.

   d. The Zoning Administrator shall reject, and refuse to refer to the Planning Commission, any application not accompanied by the required fee or by other materials and information as required by this Ordinance. Notification of rejection, along with the reason for such action, shall be given the applicant within ten (10) days of the decision.

2. Public Hearing Required.

   a. The Planning Commission shall conduct a public hearing on each Conditional Use Permit Application, giving due notice thereof to the public as provided in Article VII of this Ordinance.

   b. Such public hearings shall be conducted according to applicable Minnesota Statutes and to the rules of procedure of the Planning Commission.

3. Decisions.

   a. Decisions of the Planning Commission on applications shall be made, according to the general requirements and criteria for such permits as listed in Section 3. C. of this Article, and to any special requirements and criteria applicable to the particular applications as listed in Section 3. D. of this Article.

   b. The Planning Commission shall render its decisions in writing within 35 days of the close of the public hearing, stating its reasons in sufficient detail so that it can be determined that the decision was made in reliance on testimony given at the public hearing, and according to the criteria contained in this Ordinance. The vote of the Commission shall be indicated on the written decision.

   c. After a Conditional Use Permit is granted, a certified copy of the permit and decision shall be filed with the County Recorder

or Registrar of Titles. It shall be the responsibility of the Zoning Administrator to carry out this provision.

4. Conditions.

   a The Planning Commission may impose such conditions or restrictions as it deems necessary to protect the public interest, including but not limited to matters relating to appearance, lighting, hours of operation and performance characteristics.

   b When appropriate, restrictive covenants may be entered into regarding such matters.

   c A Conditional Use Permit shall remain in effect for so long as the conditions agreed upon are observed. However, whenever it is deemed advisable, a time limitation or review requirements may be placed as a condition on any permit.

C. General Criteria and Requirements.

1. All classes of Conditional Use Permits may be approved only upon a showing by the applicant that the standards and criteria stated in this Section will be satisfied. Since by definition, a conditional use is a special use not generally appropriate within the Zone District, the applicant bears the burden of demonstrating a right to the permit by making such showing. Absent such showing, the Planning Commission shall deny any application.

2. A Conditional Use Permit may be granted only upon finding all of the following:

   a. The use conforms to the land use or comprehensive plan of the Township, if any.

   b. The use is compatible with the existing neighborhood.

   c. The use will not impede the normal and orderly development and improvement in the surrounding area of uses permitted by right in the Zone District.

   d. The location and character of the proposed use is considered to be consistent with the desirable pattern of development for the area.

   e. No conditional use permit shall be granted for a use not listed as a conditional use in the Zoning District wherein the land is located.

3. When in the opinion of the Planning Commission a Conditional Use Permit may result in a material adverse effect on the environment, the applicant may be requested by the Planning Commission to demonstrate the nature and extent of the effect.

D. A Conditional Use Permit shall remain in effect as long as the conditions agreed upon are observed, but nothing in this Section shall prevent the Town from enacting or amending official controls to change the status of conditional uses.

E. Shoreland Areas. The following standards must be used for reviewing conditional uses located in shoreland areas:

1. A thorough evaluation of the topographic vegetation, and soils conditions on the site to ensure:

a. prevention of soil erosion or other possible pollution of public waters, both during and after construction;

b. limiting visibility of structures and other facilities as viewed from public waters; and;

c. adequacy of the site for water supply and on-site sewage treatment; and

2. An assessment of the types, uses and numbers of watercraft that the project will generate in relation to the suitability of public waters to safely accommodate these watercraft.

3. Local governments may impose conditions when granting conditional use permits that specify: increased setbacks from public waters; vegetation allowed to be removed or required to be established; sewage treatment system location, design or use; location, design and use requirements for watercraft launching or docking, and for vehicular parking; structure or other facility design, use and location; phasing of construction; and other conditions considered necessary by the local unit of government.

F. Appeals from Decisions.

1. Appeals from the Planning Commission decision on a Conditional Use Permit application may be made to the Town Board of Adjustment as provided for herein.

Sec. 4 Amendments to Zoning Ordinances, Zoning Maps.

A. General.

1. This Ordinance, and the Zoning Map, may be amended whenever the public health, safety, convenience and general welfare would best be served by such amendment, in accord with the Town's

comprehensive or land use plan, if any, by the procedures set forth in this Article.

B. Zoning Ordinance Text.

1. An amendment to this Ordinance text may be initiated by the Town Board, the Planning Commission or by the property owner of record. An amendment not initiated by the Planning Commission shall be referred to it for study, public hearing and report back to the Town Board in writing.

2. Public hearings on text amendments by the Planning Commission, including requirements of notice to the public, shall be conducted pursuant to Minnesota Statutes regulating the adoption of Ordinances by Counties, and by the standards set forth in Sec. 6 of this Article.

3. After conducting a public hearing on an Ordinance text amendment, the Planning Commission shall recommend in writing to the Town Board within 30 days of the close of the hearing. Upon filing of a report by the Planning Commission, the Town Board, in the manner prescribed by Minnesota Statutes, may by Ordinance adopt the amendment or any portion thereof as it deems advisable.

C. Zoning Ordinance Map.

1. An amendment to the Zoning Map may be initiated by the Town Board, the Planning Commission or by the property owner of record.

2. The Planning Commission shall conduct at least one public hearing on all proposed Zoning Map amendments and report to the Town Board in writing within 20 days of the close of the hearing(s).

   a. The Planning Commission shall give notice of public hearings for Zoning Map amendments in the manner prescribed in Section 5 of this Article.
   b. The Planning Commission's report to the Town Board shall contain a statement of the evidence relied upon, the factual determinations made from the evidence, and the criteria used in reaching its recommendation.

   c. Failure of the Planning Commission to report to the Town Board within the herein prescribed time shall be deemed to be approval by the Commission of the proposed amendment.

3. Upon the filing of a report by the Planning Commission or upon expiration of the 20-day period, the Town Board may by resolution adopt the amendment or any portion thereof as it deems advisable.

4. Offer an amendment has been acted upon by the Town Board, the matter shall not be reconsidered, nor shall any additional amendments involving the same parcel of property be heard or considered by the Planning Commission or the Town for at least twelve (12) months, unless new information not previously considered becomes available.

5. Criteria for Zoning Map Amendments.

   a. Amendments to the Zoning Plan shall be recommended for approval only upon the finding by the Planning Commission that all of the following conditions exist:

      i. The proposed zoning shall be consistent with the comprehensive or land use plan adopted.

      ii. The proposed zoning shall not be spot zoning, which is zoning to discriminate in favor of one lot or parcel out of harmony with surrounding lots or parcels and the comprehensive or land use plan, and without benefit to the community.

      iii. There shall exist a clear public need for and benefit from additional zoning of the type proposed, which shall be above and beyond any benefit or convenience to the landowner.

      iv. Beyond a public need being evident, there shall be a showing that the public interest would be best served by rezoning the property in question rather than other property in the community.

      v. In the case of down zoning, which is the changing of a zone district from a higher or more intensive use to a lower or less intensive use, the proposed zoning shall allow the property owner a reasonable use of his property under the terms of this Ordinance, as well as serve the public interest.

D. Both the Town Board and Planning Commission shall be exempt from the fees incurred to initiate Ordinance or zoning map amendments.

E. All Ordinances and zoning map amendments shall be designed to benefit and serve the public health, safety and welfare of all the residents of the Town.

F. All decisions by the Town Board in acting upon zoning map amendments or zoning Ordinance amendments shall be final except that any aggrieved person or persons shall have the right to appeal within thirty (30) days after their receipt of notice of the decision to the District Court on questions of law and fact.

Sec. 5 Hearings and Hearing Notices.

A. General.

1. As prescribed in this Ordinance, public hearings shall be held before any Zoning Ordinance Text Amendment, Zoning Map Amendment, Conditional Use Permit, Variance Appeal, or other Appeal or Revocation may be approved or recommended for approval. Such public hearings may be continued from time to time and additional hearings may be held.

B. Hearing Notices.

1. Notice shall be given to the public for each required public, hearing as prescribed in this Section.

2. Zoning Ordinance Text Amendments.

   a. a Notice of public hearings regarding Zoning Ordinance Text Amendments shall be published in newspapers of this Town as prescribed by Minnesota Statutes 366, and all acts amendatory thereof.

3. Zoning Ordinance Map Amendments.

   a. For map amendments initiated by petition of the property owner, notice of the time, place and purpose of the hearing shall be given by publication in a newspaper of general circulation in the Town, at least ten (10) days before the hearing. Written notice providing the same information shall be sent to all property owners of record within one thousand (1,000) feet of the affected property and to the municipal council of any municipality within two (2) miles of the affected property, and to the applicant.

   b. For map amendments initiated by the Town Board or Planning Commission, notice shall be given in the manner prescribed in B.3.a. of this Section except that, in instances of a township-wide amendment resulting from the recent completion of a comprehensive plan or plan amendment, written notice need not be sent to property owners of record.

4. Conditional Use Permits.

   a. Written and published notice of hearing on Conditional Use Permit applications shall be given in the same manner as prescribed in B.3.a. of this Section, except:

i. For all Conditional Use Permit applications, except subdivision plats, written notice shall be sent to property owners of record within five hundred (500) feet.

5. Variance Appeals.

   a. Written and published notice of hearings on Variance Appeals shall be given in the same manner as prescribed in B.3.a. of this Section, except that, for all Variance Appeals, written notice shall be sent to property owners of record within five hundred (500) feet.

6. Other Appeals.

   a. When an appeal is taken from any order, requirement, decision or determination of the Zoning Administrator, if such appeal is regarding the application of this Ordinance to specific properties, written and published notice shall be given in the same manner as prescribed in B.3.a. of this Section.

   b. When such appeal affects the interpretation and application of this Ordinance in general, and not to specific properties, notice shall be published in the official newspaper of the Town at least ten (10) days before the hearing, and shall be sent to the applicant.

   c. Notice shall also be provided to the Zoning Inspector.

C. Hearing Procedures.

1. Hearings shall be conducted according to all applicable requirements of Minnesota Statutes, of this Ordinance and of the rules of procedure of the Planning Commission or Board of Adjustment. All members of the public shall have ample opportunity to be heard in person, in writing or by authorized representative.

Sec. 6 Subdivision/Platting Provisions

A. Land suitability. Each lot created through subdivision must be suitable in its natural state for the proposed use with minimal alteration. Suitability analysis shall consider susceptibility to flooding, existence of wetlands, soil and rock formations with severe limitations for development, severe erosion potential, steep topography, inadequate water supply or sewage treatment capabilities, near-shore aquatic conditions unsuitable for water-based recreation, important fish and wildlife habitat, presence of significant historic sites, or any other feature of the natural land likely to be harmful to the health, safety or welfare of future residents of the proposed subdivision or of the community.

B. Consistency with other controls. Subdivisions must conform to all official controls of this community. A subdivision will not be approved where a later variance from one or more standards in official controls would be needed to use the lots for their intended purpose. In areas not served by publicly owned sewer and water systems, a subdivision will not be approved unless domestic water supply is available and sewage treat merit system consistent with Article III-B, Sec. 5 can be provided for every lot. Each lot shall meet the minimum lot size and dimensional requirements of Article III-A, including at least a minimum contiguous lawn area, that is free of limiting factors sufficient for the construction of two standard soil treatment systems. Lots that would require use of holding tanks must not be approved.

C. Information requirements. Sufficient information must be submitted by the applicant for the community to make a determination of land suitability. The information shall include at least the following:

1. topographic contours at ten-foot intervals or less from United States Geological Survey maps or more accurate sources, showing limiting site characteristics;

2. the surface water features required in Minnesota Statutes, Section 505.02, subdivision 1, to be shown on plats, obtained from United States Geological Survey quadrangle topographic maps or more accurate sources;

3. adequate soils information to determine suitability for building and on-site sewage treatment capabilities for every lot from the most current existing sources or from field investigations such as borings, percolation tests or other methods;

4. information regarding adequacy of domestic water supply; extent of anticipated vegetation and topographic alterations; near-shore aquatic conditions, including depths, types of bottom sediments and aquatic vegetation; and proposed methods for controlling stormwater runoff and erosion, both during and after construction activities;

5. location of 100-year flood plain areas and floodway districts from existing adopted maps or data; and

6. a line or contour representing the ordinary high water level, the "toe" and the "top" of bluffs and the minimum building setback distances from the top of the bluff and the lake or stream.

D. Dedications. When a land or easement dedication is a condition of subdivision approval, the approval must provide easements over natural drainage or ponding areas for management of stormwater and significant wetlands.

E. Platting. All subdivisions that create five or more lots or parcels that meet the requirements of Article III-A, Sec. 2, Summary Table, in size

shall be processed as a plat in accordance with Minnesota Statutes, Chapter 505. No permit for construction of building or sewage treatment systems shall be issued for lots created after June 3, 2004, when these official controls were enacted unless the lot was approved as part of a formal subdivision.

NOTE: ALL PLATTS MUST BE FORWARDED BY THE APPLICANT TO PINE COUNTY ZONING FOR FORMAL REVIEW BY THE COUNTY PLANNING COMMISSION PER THE PINE COUNTY SUBDIVISION AND PLATTING ORDINANCE.

F. Roads. See Appendix A.

G. Controlled Access or Recreational Lots. Lots intended as controlled accesses to public waters or for recreational use areas for use by non-riparian lots within a subdivision must meet or exceed the sizing criteria in Article III-A, Sec.10, C., 5. of this Ordinance.

H. Application for subdivision and Minor Subdivision permits shall be made to the Windemere Town Zoning Administrator and forwarded to Pine County.

ARTICLE VIII
BOARD OF
ADJUSTMENT

Sec. 1 Creation and Membership.

A. Board of Adjustment is hereby established. The Board shall consist of not less than three and no more than five residents of the Town of Windemere appointed by the Town Board. One member shall also be a member of the Town Planning and Zoning Commission. A resident, for purposes of this Article, shall mean a person who not only is a freeholder in the Township but also whose homestead is located in the Township.

Sec. 2 Appointments.

A. Method of Appointment.

1. The Chairperson of the Town Board shall appoint members to the Board of Adjustment from time to time to fill expired terms for approval by majority vote of the entire Board at a regular monthly Town Board meeting.

B. Terms of Office.

1. Except as provided in Section D. below, each member of the Board of Adjustment shall be appointed to serve for a period of two (2) calendar years.

2. Initial appointments made pursuant to this Ordinance shall be made in such a manner that no more than three (3) terms shall expire at the end of any given calendar year.

3. A calendar year shall be presumed to run from the date of the annual meeting of the Town Board.

C. Vacancies.

1. Any vacancy for an unexpired duration of a term shall be filled in the same manner as regular appointments at the earliest possible convenience of the Town Board.

2. Vacancies in regular positions shall be declared by the Town Board under any of the following conditions:

i. Death of a member.

ii. Resignation of a member.

iii. Removal of a member for cause as provided in this Ordinance.

D. Removal for Cause.

1. The following shall be deemed sufficient cause, grounds or reason for the Town Board to remove any Board of Adjustment member. The Town Board shall remove any member upon the occurrence of any of the following conditions as reported to the Board by the Chairperson of the Board of Adjustment.

2. Failure of the member to attend one-third (1/3) of the regularly scheduled Board of Adjustment meetings in any 12-month period.

3. Failure of the member to attend three (3) consecutive regular Board of Adjustment meetings, or to attend four (4) consecutive regular and special Board of Adjustment meetings.

4. Attendance at several regular or special Board of Adjustment meetings for such a short length of time as to render the member's services of little value to the Town. The Town Board shall make judgment on such matters after receiving a report on the Chairperson or the Zoning Administrator as provided in this Section above.

5. Violation by the member of any land use control Ordinance adopted by the Town or by Pine County.

6. Any change in residency status from the Town.

Sec. 3 Organization and Procedure.

A. Officers.

1. The Board of Adjustment shall elect a chairperson and vice chairperson from among its members, and shall appoint a secretary who need not be a member.

B. Rules of Procedure.

1. The Board of Adjustment shall adopt rules for the transaction of its business which shall not be inconsistent with or contrary to the Statutes of the State of Minnesota or the Ordinances of the Town.

C. Meetings.

1. The meetings of the Board of Adjustment shall be held at the call of the chairperson and at such other times as the Board of Adjustment in its rules of procedure may specify.

2. All meetings of the Board of Adjustment shall be open to the public pursuant to Minnesota Statutes.

D. Voting.

1. Each member, including chairperson, shall be entitled to vote on all questions, unless a particular issue involves conflict of interest.

2. Any question of whether a particular issue involves a conflict of interest sufficient to disqualify a member from voting thereon shall be decided by a majority vote of the attending members except the member who is being challenged.

3. Any member who believes he or she may have a conflict of interest, or who has a relative who has an interest, in any decision to be made by the Board of Adjustment shall disclose such interest and either disqualify himself or herself or seek a ruling pursuant to D.2. of this Section.

4. Any person may, in person or in writing, challenge whether any member may have a conflict of interest. Upon any such challenge, the Board shall decide the question pursuant to D.2 of this Section.

E. Records.

1. The Board of Adjustment shall keep a written public record of all of its transactions, findings and determination on all matters referred to it, and shall cause such records to be recorded as necessary pursuant to Minnesota Statutes.

F. Compensation.

1. The members of the Board of Adjustment may be compensated in any amount determined by the Town Board, and may be paid their necessary expenses in attending meetings of the Board of Adjustment and in the conduct of business of the Board of Adjustment.

Sec. 4 Appeals

A. Appeals for variances from the terms of this Ordinance, or from any order, requirement, decision or determination made by the Zoning Administrator or the Planning Commission on Conditional Use Permit applications shall be made to the Board of Adjustment.

B. Such appeals may be taken by any person aggrieved, or by any officer, department, board or bureau of the Town, County or State.

C. Such appeals shall be taken to the Board of Adjustment within 45 days of receipt of notice from the Zoning Administrator of any order, requirement, decision or determination made.

D. An appeal stays all proceedings in furtherance of the action appealed from unless tile Board of Adjustment certifies that by reason of the facts stated in the certificate a stay would cause imminent peril to life or property.

Sec. 5 Authority and Duties.

The Board of Adjustment shall have only the following powers:

A. Variances. The Board of Adjustment shall have exclusive authority to:

1. Order the issuance of variances from the terms of any official control, including restrictions placed on non-conformities.

2. To hear requests for variances from the literal provisions of the Ordinance in instances where their strict enforcement would cause undue hardship because of circumstances unique to the individual property under consideration, and to grant such variances only when it is demonstrated that such actions will be in keeping with the spirit and intent of the Ordinance.

3. Order the issuance of permits for buildings and uses in areas designated for future public use on an official map.

B. Applications, Hearings, Decisions and Criteria.

1. Applications.

a. An application for a variance shall be filed with the Planning Commission and/or Zoning Administrator on an appeal form provided for that purpose. Other appeals shall be filed in a manner prescribed by the Planning Commission.
b. Appeals applications shall be filed in a timely manner in advance of a scheduled hearing date as the Board of Adjustment may provide in its rules of procedure.

c. Application forms shall be complete, and shall clearly specify the grounds of the appeal. Where required by the nature of the appeal the application shall be accompanied by detailed plans, drawn to scale, showing all details of the land area and the nature of the circumstances surrounding the appeal.

d. The application shall be accompanied by the required fee.

e. The Planning Commission and/or Zoning Administrator shall reject, and refuse to refer to the Board of Adjustment any application not accompanied by the required fee or by other materials and information as required by this Ordinance.

2. Hearings.

a. The Board of Adjustment shall conduct a public hearing on each appeal.

b. The Board of Adjustment shall set a reasonable time for the hearing of the appeal and shall give due notice thereof as provided in Article VII, Sec. 5, B.

c. Such hearings shall be conducted according to applicable Minnesota
Statutes and to the rules of procedure of the Board of Adjustment.

3 Decisions.

a. Decisions by the Board of Adjustment shall be made within thirty-five (35) days of the date of a public hearing is closed.

b. The Board of Adjustment shall keep a written record of its proceedings showing the vote of each member on each question, or if absent or failing to vote indicating such fact.

c. The Board of Adjustment shall render its decisions in writing, stating its reasons in sufficient detail so that it can be determined that the decision was made in reliance on testimony given at the public hearing, and according to the criteria contained in this Ordinance.

d. A certified copy of any order issued by the Board of Adjustment acting upon any appeal shall be filed with the County Recorder or Registrar of Titles for record. The order shall include a legal description of the property involved. It shall be the responsibility of the Zoning Administrator to carry out this provision.

e. After any appeal to the Board of Adjustment has been approved, the appellant shall have 60 days, after receipt of notice of this decision, to make application to the Zoning Administrator for any permit necessary to begin the structure or the use for which the appeal was made.

4 Criteria for Decisions.

a. The Board of Adjustment shall always act with due consideration to promoting the public health, safety, convenience and welfare, encouraging the most appropriate use of land and conserving property value, mid shall permit no structure, building or use detrimental to a neighborhood.

b. Variance

i. The Board of Adjustment may authorize a variance from the terms of this Ordinance which will not be contrary to public interest, where owing to special conditions a practical difficulty or particular hardship would be created by carrying out the strict letter of the Ordinance, and when the terms of the variance are consistent with the spirit and intent of this Ordinance and with the Town's land use and comprehensive plan, if any.

ii. Variances may only be granted in accordance with Minnesota Statutes, Chapters 394 or 462, as applicable. They may not circumvent the general purposes and intent of the official controls. No variance may be granted that would allow any use that is prohibited in the zoning district in which the subject property is located. Conditions may be imposed in the granting of variances to ensure compliance and to protect adjacent properties and the public interest. In considering variance requests, boards of adjustment must also consider whether property owners have reasonable use of the lands without the variances, whether existing sewage treatment systems on the properties need upgrading before additional development is approved, whether the properties are used seasonally or year-round, whether variances are being requested solely on the basis of economic considerations and the characteristics of development on adjacent properties.

"Hardship" as used in connection with the granting of a variance means that the property in question cannot be put to a reasonable use under the conditions allowed by this Ordinance; the

iii. Plight of the landowner is due to circumstances unique to his property not created by the landowner; and the variance, if granted, will not alter the essential character of the locality. Economic considerations alone shall not constitute a hardship if a reasonable use for the property exists under the terms of this Ordinance. No variance may be granted that would allow any use that is prohibited in the zoning district in which the subject property is located.

iv. When in the opinion of the Board of Adjustment a variance may result in material adverse effect on the environment, the appellant may be required by the Board of Adjustment to demonstrate the nature and extent of the effect.

v. It shall be the burden of the applicant to demonstrate sufficient hardship to sustain the need for a variance. Absent a showing of hardship as provided in Minnesota Statutes and this Ordinance, the Board of Adjustment shall not approve any variance.

vi. The Board of Adjustment may impose conditions in the granting of variances to ensure compliance and to protect adjacent properties and the public interest.

5. Other Appeals.

a. Interpret provisions of the zoning district map as provided in Article IIIA, Sec. 3.

b. Permit the reconstruction of a nonconforming building, where not otherwise permitted by this Ordinance, when such building has been damaged by explosion, fire, act of God or the public enemy, to the extent of more than 50 percent of its market value, where the Board finds some compelling necessity requiring a continuance of the nonconforming use.

c. The Board of Adjustment may reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from and to that end shall have all the powers of the officer from whom the appeal was taken and may direct the issuance of a permit.

6. Appeals from Board of Adjustment Decisions.

a. All decisions by the Board of Adjustment in granting variances or in hearing appeals from any administrative order, requirement, decision or determination shall be final, except that any aggrieved person or persons shall have the right to appeal within 30 days, after the receipt of notice of the decision, to the District Court of the County on questions of law and fact.

7. Other Duties and Authority.

a. The Board of Adjustment shall have such other duties and authorities as are prescribed by proper Ordinances of this Town.

ARTICLE IX
PLANNING
COMMISSION

Sec. 1 Creation of Planning Commission.

A. Planning Commission is hereby established. The Commission shall consist of five residents of the Town of Windemere appointed by the Town Board. A resident, for purposes of this Article, shall mean a person who not only is a freeholder in the Township but also whose homestead is located in the Township.

Sec. 2 Appointments.

A. Method of Appointment.

1. The Chairperson of the Town Board shall appoint members to the Planning Commission to fill expired terms for approval by majority vote of the entire Board at a regular monthly Town Board meeting.

B. Terms of Office.

1. Membership shall consist of five persons to be appointed by the Town Board. In the first instance, two members of said Commission shall be appointed for one year, two members for

two years and one member for three years. An appointment to fill a vacancy shall be only for the unexpired portion of the term. Each member shall be entitled to one vote.

C. Vacancies.

1. Appointments shall be made by the Town Board to fill any vacancy for the unexpired duration of the term. Such appointment shall be made at the earliest possible convenience of the Town Board as provided for in Section 2.

2. Vacancies in regular positions shall be declared by the Town Board under any of the following conditions:

   a. Death of a member.

   b. Resignation of a member.

   c. Removal of a member for cause as provided for in this Ordinance

Sec. 3 Removal for Cause.

A. The following shall be deemed sufficient cause for the Town Board to remove any regular Planning Commission member. The Town Board shall remove any member upon the occurrence of any of the following conditions as reported to the Board by the Chairperson of the Planning Commission.

1. Failure of the member to attend one-third of the regularly scheduled Commission meetings in any 12-month period.

2. Failure of the member to attend three consecutive regular Commission meetings, or to attend four consecutive regular and special Commission meetings.

3. Attendance at several regular or special Commission meetings for such a short length of time as to render the member's services of little value to the Town. The Town Board shall make judgment on such matters after receiving a report of the Chairperson as provided in this Section above.

4. Inability to carry out the duties of the Commission due to a conflict of interest.

5. Nonresident status.

Sec. 4 Organization and Procedures.

A. Officers.

1. The Planning Commission shall elect a chairperson and vice chairperson from among its regular members, and shall elect a secretary from among its regular or ex-officio members.

B. Rules of Procedure.

1. The Planning Commission shall adopt rules for the transaction of its business which shall be consistent with the Statutes of the State of Minnesota and the Ordinances of this Town.

C. Meetings.

1. The meetings of the Planning Commission shall be held during the second week of April, June, August and October at the call of the Chairperson and at such other times as the Commission, in its rules of procedure, may specify.

2. All meetings of the Planning Commission shall be open to the public pursuant to Minnesota Statutes.

3. Notice of time and place of meetings shall be published in those publications chosen by the Windemere Township board at the annual meeting and posted on the official Town bulletin boards at least three (3) days prior to the meeting.

D. Voting.

1. Each regular member, including the Chairperson, shall be entitled to vote on all questions, unless a particular issue involves a conflict of interest. A decision to abstain from voting shall also extend to discussion. Testimony, however, may be offered.

2. Any question of whether a particular issue involves a conflict of interest sufficient to disqualify a member from voting thereon shall be decided by a majority vote of the attending members except the member who is being challenged.

3. Any members who believe he or she may have a conflict of interest, or who has a relative who has an interest, in any decision to be made by the Planning Commission shall disclose such interest and either disqualify himself or herself or seek a ruling pursuant to D.2. above.

4. Any person may, in person or in writing, challenge whether any member may have a conflict of interest. Upon any such challenge, the Commission shall decide the question pursuant to D.2. of this Section.

E. Records.

1. The Planning Commission shall keep a written public record of all of its transactions, findings and determinations on all matters referred to it, and shall cause such records to be recorded as necessary pursuant to Minnesota Statutes.

Sec. 5 Authority and Duties.

A. Plan Preparation and Review.

1. The Planning Commission shall cooperate with the Zoning Administrator and other employees of the Town in preparing and recommending to the Town Board for adoption a comprehensive plan and recommendations for plan execution in the form of official controls and other measures, and amendments thereto.

2. The Planning Commission shall review any comprehensive land use, or other plans, or any official controls sent to the Town for review by any other municipality, any council or governments, or any regional, State or Federal Agency and shall report thereon in writing to the Town Board.

3. The Planning Commission shall have the exclusive authority to act on all conditional use permit applications in the manner hereinbefore set forth in Article VII, Section 3.

4. An appeal, if any, from a decision by the Planning Commission on a conditional use permit application shall be made to the Town Board of Adjustment.

5. The Planning Commission shall act on all proposed amendments to this Ordinance and the Town Zoning Map in the manner hereinbefore set forth in Article VII, Section 4.

B. Public Hearings.

1. The Planning Commission shall hold all required public hearings for comprehensive plans and amendments thereto, official controls and amendments thereto, all conditional use permit applications, all subdivision platting proposals and other matters as may be prescribed by Ordinances of this Town.

   a. On all other matters which are before the Planning Commission for public hearing, the commission shall report in writing to the Town Board.

2. The Planning Commission shall set a reasonable time for all hearings, shall give due notice thereof and shall conduct hearings in the manner prescribed by Minnesota Statutes and other Ordinances of this Town.

ARTICLE X
FEES

Sec.1 A. The Town Board shall establish, by resolution, a schedule of fees applicable to all permit applications, petitions, certificates of compliance and appeals. The fee schedule resolution shall be attached to all copies of this Ordinance which area distributed to the public. The schedule of fees may be altered or amended by Town Board resolution,

B. No application for zoning permit, certificate of compliance, conditional use permit, or other required permit, nor any petition to amend the Zoning Ordinance Map, nor any appeal to the Board of Adjustment shall be recognized, acted upon, issued or granted unless and until all required fees have been submitted in full by means of cash, check or money order to the Zoning Administrator. Receipt of fees shall be subject to their collection by the Town. If a fee is submitted by check or money order, on permit granted or action taken shall be of any force or effect until the check or money order submitted shall prove collectible.

C. Should a permit, certificate, petition or appeal be denied, the fee shall not be refunded.

D. No local unit of government (city, town or special purpose district) shall be required to pay a fee for any permit, certificate or appeal.

E. In addition to any other remedy for violation of this Ordinance, the applicable fee shall be tripled whenever any action requiring a zoning permit is initiated without a permit used by the Zoning Administrator.

ARTICLE XI
MORE
RESTRICTIVE
REGULATIONS

More restrictive Federal, State or County regulations or standards shall take precedence over the provisions of this Ordinance.

ARTICLE XII
VALIDITY

Sec. 1 Should any Section or provision of the Ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinance as a whole, or any part thereof other than the part so declared to be unconstitutional or invalid.

Sec. 2 Should this Ordinance be declared unconstitutional or invalid in its application to any given property or use, such decision shall not affect the validity or constitutionality of this Ordinance as applied to other properties or uses.

ARTICLE XIII
EFFECTUATION

Sec. 1 This Ordinance shall take effect and be in full force on the 3rd day of December 2009, upon its adoption by the Town Board of Supervisors for the Town of Windemere, and its publication in the official newspaper of the Town of Windemere as provided by Minnesota Statutes.

Sec. 2 A Public hearing held by the Town of Windemere Planning Commission on November 10, 2009.

Sec. 3 Recommended to the Town Board of Supervisors by Town of Windemere Planning Commission for adoption on November 10, 2009.

Sec. 4 Supervisor Young moved the adoption of this Ordinance, and Supervisor Ring seconded the motion and it was adopted on the following vote:

Yeas: All
Nays: None
Absent: None Abstain: None

This Ordinance was declared adopted by the Town Board of Supervisors on the 3rd day of December, 2009.

Chairperson, Town Board of Supervisors Town of Windemere

Certified as a complete and accurate copy of the Town of Windemere Zoning Ordinance
Town Clerk

ATTEST:
Deputy Chairperson
Town Board of Supervisors

APPENDIX A SPECIFICATIONS FOR CONSTRUCTION

Resolution Outlining the Specifications For Construction of Roads Prior to Town Board Acceptance

A. A minimum road right of way of 66 feet.

B. A minimum graded roadway top width of 20 feet with 18 feet of class 5 gravel shall be applied to a depth of 10 inches.

C. A minimum cleared width of 46 feet for snow removal purposes.

D. All roads shall be built so as to be free of flooding and drainage problems.

E. All apparent snow traps shall be eliminated.

F. At all dead ends of such roads there shall be turn around space provided of adequate size.

G. All finished grades shall be reasonable and justifiable.

H. There shall be no extremely sharp horizontal curves or blind corners.

I. A minimum bituminous width of 20 feet, with exceptions made for extreme conditions.

J. All roads shall be subject to review by the Town Board as far as they

pertain to requirements above. The Town Board will not feel obligated to accept any road dedicated by private owners until all conditions of the specifications have been met.

Adoption of Resolution on October 3, 1996

Revised on November 7, 1996. Amended in 2009.

This Ordinance shall take effect and be enforced twenty (20) days from and after its passage and publication.

Adopted by the Town Board this day of 7 day of December, 1989.

TOWNSHIP OF WINDEMERE

By Clair E. Strondlie

Its Chairperson

ATTEST:
Town Clerk Nancy Hudson

THIS INSTRUMENT WAS DRAFTED BY:

Kenneth D. Butler
Van Evera, Clure, Butler & Michelson, P.A.
1400 Alworth Building
Duluth, Minnesota 55802

APPENDIX B
FIREARMS

ORDINANCE NO. 89-1

AN ORDIANCE RELATING TO FIREARMS AND OTHER DANGEROUS WEAPONS AND PROVIDING PENALTIES FOR THE VIOLATION THEREOF.

Be it ordained and enacted by the Town Board of Supervisors of the Township of Windemere, State of Minnesota, as follows:

ARTICLE 1
Declaration of Intent and Purpose

It is hereby declared to be the policy of the Township of Windemere, Minnesota, in the exercise of its police power for the public safety, health and general welfare of the Township that the discharge of firearms and other dangerous weapons in highly densely populated areas of the Township namely Hogan's Acres, Wild Acres, Weld Acres East, and Rearrangement of Hogan's 28 all located in the R-3 Zone under the Township of Windemere Zoning Ordinance be prohibited.

ARTICLE 2

Declaration of Policy and Purpose

It is hereby declared to be the policy of the Township of Windemere, Minnesota, in the exercise of its police power for the public safety, public health and general welfare:

Section 1. It shall be unlawful within the Plats of Hogan's Acers, Wild Acres, Wild Acres, East and Rearrangement of Hogan's 28 for any person to willfully discharge any firearm including and above .22 caliber or greater on public or private property.

Section 2. It shall be unlawful within the Plats of Hogan's Acres, wild Acres, Wild Acres East and Rearrangement of Hogan's 28 for any person to aim any gun, pistol, revolver or other firearm, whether loaded or not, at or toward any human being.

Section 3. It shall be unlawful for any person to engage in any hunting within the R-3 zone as described in the Township of Windemere Zoning Ordinance, the term "hunting" meaning is generally accepted definition.

Section 4. any persons violating the terms of this Ordinance shall, upon conviction, be guilty of a misdemeanor and shall be subject to a fine not greater than that which is provided by law for a misdemeanor and, in addition the cost of prosecution

Section 5. This Ordinance shall take effect and be enforced twenty (20) days from and after its passage and publication.

Amended by the town Board this 3rd day of December, 2009.

TOWNSHIP OF WINDEMERE

Clair E Strandle - By

Its Chairperson

ATTEST:

Town Clerk

THIS INSTRUMENT WAS DRAFTED BY:

Kenneth D. Butler
Van Evera, Clure, Butler & Michelson, P.A.
1400 Alworth Building
Duluth, Minnesota 55802

APPENDIX C
REGULATING
WORK DONE BY
PRISONERS

TOWN OF WINDEMERE

ORDINANCE # 12.3.2009.1

AN ORDINANCE REGULATING WORK DONE BY PRISONERS, PATIENTS, CLIENTS, OR IMPATES WITHIN THE TOWNSHIP AND REQUIREMENT OF NOTIFICATION TO TOWNSHIP PRIOR TO WORK.

1: Purpose
2: General Regulations
3: Effective Date

1: PURPOSE:

The purpose of this Section shall be to regulate the work to be done by prisoners, patients, clients, or inmates within Windemere Township. Windemere Township has a large number of residents employed by area prisons, correctional facilities, and human services. It is the purpose of this ordinance to require notification to the township of any work to be preformed by prisoners, patients, clients, or inmates within the township prior to work being started to ensure prisoners, patients, clients, or inmates do not work near the homes of prison, human service or correctional employees, nor learn through their work in the township where prison, human service or correctional employees live as a matter of safety to the prison, human service, or correctional employee and / or their family.

2: GENERAL REGULATIONS:

If work is to be performed by prisoners in Windemere Township, the Township Clerk will be notified of the location and estimated length of such work 48 hours in advance of such work and at the completion of the project. All work that is to be done in the township will be properly supervised.

3. EFFECTIVE DATE:

This Ordinance shall be in full force and effect upon its passage and publication. Adopted this 3rd day of December, 2009 by the Board of Supervisors of Windemere Township.

By Clair E. Strandlie
Chair Person of the Board

ATTEST: [signature]
Windemere Township Clerk.

APPENDIX D
TRAVEL ON
TOWNSHIP
ROADS

TRAVEL ON TOWNSHIP ROADS ORDINANCE 10-01-00

All off Road ATV and Snowmobiles etc. must adhere to the following conditions:

A. Operators must have a valid drivers license.

B. Maximum speed limit of 25 mph.

C. No more then 2 people to a vehicle.

D. Operator must obey all traffic laws.

APPENDIX E
TRESPASS

TRESPASS ORDINANCE 10-02-00

A. No one can trespass on private property without written permission of the landowner or renter. This written permission must be available at the trespass location.

B. A person may trespass to retrieve a legal game animal provided it is during day light hours. A domestic pet may also be retrieved during day light hours unarmed.

Minnesota Statutes, Section 97B.002 provides that Conservation Officers, Sheriffs, and Deputies may issue civil citations to persons who trespass in violation of Section 97B.001 or who remove signs posted to prevent trespass without permission of the owner of the property. (MS 97B.002, Subd. 1; 1996 Chapter 301, Sec. 8)

Trespass violations now include all outdoor recreation activities including hunting, fishing, trapping, boating, hiking, camping, and engaging in winter sports and all other activities which are conducted primarily for the purposes of pleasure, rest, or relaxation and is dependent upon or derives its principle benefit from natural surroundings. (MS 97B.001, Subd. 1a; 1996 Chapter 301, Sec. 1)

Trespass violations while engaging in outdoor recreation activities include:

Enter agricultural land without first obtaining permission of the owner, occupant, or lessee (MS 97B.001, Subd. 2)

Remain on land after being orally told not to do so by the owner, occupant, or lessee (MS 97B.001. Subd. 3)

Enter posted land without first obtaining written permission of the owner, occupant, or lessee (MS 97B.001, Subd. 4 (a))

Enter unposted land to retrieve lawfully taken wounded game and fail to be on foot, or fail to leave immediately after retrieving wounded game (MS 97B.001, Subd. 5)

Enter private land to retrieve hunting dogs and fail to be on foot, fail to enter without a firearm, or fail to leave immediately after retrieving the dog (MS 97B.001, Subd. 6)

Take, or attempt to take, a wild animal with a firearm within 500 feet of a building occupied by a human or livestock without written permission of the owner, occupant, or lessee, on another person's private land or on a public right-of-way (MS 97B.001, Subd. 7 (a))

Take, or attempt to take, a wild animal with a firearm without permission

of the owner, occupant, or lessee, within 500 feet of a stockade or corral containing livestock (MS 97B.001, Subd. 7 (b))

Wound or kill another person's domestic animal (MS 97B.001, Subd 8 (1)

Destroy, cut, or tear down another person's fence, building, grain, crops, live tree, or sign posted to prevent trespass (MS 97B.001, Subd. 8 (2))

Pass through another person's closed gate without returning the gate to its original position (MS 97B.001, Subd. 8(3))

Take, or attempt to take, a wild animal on property where the taker does not have right of entry (MS 97B.001, Subd. 7 (c))

(1996 Chapter 301, effective August 1, 1996)

APPENDIX F
GARBAGE
DUMPING

GARBAGE DUMPING ORDINANCE 10-03-00 amended in 2009.

Any person caught dumping garbage or littering on property other than their own will be subject to a fine as outlined by applicable State law.

Effective Date:

The Windemere Township Board of Supervisors ordains that this Ordinance shall be in full force and effect on the 3rd day of December, 2009. by the Board of Supervisors of Windemere Township

By Clair E. Stroudlie
Chair Person of the Board

ATTEST: Nancy Heden
Windemere Township Clerk

APPENDIX G
PET
RESTRICTIONS

PET RESTRICTIONS ORDINANCE 10-04-00

Owners of parcels of land less than 5 acres in size must limit the number of dogs on their property to four and all domestic pets are required to be current on all vaccinations required by state law.

Pets are not allowed to run on any property not owned by their owner. On public property pets must be under the owners control at all times.

Licensed breeders must have a special permit issued by the Planning Commission.

All animals taken into custody by the Township Animal Control Officer shall be transported at the earliest convenience of the Animal Control Officer to the Friends of Animal Humane Society.

APPENDIX H
SHORELAND OF
SALES SEWER
COMPLIANCE

ORDINANCE 10-05-00

Prior to any real estate sales, property title transfers or contracts for deed in the S-1 Shoreland Zoning District a Certificate of Sanitary System compliance shall be obtained by the seller and/or buyer and/or their agent(s) determining if a non-conforming septic system exists and informing the buyer of such and upgrading requirements. Certificate of Sanitary System compliance is as described in the Zoning Ordinance, Town of Windemere, Pine County, MN Article 1. Definitions and Individual Sewage Treatment systems, Chapter 7080.

A. Compliance Inspection for shall be submitted to Windemere Township Zoning upon forms required by the Minnesota Pollution Control Agency. All compliance inspections shall include both a soil boring and a site plan of the property.

B. In the case of system which is in compliance the Compliance Inspection shall constitute a Certificate of Compliance.

C. In those times of year when the ground is frozen and no evaluation can be done, the seller or buyer shall be required to establish an escrow account to be used to bring a treatment system into compliance, if upon evaluation, it is determined to be a nonconforming or failing system. The account shall be established in a financial institution mutually agreed upon by the seller and buyer and shall be jointly controlled by the seller and buyer. All costs associated with the repair or replacement of a failing or non-conforming on-site sewage treatment system shall be the responsibility of the seller or buyer, as provided for in the written agreement between the seller and buyer.

D. The fee for the issuance of the Certificate of Sanitary System Compliance shall be established by the Windemere Township Board of Supervisors and shall be paid prior to the issuance of a Certificate of Compliance.

APPENDIX I
BLIGHT

BLIGHT ORDINANCE 09-02-99 amended 2009.

AN ORDINANCE REGULATING, WITHIN THE TOWNSHIP OF WINDEMERE, CERTAIN NUISANCES: PROVIDING FOR THE PROTECTION AND PRESERVATION OF THE PUBLIC HEALTH BY REGULATING AND PROHIBITING LITTER OR BLIGHT ON PRIVATE PREMISES: PROVIDING FOR A LIEN FOR TOWNSHIP EXPENSES INCURRED IN REMOVAL: PROVIDING PENALTIES FOR VIOLATION THEREOF.

SECTION I. CAUSES OF BLIGHT OR BLIGHT FACTORS OR LITTER

It is hereby determined that the uses, structures and activities and causes of blight or blighting factors described therein, if allowed to exist, will tend to result in blighted and undesirable neighborhoods, so as to be harmful to the public welfare, health and safety. On and after the effective date of this Ordinance, no person, firm or corporation of any kind shall maintain or permit to be maintained, any of these causes of blight or blighting factors upon any property in the Township of Windemere owned, leased, rented or occupied by such person, firm or corporation:

A. In any areas, the storage upon any property of junk automobiles.

For the purpose of this Ordinance, the term "junk motor vehicles" include any motor vehicle, part of a motor vehicle or former motor vehicle, stored in the open, which is not currently licensed & operable per MN Department of Public Safety *for use* upon the highways of the State of Minnesota, or is either (1) unusable or inoperable because of lack of, or defects in component parts; or (2) unusable or inoperable because of damage from collision, deterioration, alteration, or other factors; or (3) beyond repair and, therefore, not intended for future use as a motor vehicle; or (4) being retained on the property for use of salvageable parts. (Note: Vehicles retained for the use of salvageable parts, may be retained on the property for a maximum of 12 months.)

A motor vehicle stored in the open but covered with an opaque cover designed for and molded to fit the motor vehicle shall not be defined as a junk motor vehicle. (Note: A maximum of 2 motor vehicles may be kept at a property through the use of a vehicle cover.

EXCEPTION: A classic car or pioneer car, as defined in M.S. 169.10 shall not be considered a junk automobile within the meaning of this Ordinance. Vehicles on the premises of junk automobile graveyards, which are defined, maintained and licensed in accordance with M.S. 161.242 or which are licensed maintained with local laws and zoning regulations, shall not be considered junk motor vehicles within the meaning of this Ordinance.

B. Within any area or property, the storage or accumulation of junk, trash, rubbish or refuse of any kind, except stored in such a manner as not to create a nuisance for a period not to exceed thirty days. The term "junk" shall include parts of machinery, machinery, motor vehicles, tires, boats, lawn mowers and yard equipment of all types, unused stoves or appliances, discarded furniture, remnants of wood, decayed, weathered or broken construction materials no longer suitable for use, scrap material or scrap metal or other material or cast off material of any kind, whether or not the same could be put to any reasonable use.

C. In any area the existence of any structure or part of any structure which, because of any fire, wind or other natural disaster, or physical deterioration, is no longer, habitable as a dwelling or useful for any purpose for which it may have been intended.

D. In any area the existence of any vacant dwelling, garage, or other out-building, unless such buildings are kept securely locked, windows kept glazed and building is otherwise protected to prevent entrance thereto by vandals.

E. To allow any manure/waste, to accumulate, except for agricultural or

horticultural purposes except in an area where animals or fowl are permitted.

F. To allow any tin cans, garbage, ashes, trash, rubbish, or other refuse and debris not contained in an odor and fly tight covered receptacle, to accumulate on any privately owned premises or to dump or throw said materials on private or public property not set for that purpose. For the purpose of Part 6, manure shall not be considered refuse.

SECTION II. PENALTIES AND VIOLATION.

Subd. 1. Any person who violates any provision of this Ordinance shall, upon conviction thereof, be fined according to current State of Minnesota laws, or imprisoned for not more than ninety (90) days, or both. Each day that the violation is permitted to exist constitutes a separate offense.

Subd. 2. If the Township Zoning Administrator finds that any landowner is in violation of the provisions of this Ordinance the landowner and any occupant shall be notified of the violation in writing. If the landowner and/or occupant fails to comply with this ordinance within twenty (20) days after notification, the Township Zoning Administrator shall advise the Township Board and if the Board agrees the landowner is in violation it shall order its removal. In the alternative, if in the opinion of the Town Supervisors or the Clerk or the Zoning Administrator, after consultation with the Supervisors, determines the violation to constitute an imminent threat or danger to the public health, safety welfare or to cause economic loss then the township shall take such immediate action as shall be required. The matter shall be referred to legal counsel who shall initiate a District Court proceeding setting forth the violation, a demand for remediation, correction, abatement or such other and further relief as will end the violation and for legal fees, costs and expenses and such costs as will be incurred by the Township in undertaking the corrective work, remediation, or abatement.

A. Recovery of Costs. The owner of the land shall be personally liable for the costs to the township for remediation, correction, abatement or other action necessitated by the violation including legal and administrative costs. As soon as the work has been completed and the costs determined, the township shall prepare a bill for the cost and mail it to the owner. The amount shall be immediately due and payable at the town hall.

B. Assessment. If the township is not fully reimbursed for all its reasonable costs incurred, it may be assessed in the manner of a special assessment under Minnesota Statutes Chapter 429 against the lot or property to which the costs, charges, and fees are attributed. The Town Board shall certify the assessment to the County Auditor for collection along with the real estate taxes for the following year or in annual installments, not exceeding three (3) years, as the Town Board may determine in each case.

SECTION III. SEVERABILITY.

Every section of this Ordinance or provision thereof is declared separable from every other section provision, or portion thereof that shall be declared invalid. The invalidity of any section, provision or portion thereof shall not be deemed affect the validity of the remaining portions of this Ordinance.

SECTION IV. REPEALER

All Ordinances or portions thereof in effect prior to the effective date of this Ordinance that are in part or in whole inconsistence with it, are hereby repealed.

SECTION V. EFFECTIVE DATE.

This Ordinance becomes effective upon its passage and publication according to Law.

Passed by the Town Board of the Township of Windemere, Sturgeon Lake, Minnesota this , 2004. SECTION VII. SUBCOMMITTEE

The Planning Commission will appoint a subcommittee to investigate all written complaints that fall within this Ordinance. The subcommittee will then report findings to the Town Board for enforcement.

Chairperson Attest:

Attest

Clerk

APPENDIX J
PROPERTY
DESCRIPTION

ORDINANCE 10-06-00 Resolution

in Windemere Zoning

On October 2, 1997 the Windemere Town Board approved the following changes in the Windemere Zoning Ordinance. To change the following legally described property from C-1, R3 and S-1 to all C-1 Commercial.

Legal Description of Property: R 33-0521

All that part of the South one-half of the Southeast Quarter (S ½ of SE 1/4) of Section Eighteen, Township Forty-five, Range Nineteen, lying east of the Easterly right-of-way line of Interstate Highway No. 35, except the following described tract: Beginning at the Southeast corner of said S 1/2 of SE 1/4, thence West on the South line, a distance of 700', thence north parallel to East line a distance of 300', thence East parallel to South line a distance of 400', thence North parallel to said East line a distance of 1025. 78' to the North line of said S 1/2 of SE 1/4, thence East a distance of 300' to the Northeast corner thereof, thence South a distance of 1324.3' to the point of beginning.

Nancy Ring, Clerk
Alan Overland, Chairperson

APPENDIX K
NEW DWELLING
INSTALLATION

ORDINANCE NO. 11-29-01

AN ORDINANCE AMENDING THE ZONING ORDINANCE BY ADOPTING NEW DWELLNG INSTALLATION REQUIREMENTS

The Town Board of Windemere hereby ordains that Zoning Ordinance of the Town of Windemere shall be amended as follows:

Section 1. That Article I (DEFINITIONS) Section II, Paragraph 70 of the Zoning Ordinance is amended to read as follows:

(70) Mobile Home – Same as manufactured dwelling. See definition of manufactured dwelling.

Section 2. That the Zoning Ordinance, at Article II, Section K Dwelling Unit Restrictions, the first or introductory sentence thereto is amended to read as follows:

The following restrictions apply to all zone districts including the High Density Residential (R-3) district.
Section 3. That Article II, Section K, Paragraph 3 of the Zoning Ordinance is amended to read as follows:

(3) All dwellings and/or dwelling additions shall be located upon a permanent foundation that meets the requirements of the State of Minnesota Building Code.

Section 4. That Article II, section K, Paragraph 4 of the Zoning Ordinance is amended to read as follows:

(4) All dwellings shall contain no less than 750 square feet enclosed first floor living space to meet the minimum floor area requirements set out in this Ordinance. Overhangs and other projections beyond the principal walls shall not be taken into account in determining the minimum square footage of enclosed living space required hereunder.

Section 5. That Article II, Section K, of the Zoning Ordinance shall be amended to add the following new paragraph, namely Paragraph 12:

(12) That no mobile home, trailer, or manufactured dwelling, which was manufactured prior to July 1, 1972 shall be permitted. (If a dwelling manufactured prior to July 1, 1972, is installed per a Variance or Conditional Use Permit, the dwelling must be fully compliant with the current Minnesota State Building Code requirements for site built structures.)

Section 6. That Article II, section K of the Zoning Ordinance shall be amended to add the following paragraph, namely Paragraph 13:

APPENDIX L
SUBDIVISION
AND PLATTING

Ordinance No. 12.3.2009.2
Windemere Township Subdivision and Platting Ordinance

WINDEMERE TOWNSHIP
SUBDIVISION AND PLATTING ORDINANCE
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WINDEMERE TOWNSHIP SUBDIVISION AND PLATTING ORDINANCE

AN ORDINANCE ESTABLISHING REGULATIONS FOR THE SUBDIVISION AND PLATTING OF LAND WITHIN WINDEMERE TOWNSHIP; DEFINING CERTAIN TERMS USED HEREIN; PROVIDING FOR THE PREPARATION OF PLATS; PROVIDING FOR THE CONSTRUCTION OF STREETS, ROADS AND OTHER

IMPROVEMENTS; ESTABLISHING PROCEDURES FOR THE APPROVAL AND RECORDING OF PLATS; AND PROVIDING PENALTIES FOR THE VIOLATION OF THIS ORDINANCE.

SECTION 1.0 GENERAL PROVISIONS

101 Short Title
This Ordinance shall be known as the "Windemere Township Subdivision and Platting Ordinance" and will be referred to herein as "this Ordinance."

102 Purpose and Intent
This Ordinance is enacted for the following purposes: to safeguard the best interests of the people of Windemere Township; to assist the subdivider in harmonizing their interests with those of the Township at large; to prevent piecemeal planning of subdivisions; to prevent undesirable, disconnected patchwork of pattern and poor circulation of traffic; to correlate land subdivisions with the Windemere Township Comprehensive Plan; to secure the rights of the public with respect to public lands and waters; to improve land records by establishing standards for surveys and plats; and to discourage inferior development which might adversely affect property values.

103 Authority
It is the purpose and intent of this Ordinance to provide regulations for the subdivision and platting of land in Pine County, as authorized by Minnesota Statutes 394.

104 Jurisdiction
The regulations in this Ordinance governing plats and the subdivision of land shall apply to all areas of Windemere Township. The County Auditor shall not accept a subdivision of land in the jurisdiction of this Ordinance unless a Final Plat has been approved under Section 8.0 or a Minor Subdivision has been approved under Section 4.0 of this Ordinance.

105 Scope
It is not the intent of this Ordinance to repeal, abrogate or impair any existing covenants, deed restrictions or ordinances; however, where this Ordinance imposes greater restrictions, the provisions of this Ordinance shall prevail.

106 Interpretation
In their interpretation and application, the provisions of this Ordinance shall be held to be minimum requirements, and shall not be deemed a limitation or repeal of any other powers or rights granted by Minnesota Statutes.

107 Separability
If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions hereof.

SECTION 2.0 DEFINITIONS

Unless otherwise specifically defined herein, all words and phrases defined in Minnesota Statutes 462, 365, 366, and 505 shall have the same meanings when used in this Ordinance. Terms and abbreviations used herein, which are not

specifically defined by law, shall be construed in accordance with the context and professional usage.

201 Block
A single lot or series of contiguous lots enclosed within the perimeter of roads, property lines, or boundaries of the subdivision

202 Board of Adjustment
The Board of Adjustment of Windemere Township, Pine County, Minnesota

203 Buildable Lot Area
The contiguous area of a lot which is sufficient in area to accommodate the construction of water supply systems, sewage treatment systems, buildings and driveways, and to provide adequate setbacks. Areas which are floodway, wetlands and stormwater detention/retention ponds, right-of-ways, septic system setbacks as defined in the Shoreland Management Ordinance, and slopes in excess of 33% outside the Shoreland Management District and in excess of 25% inside the Shoreland Management District cannot be included in calculating the buildable area of a lot.

204 Certificate of Survey Certification on a plat that the plat is a correct representation of the survey, that all distances are correctly shown on the plat, that all monuments have been or will be correctly placed in the ground as shown or stated, and that the outside boundary lines are correctly designated on the plat.

205 Commissioner
The Commissioner of the Department of Natural Resources, State of Minnesota, or the authorized representative.

206 Final Plat
The map of a subdivision, prepared by a land surveyor licensed in Minnesota, to be filed in the Office of the Pine County Recorder, according to Minnesota Statutes 505 and the provisions of this Ordinance.

207 Lot
Any contiguous parcel within a subdivision, excluding outlots, marked by the subdivider as a numbered parcel.

208 Lot Frontage
That part of a lot lying along and abutting a road or that part of a lot abutting public water.

209 Metes and Bounds
A description of a tract or parcel of land containing directions and distances.

210 Minor SubdivisionThe division of a parcel of land which does not require a formal plat.

211 Outlot
A lot remnant or any parcel of land included in a plat, which may be used as open space. Such outlot may be too small to comply with the minimum size requirements of the Windemere Township Zoning Ordinances, the Windemere Township Shoreland Management Ordinance, this Ordinance, or is otherwise unsuitable for development and therefore not usable as a building site. Outlots can be utilized as public or private "road reserve strips", provided they are maintained

in a single ownership. Outlots can also be designated on the plat as an access area to water to be shared by property owners as specified in the plat or for use by the public. Outlots shall not be used to circumvent the intent of this Ordinance.

212 Parcel
An area of land which may be designated by platting, by metes and bounds description, by a registered land survey, by auditors subdivision, or other accepted means, which distinguishes it from other parcels.

213 Parcel of Record
Any parcel, tract, or area of land which is individually recorded in the Office of the Pine County Recorder.

214 Planning Commission
The Planning Commission of Windemere Township, Pine County, Minnesota.

215 Preliminary Plat
A drawing or a proposed subdivision plat, registered land survey, planned unit development or cluster development, prepared in the manner and containing the data, documents, and information required in Section 701 of this Ordinance.

216 Private Road
A roadway or strip of land reserved for the use of a limited number of persons or purposes, as distinguished from a publicly dedicated road.

217 Public Walkway
A public way designated for the use of pedestrian traffic.

218 Roadway
A public right-of-way which affords the primary means of access by pedestrians and vehicles to abutting properties, whether designated as a street, avenue, highway, road, boulevard, land, or however otherwise named or designated.

219 Service Road
Roads or streets of relatively short length that provide direct access to a limited number of abutting properties. Marginal access roads are service roads, parallel with and adjacent to a thoroughfare, which provide access from the thoroughfare to abutting properties.

220 Subdivider
Any individual, firm, association, syndicate, partnership, corporation, trust or any other legal entity initiating a subdivision or plat.

221 Subdivision
The division of a parcel of land into two or more lots or parcels for the purpose of transfer of ownership.

222 Subdivision Concept Plan
A drawing prepared in accordance with the information required in Section 501 of this Ordinance.

223 Wetland
All types and sizes of wetlands which meet the wetland definition as outlined in the January 1989 "Federal Manual for Identifying and Delineating Jurisdictional Wetlands", or as required by state law.

SECTION 3.0 SUBDIVISIONS EXEMPT FROM THIS ORDINANCE

301 Exempt Subdivisions of Land The following subdivisions of land shall be exempt from the application of this Ordinance and may be recorded without Planning Commission review or approval:

A. A subdivision of land that does not create a new parcel or result in a remaining parcel of less than forty (40) acres in size or a fractional portion of a government survey equaling a quarter-quarter section.

B. A subdivision of land by will, court order or decree.

C. Government lots as designated by the original government survey.

D. The transfer of an easement interest in real estate is not a subdivision of land under this Ordinance.

SECTION 4.0 MINOR SUBDIVISIONS

401 Minor Subdivisions Allowed. The following subdivisions qualify as a Minor Subdivision:

A. Any subdivision not requiring the construction of a new road (public or private) to service the newly-created parcels, provided that each parcel created must have a minimum lot size of 2 ½ acres, a minimum road frontage of three hundred (300) feet and a minimum depth of three hundred (300) feet. To insure future access to any remnant landlocked parcel created as a result of a minor subdivision, the Zoning Administrator shall require as a condition of approval placement of a sixty-six (66) foot fee-owned access strip attached to and made part of the remnant landlocked parcel. Any subsequent subdivision of the remnant landlocked parcel, utilizing the provided access strip, will be governed under the formal platting provisions of this Ordinance.

B. A subdivision of land resulting in a parcel with sixty-six (66) feet of frontage on a public road, created to provide access to an isolated parcel of land, provided:

1. The isolated parcel shall have a minimum area of two and one-half (2 ½) acres with a minimum lot frontage of three hundred (300) feet and a minimum depth of three hundred (300) feet.

2. No other sixty-six (66) foot access strip is located within five hundred (500) feet in either direction on the public road.

3. No structure, sewage treatment system, or water supply system may be located on the sixty-six (66) foot access strip.

4. No further subdivision of the isolated parcel will be permitted without the approval of a plat which shall include the construction of a road on the access strip.

B. A subdivision of land based on the division line being a body of water over

twenty (20) feet in width, a railroad, or a public road. Each parcel must be provided with access to an existing public road either by fee ownership or easement.

C. A subdivision of land to resolve property line disputes which have been created by survey errors, improper legal descriptions, improper placement of site improvements, or any transfer of land between adjoining property owners. The property being conveyed must be accompanied by a recordable deed of conveyance. The deed must contain a restrictive covenant stating that it cannot be conveyed separately from the property to which it is being attached. The restrictive covenant must also identify the new parcel to be conveyed with the adjoining parcel as described in the Office of the Pine County Recorder as "Microfilm No. _____" or "Book ____ and Page ____."

D. A subdivision of land necessary for public or private utilities and road right-of-ways. Smaller lot sizes will be considered by the Planning Commission for public or private utility purposes and road right-of-ways.

402 Application for Certificate of Minor Subdivision An Application for a Certificate of Minor Subdivision shall be submitted to the Zoning Administrator, who shall review the application for completeness and compliance with the requirements of this Ordinance.

403 Application Requirements

A. The application must include a map or sketch drawn to a standard engineer's scale on a sheet a minimum size of eight and one-half by fourteen (8 ½ x 14) inches, which includes:

1. The original parcel description, as contained in the deed of record or Abstract of Title, and the proposed legal descriptions of both the new and remaining parcels.

a. Proposed new property line for the new and remainder parcels, with dimensions noted.

b. All contiguous property and all roads and their proper name(s), if available.

c. Citation and location of any existing legal right-of-ways or easements affecting the property.

d. Proposed use of both the new and remaining parcels.

B. The Zoning Administrator shall notify the applicant of the status of the application and return incomplete applications to the applicant.

404 Review and Approval of Minor Subdivisions

A. The Zoning Administrator shall properly review study the application and:

1. Determine if the objectives of this Ordinance are met.

2. May require a surveyor's description or Certificate of Survey.

3. May notify or consult with any person having pertinent information to contribute to the review of the Minor Subdivision, and may seek professional advice.

4. After consultation with the Planning Commission, may require a public hearing.

B. The Zoning Administrator shall grant a Certificate of Minor Subdivision if the requirements of this Ordinance are met. If denied, the applicant shall be notified of the reason(s) for denial. Appeal of a denial by the Zoning Administrator shall be before the Planning Commission. Said appeal shall be made in writing to the Zoning Administrator and received no later than 30 days after the date of the notification of denial of the Certificate of Minor Subdivision.

C. The Zoning Administrator shall issue a report of all completed reviews of Minor Subdivisions to the Planning Commission and Town Board.

SECTION 5.0 SUBDIVISION PREAPPLICATION CONFERENCE

501 Required Information

A. Prior to the submission of an application for a Preliminary Plat, the subdivider shall confer with the Zoning Administrator on the proposed plat at a pre-application conference. Prior to said conference, the subdivider shall submit to the Zoning Administrator five (5) copies of a Concept Plan which shall contain the following information:

1. Proposed plat name, parcel boundaries, and North point.

2. Description, nature and purpose of the proposed subdivision.

3. Streets on and adjacent to the parcel.

4. Significant topographical and physical features.

5. Proposed general street layout.

6. Proposed general lot layout.

B. Submission of a Subdivision Sketch Plan shall not constitute an application for a Preliminary Plat with the Town.

C. Copies of the Concept Plan are to be distributed to the following for review and comment prior to the pre-application conference:

1. The Township Engineer and/or Public Works Director.

2. Pine County Soil and Water Conservation District.

3. The Township Attorney.

4. One copy each to the Chair of the Township Planning Commission and the Chair of the Township Board.

502 Pre-Application Conference

A. At the pre-application conference, the Zoning Administrator shall advise the subdivider as to the extent to which the proposed subdivision conforms to the standards of this Ordinance, as well as the process to be used in the Town's review of the proposal.

B. Following the pre-application conference, a written report of the conference is to be developed and sent to the subdivider. Said report is to contain what (if any) changes to the Concept Plan are required in order for the proposal to conform with the standards of this ordinance, as well as the process to be used in the Town's review of the proposal. Every effort is to be made to ensure said report is to be issued no later than ten (10) business days after the date of the pre-application conference.

SECTION 6.0 SUBDIVISION PLAT DESIGN STANDARDS

601 Land Suitability Requirements Land shall be suited to the purpose for which it is to be subdivided.

A. The hazards of flooding, wetlands, inadequate drainage, soil and rock formations with severe limitations for development, severe erosion potential, unfavorable topography, inadequate water supply or sewage treatment system capabilities or any other feature likely to be harmful to the health, safety and welfare of the future residents of the proposed subdivision shall be considered.

B. Land subject to these hazards shall not be subdivided until all such hazards have been eliminated, unless adequate safeguards against such hazards are provided.

C. Proposed lot sizes and land uses shall conform to the Windemere Township Zoning Ordinance, the Windemere Township Shoreland Management Ordinance, the Pine County Floodplain Management Ordinance, or as specified in Sections 105 and 602 F., as applicable.

602 Blocks and Lots The lengths, widths and shapes of blocks, and lots within blocks, shall be determined with due regard to:

A. Provision of adequate building sites suitable to the special needs of the principal and all required accessory uses.

B. Zoning requirements as to lot sizes and dimensions, and provisions regulating off-street parking and loading spaces.

C. Needs for convenient access, circulation, control and safety of street traffic.

D. Limitations and opportunities of topography.

E. Blocks intended for business or industrial use shall be of such width as to be considered most suitable for their respective use, including adequate space for off-street parking and deliveries.

F. The minimum lot area, lot width, and lot depth shall conform to the requirements of the zoning district in which the plat is located, as required by the Windemere Township Zoning Ordinance and the Windemere Township Shoreland Management Ordinance.

G. Lots abutting the turning end of a public or private road cul-de-sac, Y-turnaround, or T-turnaround shall have a minimum lot frontage of sixty-six (66) feet.

H. Block Length. In general, intersecting streets and roads determining block lengths shall be provided at such intervals as to serve cross-traffic adequately and to meet existing streets and roads.

I. Block Width. The width of the block shall normally be sufficient to allow two (2) tiers of lots of appropriate depth. Blocks intended for business or industrial use shall be of such width as to be considered most suitable for their respective use, including adequate space for off-street parking and deliveries.

603 Roads, Highways, Streets and Alleys

A. The arrangement of highways shall conform as nearly as possible to the Windemere Township Comprehensive Plan. Except for cul-de-sacs, Y-turnarounds and T-turnarounds, roads and streets shall normally connect with roads and streets already dedicated in adjoining or adjacent subdivisions, or provide for future connection to adjoining unsubdivided tracts if feasible, as determined by the appropriate review party, or shall be a reasonable projection of roads in the nearest subdivided tracts. The arrangement of roads and streets shall be considered in their relation to the reasonable circulation of traffic, to topographic conditions, to storm water runoff, to public convenience and safety, and in their appropriate relation to the proposed uses of the area to be served.

B. Where the plat to be submitted includes only part of the parcel owned or intended for development by the subdivider, a tentative plan of a proposed future street and road system for the unsubdivided portion shall be prepared and submitted by the developer.

C. When a parcel is subdivided into larger than normal building lots or parcels, such lots or parcels shall be so arranged as to permit the logical location and openings of future roads and appropriate resubdivision, with provision for adequate utility connections for such resubdivision. This provision is intended to provide for future extension of municipal services.

D. Under normal conditions, roads shall be designed so as to intersect as nearly as possible at right angles, except where topography or other conditions justify variations. Under normal conditions, the minimum angle of intersection of roads shall be eighty (80) degrees. Road intersection jogs

with an offset of less than one hundred twenty-five (125) feet shall be avoided.

E. Wherever the proposed subdivision contains or is adjacent to the right-of-way of a County or Federal highway, provision may require a frontage road approximately parallel and adjacent to the boundary of such right-of-way, or a road at a distance suitable for the appropriate use of land between such road and right-of-way. Such distance shall be determined with due consideration for the minimum distance required for approach connections to future grade separations or for lot depths.

F. For all public roads hereafter dedicated and accepted, the minimum right-of-way widths for streets, roads and highways shall be sixty-six (66) feet. Where existing or anticipated traffic on roads warrant greater widths of right-of-ways, they shall be required. All plats adjoining a County Road shall provide a minimum right-of-way of fifty (50) feet from the centerline of the County road to the right-of-way line of the property being subdivided, so as to allow a minimum total right-of-way of one hundred (100) feet for the County road.

G. When a proposed road does not connect directly with an existing public right-of-way, a public road easement of equal or greater width as the platted road shall be filed in the Office of the Pine County Recorder, prior to approval of the Final Plat. When a subdivision plat does not abut a public road, the road connecting said plat to the public road shall be brought up to the minimum County road standards as set forth in this Ordinance or those of the affected township, prior to approval of the Final Plat by the County Board. The subdivider shall be responsible for all costs associated with these requirements. Subdivisions will not be allowed if access is provided by an easement of a statutorily created cartway. Subdivisions are allowed on statutorily created and maintained County or township roads, or on a private road placed on a 66-foot access strip to a public road.

H. Minor street access to County highways and township roads shall not be permitted at intervals of less than five hundred (500) feet.

I. Dead-end roads are permissible, where practical, however, adequate provision for turn-arounds shall be provided in the form of a cul-de-sac, Y-turnaround, T-turnaround or other suitable means. The minimum turning radius on a cul-de-sac shall be forty-five (45) feet. The maximum length of either leg of a Y-turnaround shall be seventy-five (75) feet, and the maximum length of a T-turnaround shall be one hundred twenty-four (124) feet.

J. Street grades. The grades in all streets, thoroughfares, collector streets, local streets and alleys in any subdivision shall not be greater than eight percent (8%), unless said grade is deemed acceptable by the Township Engineer.

K. Street Alignment. The vertical and horizontal alignment standards on all streets shall be a twenty (20) miles per hour (MPH) minimum design speed for vertical curves and a fifteen (15) miles per hour (MPH) minimum design speed for horizontal curves, unless otherwise deemed acceptable by the Township Engineer.

L. The Township Engineer shall set the design criteria for approval and acceptance of proposed roads by the township. The Township Engineer's

determination of road design requirements shall be based on the following standards of Pine County:

1. Road driving surface shall be twenty-two (22) feet wide with a one (1) foot transition edge, where the aggregate surface reduces from full depth to zero, on each side.

2. Shoulder slopes shall be three to one (3:1) with a four (4) foot wide ditch bottom.

3. Backslopes may be variable but not to exceed three to one (3:1)

4. There shall be a two (2) foot separation from the bottom of the aggregate at the road shoulder to the ditch bottom.

5. The road driving surface shall be covered with four (4) inches of stabilized gravel that meets with Minnesota Department of Transportation Specification 3138, Class 5.

6. Additional right-of-way and roadway widths may be provided or required to promote public safety and convenience when special conditions warrant, or to provide parking space in areas of intensive use.

7. All exposed slopes, ditches and areas where vegetation has been removed shall be seeded with an appropriate seed mixture and covered with mulch material. All exposed slopes shall also be stabilized to reduce erosion.

M. All roads in a subdivision shall be open to public travel and shall be labeled as such on the plat, except for private roads.

1. A subdivider who wishes is have the road system in a plat private and not open to public travel must include, in the documents submitted with the Preliminary Plat, the following information:

   a. A duly executed and recordable contract applicable to all property owners in the plat which specifies the method of assessment of maintenance costs, and a mechanism to enforce payment by each benefiting property owner.
   b. Supporting evidence as to why it is in the best interest of the subdivider and future property owners that the road system is private and not accessible to the public and is not to be accepted and maintained as a public road.

   c. Each deed of conveyance must contain reference to the contract for maintenance cost-sharing stated above.

   d. The plat shall also make reference to the contract for maintenance cost-sharing.

2. If the Planning Commission finds that the supporting evidence is sufficient and there are enforcement mechanisms in place, it shall

make a recommendation of approval to the Town Board as part of the Final Plat submission.

3. Any private road approved by the Town Board shall be constructed in accordance with the standards set forth for public roads in this Ordinance.

4. The private road shall be memorialized on the plat.

N. Subdivisions containing public roads may not be filed as a Final Plat until the township has approved the design and construction of the road system. The Chairman of the Township Board shall certify, on the Final Plat, that the roads are township roads and that the township approves the Final Plat. If the township refuses to accept the road system as township roads, the Town Board shall notify the subdivider of the reason(s).

O. No structure, sewage treatment system or water supply system shall be allowed on any public or private roadway, road easement or cartway. Utility lines may be placed within the road right-of-way, or under the road, to connect a structure to a utility system, provided permission from the appropriate governing agency is obtained in the form of an easement for such purposes.

604 Drainage, Utility and Wetland Easements

A. An easement for drainage and utilities at least ten (10) feet wide shall be provided along the front line and/or rear line of lots where necessary. If necessary for the extension of water main or sewer lines or similar utilities, easements of greater width may be required along lot lines or across lots.

B. Drainage and utility easements shall connect with easements established on adjoining properties. These easements, when approved, shall not hereafter be changed without the approval of the Town Board, upon recommendation of the Planning Commission.

C. Drainage and wetland easements may be required, where necessary, to endure proper drainage and to protect both the interests of the public and the environment. Where storm water from adjacent areas naturally passes through a subdivision, adequate provision shall be included in the subdivision for facilities to route the storm water through the subdivision to its natural outlet by maintaining or replacing the natural watercourse.

D. When facilities such as ponds, swales, and ditches are constructed for stormwater management purposes, documentation must be provided at the subdivider's expense by a qualified civil engineer registered by the State of Minnesota that they are designed and constructed to ensure that the rate of stormwater runoff post-development does not exceed the rate of stormwater runoff pre-development.

E. Maintenance of all stormwater facilities placed inside road rights-of-way is the responsibility of the agency controlling the affected right-of-way. Maintenance of all stormwater facilities placed outside road rights-of-way are the responsibility of the township to maintain. No application for Preliminary Plat Approval will be processed unless the affected township

agrees in writing to the method and responsible party for maintenance of any stormwater facilities located outside road rights-of-way.

605 Road and Highway Improvements

A. The right-of-way shall be cleared and the road constructed in accordance with standards and specifications for road construction as approved by the Township Engineer.

B. All roads shall be of an overall width in accordance with the standards and specifications for road construction as approved by the Township Engineer.

C. Storm sewers, culverts, storm water inlets, and other drainage facilities will be required where they are necessary to insure adequate storm water drainage for the subdivision. Where required, such drainage facilities shall be constructed in accordance with the standards and specifications for road construction as approved by the Township Engineer.

606 Public Utilities

A. All public utility lines shall be placed within easements or dedicated public ways.

B. Where public utilities are to be placed underground entirely, it shall be done in such a manner so as not to conflict with other underground utility installations which traverse privately owned property.

607 Survey Monuments All subdivision boundary corners, witness corners, lot and block corners, and points of tangency and curvature shall be marked with durable iron or steel survey monuments and shall be identified as required by Minnesota Statutes 505. At all section, quarter section, meander, or witness corners of the Government Survey (Public Land Survey System, or P. L. S. S.) within the subdivision, or on its perimeter, or otherwise as shown on the face of the plat, a Pine County Monument shall be placed and a "Certificate of Location of a Government Corner" shall be filed in the Office of the Pine County Recorder, if one is not already of record for said corner, or it the one of record should be updated. The notation, "Pine County Land Survey Monument" shall be placed on the face of the plat by each monument so shown. In addition, a Pine County Monument shall be placed, and a Certificate of Location of a Government Corner prepared and filed for each Government Corner necessary to survey the boundaries of the plat if such monument has not already been set and a Certificate filed. All U. S., State, County, and other official bench marks, or triangulations, or other monuments in or adjacent to the property shall be preserved in position unless a relocation is approved by the governing agency.

SECTION 7.0 PRELIMINARY PLAT

701 Application for Preliminary Plat Application for a Preliminary Plat shall be submitted to the Zoning Administrator. The following information shall be on a map(s) drawn to a standard engineer's scale:

Proposed name of the subdivision which shall not duplicate or be similar in pronunciation or spelling to the name of any plat heretofore recorded in Pine County.

A. Legal description of the parcel, name(s) and address(es) of the land owner(s), subdivider(s) and surveyor.

B. Individual approximate lot dimensions and acreage.

C. Approximate location, right-of-way, curve radii, radius and length of cul-de-sacs, Y-turnarounds, T-turnarounds, street grades and angle of intersections of all existing and proposed streets.

D. Graphic scale and North point.

E. Vicinity map drawn to suitable scale showing the location of the proposed subdivision in relation to adjoining roadways, highways, cities, and recognizable features, in a manner that properly determines the location of the subdivision.

F. Date of preparation.

G. Street profiles of all roads (may be on a separate map) as may be required by the Township Engineer.

H. Topographic data showing contours based in specific topographical features of a site with contour intervals between two (2) and ten (10) feet. The specific interval spacing will determined by the Township Engineer after review of the Subdivision Concept Plan.

I. Lot layout, lot and block numbers, and areas set aside for public and community purposes.

J. All drainage ways.

K. Delineation and the extent of rock outcrops, watercourses, marshes, wetlands, floodplains, shorelands, and wooded areas. Wetlands shall be as outlined in the January, 1989 "Federal Manual for Identifying and Delineating Jurisdictional Wetlands," or as required by state law.

L. Location of existing or proposed drainage and utility easements.

M. All proposed deed restrictions or covenants to be recorded with the plat.

N. Location of a primary and a secondary area for an on-site sewage treatment system on each lot, which includes the following:

1. A minimum of two (2) soil borings at least twenty-five (25) feet apart on the primary and secondary sewage treatment system sites.

2. Soil borings must be taken to a minimum depth of seven (7) feet below the ground surface unless soil mottling (seasonally saturated soil) or ground water is encountered prior to the seven (7) foot depth.

3. The soil boring information for the primary and secondary sewage treatment system sites shall detail the soil characteristics (color, texture, structure) of the sites. The locations of each soil boring shall be noted.

O. The primary location of the water supply system shall be shown on each lot.

P. Staged Development. Whenever a proposed subdivision constitutes only a portion of a size sufficient for future enlargements of such subdivided portion, or where the intention is for future enlargements of such subdivided portion, a tentative plan for the future subdivision of the entire parcel shall be submitted.

Q. Other information as required by the Township Engineer, Zoning Administrator, Planning Commission, or Town Board.

702 Procedures for Preliminary Plat

A. The subdivider shall submit the following to the Zoning Administrator:

1. Twenty-five (15) copies of the Preliminary Plat of the proposed subdivision.

2. Twelve (12) copies of soils information, as specified in Section 701 O. of this Ordinance.

B. The Zoning Administrator shall distribute copies of the Preliminary Plat to the following:

1. Planning Commission, along with a copy of the topographic and soils information (5).

2. The Township Engineer, along with a copy of the topographic and soils information (1).
3. Pine County Soil and Water Conservation District (1).

4. Town Board (3).

5. Town Clerk (1). .

6. The City Clerk/Administrator of any municipality within two (2) miles of the affected property (1).

7. Minnesota Department of Natural Resources, Area Hydrologist, for plats located in the Shoreland Management District (1).

8. Minnesota Department of Transportation, if on a Federal highway (1).

C. If any party referenced in Subsection B of this Section recommends disapproval, the reason(s) for disapproval shall be fully stated in writing, including recommendations for modifications or revisions.

D. The Zoning Administrator shall set the time and place for a public hearing according to the provisions of Minnesota Statutes Chapter 365, 366, 462 and 505, as may be amended from time to time.

E. The Planning Commission shall take into consideration the following items in regard to the Preliminary Plat:

1. The plat shall be briefly reviewed before the hearing and studied thoroughly after the hearing.

2. Additional information necessary to properly consider the plat may be requested of the subdivider before or after the meeting.

3. Any person having pertinent information to contribute to the study of the proposed plat should submit the same in writing or in person at the public hearing.

4. The Planning Commission may seek professional advice concerning the plat.

5. The Planning Commission may recommend approval, approval with modifications, or denial the Preliminary Plat. The Planning Commission shall forward a report on its recommendations to the Town Board.

6. The Town Board shall be the final authority on approval of preliminary plats, subject to judicial review. If the plat is not approved, the subdivider shall be notified of the reason(s) for denial within thirty (30) days of the decision.

703 Preliminary Plat Approval Time Limit The approval of the Preliminary Plat shall be effective for a period of two (2) years. A single two (2) year extension may be granted by the Planning Commission. The subdivider may file a Final Plat limited to such portion of the Preliminary Plat which he/she proposes to develop and record at the time, provided that such portion must conform to all requirements of this Ordinance. If some portion of the Preliminary Plat has not been submitted as a Final Plat for approval within this period, a Preliminary Plat must again be submitted to the Town for approval.

SECTION 8.0 FINAL PLAT

801 Application for Final Plat The subdivider shall submit the following to the Zoning Administrator:

A. Fifteen (15) paper prints of the Final Plat.

B. A current Abstract of Title or a Certificate of Title.

C. A title opinion prepared by the subdivider's attorney.

802 Final Plat Distribution The Zoning Administrator shall distribute copies of the Final Plat as follows:

A. Planning Commission (5).

B. The Township Engineer.

C. The Township Attorney, together with documents submitted in accordance with 801 B. and C.

D. The Township Surveyor (1).

E. The Town Board (3).

F. The Town Clerk (1).

803 Reports Written reports shall be submitted to the Planning Commission within thirty (30) calendar days:

A. The Township Surveyor, or the authorized representative, shall state whether the Final Plat conforms to Minnesota Statutes 505 and the Minnesota Society of Professional Surveyors Plat Manual.

B. The Township Engineer shall state whether the road system conforms to the road standards of this Ordinance.

C. The Township Attorney shall, upon the basis of the title opinion provided by the subdivider's attorney, state whether the fee simple title to the platted property is in the sole ownership of the subdivider.

D. The Zoning Administrator shall state whether the Final Plat conforms to the Preliminary Plat approved by the Town Board and incorporates any changes that were requested by the Planning Commission and/or Town Board.

E. The Planning Commission shall, after formal motion, inform the Town Board that the Final Plat conforms to the requirements set forth in this Ordinance.

804 Final Plat Improvements

A. Final Plat approval by the Town Board shall be given only after construction of all roads is completed by the subdivider and approved by the Township Engineer.

B. No Final Plat shall be approved by the Town Board without first reviewing a report from the Township Engineer which states that the improvements meet the requirements of this Ordinance. In cases where water, sewer and/or other utilities are installed, drawings showing all improvements as-built, shall be filed with the Township Engineer.

C. All of the required road, utility and drainage improvements to be constructed under the provisions of this Ordinance shall be designed by a licensed Civil Engineer as part of the Preliminary Plat approval. All improvements shall be inspected by the Township Engineer during the course of construction. All of the inspection costs pursuant thereto shall be

paid by the subdivider.

805 Final Plat Approval Time Limit: Within one year after Final Plat approval, the subdivider shall submit recordable copies of the Final Plat to the County Auditor. The township shall approve and sign the plat as required in Section 603 N. of this Ordinance. The County Auditor shall file the Final Plat in the Office of the Pine County Recorder.

806 Sale of Lots No lots shall be sold until the Final Plat is approved and recorded.

SECTION 9.0 VARIANCE

901 Application for Variance An application for a variance from the requirements of this Ordinance shall be submitted by the subdivider to the Zoning Administrator at the time an application is submitted for a Certificate of Minor Subdivision or a Preliminary Plat. The application for variance shall include the details of the variance requested, together with supporting evidence for granting a variance. The Zoning Administrator shall forward the application to the Planning Commission for its consideration. The applicant shall be given written notice of the meeting at which the variance will be considered.

902 Board of Adjustment Proceedings, Findings and Orders

A. The Windemere Township Board of Adjustment shall review all variance applications according to Minnesota Statutes.

B. A variance may be granted by the Board of Adjustment where it can be determined that, by reason of exceptional circumstances, the strict enforcement of this Ordinance would cause undue hardship.

C. In granting a variance, the Board of Adjustment may impose any conditions that it deems necessary to insure compliance and to protect adjacent properties and the public interest.

D. The Zoning Administrator shall record approved variances with the Office of the Pine County Recorder. Fees associated with said filing are the responsibility of the subdivider.

SECTION 10.0 ADMINISTRATION AND ENFORCEMENT

The Windemere Township Zoning Administrator shall administer and enforce the provisions of this Ordinance.

SECTION 11.0 PENALTIES

Anyone violating any of the provisions of this Ordinance shall be guilty of a misdemeanor. Refusal to comply with the Ordinance after notification by the County that a violation exists shall constitute a separate offense.

SECTION 12.0 AMENDMENT

A. An amendment to this Ordinance may be initiated by the Town Board, the Township Planning Commission, or by petition of affected property owners as defined in the official controls. An amendment not initiated by the planning commission shall be referred to the planning commission for study and report and may not be acted upon by the board until it has received the recommendation of the planning commission.

B. The application for an amendment shall be submitted to the Zoning Administrator for referral to the Planning Commission for its review and recommendation. The Planning Commission shall conduct a public hearing according to Minnesota Statutes. The Planning Commission shall make its recommendation to the Town Board within a reasonable period of time.

The Town Board may amend this Ordinance after receipt of a recommendation from the Planning Commission.

SECTION 13.0 FEES

Fees, as established by Town Board resolution, must accompany all applications submitted for consideration under this Ordinance. In the event that an Environmental Assessment Worksheet, Environmental Impact Statement or other additional study is required, the subdivider shall be responsible for all costs associated with these studies. The Town shall be reimbursed for all costs associated with these studies and may require a cash deposit or equivalent bond to guarantee the reimbursement of these costs to the Town.

SECTION 14.0 EFFECTIVE DATE

The Windemere Township Board of Supervisors ordains that this Ordinance shall be in full force and effect on the 3rd day of December, 2009. by the Board of Supervisors of Windemere Township

By Clair E. Strandlie

Chair Person of the Board

ATTEST: [signature]

Windemere Township Clerk

APPENDIX M
NUISANCE
ORDINANCE

TOWN OF WINDEMERE

ORDINANCE # 12.3.2009.3

AN ORDINANCE DEFINING & PROHIBITING PUBLIC NUISANCES AFFECTING HEALTH, PEACE AND SAFETY, AND A PENALTY FOR VIOLATION

The Board of Supervisors of Windemere Township, pursuant to Section 368.01, Minnesota Statutes, hereby ordains the enactment of a public nuisance ordinance affecting health, peace and safety and a penalty for violation.

Section 1: PUBLIC NUISANCE DEFINED

Whoever by his/her act or failure to perform a legal duty intentionally does any of the following, is guilty of maintaining a public nuisance, which is a misdemeanor:

A. Maintains or permits a condition which injures, or endangers the safety or health of the public.

B. Interferes with, obstructs, or renders dangerous for passage, any public highway or right-of-way, or waters used by the public; or

C. Is guilty of any other act or omission declared by law or this ordinance to be a public nuisance and for which no sentence is specifically provided.

Section 2: PUBLIC NUISANCE AFFECTING HEALTH.

The following are hereby declared to be public nuisances affecting health:

A. Exposed accumulation of decayed or unwholesome food or vegetable matter, except for such matter placed in legitimate compost heaps;

B. All noxious weeds upon public or private property.

C. Sewage, septic system effluent or seepage from soil treatment system which may constitute a health hazard (ground water contamination, contamination of garden produce, accessibility to children), emit foul and disagreeable odors, or otherwise threaten or damage real or personal property of others.

Section 3: PUBLIC NUISANCE AFFECTING PEACE AND SAFETY

The following are declared to be nuisances affecting public peace & safety:

A. To store in any area accessible to the public, an unused icebox, refrigerator, freezer, or other box with a door attached thereto, which will effectively exclude air when shut;

B. (b) All other conditions or things which are likely to cause injury to the person or property of anyone.

Section 4: PUBLIC NUISANCES AFFECTING HEALTH, PEACE AND SAFETY.

A. Accumulations of abandoned or discarded refrigerators, freezers, plumbing fixtures (i.e. toilet bowls, bathtubs), water softeners, water heaters, washers, dryers and other white goods.

B. Any unreasonable accumulation of any material which would cause a health or safety hazard.

C. Introduction of pre-identified contaminated soil so adjudicated by a state agency responsible for such identification.

Section 5: ENFORCEMENT DUTIES OF OFFICERS.

The duly elected Town Board of Supervisors or authorized agent, representative or appointee (such as the Zoning Administrator) shall enforce the provisions of this ordinance. The Pine County Sheriff, and county & state health officers, may assist in such enforcement. Such officers have the power to inspect public and private premises within the bounds of their authority and take all reasonable precautions to prevent the commission and maintenance of public nuisances; however, except in cases of emergency imminently dangerous to the public health, safety or welfare, such inspections must be done pursuant to a search warrant issued by a court of competent jurisdiction if access to private premises for such inspection is denied by the owner or occupant.

Section 6: ABATEMENT

This Ordinance is complaint-driven. All complainant names shall be kept confidential. When a signed complaint is received by the Zoning Administrator, he/she will determine if a violation of this Ordinance may exist, with findings reported to the Town Board.

If the Town Board deems that a violation does exist, the Zoning Administrator shall notify the owner or offender of the premises, and order that said person immediately cease activities causing a public nuisance. Where applicable, the Zoning Administrator, at the direction of the Town Board, shall also order the owner and offender to bring the subject property into compliance with this Ordinance within 30 days.

The Zoning Administrator must notify the owner offender of the order for abatement in writing and by certified mail. If neither the owner nor offender is known, notice may be served by officially posting it on the property.

The owner and/or offender may request a public hearing before the Town Board within 30 days of receipt of the Zoning Administrator's notice. If a public hearing is requested by the owner or offender within 30 days of the notice, the owner or offender must cease activities and clean up the site within 10 days after the receipt of the hearing decision, or within 30 days of the receipt of the Zoning Administrator's original notice, whichever is later.

An appeal of any decision made by the Town Board may be made to the District Court within 30 days of the rendering of that decision.

If the order for abatement is not complied with within the above time periods, the Town Board may prosecute this violation as a misdemeanor or take other measures necessary in abating the nuisance within their authority.

Whenever a situation exists that immediately endangers the lives or health of the public, and under which the above notification procedures would be impractical, the enforcing officer, after consultation and approval of the Town Board Chairman, may take immediate steps to abate the nuisance. Such action shall be immediately reported to the Town Board.

Section 7: RECOVERY OF COST.

A. PERSONAL LIABILITY. The owner or offender of premises on which a nuisance has been abated by the Township shall be personally liable for the cost to the Township of the abatement, including administrative costs and attorney's fees. As soon as the work has been completed and the cost determined, the Township Clerk shall prepare a bill for the cost and mail it to the owner/offender by certified mail. The amount shall be immediately due and payable upon receipt of the bill.

B. ASSESSMENT. On or before October 1 following abatement of a nuisance by the Township, the Township Clerk shall list the total unpaid charges along with all other such charges as well as other charges for current services to be assessed against each separate lot or parcel to which the nuisance abatement charges are attributable. The Town Board may then spread the charge against such property for certification to the Pine County Auditor for collection by the Pine County Treasurer and paid to the Township as other taxes are collected and paid.

C. FALSE COMPLAINTS. Windemere Township reserves the right to seek reimbursement for costs incurred in prosecuting false claims, claims made in bad faith, harassment claims, and/or claims without merit, in a manner prescribed by the Town Board.

Section 8. PENALTY.

Any person who is found to be in violation of any provision of this ordinance may be guilty of a misdemeanor and may be punished by a fine not to exceed the maximum allowed by state law. Every day that the offense occurs shall be deemed a separate violation of this ordinance.

Section 9. REPEAL.

All other ordinances and resolutions concerning nuisances heretofore in effect, are hereby repealed.

Section 10. EFFECTIVE DATE.

The Windemere Township Board of Supervisors ordains that this Ordinance shall be in full force and effect on the 3rd day of December, 2009. by the Board of Supervisors of Windemere Township

By Clair E. Strandlie
Chair Person of the Board

ATTEST: Dave Hoeft
Windemere Township Clerk

APPENDIX N
FENCE

WINDEMERE TOWNSHIP FENCE ORDINANCE
ORDINANCE # 12.3.2009.4

SECTION

1: Purpose
2: General Fence Regulations
3: Effective Date

1: PURPOSE:
The purpose of this Section shall be to provide for the regulation of fences in the Township of Windemere, to prevent fences from being erected that would be a hazard to the public or an unreasonable interference with the use and enjoyment of neighboring property, and are compatible with existing uses and other zoning restrictions.

2: GENERAL FENCE REGULATIONS:

Subd. 1. All posts and supporting structures of a fence shall face inward towards the property on which the fence is constructed. All posts and supporting structures shall be located entirely upon the fence owner's property.

Subd. 2. Barbed wire fences shall be prohibited in all residential zoning districts with the exception of essential service structures, provided a conditional use permit is obtained.

Subd. 3. No fence shall obstruct natural drainage. No fence shall be placed within an easement that obstructs or impedes the free flow of surface water from, or in any drainage easements. If a fence is constructed within the easement and it is required to be removed, the Township shall not be required to pay compensation for any such fence.

Subd. 4. No fence shall be constructed in the right of way of roads or streets.

Subd. 5. All fences built in front of the building line shall not be more than four (4) feet in height and shall not be less than 50% opaque.

Subd. 6. Fences built behind the front building line shall be located no closer than eighteen (18) inches from the property line.

Subd. 7. A fence on property boundaries shall be allowed pursuant to a boundary survey to establish the property line, and agreement for a boundary fence being recorded on the deeds of all properties adjacent to the fence.

3. EFFECTIVE DATE:

The Windemere Township Board of Supervisors ordains that this Ordinance shall be in full force and effect on the 3rd day of December, 2009. by the Board of Supervisors of Windemere Township

By Claire E. Strandlie
Chair Person of the Board

ATTEST: Nancy Hadin
Windemere Township Clerk

APPENDIX O ANTENNA AND WIND TOWERS

WINDEMERE TOWNSHIP ANTENNAS & WIND TOWERS ORDINANCE ORDINANCE # 12.3.2009.5

Section 1 PURPOSE: The purpose of this Section is to establish predictable, balanced regulations for the siting and screening of wireless communications equipment and wind towers in order to accommodate the growth of wireless communicating systems and wind energy within the Township Of Windemere while protecting the public against any adverse impacts on the Township's aesthetic resources and the public welfare. The provisions of this Section are intended to maximize the use of existing towers, structures, and buildings to accommodate new wireless telecommunication antennas and wind towers in order to minimize the number of towers needed to serve the community or area.

Section 2 GENERAL STANDARDS: The following standards shall apply to al wireless service, public utility, microwave, radio and television broadcast transmitting, radio and television receiving, satellite dish, short-wave radio transmitting and receiving antennas and wind towers, all hereafter known as Towers.

Subd. 1 Towers shall not be artificially illuminated unless required by law or by a governmental agency to protect the public's health and safety. All towers shall use only red incandescent lights. No strobe lights, red or white, will be allowed.

Subd. 2. Tower support structures under two hundred (200) feet in height shall be painted a non-contrasting color consistent with the surrounding area, such as blue, gray, or brown to reduce visual impact.

Subd. 3. Towers shall be certified by a qualified and licensed professional engineer to conform to applicable state and national structural building standards.

Subd. 4. Towers shall be monopoles, self-supporting or guyed towers.

Subd. 5. Tower Painting - Towers shall comply with FAA requirements.

SECTION 3: LAND USE

Subd. 1. All towers require the granting of a conditional use permit by Windemere Township after completion of the application requirements of this Ordinance. If a conditional use permit is granted, a zoning (land use) permit is required for the tower and supporting facilities.

Subd. 2. All towers must meet the setback distance requirements of the underlying zoning district.

Subd. 3. Towers shall be permitted in all zoning districts.

SECTION 4: 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 meet the structure setback of the underlying zoning district.

C. In addition, towers shall have the following visual setbacks. Towers shall not be located within a distance of 1.5 times the tower height to any adjacent residential structure if residential structure and tower site are not under the same ownership.

Section 5: EFFECTIVE DATE

The Windemere Township Board of Supervisors ordains that this Ordinance shall be in full force and effect on the 3rd day of December, 2009. by the Board of Supervisors of Windemere Township

By _____
Chair Person of the Board

ATTEST: _____
Windemere Township Clerk

APPENDIX P MANUFAC-TURED AND MOVED IN DWELLING

WINDEMERE MANUFACTURED AND MOVED IN DWELLING ORDINANCE ORDINANCE # 4.7.2002

Prior to any dwelling being moved into or within Windemere Township a pre-inspection of the dwelling at its current location shall be made by the Windemere Zoning Administrator. The permit applicant shall pay an inspection fee, which shall be based on the actual time of inspection plus travel time to and from the location of the current dwelling. Said fee shall be paid to Windemere Township prior to the Zoning Administrator performing the inspection. The attached appendix A, which is incorporated into this Ordinance by reference, (a 24 item, Code, Non-Compliance checklist) shall apply to each inspection when applicable in the opinion of the Zoning Administrator.

NOTE: All additions or alterations to Manufactured Dwellings shall be compliant with and not cause the structure to be brought out of compliance to the construction standard of MN Statute 327.31 through 327.35.

Section 7. That Article II, Section K of the Zoning Ordinance shall be amended to add the following paragraph, namely Paragraph 14:

(13)Dwellings must be sided and roofed in a uniform fashion. Skirting if required shall be of corrosion resistant material with proper venting. Skirting shall be installed within 60 days after the receipt of an approved zoning permit.
Section 8. This Ordinance shall be in full force and effect upon its passage and publication. Adopted this 7th day of March 2002 by the Board of Supervisors of Windemere Township.

By _____
Chair Person of the Board ATTEST:
Windemere Township Clerk, Nancy Ring

APPENDIX Q
PUD

WINDEMERE TOWNSHIP PLANNED UNIT DEVELOPMENT (PUD) ORDINANCE
ORDINANCE # 12.3.2009.6

1. Purpose and location:

The primary purpose of the Planned Unit Development (PUD) provisions is to allow flexibility and variation from conventional ordinance standards in exchange for higher standards of development design and creativity, architectural control, natural resource protection, landscaping, public parks, public and private open space protection, pedestrian access and multi-use corridor opportunities. The PUD provisions are also intended to promote the efficient use of land and promote cost-effective public and private infrastructure systems.

Public benefit: The public benefits to the surrounding neighborhood and the Township as a whole that are intended to be derived from the approval of a Planned Unit Development include, but are not limited to:

A. Preservation and enhancement of desirable site characteristics and open space.

B. A pattern of development which preserves natural vegetation, topographic and geologic features

C. Preservation and enhancement of historic and natural resources that significantly contribute to the character of the Township

D. Use of design, landscape or architectural features to create a pleasing environment or other special development features

E. Provision of a variety of housing types in accordance with the Township's housing goals

F. Elimination of blighted structures or incompatible land uses through redevelopment or rehabilitation

G. Business and commercial development to enhance the local economy and strengthen the tax base

H. To assure that the development of a complex unit of associated uses is planned as a single entity and to effectuate the policies and standards of the Comprehensive Plan

2. Rules and Standards:

A. A PUD may be excluded from certain requirements when specifically approved as part of PUD. Such exclusions shall only be granted for the purpose of creating a better overall design and an improved living environment and not solely for the economic advantage of the applicant

B. The granting of a PUD does not alter in any matter the underlying zoning district uses. Building permits shall not be issued which are not in conformity with the approved PUD

C. A PUD may be applied for in the R2, R3, A, C, Water Oriented Commercial Zoning and Water Orientated Commercial /Residential districts within this Township, although development standards may differ among the zones.

3. Development Standards:

The development standards for a PUD shall be guided by the underlying zoning district and established with PUD approval with the exception of the following standards:

A. Minimum Area for a PUD in the Agricultural-Open Space, Commercial B, and Recreational Districts. The minimum area for other districts is described in B below. The minimum total area required for a PUD shall be two and one-half (2 ½) acres of continuous upland (excluding wetlands). Tracts of land less than two and one-half acres may qualify only if the applicant can show that it is in the public interest and if one or both of the following conditions exist:

1. Unusual physical features of the property itself or of the surrounding neighborhood are such that development under the standard provisions of the normal district would not be appropriate in order to conserve a physical or terrain feature of importance to the neighborhood or community

2. The property has been adjacent to or across the street from property that has been developed under the provisions of this section and will contribute to the amenities of the neighborhood

PUDs in the Water Oriented Commercial are per the Shoreland Ordinance.

B. Open Space. A primary function for a PUD is to encourage development that preserves and enhances the natural characteristics and valuable natural resources of a site and not force intense developments that use all portions of a given site to arrive at the maximum intensity or density allowed. In evaluating each individual proposal, the recognition of this objective will be a basic consideration in granting approval or denial. All open space shall be labeled as such as to its intent or designed functions.

Clustered single-family detached dwellings shall have a least seventy-five (75) percent of the gross development parcel in common open space.

C. Sketch Plan Review. The applicant for a PUD shall first submit a sketch plan. Staff, the Planning Commission and Board of Supervisors shall review the sketch plan and give feedback to the applicant prior to the

submission of a Preliminary Plan. The sketch plan shall include the following at a minimum:

1. Rough property boundary lines and any know significant topographical or physical features of the site;
2. Rough locations of all driveways, entrances, curb cuts, parking stalls, loading spaces, access aisles and all other circulation elements including bike and pedestrian;
3. Rough location, designation and total area of all common private open space and facilities;
4. Rough location, designation and area proposed to be conveyed or dedicated for public open space including parks, playgrounds, school sites and recreational facilities;
5. Rough location, use and size of structures and other land uses on subject and adjacent properties;
6. Where applicable, estimated number of residential dwelling units, expected population and estimated square footage, if any, of commercial and industrial floor space by type of activity;
7. Any other information that may have been required by the Township staff.

The timeframe for the Township action begins at the point of application for the preliminary plan review.

D. Preliminary Plan Review. The applicant for a PUD shall apply for a preliminary plan review. The Planning Commission shall make a recommendation to the Township Board of Supervisors to approve or deny the preliminary plan and the Board of Supervisors shall take final action on the application. Township Board of Supervisors approval of the Preliminary Plan indicates that the applicant can proceed to final plan review. The application for preliminary plan review shall be accompanied by supporting information as listed below or as deemed necessary by the Township to fully explain the property, the applicant and the proposed development. The application may include further information, as the applicant deems appropriate for the preliminary plan review for the proposed PUD. The Township may require additional information depending on the complexity of the proposal. The supporting information and an application form shall be submitted in a format as directed by the Township and, at a minimum, shall contain the following:

1. A written statement describing the proposed PUD and the market which it is intended to serve. The statement shall also demonstrate the proposed PUD relationship with the Township's comprehensive plan and how the proposed PUD is to be designed, arranged and operated to permit the development and use of property in accordance with the applicable provisions of the Township. The statement shall also include the public decisions necessary for implementing the proposed plan including the present and possible

new zoning classifications required for development.

2. A legal description of the entire review area within the PUD for which final plan review is sought.

3. A preliminary plat prepared in accordance with the cities subdivision regulations.

4. A preliminary plan drawing to scale of not less than one inch equals fifty feet (1" = 50') (or scale as requested by the Township) containing at minimum the following information:

   a. Proposed name of the development;

   b. Property boundary lines and dimensions of the property and any significant topographical or physical features of the site;

   c. The location, size, use and arrangement, including height in stories and feet and total square feet of ground area coverage and floor area of proposed buildings including model homes and existing buildings that will remain, if any. Also, all required setback lines shall be depicted

   d. Location, dimensions of all driveways, entrances, curb cuts, parking stalls, loading spaces and access aisles, and all other circulation elements including bike and pedestrian, and the total site coverage of all circulation elements; Location,

   e. dimensions of all driveways, entrances, curb cuts, parking stalls, loading spaces, access aisles and all other circulation elements including bike and pedestrian, and the total site coverage of all circulation elements;

   f. Location, designation and total area of all common private open space and facilities;

   g. Location, designation and total area of proposed to be conveyed or dedicated for public open space including, but not limited to, parks, playgrounds, school sites and recreational facilities;

   h. The location, use and size of structures and other land uses on adjacent properties;

   i. I Where applicable, tabulation that indicates the number of residential dwelling units and expected population, and tabulation indicating the gross square footage, if any, of commercial and industrial floor space by type of activity.

5. A preliminary landscape plan showing groundcover materials and the areas to be landscaped with location, size and species of all trees, shrubbery and groundcover.

6. A preliminary grading, drainage and site alteration plan for the development illustrating changes to existing topography and natural site vegetation and all appropriate protection measures taken during construction.

7. A preliminary lighting plan illustrating the location, types of devices, and photometric data.

8. A preliminary signage plan illustrating the sizes, location and overall program

9. A traffic flow plan and analysis

10. Solid waste disposal procedures and provisions

11. Wetland delineation approved by the Pine County Soil and water Conservation District office

12. The applicant shall have a property interest in the site which shall consist of a fee simple title, or an option to acquire a fee simple title within a specified time period, or leasehold interest in excess of thirty (30) years, or substantial interest in a joint venture agreement, real estate investment trust, or other real estate syndication that can obtain a fee simple title or marketable title subject to certain restraint which will not substantially restrict its development within a reasonable time.. All mortgages including purchase money mortgages, easements restricting land use, and liens and judgments that may affect the site shall be documented. The applicant shall supply proof of existing ownership consisting of an abstract title, certified currently, 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 property interest.

13. Other materials or information that Township Staff, Township Board of Supervisors or Planning Commission deems useful in conjunct-tion with the approval of Preliminary Plan review (This may include, but is not limited to, management plans for open spaces areas, topographical or aerial information, or information presented in a format that can build Township's geographic information system).

E. Final Plan Review.

The applicant shall have secured final plan review approval by the Township Board of Supervisors within one (1) year following the date of approval of the preliminary plan review. If application for final plan review is not received within one (1) year, the preliminary plan review will be considered abandoned and a new application for preliminary plan review must be submitted. The Township Board of Supervisors shall make a final determination on approval of the final plan review.

The application for final plan review shall be accompanied by development plans of the proposed PUD and supporting information as listed below or as deemed necessary by the Township. All material shall be submitted together in a format as directed by the Township.

1. A final site plan, grading plan, utility plan, landscaping plan, lighting plan, building elevations, sign plan and all applicable data as aforementioned in this section as deemed necessary depending upon the complexity of the proposal. One (1) transparent Mylar copy of the final development plans, should they be approved, shall be filed with the Township within sixty (60) days of such approval.

2. A final plat in accordance with the requirements of the Township's subdivision ordinance.

3. A legal submission component including any deed restrictions, covenants, agreements, by-laws, or proposed homeowner's association or other documents or contracts controlling the use or maintenance of property. In situations where the above submission components do not apply, the Township Board of Supervisors may require a bond or similar guarantee (such as a cash escrow) to insure that areas held common by persons residing in the development will be developed and maintained.

4. A final construction staging plan indicated the geographical sequence and timing of the development for the plan or portions thereof, including the date of beginning and completion of each stage.

5. Any other information necessary to fully represent the intentions of the final plan

G. Fees. The required application fee shall accompany applications for sketch plan, preliminary plan and final plan. The applicant shall pay fees as set forth by the Township Board of Supervisors.

H. Public Hearing Notices. All applications for review of a PUD proposal, except sketch plan review, require a public hearing and shall be noticed and processed according to the standards and procedures of this Township

I. Developers Agreements. A developer's agreement shall be executed reflecting all terms and conditions of the approved PUD plans and financial requirements.

4. <u>Criteria for Granting a PUD:</u>

The Planning Commission may recommend, and the Township Board of Supervisors may act to approve or deny, a preliminary or final plan for a PUD in any district that allows a PUD as a conditional use. The Planning Commission, in making a recommendation, and the Township Board of Supervisors, in acting upon a plan, shall consider the following factors; however, nothing herein shall be meant to guarantee approval of a PUD:

A. The consistency of the proposed PUD with the Township's comprehensive plan;

B. The proposed use's compliance with the standards and criteria of the zoning ordinance and subdivision regulations;

C. The extent to which the proposed PUD is designed to form a desirable and unified environment within its own boundaries in terms of relationship of structures, patterns of circulation, visual clutter and sufficiency of drainage utilities;

D. The extent to which the proposed use will be compatible with present and planned uses in the surrounding area;

E. The impact of the proposed uses on the health, safety and general welfare of the occupants of the surrounding area;

F. The burden or impact created by the PUD on parks, schools, streets and other public facilities and utilities;

G. The sufficiency of each phase of the PUD to ensure its construction and operation is feasible without dependence upon any subsequent phase;

H. The impact of the PUD on environmental quality, property values, scenic views and reasonable enjoyment of the surrounding area; and

I. That any exceptions to the Township Ordinance, Policy or Regulations are justified by the design or development of the proposed use.

5. Final Plan Revisions:

A. Minor changes in location, placement and heights of buildings or structures may be authorized by the Township if required by engineering or other circumstances not foreseen at the time the final plan review was approved.

B. Approval by the Township Board of Supervisors shall be required for changes such as rearrangement of lots, blocks and building tracks or any other significant changes as determined by the Township. These changes shall be consistent with the purpose and intent of the approved final plan review.

6. Method of Amending a PUD:

Any desired change involving density, use, building type, enlargement or intensification of the use not specifically allowed by a particular PUD, or any request for the Variance from the specific terms of the previously passed PUD, shall require that an application be filed for an amendment and all procedures shall then apply as if a new plan was applied for.

7. PUD Cancellation:

Any existing approved PUD shall be deemed to be canceled if the owner of the land involved in the permit applies for and receives a rezoning with the respect to said property prior to the time that there is any physical implementation of the matters covered by the previously approved PUD. In addition, an existing PUD shall be deemed to be automatically canceled in the event that a final plat, if the same is required in connection with the application, is not filed with Pine County as required by and in accordance with the terms of the Township subdivision regulations within one hundred twenty (120) days following final approval of the PUD by the Township Board of Supervisors. The PUD shall expire and be considered null and void one (1) year after it has been issued if no construction has begun or if use has not been established. In all other situations, an existing PUD shall be canceled and revoked, short of expiring according to its own terms, only upon the event of the Township acting in accordance with the law and due process, taking some rezoning action that supersedes the PUD.

8. Effective Date:

The Windemere Township Board of Supervisors ordains that this Ordinance shall be in full force and effect on the 3rd day of December, 2009. by the Board of Supervisors of Windemere Township

By Clair E. Strandlie
Chair Person of the Board

ATTEST: Nancy Heiden
Windemere Township Clerk

DOC# A 484774
Certified, Filed and or Recorded on
Dec. 21,2009 AT 10:00AM

TAMARA TRICAS
COUNTY RECORDER
PINE COUNTY, MN
Fee Amount: $46.00

DOC# T 16421
Cert. #--1M

Certified, Filed and or Recorded on
Dec. 21,2009 AT 10:00AM

TAMARA TRICAS
COUNTY RECORDER
PINE COUNTY, MN
Fee Amount: $46.00