

**PRINCETON TOWNSHIP  
ZONING AND SUBDIVISION  
ORDINANCES 100-700**

Re-Adopted & Re-Codified July, 2014

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**CHAPTER 100**  
**SUBDIVIDING**

100:010 NAME. Chapters 100, 200 and 300 are referred to as the Zoning and Subdivision Ordinance of the Township of Princeton.

100:020 PURPOSE. The process of dividing open land into home sites, or separate parcels for other uses, is one of the most important factors in the growth of any community. Few activities have a more lasting effect upon its appearance and environment. Once the land has been subdivided into urban lots and the streets, homes, and other structures have been constructed, the basic character of this permanent addition to the community has become firmly established. It is then virtually impossible to alter its basic character without substantial expense. In most subdivisions, roads and streets must be maintained and various public services must be provided. The welfare of the entire community is there by affected in many important respects. It is, therefore, in the interest of the general public, the developer, and the future owners that subdivisions be conceived, designed, and developed in accordance with sound rules and proper standards. All subdivisions of land submitted for approval shall fully comply in all respects with the regulations set forth herein. It is the purpose of these regulations:

1. To provide for the orderly, economic, and safe development of land and urban services and facilities.
2. To promote the public health, safety, morals and general welfare of residents of the Township.
3. To assure equitable handling of all subdivision plats by providing uniform procedures.
4. To place the cost of improvements against those benefiting from their construction.
5. Protect and provide for the public health, safety and general welfare of the Town.
6. Protect and conserve the value of land throughout the Town, the value of buildings and improvements, and to minimize the conflicts of the uses of lands and buildings.
7. Promote the development of economically sound and stable community by preventing the subdivision or development of land that results in scatter or premature subdivision of land as would involve danger or injury to health, safety or prosperity by reason of the lack of water supply, drainage, transportation, schools, fire protection, or other public services, or necessitate the excessive expenditure of public funds for the supply of such services.
8. Encourage well-planned, efficient, and attractive subdivisions by establishing adequate standards for design and construction.
9. Secure the rights of the public with respect to public lands and water.

10. Prevent the pollution of air, streams, and lakes, ensure the adequacy of drainage facilities, protect underground water resources and encourage the wise use and management of natural resources in order to preserve the integrity, stability and beauty of the Town.
11. Preserve the natural beauty and topography of the Town and ensure appropriate development with regard to these natural features.
12. Provide for open spaces through the most efficient design and layout of the land while preserving the density of land use as established in the Zoning Ordinance; and
13. Require new subdivisions to provide financial support for infrastructure improvements that are necessary to support new growth.

100:030 SCOPE. These rules and regulations shall apply to any platting or subdivision of land within the Township of Princeton.

Except in the case of re-subdivision, this Code shall not apply to any lot or lots forming a part of a subdivision recorded in the office of the County Recorder prior to the effective date of this Code, nor is it intended by this Code to repeal, annul, or in any way impair or interfere with existing provisions of other State and Federal laws and County ordinances, or with private restrictions placed upon property by deed, covenant, or other private agreement, or with restrictive covenants governing the land.

100:031 Compliance. After the adoption of this ordinance, no lot, tract or parcel of land shall be divided or subdivided or sold, no permit shall be issued to alter or erect any buildings upon land in a subdivision, and no building shall be erected in a subdivision unless a Final Plat has been approved and been recorded and until the improvements required by the Township Board relative to the Subdivision have been constructed or guaranteed. The division of land into tracts, parcels or lots larger than five (5) acres in area and four hundred (400) feet in width shall be exempt from the requirements of this ordinance provided such division and conveyance does not result in the division of the parcel into two (2) or more lots or parcels, any one of which is less than five (5) acres in area or four hundred (400) feet in width. Furthermore, any Subdivision, which results in or requires the construction of new Town Streets or Roadways shall not be approved unless a Final Plat has been approved.

Any owner or agent of the owner of land who conveys a lot or parcel in violation of the provisions of this subdivision shall forfeit and pay to the Township a penalty of not less than one-hundred (100) dollars for each lot or parcel so conveyed. The Town Board may enjoin such conveyance or may recover such penalty by a civil action in any court of competent jurisdiction.

All approved landsplits must be recorded with Mille Lacs County within 60 (sixty) days of approval or they will become void.

100:032 Required Approvals of Subdivision Plats. Before any Preliminary or Final Plat shall have any validity, it shall have been reviewed by the Township Planning Commission and approved by the Town Board.

100:033 Conflict. The Subdivision Code shall not annul or interfere with any other official regulations or ordinances of the Township; provided, however, that where there is a difference between minimum standards or dimensions herein and those contained in other official regulations or ordinances of the Township, the most restrictive standards shall apply.

100:100 DEFINITIONS AND RULES.

The Definitions and Rules set out in Chapter 200 of this ordinance shall apply to this Chapter 100.

100:200 PLATTING PROCEDURE.

100:204 SIMPLE PLATS

A. Purpose Simple plats allow subdivision of parcels into smaller lots in limited numbers.

1) All land splits in R-1 zone shall be by regular subdivision plat or simple plat.

B. Reservations A simple plat may only be considered if:

- 1) the parcel to be platted must be within the Residential R-1 zoning district, and
- 2) the platting will result in no more than three (3) total lots, any of which are less than twenty (20) acres, and
- 3) the plat does not require creation of new roads, and
- 4) the parcels involved have not been created or split within the last three (3) years.

C. Lot Standards The plat shall conform to the following:

- 1) Subdivision Design Standards as referred in Section 100:400 through 100:510, when applicable, and
- 2) Residential R-1 District as referred in Section 300:030 through 300:033

D. Procedures The following items shall be included with the simple plat procedure:

- 1) A map or sketch drawn to a standard engineer's scale shall be submitted to the Township for review and shall show:

- (a) All contiguous property and all roads and their proper name.
  - (b) Proposed new property lines with dimensions noted.
  - (c) Proposed driveway location and location of existing driveways on the same side of the road.
  - (d) Citation and location of any existing legal rights-of-way or easements affecting the property, as documented on a current Abstract or Title.
  - (e) Proposed legal description of the parcel(s) to be subdivided.
  - (f) General location, purpose and dimensions of all existing buildings. Location shall note distance of those buildings closest to property lines from the existing and proposed property lines.
  - (g) General location of any existing tile lines, abandoned wells or drainage ways.
  - (h) Location of a primary and a secondary area for an on-site sewer system.
  - (i) Location of existing septic tank and drain field and secondary site.
- 2) The Zoning Administrator , Township Engineer, and the staff, in their consideration shall properly study the application and determine whether or not the simple plat:
  - (a) meets the objectives of the Comprehensive Plan, Zoning and Subdivision Ordinances.
  - (b) requires additional information necessary to properly consider the simple plat
- 3) A Preliminary and Final Plat of the proposed parcel(s) shall be prepared by a licensed land surveyor and submitted to the Township for review and approval
- 4) The Zoning Administrator and Township Engineer shall submit reports to the Planning Commission expressing recommendation for approval, disapproval, or revision of the Preliminary and Final Plat.
- 5) The Planning Commission shall hold a Public Hearing on the Plat, where the Sub-divider shall appear before the Planning Commission in order to answer questions concerning the Preliminary and Final Plat.



- 6) The report of the Planning Commission shall be submitted to the Town Board prior to the next town board meeting after the public hearing on the Preliminary and Final Plat.

100:208 PREPARATION AND REVIEW OF SKETCH PLAN

- (a) Prior to submitting the Preliminary Plat the applicant shall prepare a sketch plan so the applicant may become informed of the procedures, requirements and minimum standards imposed by this ordinance and other Township Ordinances and plans. At least 15 calendar days prior to the presentation of the Sketch Plan to the Township Planning Commission, the Subdivider or the owner shall pay the Sketch Plan Application Fee and meet with the Princeton Township Zoning Administrator, Township Engineer and other appropriate officials in order to review the Sketch Plan. The Developer and/or Land Owner shall obtain a copy of the Princeton Township Ordinances.
- (b) After the meeting with staff as presented in Section 100:208(a), the Subdivider shall present a subdivision Sketch Plan, for review by the Planning Commission. Such Sketch Plan shall be submitted as a basis for informal discussion between the Subdivider and the Planning Commission and shall not constitute formal filing of the plat with the Township. The Planning Commission shall provide advice and assistance to the Subdivider, including recommendations as to the location of any property that could be dedicated to the public for parks, playgrounds, or other public purposes, but shall take no action on the Sketch Plan. Any comments, direction or action by staff or the Planning Commission made in reviewing the Sketch Plan shall not be considered binding on the Town Board for purposes of a Subdivision Application. The Sketch Plan shall include the following information:
  - 1) Name and Address of owner or Subdivider.
  - 2) Date of plan preparation.
  - 3) Scale of plan (engineering scale only).
  - 4) North arrow indication.
  - 5) Legal Description.
  - 6) Property location map illustrating the site location relative to adjoining properties and streets.
  - 7) Scaled drawing (engineering scale only) illustrating property boundaries.
  - 8) Scaled drawing of the proposed subdivision sketch plan including street patterns and lot layout related to the natural features of the site, and adjoining properties.
  - 9) Densities.
  - 10) Natural features. A generalized drawing of natural features showing wetlands, lakes, drainage ways, woodland areas and hydric soils.
  - 11) Proposed timing and staging of development.
  - 12) Proof of ownership or legal interest in the property in order to make application.
  - 13) Additional information as required by the Town through the Township Zoning Administrator or Engineer.

- (c) The Subdivider shall pay all the expenses incurred by the Township for the review of the sketch plan, to include but not be limited to the Engineer, Zoning Administrator, Attorney and/or special meetings in the review of the Sketch Plan. The fees as provided above shall be in addition to the Sketch Plan Application Fee.

100:210 BUILD-OUT PLAN (GHOST PLAT)

- (a) Application. A build-out plan (ghost plat) consistent with this ordinance shall be required for the following subdivision applications.
  - 1. Whenever a parcel of land is subdivided and the subdivision plat shows one or more lots that may be eventually resubdivided into smaller lots.
  - 2. Cluster subdivisions or open space design subdivisions that preserve open space for future development.
- (b) Design Requirements. The build-out plan (ghost plat) shall illustrate the following:
  - 1. Lot design consistent with the long range planning for the area (Comprehensive Plan).
  - 2. The layout of future streets. Local streets shall be planned to provide street connections to adjoining parcels, neighborhoods, or future developments open spaces as a means of discouraging reliance on County and State roads for local trips.
  - 3. Easement locations for utilities and storm water drainage.
  - 4. Location of buildings or structures on the lots to accommodate future subdivisions.
- (c) Procedure. The build-out plan (ghost plat) shall follow the procedure outlined in this Ordinance.

100:212 PREPARING AND FILING THE PRELIMINARY PLAT

- (a) After the presentation of the Sketch Plan to the Staff and Planning Commission and when the Subdivider feels the Subdivider is ready to prepare the Preliminary Plat, the Subdivider shall have the Subdivider's surveyor and/or engineer prepare one, which is in conformity with the requirements of the Township Ordinances.
- (b) The Subdivider shall complete and file with the Township Clerk application forms as may be required. At the time of filing, the Subdivider shall pay applicable fees and escrow amounts as may be set by the Town Board. A fee escrow schedule may be obtained from the Town Clerk. In addition, the Subdivider shall pay any expense incurred by the Township for the services of the Town Engineer, Attorney, Zoning Administrator and other staff in their review and/or preparation of the Preliminary Plat

and Final Plat that exceed the Preliminary Plat Application Escrow as required by the Township.

- (c) The Subdivider shall furnish the Township Clerk with the requisite number legible copies as required by the Town Clerk of the Application and Preliminary Plat at least fifteen calendar (15) days prior to the Planning Commission meeting at which it is to be considered.

100:215 PRELIMINARY PLAT REQUIREMENTS. The Preliminary Plat submitted for approval shall contain the following:

(a) Identification and Description.

1. Proposed name of subdivision, which name shall not duplicate or be like in pronunciation of the name of any plat previously recorded in the County.
2. Legal description of the property.
3. Name and address of the record owner, and any agent having control of the land, Subdivider, land surveyor, engineer, and designer of the plan.
4. Graphic scale not less than one (1) inch to one hundred (100) feet.
5. North arrow and key map of area showing well-known geographical points for orientation within one-half (½) mile radius.
6. Date of preparation.

(b) Existing Conditions.

1. Clearly labeled boundary lines of the proposed subdivision.
2. Existing zoning classifications for land in and abutting the subdivision.
3. Approximate total acreage.
4. Location, right-of-way width, and names of existing or platted streets or other public right-of-ways, parks, and other public lands, permanent buildings and structures, easements and section lines, and corporate district lines within the plat and to a distance of one-hundred (100) feet beyond.
5. Boundary lines of adjoining platted or subdivided land, within one-hundred (100) feet, identified by name and ownership, but including all contiguous land owned or controlled by the Subdivider.
6. Topographic data, including contours at vertical intervals of two (2) feet or less. Water courses, marshes, delineated wetlands, rock outcrops, power transmission poles and lines, all existing utilities and existing utility easements and other significant features shall also be shown.

7. At least one (1) permanent benchmark shall be shown within each subdivision to be platted and the location and elevation of the benchmark shall be shown on the Preliminary Plat. The Town may waive and/or change the number of required benchmarks.
8. A copy of all proposed private restrictions shall be submitted.
9. An accurate soil report describing soil conditions, permeability, and slope.

(c) Subdivision Design Features.

1. Layout of proposed streets, showing right-of-way widths, centerline gradients, typical cross sections, and proposed names of streets. Street names shall conform to the name and numbering system in use by Mille Lacs County. Street names previously used in the County shall not be used again unless they are logical extensions of existing streets.
2. Locations and widths of proposed alleys, pedestrian ways and utility easements.
3. Lot sizes, layout, numbers, and preliminary dimensions of lots and blocks.
4. Minimum front, back, and side street building set-back lines in accordance with current Ordinances.
5. Location of proposed structures, driveways, percolation tests and soil borings, if applicable, and two (2) suitable sites for individual septic treatment systems with the method outlined for protecting the alternate individual sewage treatment site for future areas unless community sewage is being proposed.
6. Areas, other than streets, alleys, pedestrian ways, and utility easements, intended to be dedicated or reserved for public use, including the size of such area or areas in acres.
7. Grading, drainage, soil erosion and sediment control plans with drainage calculations and drainage and stormwater facilities.
8. A street plan with profile showing gradients and conforming to current Town road standards.
9. Plans for the installation of electricity, street lights, telephone, and gas.
10. Proposed easements for drainage, slope protection, and protection of wetlands and waterbodies, including stormwater retention areas and easements of the installation of utilities.
11. Park dedication areas, including the size in acres.

- (d) Other Information. Upon request by the Town Board, the Subdivider shall also provide:
1. A detailed statement of the proposed use of lots stating type of residential buildings with the number of proposed dwelling units or type of business or industry so as to reveal the proposed subdivision's potential effect or impact on public facilities, utilities and services, including, but not limited to, the following:
    - a. Streets;
    - b. Law Enforcement;
    - c. Ambulance/emergency services;
    - d. Fire protection;
    - e. Schools; and
    - f. Utilities.
  2. The source of water supply, sewage disposal, storm water drainage system, including proposed location, size and gradient of proposed sewer lines and water mains, and other supporting data as may be required by the Town Engineer, Zoning Administrator, Town Board or Planning Commission.
  3. A vegetation preservation and protection plan showing those trees proposed to be removed, those to remain, and the types and locations of the trees and other vegetation that are to be planted.
  4. If any zoning changes are contemplated, the proposed zoning plan for the areas. If any such zoning changes are contemplated they may be applied for by the Subdivider concurrently with the Plat as provided in this ordinance herein. The Subdivider shall pay any and all extra costs associated with any such zoning change.
  5. Other information as may be requested by the Engineer or Planning Commission.
  6. Where the Subdivider owns property adjacent to that which is being proposed for the subdivision, the Town Board may require that the Subdivider submit a build-out plan (ghost plat), as provided in Section 100:210, of the remainder of the property so as to depict the possible relationships between the proposed subdivision and future subdivision. In any event, all subdivisions must be shown to relate well with existing or potential adjacent subdivisions and land use.
- (e) Environmental Requirements. It shall be the Subdivider's responsibility to comply with any and all Minnesota statutes and regulations related to Environmental Assessment Worksheets and Environmental Impact Statements. The Subdivider shall be responsible for all costs incurred by the Township connected with review and enforcement of environmental laws, rules and regulations.

- (a) The Township Clerk shall, upon receipt of the Preliminary Plat and application, send five (5) copies of the plat and application to the Town Board, seven (7) copies of the plat to the Planning Commission, two (2) copies to the Engineer and two (2) copies to the Zoning Administrator.
- (b) If the proposed subdivision abuts any State Trunk Highway, the Township Clerk shall also refer one (1) copy to the Minnesota District Highway Headquarters for review as required by State Law; if it adjoins a public body of water one (1) copy shall be referred to the Commissioner of Natural Resources for review and one (1) copy to the Watershed District Board.
- (c) The Township Engineer and Zoning Administrator shall submit reports to the Planning Commission expressing recommendation for approval, disapproval, or revision of the Preliminary Plat.
- (d) Within forty-five (45) days after the Preliminary Plat is filed with the Township Clerk, the Planning Commission shall hold a public hearing on the Plat. Notice of the purpose, time, and place of such public hearing shall be published in the official newspaper one (1) time at least ten (10) days prior to the day of hearing. The Subdivider shall furnish the Clerk with the names and mailing addresses of owners of all lands within three-hundred fifty (350) feet of the boundaries of the Preliminary Plat and the Township Clerk shall mail notice of said hearing to said owners at least ten (10) days prior to the day of said hearing, although failure of any property owner to receive such notification shall not invalidate the proceedings.
- (e) The Subdivider and/or the Subdivider's representatives shall appear before the Planning Commission at the public hearing, in order to answer questions concerning the Preliminary Plat.
- (f) The report of the Planning Commission shall be submitted to the Town Board prior to the next Town Board meeting after the public hearing on the Preliminary Plat. Upon the close of the public hearing and during the Planning Commission Meeting, the Planning Commission shall make and enter findings from the record and conclusions thereof as to whether or not:
  - 1. Adequate provisions are made for drainage ways, streets, water supplies, waste disposal system, adequate public improvements or other assurances of construction.
  - 2. The proposed subdivision contributes to the orderly development and land use patterns in the area.
  - 3. The public use and interest will be served by permitting the proposed subdivision.
  - 4. The proposed subdivision conforms to the general comprehensive plan and zoning requirements.

5. The proposed subdivision conforms to the general purpose of any applicable policies or plans which have been adopted by the Town Board.
  6. The proposed subdivision conforms to the general purpose of this Ordinance.
- (g) The Town Board shall act to approve or disapprove the Preliminary Plat within the one-hundred twenty (120) days from the date when the Subdivider first submits the complete application together with all items required by this ordinance to the Town Clerk unless the Town Board grants an extension with agreement of the applicant. Approval of the Preliminary Plat shall be by passage upon a simple majority vote of the Town Board.
  - (h) Approval of the Preliminary Plat is an acceptance of the general layout and indication to the Subdivider that they may proceed toward fulfilling the necessary steps for approval of the Final Plat subject to any conditions imposed by the Town Board. Such approval does not constitute final acceptance of the subdivision.
  - (i) The Town Board may require modifications, changes, and revisions of the plat, as it deems necessary to meet the Town Ordinances. Should the Subdivider desire to amend an approved Preliminary Plat, he may submit an amended plat which shall follow the same procedure as a new plat, except for the public hearing and fees, unless the amendment is in the opinion of the Town Board of such scope as to constitute a new plat, then it shall have a new Preliminary Plat application process initiated and be re-filed.
  - (j) If the Preliminary Plat is not approved by the Town Board, the reasons for such action shall be recorded in the minutes of the meeting.

100:240 PREPARING AND FILING THE FINAL PLAT.

- (a) After approval of the Preliminary Plat, the Final Plat, Final Vegetation Preservation Plan, Final Erosion Control Plan, Final Grading and Drainage Plan, Final Street Plan or any other plan as may be required by the Engineer, Attorney, Zoning Administrator, Town Board or Planning Commission may be prepared. These plans shall conform to and include all information contained in the approved Preliminary Plat and shall incorporate all changes, modifications, and revisions required. It may also incorporate changes from the Preliminary Plat, which the Subdivider may desire if the Town Board in its sole discretion finds to be immaterial deviations from the approved Preliminary Plat. The Subdivider shall notify the Town Board in writing specifically detailing any and all changes and deviations from the Preliminary Plat.
- (b) In the case of large subdivisions, to be developed in stages, the Subdivider may be granted permission to prepare a plat for only the portion of the approved plat, which he proposes to develop at this time, provided such portion conforms with all the requirements of these regulations. The Subdivider may be required, as a condition of approval, to submit an estimated time schedule for further phasing of the Final Platting and recording.

- (c) All plats shall comply with the provisions of Minnesota State Statutes and the requirements of this Code.
- (d) The Subdivider shall file eighteen (18) copies of the Final Plat with the Township Clerk not later than six (6) months after the date of approval of the Preliminary Plat. If this is not done, the approval of the Preliminary Plat will be considered void unless an extension is requested by the Subdivider and granted in writing by the Town Board.
- (e) The Subdivider shall submit with the Final Plat along with any unrecorded documents and a title commitment by a licensed title insurance agent to the Township Attorney running to the Township of Princeton.
- (f) The developer's surveyor must also furnish those items (section corner ties for approval, section closure, etc.) as required by the Mille Lacs County Subdivision ordinance as well as any other information that is deemed necessary by the Township Board or staff.

100:250 REVIEW OF THE FINAL PLAT.

- (a) The Township Clerk shall, upon receipt of the Final Plat, refer five (5) copies to the Town Board; three (3) copies to the Town Engineer; two (2) copies to the Zoning Administrator ; seven (7) copies to the Planning Commission; and one (1) copy, with the title commitment by a licensed title insurance agent running to the Township of Princeton to the Township Attorney.
- (b) The Zoning Administrator, Engineer and Attorney shall submit a report to the Planning Commission within fifteen (15) days upon receipt of the Final Plat or at the next regular meeting of the Planning Commission, whichever period is later, expressing their recommendation on the Final Plat.
- (c) The Planning Commission shall review the Final Plat and provide a report and recommendation to the Town Board.
- (d) The Town Board shall take action on the plat within sixty (60) days after the Final Plat is filed with the Township Clerk unless the Town Board grants a sixty (60) day extension by written notice to the Subdivider. If the plat is not approved, the reasons for such action shall be recorded in the official minutes of the meeting.
- (e) Prior to Final Plat approval Township and Subdivider shall enter into a "Developer's Agreement." It shall contain conditions and requirements which the Town Board determines are reasonable to further the common good of the Town. The Subdivider shall, immediately upon recording, furnish the Town Clerk with a reproducible copy, either cron-aflex or its equivalent, of the recorded plat and two prints. Failure to furnish such copies shall be grounds for refusal to issue permits for the lots within the plat.





Township for the services of the Engineer, Zoning Administrator and Attorney in their review of the Preliminary Plat and Final Plat. The Subdivider (owner or developer), on or before submitting a Preliminary Plat, shall make a cash deposit in an amount as determined by resolution of the Town Board which shall be available in the form of a published schedule. This deposit shall be held in a special Subdivider's Escrow Account and shall be credited to the Subdivider, owner, or developer. The Township reserves the right to require that the Subdivider deposit additional funds in an amount as determined by the Township Board in the special Subdivider's Escrow Account if the Subdivider's Escrow Account is depleted below twenty-five percent of the original balance of said Escrow Account. Engineering, administrative and legal expenses incurred by Princeton Township in checking plat improvements, giving notice, holding hearings, checking and setting grade and drainage requirements, general supervision, staking, inspection, drafting as-built drawings and all other engineering services performed in the processing of said improvement and plats, administrative and legal expenses in examining title to the property being developed shall be charged to the aforementioned account. The Township Engineer, Zoning Administrator and Township Attorney shall itemize all times, services, and materials billed to any Subdivider's Escrow Account and said time, services and materials shall be in accordance with the rules, regulations and fees as promulgated and adopted by the Town Board. The Subdivider, owner or developer making the deposit in the Subdivider's Escrow Account shall be furnished a copy of said itemized charges and any balance remaining in the account shall be returned to the depositor by the Township Clerk after all claims and charges thereto have been paid. If said deposit is not sufficient to pay any and all expenses incurred by the Township for the services of the Township's Engineer, Zoning Administrator and Attorney, the Subdivider shall be responsible for payment of any and all excesses prior to any final approval of the Plat.

100:400 SUBDIVISION DESIGN STANDARDS.

(a) General Requirements.

1. The Planning Commission, in its review of the preliminary plat, will take into consideration the requirements of the community and the best use of the land being subdivided. No preliminary plat will be approved if it does not comply with all of the Town Ordinances or plans, to include but not be limited to the following (if then adopted):
  - i. Comprehensive Plan;
  - ii. Transportation Plan;
  - iii. Park and Recreation Plans;
  - iv. Zoning Ordinance/Zoning Map;
  - v. Stormwater Management Ordinance;
  - vi. Individual Septic Treatment System Ordinance;
  - vii. Right-of-way Ordinance;
  - viii. Capital Improvement Plan;
  - ix. Nuisance Ordinance.
2. No preliminary plat will be approved for subdivision which includes an area of poor facilities that would render inadequate the streets or building site proposed by reason of such plat, unless the Subdivider agrees to make

improvements which will, in the opinion of the Town Engineer, make such areas completely usable and safe for occupancy and provide for adequate street and lot drainage, sewer systems, and feeder road systems.

3. The arrangement, character, extent, width and location of all streets shall be considered in relation to existing and planned streets, to reasonable circulation of traffic, to topographic conditions, to runoff of storm water, to public convenience and safety, and in appropriate relation to the proposed uses of the land to be served by such streets. Wherever possible, the arrangement of streets in new subdivisions shall provide for the continuation of existing streets in adjoining areas. Where adjoining unsubdivided areas may be subdivided, the arrangement of streets in a new subdivision shall make provision for the proper projection of streets into adjoining areas by carrying the new streets to the boundaries of the new subdivision at appropriate locations.
4. The Town Board reserves the right to deny approval of a subdivision if the subdivision is not designed to minimize impacts on natural features such as large trees, water courses, scenic points, historical spots and similar community assets which, if preserved, will add attractiveness and stability to the proposed development of the property.

(b) Lot Requirements.

1. Location - All lots shall abut and have direct access to a street. The Town may establish different access width requirements for specific lots based on lot location and shape, needs created by the permitted use and traffic volumes and patterns proximate thereto.
2. Size - Lot dimensions shall comply with minimum lot area and other dimensional requirements specified in Zoning Ordinance.
3. Side Lot Lines - Side lines of lots shall be substantially at right angles to the right-of-way lines or substantially radial to curved street right-of-way lines.
4. Drainage - Lots shall be graded so as to provide drainage away from building locations.
5. Natural Amenities - Lots shall be placed to preserve and protect natural amenities, such as vegetation, wetlands, steep slopes, water courses and historic areas.
6. Lot Remnants - All remnants of property less than minimum lot size remaining after the subdivision of a larger tract must be added to adjacent lots rather than be allowed to remain as unusable parcels.
7. Building Sites - Each lot shall provide an adequate building site at least one (1) foot above the street grade or have a site drainage plan, which is approved by the Town Engineer.

8. Through Lots – Through lots (lots with frontage on two parallel streets) or lots with reverse frontage (a through lot that is not accessible from one of the parallel or nonintersecting streets upon which it fronts) shall not be permitted except where lots back on an arterial or collector street. The Subdivider shall screen plant and/or construct a berm along the rear lot line to the specifications and requirements of the Town Board so to provide adequate screening of the development from the roadway. The trees that are planted as provided herein shall be a combination of evergreens that are no less than 6 feet in height and deciduous trees that are no less than two and one-half inches in caliper. Subdivider shall warrant live trees for a minimum of twenty-four months. Subdivider shall provide to the Township Clerk a written notice as to the date said trees were planted to commence the warranty period as provided herein. The written notice to the Township Clerk shall be provided within 30 calendar days of the tree plantings. If a tree should die, the Subdivider, at the Subdivider’s cost, shall replace said tree with a tree of equal or greater value.
  
9. Water Course - Lots abutting upon a water course, drainage-way, drainage easement, channel or stream shall have additional depth or width, as required to assure building sites that are not subject to flooding.
  
10. Access to Thoroughfares - In the case where a proposed plat is adjacent to a limited access highway, other major highway, or thoroughfare, there shall be no direct vehicular access from individual lots to such streets and roads. In the platting of small tracts of land fronting on limited access highways or thoroughfares where there is no other alternative, a temporary entrance may be granted, as neighboring land becomes subdivided and more preferable access arrangements become possible, such temporary access permits shall become void. Traffic controls may be required at the intersections of any street, thoroughfare, and/or highway when, in the opinion of the Township Engineer, existing and/or future traffic and/or pedestrian volume may reasonably warrant.

100:412 Street Requirements. Proposed streets shall conform to all State and County road plans As have been prepared, adopted and/or filed as prescribed by law. Town roads shall conform to the “Township Road Construction Standards” or as specified herein.

1. Right-of-Way Requirements - Street right-of-way widths shall be as determined in the Comprehensive Development Plan and official map, if adopted, and, where applicable, shall conform to County and State standards for trunk highways. If there are no such plans or standards, right-of-way widths shall conform to the following minimum dimensions:

<u>Street</u>	<u>Right-of-Way Width</u>
Arterial	100 feet
Collector	80 feet
Minor Street	66 feet
Cul-de-sac Turnaround Radius	60 feet

2. Street Intersections - Insofar as practical, streets shall intersect at right angles. In no case shall the angle formed by the intersection of two streets be less than seventy-five (75) degrees. Intersections having more than four (4) corners shall be prohibited.
3. Deflections - When connecting street lines deflect from each other at one point by more than ten (10) degrees they shall be connected by a curve with a radius adequate to ensure a sight distance within the right-of-way which provides for safe stopping sight distance.
4. Corner Radii For Roadways - Roadways of street intersections shall be rounded by a radius of not less than thirty (30) feet if curb and gutter is not constructed. If curb and gutter is constructed, roadways of street intersections shall be rounded by a radius of not less than twenty (20) feet.
5. Street Jogs - Street jogs with centerline offsets of less than one hundred fifty (150) feet shall be avoided for minor streets.
6. Minor Streets - Minor streets shall be designed to discourage use by through traffic.
7. Cul-de-sacs - The maximum length of a street terminating in a cul-de-sac shall be one thousand four hundred (1400) feet, measured from the centerline of the street of origin to the center of the cul-de-sac.
8. Temporary Cul-de-sacs – In those instances where a street is terminated pending future extension in conjunction with future subdivision and there is more than two hundred (200) feet between the dead-end and the nearest intersection, a temporary turn around facility shall be provided at the closed end, in conformance with cul-de-sac requirements. This temporary cul-de-sac must be placed inside a temporary easement if it is located outside the street right-of-way and shall be constructed according to the typical cul-de-sac according to the Township Road standards or as approved by the Town Engineer. A financial guarantee will be required for removal or restoration as determined by the Town Board.
9. Dead End Streets – Dead-end streets, other than cul-de-sacs, shall not be permitted.
10. Half Streets - Half streets shall be prohibited.
11. Private Streets - Private streets may be approved only if the Town determines that:
  - a. Private ownership will not adversely impact public health, safety and welfare.
  - b. The design is in compliance with appropriate engineering standards and requirements.
  - c. A permanent and satisfactory street maintenance agreement, association document (if applicable), and financial assurances exist ensuring that Town maintenance will not be required.
  - d. A permanent and sufficient right of access to all users is provided.

12. Hardship To Owners Of Adjoining Property – Street arrangements for the proposed subdivision shall not cause undue hardship to owners of adjoining property in subdividing their own land and providing convenient access to it.
13. Dedication - All proposed streets shown on the plat shall be in conformity with the Comprehensive Development Plan and County Comprehensive Plans and shall be dedicated as public streets.
14. Paving – All streets and driveways shall be improved with bituminous or concrete surface. Streets shall be constructed for nine-ton axle weight capacity and shall be constructed according to the Township road construction standards and specifications.
15. Concrete Curb and Gutter – Concrete curb and gutter shall be required for all streets in a subdivision and/or plat in Residential Zoning, Rural Residential Zoning and/or Commercial Zoning in which more than 75% of all lots of said subdivision and/or plat are less than 150% of the minimum lot size as is required for that zone.
16. Landscaping of the right-of-way shoulders. Topsoil shall be distributed to provide at least four (4) inches of cover to all areas distributed between the right-of-way limits and shoulders and shall be established by seeding and mulching or planting.
17. Obstructions in the Right-of-Way. No Structures, such as retaining walls, etc, are permitted in the right-of-way.
18. Street Signs. Street Signs of standard design approved by the Township shall be installed at each street intersection. The cost of posting of all street signs or markings shall be the responsibility of the Subdivider/owner and shall be installed prior to release of the escrow or bank letter of credit. Such signs will be installed by the developer.

100:414 Block Design.

1. Block length and width or acreage within bounding streets shall be such as to accommodate the size of residential lots required in the area by the Town Zoning Code and to provide for convenient access, circulation control, and safety of street traffic.
2. In residential areas, other than water frontage, blocks shall be not less than six-hundred (600) feet nor more than one-thousand eight-hundred (1800) feet in length measured along the greatest dimension of the enclosed block area, unless minor variance are necessitated by topography or conformance with an adjoining plat.
3. Blocks for commercial and industrial areas may vary from the elements of design contained in this section if the nature of the use requires other treatment. In such cases, off-street parking for employees and customers shall be provided along with safe and convenient limited access to the street system. Space for off-street loading

shall also be provided with similar access. Extension of road and utilities shall be provided as necessary.

4. Blocks shall be wide enough to allow two (2) tiers of lots with a minimum depth as required by the Princeton Township Zoning Code except adjoining a lake, stream, or thoroughfare or where one (1) tier of lots is necessary because of topographic conditions.

100:415 Sewage Disposal. Construction, location, design and inspection of all individual sewage treatment systems within the Town shall be in accordance with Minnesota Pollution Control Agency Individual Sewage Treatment Systems Standards, Chapter 7080 et. seq. (hereinafter and heretofore referred to as Chapter 7080), as amended from time to time.

100:416 Drainage. The natural drainage system shall be used to the maximum extent feasible for the storage and flow of runoff. The design of the drainage system shall conform to the "Township Road Construction Standards". The following requirements shall also apply:

2. Storm water drainage facilities shall be designed to convey the flow of surface waters without damage to persons or property. The system shall insure drainage at all points along streets, and provide positive drainage away from building and on-site waste disposal to accommodate frequent floods. Drainage plans shall be consistent with local and regional drainage plans. The facilities shall be designed to protect against surface erosion and siltation of surface water and to prevent the discharge of excess runoff onto adjacent properties.
3. All developments are responsible for control of surface or storm water to equal or improve pre-development conditions. Developmental drainage systems shall be provided that accept flow from upstream areas, that control, convey, and pond developmental runoff, that limit outflow to the natural pre-development rate, and that do not have detrimental impacts on downstream properties. All pipe conveyance shall be to ten (10) year design return frequency. Flood protection shall be provided for one hundred (100) year design return frequency. All ponding, detention or retention shall be designed for 100 year frequency storm condition with a positive outlet. Flood protection for public and personal property shall be two feet above the flood elevation to the lowest floor of the structure. All storm runoff shall be calculated by the Soil Conservation Service Method.
4. Storm water runoff shall be discharged to marsh lands, swamps, retention basins or other treatment facilities. Marsh lands and swamps used for storm water shall provide for natural or artificial water level control.
5. No existing ditch, stream, drain or drainage canal shall be deepened, widened, rerouted or filled without review and approval by the Governing Agencies.
5. Quality of storm water runoff and water infiltrated to the water table shall remain undisturbed, to the maximum extent feasible, by development of the subdivision.
6. The drainage system shall be constructed and operational as part of the first stage of development and construction.

100:417 EROSION AND SEDIMENT CONTROL. Best management practices as defined by the MPCA shall be applied in the subdivision and development of land areas:

1. The Developer shall prepare and implement a Storm Water Pollution Prevention Plan (SWPPP) in accordance to the general permit associated with construction activity under the National Pollutant Discharge Elimination System (NPDES) as authorized by the Minnesota Pollution Control Agency (MPCA).
2. The NPDES permit shall be obtained and provided to the Town Clerk prior to the start of any construction activity which disturbs 1.0 acres or more of land area.

100:418 SIDEWALKS, PEDESTRIAN WAYS, AND BICYCLE PATHS AND TRAIL AND PARK DEDICATION FEES.

1. Sidewalks, pedestrian ways, and/or bicycle paths shall be required and be dedicated to the Township. The Town Board may waive all or part of this requirement if such a dedication is not in the best interest of the Township. Sidewalks, pedestrian ways and bicycle paths shall be constructed in accordance with the specifications in the Town's transportation plan and/or park and recreation plans or as approved by the Town Board. The sidewalks, pedestrian ways and bicycle paths shall be constructed in such a manner to provide access to and from adjacent developments, future developments, or logical destinations such as businesses, schools and recreational areas. Proposed designs of sidewalks, pedestrian ways, and bicycle paths will be subject to the approval of the Town Board.
2. The Subdivider shall pay a Trail and Park Dedication Fee as established annually by the Town Board. Such fees shall be payable to the Town prior to execution of signatures by Township officials on the final plat mylars. The Trail and Park Dedication Fee may be reduced to credit a Subdivider for pedestrian ways and bicycle paths required under this section. Sidewalks required within commercial, industrial, or residential areas shall not be eligible for reducing Trail and Park Dedication Fees. The decision to reduce the Trail and Park Dedication Fee, shall be at the Town Board's sole discretion, but shall be indexed to tangible public value for Township residents, and not based upon claimed monetary 'hardship' by a Subdivider. An example of 'tangible public value' may be the permanent protection of a high quality natural resource through a conservation or scenic easement over desired lands, with or without public access.

100:419 UTILITIES. Prior to any new road construction or subdivision approval, written preliminary approval must be included from all applicable utility services. Any plat plan, subdivision plan or town road construction plans must include underground service systems. No arial utility systems shall be allowed to be constructed.

100:450 IMPROVEMENTS REQUIRED.

1. Improvements Listed And Described. Prior to the approval of a Final Plat by the Town Board, the Subdivider shall have agreed, in the manner set forth herein, to install all improvements in conformity with approved construction plans and in conformity with all applicable standards and ordinances.



2. Payment For Installation Of Improvements. The improvements as listed elsewhere are to be furnished and installed at the sole expense of the Subdivider. The Subdivider shall make a security deposit in the amount as specified in the Developer's Agreement for the cost of the improvements to be furnished under the contract.

100:454 Construction Plans, Specifications And Inspection.

1. Construction plans and specifications for the required improvements conforming in all respects with the standards and ordinances of the Township shall be prepared at the Subdivider's expense by a Professional Engineer who is registered in the State of Minnesota, and said plans shall contain his certificate. Such plans together with the quantities of construction items together with his estimate of total costs shall be submitted to the Township Engineer for his approval. Upon approval, such plans shall become a part of the required Developer's Agreement.
2. All required improvements on the site that are to be installed under the provisions of this regulation shall be inspected during the course of construction by the Township Engineer at the Subdivider's expense.

100:500 EASEMENTS. All easements shall be dedicated by appropriate language on the plat as required by law and in accordance with the following:

1. Provided For Utilities. Easements at least five (5) feet wide, along rear and side lot lines and ten (10) feet wide along front lot lines, shall be provided for utilities. They shall have continuity of alignment from block to block. No fences, improvements, other structures, or plantings other than grass can be placed in a utility easement where it will interfere with the maintenance of said utilities as determined by the Building and Zoning Administrator. If removal of a fence, other structure, or planting is necessitated for maintenance of utilities, the cost of removal and replacement is the responsibility of the affected property owner.
2. Provided For Drainage. Easements shall be provided along each side of the center line of any water course or drainage channel, to a width sufficient to provide proper maintenance and protection. Where necessary, drainage easements corresponding to lot lines shall be provided. Such easements for drainage purposes shall not be less than twenty (20) feet in width. Easements shall be provided around drainage ponds to encompass high water elevation.

100:510 COMPLIANCE WITH STATE WETLAND CONSERVATION ACT. The Subdivider shall provide proof of compliance with the State Wetland Conservation Act.

100:650 BUILDING PERMITS. No building permit and/or certificate of occupancy shall be issued for any construction, enlargement, alteration, or repair, demolition or moving of any building or structure on any lot or parcel until all requirements of this ordinance and regulations have been fully met.

100:651 Violation And Penalties. Any person, firm or corporation violating any of the provisions of the code shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not more than five hundred (500) dollars or by imprisonment not to exceed ninety (90) days or both for each offense. Each day a violation is permitted to exist shall constitute a separate offense.

100:652 Equitable Relief. Any violation of this ordinance shall be forthwith subject to both temporary and permanent restraint and injunction; all costs of any such equitable proceeding, including a reasonable attorney's fee, shall be assessed by the Court against the violator.

## CHAPTER 200

### DEFINITIONS

200:001 RULES AND DEFINITIONS.

200:010 RULES.

200:011 Words used in the present tense include the past and future tense; the singular number includes the plural and the plural includes the singular; the word “shall” is mandatory, and the word “may” is permissive.

200:012 In the event of conflicting provisions in the text of this regulation, the more restrictive shall apply.

200:020 DEFINITIONS. For the purpose of Chapter 100 and Chapter 300 of this ordinance, certain terms and words are hereby defined as follows:

“Abandonment” means failure to complete the Annual Registration Form; or to cease operations without completing the reclamation plan.

“Accessory Building” means a subordinate building, structure or a portion of the main building, the use of which is incidental to that of the main building or to the use of the premises.

“Accessory Use” means a use subordinate to the purpose for which the land is zoned. Accessory uses may only occur in conjunction with a principal use and on the same tract of land as the principal use.

“Affected land” means the land area from which the overburden will be or is being removed or has been removed and not reclaimed; land where flat rocks are picked up from the surface or are mined; land upon which stumps, spoil, or other solid waste will be or has been deposited; and any storage area that will be or has been used in connection with the development, except a natural buffer strip.

“Animals”

NON-DOMESTIC. Those animals commonly considered to be naturally wild and not naturally trained or domesticated, or which are commonly considered to be inherently dangerous to the health, safety, and welfare of people. Unless otherwise defined, such animals shall include:

1. Any member of the large cat family (family felidae) including: Lions, tigers, cougars, bobcats, leopards, and jaguars, but excluding commonly accepted domesticated house cats.
2. Any naturally wild member of the canine family (family canidae) including: Wolves, foxes, coyotes, dingoes, and jackals, but excluding commonly domesticated dogs.
3. Any crossbreeds such as the crossbreed between a wolf and a dog, unless the crossbreed is commonly accepted as a domesticated dog.

4. Any member or relative of the rodent family including: Skunk (whether or not descended), raccoon, or squirrel, but excluding those members otherwise defined or commonly accepted as domesticated pets.
5. Any poisonous, dangerous member of the rattlesnake, boa constrictor, venomous, constricting reptile or amphibian families including pit vipers, crocodiles, and alligators.
6. Any other animal which is not explicitly listed above but which can reasonably be defined by the terms of this subpart, including but not limited to bears, deer, snakes, birds of prey, monkeys, and predatory and non-predatory game fish.

**DOMESTIC.** Those animals commonly accepted as domesticated household pets. Unless otherwise defined, such animals shall include: Dogs; cats; caged birds; gerbils; hamsters; ferrets; guinea pigs; domesticated rabbits; fish; non-poisonous, non-venomous, and non-constricting reptiles; amphibians; and other similar animals.

**FARM.** Those animals commonly associated with a farm or performing work in an agricultural setting. Unless otherwise defined in this Section, such animals shall include: Members of the equestrian family (horses, mules), bovine family (cows, bulls), sheep, poultry (chickens, turkeys), fowl (ducks, geese), swine (including Vietnamese pot-bellied pigs), goats, and other animals associated with a farm, ranch, or stable.

“Apartments” means structures designed or used for four (4) or more dwellings.

“Alley” means any dedicated public right-of-way providing a secondary means of access to abutting property.

“Attorney” means the attorney employed by the Township Board of Supervisors unless otherwise stated.

“Basement” means a portion of a building located partially underground. A basement shall be counted as a story if the ceiling is six (6) feet or greater above ground.

“Blasting” means the use of explosives to break up or otherwise aid in the extraction or removal of rock or other consolidated formations.

“Block” means the enclosed area within the perimeter of roads, property lines or boundaries of a subdivision.

”Bluff” means a topographic feature such as a hill, cliff, or embankment having the following characteristics (an area with an average slope of less than eighteen (18) percent over a distance for fifty (50) feet or more shall not be considered part of the bluff):

- a. Part or all of the feature is located in a shoreland area;
- b. The slope rises at least twenty-five (25) feet above the ordinary high water level of the waterbody.
- c. The grade of the slope from the toe of the bluff to a point twenty-five (25) feet or more above the ordinary high water level averages thirty (30) percent or greater; and

d. The slope shall drain toward the waterbody.

“Borrow Pit” means a development undertaken for the primary purpose of excavating sand, gravel or fill. This does not include any excavation for rock or clay.

“Boulevard” means the portion of the street right-of-way between the curb line and the property line.

“Building” means any structure used or intended for supporting or sheltering any use or occupancy.

“Building Height” means the vertical distance from the mean ground level at the building line and the highest point of the roof surface.

“Building Line” means a line measured across the width or length of the lot at the point where the main structure is placed in accordance with setback provisions.

“Building, Principal” means a non-accessory building in which a principal use permitted in a zoning district is conducted.

“Butt Lot” means a lot at the end of a block and located between two (2) corner lots.

“Cluster Development” means a subdivision development planned and constructed so as to group housing units into relatively tight patterns while providing a unified network of open space and wooded areas and meeting the overall density regulations of this Chapter 100 and Chapter 300.

“Collector Street” means a street, which carried traffic from minor streets to thoroughfares or from thoroughfare to thoroughfare. Collector Streets are designated in the Comprehensive Plan.

“Common Scheme of Development” means separate, but similar or coordinated, land use activities being conducted on either a single parcel of land or on multiple contiguous parcels of land that are either under common ownership or common management.

“Comprehensive Plan” means a comprehensive plan prepared by the Township Board of Supervisors including a compilation of policy statements, goals, standards, and maps indicating the general locations recommended for the various functional classes of land use, places, and structure, and for the general physical development of the community and includes any unit or part of such plan separately adopted and any amendment to such plan or parts thereof.

“Contour Map” means a map on which irregularities of land surface are shown by lines connecting points of equal elevations. Contour interval is the vertical height between contour lines.

“Copy” means a print or reproduction made from a tracing.

“Corner Lot” means a lot bordered on at least two (2) adjacent sides by streets.

“County” means Mille Lacs County, Minnesota.

“Cul-de-sac” means a minor street with only one (1) outlet and having a turnaround at the end.

“Development” means the act of building structures and installing site improvements.

“Dog Kennel” means boarding, raising, or training of dogs for (i) sale; or (ii) use in sporting or competition events other than use by the landowner for hunting, retrieving, or show.

“Double Frontage Lots” means lots, which have a front line abutting on a street and a back or rear line abutting on another street.

“Drainage Course” means a water course or indenture for the drainage of surface water.

“Duplex” means a structure designed or used for two (2) dwellings.

“Duration” means a specified length of time.

“ Dwelling” means any building or portion thereof which is designed or used exclusively for residential occupancy by a single family and containing sleeping, eating, cooking and sanitation, including manufactured homes constructed in conformance with Minnesota Statute Section 327.31, et. seq., but not including hotels, motels, lodging or boarding houses.

“Easement” means a grant by an owner of rights in land for a specific use by persons other than the owner.

“Engineer” means the registered engineer employed by the Township Board of Supervisors, unless otherwise stated.

“Extractive Use” means the use of land for surface or subsurface removal of minerals (sand, clay, gravel, rock, industrial minerals, other non-metallic minerals, and peat) not regulated under Minnesota Statutes, sections 93.44 to 93.51.

“Family” means any of the following living in a single dwelling:

1. An individual; or
2. Two (2) or more persons related by blood, marriage or adoption or otherwise living as though members of the family; or
3. A group of not more than five (5) persons.

“Floodplain” means the areas adjoining a watercourse or water basin that have been or may be covered by a regional flood.

“Floodway” means the channel of the watercourse, the bed of water basins, and those portions of the adjoining floodplains that are reasonably required to carry and discharge floodwater and provide water storage during a regional flood.

“Flood, Regional” means a flood that is representative of large floods known to have occurred generally in the state and reasonably characteristic of what can be expected to occur on an average frequency in the magnitude of a 100-year recurrence interval.

“Floor Area” means the area within the exterior walls of a building or structure as measured from the outside walls at the ground level, not including garages or porches and not including attached utility or accessory rooms.

“Ground water” means the water beneath the surface of the ground, consisting largely of surface water that has seeped down; the source of water in springs and wells.

“Handling” means any aggregate screening, mixing or storage of sand, gravel, stone, rock, clay, peat, or topsoil; to include any mining of material.

”Home Occupation” means any gainful occupation or profession engaged in by the occupants of a dwelling at or from the dwelling, carried on within the dwelling or in an Accessory Building and which is clearly an incidental and secondary use of the property as a residential dwelling.

“Inactive” means mineral extraction that has ceased for 12 consecutive months prior to the passage of this Ordinance, in any areas where mining extraction activity had previously occurred.

“Key Map” means a map drawn to comparatively small scale which definitively shows the area proposed to be platted in relation to known geographical features, i.e., downtown, lakes, roads.

“Limited Agriculture” means the use of land for field crops, including, but not limited to, barley, corn, hay, oats, potatoes, rye, sorghum, soybeans, and sunflowers.

“Lot” means a parcel or portion of land in a subdivision or plat of land, separated from other parcels or portions by description as on a subdivision or record of survey map, for the purpose of sale or lease or separate use thereof.

“Lot Area” means the area of a horizontal plane within the lot lines. In computing the minimum area for lots, portions of the lots which fall within dedicated roadways and public right-of-way are not being included.

“Lot Line” means a property boundary line of any tract of land held in single ownership, except where such line extends into a public street or alley, then the lot line shall be at the edge of the street or alley.

“Lot Line, Front” means the boundary line of a lot abutting a street. On a corner lot, the shortest street lot line shall be the front lot line.

“Lot Line, Rear” means the boundary line most remote from and most nearly parallel to the front lot line.

“Lot Line, Side” means a boundary line other than the front lot line or rear lot line.

“Lot Width” means the mean horizontal distance between the side lot lines of a lot.

“Manufactured Home” means a structure, transportable in one or more sections, which in the traveling mode, is eight (8) feet or more in width or forty (40) feet or more in length, or, when erected on site, is three-hundred twenty (320) or more square feet, and which is on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained in it.

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

“Mineral extraction activity” means any excavation or removal, handling or storage of on-site extracted sand, gravel, borrow, rock, clay, minerals, or topsoil to include, but is not limited to, sand or gravel pits, clay pits, borrow pits, quarries, mines, and topsoil mining or removal.

“Minimum Subdivision Design Standards” means the rules, principles, and specifications for the preparation of subdivision plans indicating among other things, the minimum and maximum dimensions of the various elements set forth in the plan.

“Mining Site Boundary” means the boundary of the area identified in the application as the mine site.

“Minor Street” means a street of limited continuity used primarily for access to the abutting properties and the local needs of the neighborhood.

“Multiple Family Dwelling” means structures designed or used for two (2) or more dwellings, including duplexes or triplexes (row or cluster type).

“Natural Water Way” means a natural passageway in the surface of the earth so situated and having such a topographical nature that surface water flows through it from other areas before reaching a final ponding area. The term also includes all drainage structures that have been constructed or placed for the purpose of conducting water from one place to another.

“Ordinance” means the Princeton Township Code including Chapter 100, Chapter 200, Chapter 300, Chapter 400, Chapter 500, Chapter 600, and Chapter 700.



“Owner” means an individual, firm, association, syndicate, partnership, corporation, trust, or any legal entity having a proprietary interest in property sufficient to initiate proceedings to subdivide the same under this ordinance.

“Pedestrian Way” means a public right-of-way across or within a block, to be used by pedestrians.

“Person” means any individual, firm, association, syndicate, partnership, corporation, trust, or any other legal entity.

“Planning Commission” means the Planning Commission of the Town.

“Preliminary Plat” means the map or drawing indicating the proposed layout of the subdivision to be submitted to the Planning Commission and Township Board of Supervisors for their consideration, in compliance with the Comprehensive Plan and this ordinance along with required supporting data.

“Final Plat” means a map or drawing, which graphically delineates the boundary of land parcels for the purpose of identification and record of title. The plat is a recorded legal document and must conform to all Minnesota State Laws.

“Private Street” means a street serving as vehicular access to two (2) or more parcels of land, which is not dedicated to the public but is owned by one (1) or more private parties.

“Protective Covenants” means contracts entered into between private parties and constituting a restriction on the use of all private property within a subdivision for the benefit of the property owners, and to provide mutual protection against undesirable aspects of development which would impair stability of values.

“Reclamation” means the restoration to conditions similar to what existed prior to the operation or that will be compatible with what existed prior to the operation on the area of land affected by mining under a reclamation plan. This may include but is not limited to, grading and shaping of the land, the planting of forests, the seeding of grasses, legumes, or crops for harvest, or the enhancement of wildlife and aquatic resources.

“Reclamation Plan” means a plan which depicts how the project area will be restored, or altered for the productive use of the land, after excavation is complete.

“Reserve Strips” means a narrow strip of land placed between lot lines and streets to control access.

“Right-of-way” means the land covered by a public road or land dedicated for public use or for certain private use such as land over which a power line passes.

“River” means a flowing body of water such as a stream or segment or tributary of a stream and may include lakes through which a river or stream flows.

“Roadway” means driving surface portion of a public right-of-way.

”Salvage Yard” means property used for keeping, conducting, or maintaining of any building, structure, yard, or place for keeping, storing, or piling in commercial quantities, whether temporary, irregularly, or continually, or for the buying or selling at retail or wholesale dealing any sold, used, or second-hand materials of any kind, including cloth, rags, clothing, paper, bottles, rubber, iron, brass, copper, or other metal, furniture, machinery, used motor vehicles or the parts thereof, or other articles which their worn condition renders them practically useless for the purpose in which they are made.

“Second Single Family Homestead” means a temporary manufactured home for Parents, Grandparents, Children, Sisters or Brothers by blood or adoption.

“Service Street” means a minor street parallel to and adjacent to high volume arterial streets and highways, which provides access to abutting properties and protection of through traffic.

“Setback” means the minimum horizontal distance between any part of a structure and the ordinary high water mark, lot line, or road, whichever is closer.

“Sidewalk” means a paved walkway along the side of a street.

“Sketch Plan” means a drawing showing the proposed subdivision of property. This plan is not necessarily drawn to scale and exact accuracy is not a requirement. It is used as a basis for informal discussion.

“Storage Pod” means a portable or moveable device used for holding materials, equipment, etc.

“Street” means a way for vehicular traffic, whether designated as street, highway, thoroughfare, parkway, through-way, avenue, boulevard, lane, place, drive, court, or otherwise.

“Street Width” means the shortest distance between the lines delineating the right-of-way of a street.

“Structure” means anything constructed or erected, the use of which requires a fixed location on the ground or an attachment to something having a fixed location on the ground, including, in addition to buildings, billboards, carports, porches, and other building features but not including sidewalks, drives, fences, and patios.

“Subdivider” means the owner, agent, or person having control of such land as the term is used in this ordinance.

“Subdivision” means the division of a parcel of land after the effective date of this ordinance into two (2) or more lots or parcels, for the purpose of transfer of ownership or building development. The term includes re-subdivision and, when appropriate, to the context, shall relate to the process of subdividing or to the land subdivided.

“Surveyor” means a land surveyor registered under Minnesota State Laws.

“Thoroughfare” means a street primarily designated to carry large volumes of traffic and provide for vehicular movement between and among large areas as designated in the Comprehensive Plan.

“Town” means the Township of Princeton.

“Township Board of Supervisors” means the Township Board of Supervisors for Princeton Township, County of Mille Lacs, State of Minnesota.

“Tracing” means a plat or map drawn on transparent paper or cloth, which can be reproduced by using regular reproduction procedure.

“Tract of Land” means a parcel of land designated by metes and bounds, registered land survey, auditor’s plat, or other accepted means and separated from other parcels or portions by said description for the purpose of sale, lease or separation thereof.

“Transitional Housing” means a transitional housing use refers to temporary living situations wherein individuals or families are residing temporarily in congregate space, with or without separate sleeping rooms. Transitional housing may occur for periods of one (1) day to one (1) year. Congregate space means that individuals share all or part of the kitchen, bath and recreational spaces. Transitional housing shall only be defined as requiring an Interim Use Permit if each housing unit does not contain independent living and cooking facilities, but rather are designed and integrated around a central group or congregate style living, cooking and dining facilities.

“Triplex” means a structure designed or used for three (3) dwellings.

“Topsoil” means the top layer of soil that is predominantly fertile and ordinarily moved in tillage or the equivalent of such a layer in uncultivated soils.

“Upland” (Residential R-1 District) means a natural and contiguous portion of the lot area which is exclusive of existing wetlands, flood plain, flood fringe, flood way, drainage ways and utility easements and exclusive of proposed ponding areas, drainage swales, and utility easements.

“Zoning Code” means zoning regulations controlling the use of land as adopted by the Town.

**CHAPTER 300**  
**ZONING REGULATIONS**

- 300:010 CLASSIFICATION OF DISTRICTS. For the purpose of regulating the location of buildings, their size, and use, their arrangements on lots, and the density of populations, the Township of Princeton is hereby divided into the following five districts: Residential R-1, Residential R-2, Rural Residential, Agricultural Conservation, River Conservation, and Commercial/Industrial. Unless otherwise permitted in this ordinance, no building, lot, or tract of land shall be used and no building shall be hereafter erected or structurally altered unless it is a permitted use or a conditional use for the applicable district. Conditional uses shall also require the issuance of a Conditional Use Permit.
- 300:020 ZONING MAP. The geographical limits of each district are as shown on the “Zoning Map” which shall be located in the Township Hall. The Zoning Map and all amendments to the Zoning Map shall be part of this ordinance as though fully set forth and described in this ordinance.
- 300:030 RESIDENTIAL DISTRICTS.
- 300:031 Residential R-1 District Permitted Uses. The following are Permitted Uses in R-1 Residential Districts:
1. Single Family Dwellings.
  2. Related accessory uses including but not limited to garages, swimming pools, satellite dishes, wind or solar equipment, court games and other recreational structures.
  3. Gardening, Orchards, and Berry Patches.
  4. State licensed residential facilities serving six (6) or fewer persons, a licensed day care facility serving twelve (12) or fewer persons, or group family day care facilities licensed under Minnesota Rules Parts 9502.0315 to 9502.0445 to serve fourteen (14) or fewer children, except that a residential facility whose primary purpose is to treat adults or juveniles who have violated criminal statutes relating to sex offenses or juveniles who have been adjudicated delinquent on the basis of conduct in violation of criminal statutes relating to sex offenses shall not be considered a permitted use.
- 300:032 Residential R-1 District Conditional Uses. The following uses are subject to a Conditional Use Permit in Residential R-1 Districts and shall meet a minimum lot area of at least two and one-half (2 ½) acres except for home occupations:
1. Public or private educational, philanthropic or charitable institutions.
  2. Cemeteries and Churches

3. Public and Private Schools.
4. Parks, playgrounds, golf courses, recreation and community buildings owned and/or controlled by the Township or by a private school or public school district or other municipal authority.
5. Public utility stations.
6. Pole Barns shall not be permitted on Lots with less than three and one-half (3.5) acres. Pole Barns on three and one-half (3.5) acres or more are permitted with a conditional use permit.
7. The building materials of any accessory structure shall conform with the materials of the residential structure existing on said Lot.

300:0325 Residential R-1 District Interim Uses. The following uses are subject to an Interim Use Permit in Residential R-1 District and shall meet a minimum lot area of at least two and one-half (2 ½) acres except for home occupations:

1. Home occupations shall be limited to occupations that take place within the residential dwelling. No more than one-quarter (¼) of the residential dwelling floor space may be used for Home Occupational Purposes. Home occupations that take place within any attached garage, detached garage or other detached building and/or structure shall not be allowed by interim use or otherwise within the Residential R-1 District. Identification of the Home Occupation by sign shall be limited to the address of the residence only.
2. One (1) or more storage pod on a parcel.
3. Second Single Family Homestead per Homestead.
4. Bed and Breakfast.

300:033 Residential R-1 District Height, Yard, Area, and Lot Width and Depth Regulations.

1. Lots, Area and Width. Lots located within Residential R-1 Districts shall meet the following minimum requirements:
  - a. Minimum lot area of each lot must be at least one and one-quarter (1 ¼) acres of upland.
  - b. Minimum lot width of one hundred fifty (150) feet at the building setback line.
  - c. For lots that front public bodies of water, the lot width as measured at the high water mark shall be not less than one-hundred fifty (150) feet.
2. Yards - Front, Rear, Side, and Setbacks. Structures located within Residential R-1 Districts shall meet the following minimum setback requirements:

- a. Front yard setbacks shall not be less than seventy (70) feet.
  - b. Side yard setbacks shall not be less than thirty-five (35) feet.
  - c. Rear yard setbacks shall not be less than fifty (50) feet.
  - d. On public bodies of water, the setback shall not be less than on hundred (100) feet from the high water mark of the body of water.
3. Height Requirements. Structures located within Residential R-1 Districts shall meet the following height requirements:
- a. Except as provided in paragraph b below, no building hereinafter erected or altered shall exceed thirty-five (35) feet in mean height.
  - b. Agricultural and essential service structures shall have no height limitations.
4. Access and Driveway Requirements.
- a. Access to any Lot within the Residential R-1 District shall have a minimum of sixty-six (66) feet of road frontage that abuts a public right-of-way.
  - b. All newly constructed driveways shall be improved with bituminous or concrete surface.

300:0335 Residential R-2 District Interim Uses. The following uses are subject to an Interim Use Permit in Residential R-2 District:

1. Home occupation Business.
2. Two (2) or more storage pods on a parcel.
3. Second Single Family Homestead per Homestead.
4. Bed and Breakfast

300:034 Residential R-2 District Permitted Uses. The following are Permitted Uses in Residential R-2 Districts:

1. Single Family Dwellings.
2. Duplexes and triplexes.
3. Related accessory uses including but not limited to garages, swimming pools, satellite dishes, wind or solar equipment, court games and other

recreational structures.

4. Gardening, Orchards, and Berry Patches.
5. State licensed residential facilities serving six (6) or fewer persons, a licensed day care facility serving twelve (12) or fewer persons, or group family day care facilities licensed under Minnesota Rules Parts 9502.0315 to 9502.0445 to serve fourteen (14) or fewer children, except that a residential facility whose primary purpose is to treat adults or juveniles who have violated criminal statutes relating to sex offenses or juveniles who have been adjudicated delinquent on the basis of conduct in violation of criminal statutes relating to sex offenses shall not be considered a permitted use.

300:035 Residential R-2 District Conditional Uses. The following uses are subject to a Conditional Use Permit in Residential R-2 Districts:

1. Public or private educational, philanthropic or charitable institutions.
2. Cemeteries and Churches
3. Public and Private Schools.
4. Parks, playgrounds, golf courses, recreation and community buildings owned and/or controlled by the Township or by a private school or public school district or other municipal authority.
5. Public utility services, including stations, communication towers or antennas, distribution plants, etc., but not including warehouses for the storage of bulky material, and not including factories for the manufacture of any commodity. Public utility and service structures shall not be located and constructed at such places and in such manner that they will segment agricultural land by limiting or interfering with the access to fields or the effectiveness and efficiency of the farmer or farm equipment including crop spraying aircraft.
6. Duplexes and triplexes.

300:036 Residential R-2 District Height, Yard, Area, and Lot Width and Depth Regulations.

1. Lots, Area, and Width. Lots located within Residential R-2 Districts shall meet the following minimum requirements:
  - a. Minimum lot area of each lot must be at least two and one-half (2 ½) acres.

- b. Minimum front yard width of two hundred (200) feet at the front lot line and sixty-six (66) feet on curves and cul-de-sacs.
  - c. Minimum lot width of one hundred fifty (150) feet at the building setback line.
  - d. For lots that front public bodies of water, the lot width as measured at the high water mark shall be not less than one-hundred fifty (150) feet.
2. Yards - Front, Rear, Side, and Setbacks. Structures located within Residential Districts shall meet the following minimum setback requirements:
- a. Front yard setbacks shall not be less than seventy (70) feet.
  - b. Side yard setbacks shall not be less than thirty-five (35) feet.
  - c. Rear yard setbacks shall not be less than fifty (50) feet.
  - d. On public bodies of water, the setback shall not be less than one hundred (100) feet from the high water mark of the body of water.
3. Height Requirements. Structures located within Residential Districts shall meet the following height requirements:
- a. Except as provided in paragraph b below, no building hereinafter erected or altered shall exceed thirty-five (35) feet in height.
  - b. Agricultural and essential service structures shall have no height limitations.

300:040 RURAL RESIDENTIAL DISTRICTS.

300:041 Rural Residential Districts Permitted Uses. The following are Permitted Uses in a Rural Residential District:

- 1. Agriculture and farm buildings: The use of land for growing and/or production of the following:
  - a. Field crops, including barley, corn, hay, oats, potatoes, rye, sorghum, soybeans and sunflowers; and
  - b. Livestock including dairy and beef cattle, goats, horses, sheep, hogs, poultry, game birds, ponies, deer, mink and other animals.
- 2. Single family dwellings.
- 3. Duplexes and triplexes.



4. Gardening, Orchards, Berry Patches and Nurseries.

300:042 Rural Residential Districts Conditional Uses. The following are Conditional Uses in a Rural Residential District:

1. Public or private institutions of an educational, philanthropic or charitable nature.
2. Cemeteries and Churches.
3. Public and Private Schools.
4. Parks, playgrounds, golf courses, recreation and community buildings owned and/or controlled by the Township or by a private school or public school district or other municipal authority.
5. Public utility services, including stations, communication towers or antennas, distribution plants, etc., but not including warehouses for the storage of bulky material, and not including factories for the manufacture of any commodity. Public utility and service structures shall not be located and constructed at such places and in such manner that they will segment agricultural land by limiting or interfering with the access to fields or the effectiveness and efficiency of the farmer or farm equipment including crop spraying aircraft.

300:0425 Rural Residential District Interim Uses. The following uses are subject to an Interim Use Permit in Rural Residential District:

1. Home occupation Business.
2. Two (2) or more storage pods on a parcel.
3. Second Single Family Homestead per Homestead.
4. Bed and Breakfast

300:043 Height, Yard, Area, and Lot Width and Depth Regulations.

1. Lots, Area, and Width. Lots located within Rural Residential Districts shall meet the following minimum requirements:
  - a. Minimum area of each lot must be at least two and one-half (2 ½) acres.
  - b. Minimum front yard width of three hundred (300) feet at the front lot line and sixty-six (66) feet on curves and cul-de-sacs.
  - c. Minimum lot width of one hundred fifty (150) feet at the building setback line.

- d. For lots that front public bodies of water, the lot width as measured at the high water mark shall be not less than one-hundred fifty (150) feet.
2. Yards - Front, Rear, Side, and Setbacks. Structures located within Rural Residential Districts shall meet the following setback requirements:
    - a. Front yard setbacks shall not be less than seventy (70) feet.
    - b. Side yard setbacks shall not be less than thirty-five (35).
    - c. Rear yard setbacks shall not be less than fifty (50) feet.
    - d. On public bodies of water, the setback shall not be less than one hundred (100) feet from the high water mark of the body of water.
  3. Height Requirements. Structures located within the Rural Residential Districts shall meet the following height requirements:
    - a. Except as provided in paragraph b below, no building hereinafter erected or altered shall exceed thirty-five (35) feet in height.
    - b. Agricultural and essential service structures shall have no height limitations.

300:050 AGRICULTURAL CONSERVATION DISTRICT.

300:051 Agricultural Conservation District Permitted Uses. The following are Permitted Uses within an Agricultural Conservation District:

1. Agriculture and farm buildings: The use of land for growing and/or production of the following:
  - a. Field crops, including barley, corn, hay, oats, potatoes, rye, sorghum, soybeans and sunflowers.
  - b. Livestock, including but not limited to, dairy and beef cattle, goats, horses, sheep, hogs, poultry, game birds, ponies, deer, mink and other animals.
2. Single Family Dwellings.
3. Gardening, Orchards, Berry Patches, and Nurseries.

300:052 Agricultural Conservation District Conditional Uses. The following uses are subject to a Conditional Use Permit in Agricultural Conservation Districts:

1. Public or private institutions of an educational, philanthropic or charitable nature.
2. Cemeteries and Churches.

3. Public and Private Schools.
4. Parks, playgrounds, and golf courses.
5. Recreation and community buildings owned and/or controlled by the Township or by a private school or public school district or other municipal authority.
6. Public utility services, including stations, communication towers or antennas, distribution plants, etc., but not including warehouses for the storage of bulky material, and not including factories for the manufacture of any commodity. Public utility and service structures shall not be located at such places or in such manner that they will segment agricultural land by limiting or interfering with the access to fields or the effectiveness and efficiency of the farmer or farm equipment including crop spraying aircraft.
7. Mining.
8. Other uses similar in nature to the uses described in this Subsection which the Township Board of Supervisors finds meets the standards of Section 300:230.3.

300:0525 Agricultural Conservation District Interim Uses. The following uses are subject to an Interim Use Permit in Agricultural Conservation District:

1. Home occupation Business.
2. Two (2) or more storage pods on a parcel.
3. Second Single Family Homestead per Homestead.
4. Bed and Breakfast
5. Dog Kennels
6. Riding Stables for compensation
7. Yard Waste Composting
8. Amusement Park (Portable)
9. Asphalt & Concrete Mixing Plants, Portable
10. Auction Business
11. Bed & Breakfast
12. Campgrounds
13. Mining & Land Alteration

14. Personal Use Airstrips
15. Keeping of Non Domestic Animals
16. Solid Waste Transfer Station.
17. Private motor sport vehicle events conducted for compensation.
18. Land application of waste water treatment sludge provided the Township Board of Supervisors finds that the proposed application satisfies the standards and requirements of any and all ordinances, rules, and laws of Mille Lacs County, the Minnesota Pollution Control Agency, and the State of Minnesota.
19. Other uses similar in nature to the uses described in this Subsection which the Township Board of Supervisors finds meet the standards of Section 300:230.3 and the general standards of Section 300:235.

300:053 Height, Yard, Area, Lot Width and Depth Regulations and Density.

1. Lots, Area, and Width. Lots located within Agricultural Districts shall meet the following minimum requirements:
  - a. Minimum area of each lot must be at least two and one-half (2 ½) acres.
  - b. Minimum front yard width of two hundred (200) feet at the front lot line and sixty-six (66) feet on curves and cul-de-sacs.
  - c. Minimum lot width of one hundred fifty (150) feet at the building setback line.
2. Yards - Front, Rear, Side, and Setbacks. Structures located within Agricultural Districts shall meet the following setback requirements:
  - a. Front yard setbacks shall not be less than seventy (70) feet.
  - b. Side yard setbacks shall not be less than thirty-five (35).
  - c. Rear yard setbacks shall not be less than thirty-five (35) feet.
3. Height Requirements. Structures located within the Agricultural Conservation District shall meet the following height requirements:
  - a. Except as provided in paragraph b below, no building hereinafter erected or altered shall exceed thirty-five (35) feet in height.
  - b. Agricultural and essential service structures shall have no height limitations.
4. No more than two (2) structures used for dwelling purposes (farm or non-farm) shall be permitted within any quarter-quarter section within the Agricultural Conservation

District except as may exist as of the date of this ordinance. No more than two (2) land splits shall be permitted within any quarter-quarter section within the Agricultural Conservation District except as may exist as of the date of this ordinance. Any third parcel created by a second land split shall be an unbuildable parcel and shall be recorded as unbuildable with the Mille Lacs County Recorder. This ordinance, however, shall not limit metes and bounds land splits meant for the purpose of combination with adjacent parcels.

### 300:060 RIVER CONSERVATION DISTRICT

1. Introduction and Policy. The Town Board intends that the provisions of the Minnesota Statutes Sections 103F.301 - 103F. 345 that apply to the Rum River shall also apply to other areas, which the Town Board has designated as River Conservation District. Sections 300:060 to 300:0689 are enacted generally for the controlling bluff land and river land development in order to protect and preserve the outstanding scenic, recreational, natural, historical and scientific values of the Rum River and other rivers located in Princeton Township, Mille Lacs County, Minnesota, in a manner consistent with Minnesota Statutes, Sections §103F.301 -103F.345, Minnesota Rules, Parts 6105.0010 -.0250, and parts 6105.1400 - .1500 for the Rum River, hereafter referred to as the Rum River rules.
2. Title. Sections 300:060 to 300:0689 shall be known, cited and referred to as the Town of Princeton River Conservation Ordinance; except as referred to herein, where it shall be known as “this ordinance”.
3. Purpose. This ordinance is adopted to achieve the policy of Section 300:060 (1) and to:
  - a. Conserve and protect the natural scenic values and resources of rivers in the Town including, but not limited to the Rum River, and to maintain a high standard of environmental quality.
  - b. Regulate the area of a lot, and the length of bluff land and water frontage suitable for building sites to reduce the effects of overcrowding and provide ample space on lots for sanitary facilities.
  - c. Regulate the setback of structures and sewage treatment systems from bluff lines and shorelines.
  - d. Regulate alterations of the natural vegetation and topography.
  - e. Maintain property values and prevent poorly planned development.
  - f. Preserve natural beauty and quietude.
  - g. Prevent pollution.
  - h. Designate land use districts along the bluff land and shoreline of the Rum River and other rivers.

- i. Comply with Minnesota Rules, Parts 6105.1400 -.1500 as required for the Rum River.
4. Jurisdiction. The jurisdiction of this ordinance shall include all lands designated as River Conservation District within Princeton Township. River Conservation District 1 (RC-1) shall be the River Conservation District as defined in Sections 6, 7, 18, 19, 29 and 30. River Conservation District 2 (RC-2) shall be the River Conservation District as defined in Sections 3, 9, 10, 15, 16, 21, 22, 27 and 34.
5. Compliance. The use of any land within the River Conservation Districts, the size and shape of lots; the use and location of structures on lots; the installation and maintenance of water supply and sewage treatment systems; the filling, grading, or dredging of any river area; the cutting of vegetation or alteration of the natural topography within the district; and the subdivision of land shall be in full compliance with the terms of this ordinance and other application regulations. Permits from the Township are required by this ordinance for the construction of structures, public or private water supply and sewage treatment systems, the grading and filling of the natural topography and erection of signs within the River Conservation Districts.

300:061 Rules.

1. It is not intended by this ordinance to repeal, abrogate or impair any existing easement, covenants, deed restrictions, or land use controls. Where this ordinance imposes greater restrictions, the provisions of this ordinance shall prevail. In case of conflict between a provision of the Minnesota Wild, Scenic, and Recreational Rivers Statewide Standards and Criteria and some other law of this state or provisions of existing ordinances, the more protective provision shall apply.
2. 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 powers or rights granted by Minnesota Statutes.
3. The provisions of this ordinance shall be severable, and the invalidity of any paragraph, subparagraph, or subdivision thereof shall not make void any other paragraph, subparagraph, subdivision or any other part. If any court of competent jurisdiction shall adjudge invalid any provision of this ordinance or the application of this ordinance to a particular property, building, or other structure, such judgment shall not affect any other provision of this ordinance or any other property, building or structure not specifically included in said judgment.
4. The word “shall” is mandatory, not permissive.
5. All distances unless otherwise specified shall be measured horizontally.

300:062 Definitions. For the purpose of this ordinance, certain terms and words are hereby defined as follows. In the event of any conflict between the following definitions and the definitions contained elsewhere in the Princeton Township Zoning and Subdivision

Ordinances, the following shall control only as to applicability within Sections 300:060 to 300:0689.

1. "Agricultural use" means the management of land for the production of farm crops, their storage on the area, and/or the raising thereon of domestic pets and domestic farm animals.
2. "Bluff line" 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 the River Conservation District.
  - B. the slope rises at least 25 feet above the ordinary high water level of the river,
  - 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,
  - D. the slope must drain toward the waterbody.

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.

3. "Buildable Acres" means a natural and contiguous portion of the lot area which is exclusive of existing wetlands, flood plain, flood fringe, flood way, drainage ways and utility easements and exclusive of proposed ponding areas, drainage swales, and utility easements.
4. "Building line" means that line measured across the width of the lot at the point where the main structure is placed in accordance with setback provisions.
5. "Campground" means an area accessible by vehicle and containing campsites or camping spurs for tent and trailer camping.
6. "Clear cutting" means the removal of an entire stand of vegetation.
7. "Commissioner" means the Commissioner of the Department of Natural Resources.
8. "Conditional use" means a use of land which is permitted only when allowed by the Town Board Supervisors after a public hearing, if certain conditions are met which Supervisors eliminate or minimize the incompatibility with other permitted uses of the district.
9. "Essential services" means underground or overhead gas, electrical, steam or water distribution systems; collection, communication, supply, or disposal systems, including poles, wire, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, traffic signals, hydrants and other similar equipment and accessories in conjunction therewith; but not including buildings or transmission services.
9. "Forestry" means the use and management, including logging, of a forest,

woodland or plantation and related research and educational activities, including the construction, alteration or maintenance of woodroads, skidways, landings, and fences.

10. “Practical Difficulties” (previously known as ‘hardship’) means, as used in connection with a variance under this ordinance, the property in question cannot be put to a reasonable use under the conditions allowed by this ordinance. Economic considerations alone shall not constitute a hardship if any reasonable use for the property exists under the terms of this ordinance.
12. “Land use district” means those lands designated by the commissioner as the protected land corridor along the Rum River which the commissioner designated as components of the Minnesota wild and scenic rivers system; and it also includes other lands designated by the Township Board as River Conservation District.
13. “Lot” means a parcel of land designated by plat, metes and bounds, registered land survey, auditors plot, or other accepted means and separated from other parcels or portions by said description for the purpose of sale, lease, or separation thereof. For the purposes of these regulations, a lot shall be considered to be an individual building site, which shall be occupied by no more than one principal structure equipped with sanitary facilities.
14. “Mining operation” means the removal of stone, sand and gravel, coal, salt, iron, copper, nickel, granite, petroleum products, or other material from the land for commercial, industrial, or governmental purposes.
15. “Nonconforming use” means any use of land established before the effective date of this ordinance, which does not conform, to the use restrictions of a particular zoning district. This should not be confused with substandard dimensions of a conforming use.
16. “Open space recreational uses” means recreation use particularly oriented to and utilizing the outdoor character of an area; including hiking and riding trails, primitive campsites, campgrounds, waysides, parks and recreation areas.
17. ”Ordinary high water level” means an elevation delineating the highest water level, which has been maintained for a sufficient period of time to leave evidence upon the landscape. In areas where the ordinary high water level is not evident, setbacks shall be measured from the stream bank of the following water bodies that have permanent flow or open water: the main channel, adjoining side channels, backwaters and sloughs.
18. “Primitive campsites” means an area that consists of individual remote campsites accessible only by foot or water.
19. “Selective cutting” means the removal of single scattered trees.
20. “Setback” means the minimum horizontal distance between a structure and the ordinary high water level, bluff line, road or highway.



21. "Sewage treatment system" means any system for the collection, treatment and dispersion of sewage including but not limited to septic tanks, soil absorption systems and drain fields.
22. "Single family dwelling" means a detached building containing one dwelling unit.
23. "Structure" means any building, sign, or appurtenance thereto, except aerial or underground utility lines, such as sewer, electric, telephone, telegraph, or gas lines, including towers, poles, and other supporting appurtenances.
24. "Subdivision" means improved or unimproved land or lands which are divided, for the purpose of ready sale or lease, or divided successively within a five year period for the purpose of sale or lease, into three or more lots or parcels of less than five acres each, contiguous in area and which are under common ownership or control.
25. "Substandard use" means any use within the land use district existing prior to the date of enactment of this ordinance which is permitted within the applicable land use district but does not meet the minimum lot area, length of water frontage, structure setbacks or other dimensional standards of the ordinance.
26. "Variance" means any modification or variation of this ordinance where it is determined that by reason of exceptional circumstances, the strict enforcement of an ordinance provision would cause unnecessary hardship. This shall be evaluated according to the provisions contained in Sections 300:068 to 300-0689.
27. "Vegetation" means trees in excess of four inches in diameter at four feet in height.
28. "Watershed management or flood control structure" means a dam, floodwall, wingdam, dike, diversion channel, or an artificially deepened or widened stream channel following the same or approximately the same course as the natural channel, or any other structure for altering or regulating the natural flow condition of a river or stream. The term "watershed management or flood control structure" does not include pilings, retaining walls, gabion baskets, rock riprap, or other facilities intended primarily to prevent erosion and which must be authorized by permit from the commissioner.
29. "Wetland" means land which is annually subject to periodic or continual inundation by water and commonly referred to as a bog, swamp, or marsh.

300:063 Land Use District Provisions.

1. In order to preserve and protect the Rum River and its adjacent lands which possess outstanding scenic, recreational, natural, historical, scientific and similar values, the Rum River in Princeton Township has been given the Recreational River Classification north of the Mille Lacs CSAH 13 bridge and the Scenic River classification south of the Mille Lacs CSAH 13 bridge. The uses and classification of this river and its adjacent lands are hereby designated by land use zoning districts, the boundaries of which are based on the Rum River rule, parts 6105.1400 -.1500.

2. The boundaries of the River Conservation District, and the Rum River Recreational and Scenic classifications are shown on the map designated as the Town of Princeton official zoning map, which is made a part of this ordinance and is on file with the Township Clerk. In case of conflict between the map and the property descriptions in the Rum River rule, the latter shall prevail.

300:0631 Purpose. The purpose of establishing standards and criteria for the management of the River Conservation District and Rum River land use districts shall be to preserve and protect existing natural, scenic, historical, scientific, and recreational values, to reduce the effects of overcrowding and poorly planned development of adjacent lands, to prevent pollution, to preserve natural beauty and quietude, to maintain proper relationships between various land use types, and to prohibit new uses that are inconsistent with the statewide standards and criteria or Wild and Scenic Rivers, Minnesota Rules, Parts 6105.0010 -.0250.

300:0632 Permitted and Conditional Uses. In the following table of uses: All conditional uses must be approved by the Township and the DNR Commissioner.

P means Permitted Use  
 C means Conditional Use  
 I means Interim Use Permit

Certain of the following uses are subject to the zoning dimension provisions and sanitary provisions of Sections 300:064 to 300:0643 and Sections 300:065 to 300:0652. All of the following uses are subject to the vegetative cutting and grading and filling provisions of Sections 300:066 to 300:0664

	<u>Scenic River District</u>	<u>Recreational River District and Other Conservation District Land</u>
1. Governmental campgrounds, subject to management plan specifications.	P	P
2. Public accesses, road access types with boat launching facilities subject to management plan specifications.	P	P
3. Public accesses, trail access type, subject to management plan specifications.	P	P
4. Docks.	C	C
5. Other governmental open space recreational uses,		

	subject to management plan specifications.	P	P
6.	Agricultural uses.	P	P
7.	Single family residential uses.	P	P
8.	Forestry uses.	P	P
9.	Essential services.	P	P
10.	Sewage treatment systems.	P	P
11.	Private roads and minor public streets.	P	P
12.	Signs approved by federal, state, or local government Which are necessary for public health and safety and signs indicating areas that are available or not available for public use.	P	P
13.	Signs not visible from the river that are not specified in (12).	P	P
14.	Governmental resource management for improving fish and wildlife habitat; wildlife management areas; nature areas; accessory roads.	P	P
15.	Underground mining that does not involve surface excavation in the land use district.	I	I
16.	Utility transmission power lines and pipelines, subject to the provisions of Secs. 300:066 to 300:0664.	C	C
17.	Public roads, subject to the provisions of Secs. 300:066 to 300:0664.	C	C
18.	Home Occupations	I	I
19.	Churches and Cemeteries	C	C
20.	Public and Private Schools	C	C
21.	Public Utilities Excluding Communication Towers	C	C

All uses not listed as permitted or conditional uses shall not be allowed.

300:0633 Nonconforming Uses. Uses which are prohibited by this ordinance but which are in existence prior to the effective date of this ordinance shall be nonconforming uses. Such uses shall not be intensified, enlarged, or expanded beyond the permitted or delineated

boundaries of the use or activity as stipulated in the most current permit issued prior to the adoption of this ordinance.

300:064 Zoning Dimensions.

300:0641 Minimum District Dimensional Requirements.

1. The following chart sets forth the minimum lot size and width, setbacks, and other requirements of each district:

- a. Minimum lot size above ordinary high water level in RC-1      4 Contiguous Buildable Acres
- b. Minimum lot size above ordinary high water level in RC-2      10 Acres with 4 Contiguous Buildable Acres

	<u>RC-1</u>	<u>RC-2</u>
c. Lot width at <u>building line</u>	250	250
d. Lot width at ordinary high water level	250	250
e. Structure setback from ordinary high water level	150	150
f. Structure setback from bluff line	30	30
g. On-site sewage treatment system setback from ordinary high water level	100	100
h. Maximum structure height except for buildings used primarily for agriculture purposes	35	35
i. Controlled vegetative cutting area: (see Section 300:0661)		
from ordinary high water level	150	150
from bluff line	30	30
j. Minimum front yard width of three hundred thirty (330) feet at the front lot line.		
k. Front yard setbacks shall not be less than seventy (70) feet.		
l. Side yard setbacks shall not be less than thirty-five (35) feet.		
m. Except as provided by (e) above, rear yard setbacks shall not be less than thirty-five (35) feet.		

2. The density of dwelling units shall not exceed one dwelling unit per lot.

3. Structures shall not be located on slopes greater than 12 percent, unless such structures are screened from the river view with natural vegetation where practicable, the sanitary provisions of this plan are complied with, and the building permit applicant can prove to the local zoning authority that any potential erosion or sedimentation problems related to locating a structure either do not exist or that adequate measures will be taken to prevent any of these problems through special construction methods.
4. No structures shall be placed in any floodway. Structures proposed within a flood plain shall be consistent with statewide Standards and Criteria for Management of Flood Plain Areas of Minnesota (Minnesota Rules, Parts 6120.5100 -.6200).
5. Cul-de-sacs are not permitted in the River Conservation District.

300:0642 Substandard Lots.

1. Lots of record in the office of the Mille Lacs County Recorder on the effective day of enactment of this ordinance which do not meet the dimensional requirements of this ordinance shall be allowed as building sites provided: the proposed use is permitted in the land use district, the lot was in separate ownership on the date of enactment of this ordinance, all sanitary requirements are complied with, and dimensional provisions are complied with to the greatest extent practicable.
2. If in a group of two (2) or more contiguous lots under a single ownership any individual lot does not meet the minimum lot width requirements of this ordinance, such individual lot cannot be considered as a separate parcel of land for purposes of sale or development, but must be combined with adjacent lots under the same ownership so that the combination of lots will equal one or more parcels of land each meeting the lot width requirements of this ordinance, except that such lots which meet or exceed sixty (60) percent or more of the lot width standards of this ordinance may be considered as a separate parcel or land for the purpose of sale or development, if on-site sewage treatment systems can be installed so as to comply with this ordinance.

300:0643 Substandard Uses. All uses in existence prior to the effective date of enactment or amendment of this ordinance which are permitted uses within the Rum River land use district, but do not meet the minimum lot area, setbacks other dimensional requirements of this ordinance are substandard uses. All substandard uses, except for substandard signs, shall be allowed to continue subject to the following conditions and exceptions:

1. Any structural alteration or addition to a substandard use, which will increase the substandard dimensions, shall not be allowed.
2. Substandard signs shall be gradually eliminated over a period of time not to exceed five years from the date of enactment or amendment of this ordinance.

300:065 Sanitary Provisions.

300:0651 Water Supply. Any public or private supply of water for domestic purposes must meet or exceed standards for water quality of the Minnesota Department of Health and the Minnesota Pollution Control Agency. 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.

300:0652 Sewage Treatment.

1. Sewage Treatment. Any premises intended for human occupancy must be provided with an adequate method of sewage treatment. Publicly owned sewer systems must be used where available. Where public systems are not available, all private sewage treatment systems must meet or exceed applicable rules of the Minnesota Department of Health, the Minnesota Pollution Control Agency, specifically Chapter 7080 for individual sewage treatment systems, Section 300:0641, paragraph 1.f. of this ordinance and any other applicable local government standards.
2. Nonconforming Sewage Treatment Systems. A nonconforming sewage treatment system not meeting the requirements of Section 300:0652, paragraph 1. of this ordinance must be upgraded, at a minimum, whenever a permit or variance of any type is required for any improvement on, or use of, the property. For the purposes of this provision, a sewage treatment system shall not be considered nonconforming if the only deficiency is the sewage treatment systems improper setback from the ordinary high water level.

All nonconforming sewage treatment systems shall be brought into conformity or discontinued within five years of the date of enactment of this ordinance.

300:066 Landscape Alterations.

300:0661 Vegetative Cutting.

1. The vegetative cutting provisions in Section 300:0661, paragraph 2. shall apply to those areas specified in Section 300:0641, paragraph 1.i. of this ordinance.
2. General provisions, within designated setback areas:
  - a. Clear cutting, except for any authorized public services such as roads and utilities, shall not be permitted.
  - b. Selective culling of trees in excess of four (4) inches in diameter at four (4) feet height is permitted provided cutting is spaced in several cutting operations and a continuous tree cover is maintained, uninterrupted by large openings.
  - c. The cutting provisions of Section 300:0661, paragraph 2.a. and 2.b., shall not be deemed to prevent:

- (1) The removal of diseased or insect-infested trees, or of rotten or damaged trees that present safety hazards.
  - (2) Pruning understory vegetation, shrubs, plants, bushes, grasses, or from harvesting crops, or cutting suppressed trees or trees less than four (4) inches in diameter at breast height.
3. Clear Cutting. Clear cutting anywhere in the designated land use district on the Rum River, or other River Conservation District lands is subject to the following standards and criteria:
- a. Clear cutting shall not be used as a cutting method where soil, slope, or other watershed conditions are determined by the Zoning Administrator to be fragile and subject to severe erosion and/or sedimentation.
  - b. Clear cutting shall be conducted only where clear-cut blocks, patches or strips are, in all cases, shaped and blended with the natural terrain.
  - c. The size of clear-cut blocks, patches or strips shall be kept at the minimum necessary.
  - d. Where feasible, all clear cuts shall be conducted between September 15 and May 15. If natural regeneration will not result in adequate vegetative cover, areas in which clear cutting is conducted shall be replanted to prevent erosion and to maintain the aesthetic quality of the area. Where feasible, replanting shall be performed in the same spring, or the following spring.

300:0662 Grading, Filling, Alterations of the Beds of Public Waters.

1. Grading and filling of the natural topography, which is not accessory to a permitted or conditional use, shall not be permitted.
2. Grading and filling of the natural topography, which is accessory to a permitted or conditional use, shall not be conducted without a grading and filling permit from the Township. A grading and filling permit may be issued only if the following conditions are properly satisfied:
  - a. Grading and filling shall be performed in a manner which minimizes earthmoving, erosion, tree clearing, and the destruction of natural amenities.
  - b. The smallest amount of bare ground is exposed for as short a time as feasible.
  - c. Temporary ground cover, such as mulch, is used and permanent ground cover, such as sod, is planted.
  - d. Methods to prevent erosion and trap sediment are employed.
  - e. Fill is stabilized to accepted engineering standards.

3. Excavation of material from, or filling in a Wild, Scenic or Recreational River, or construction of any permanent structures or navigational obstructions therein is prohibited unless authorized by a permit from the Commissioner pursuant to Minnesota Statutes, Section 103G.245. Section 103G.245 requires a permit from the Commissioner before any change is made in the course, current, or cross-section of public waters.
4. Drainage or filling in of wetlands is not allowed within the land use districts designated by this ordinance.

300:0663 Utility Transmission Crossing.

1. All utility crossings of the Rum River state lands within the Rum River land use district require a license from the Commissioner pursuant to Minnesota Statutes, Section 84.415.
2. All utility transmission crossings constructed within the Rum River land use district shall require a conditional use permit. The construction of such transmission services shall be subject to Minnesota Rules, Parts 6105.0170 and 6105.0180. No conditional use permit shall be required for high voltage transmission lines under control of the Environmental Quality Board pursuant to Minnesota Statutes, Section 116C.61.

300:0664 Public Roads.

1. In addition to such permits as may be required by Minnesota Statutes, Section 103G.245, a conditional use permit shall be required for any construction or reconstruction of public roads within the Rum River land use district. Such construction or reconstruction shall be subject to Minnesota Rules, Parts 6105.0190 and 6105.0200.
2. Public roads include township, county, and municipal roads, streets and highways that serve or are designed to serve flows of traffic between communities or other traffic generating areas. A Conditional Use Permit is not required for minor public streets, which are street intended to serve primarily as an access to abutting properties.

300:067 Subdivisions.

300:0671 Land Suitability.

1. No land shall be subdivided which is determined by the local government, or the Commissioner, to be unsuitable because of flooding, inadequate drainage, soil and rock formations with severe limitations for development, severe erosion potential, unfavorable topography, inadequate water supply or sewage treatment capabilities or



any other feature likely to be harmful to the health, safety, or welfare of the future residents of the proposed subdivision or the community.

2. No plat or subdivision within Rum River District or other land within a River Conservation District shall be approved by Princeton Township until the applicant has proven to the local zoning authority through percolation-rate tests, soil boring tests and other requirements of Minnesota Rules, Chapter 7080, that every newly platted lot found within the land use district has adequate area and a suitable location and alternative site for the installation of a conforming septic system.
3. The provisions otherwise set forth in this ordinance and in the Princeton Township Zoning and Subdivision Ordinances 100-300 shall apply to all plats. In the case of conflicts, the most restrictive provisions shall control.

300:0672 Planned Cluster Developments. Planned Cluster Developments are not allowed in the River Conservation District.

300:068 Administration.

300:0681 Organization Provisions.

1. The provisions of this ordinance shall be administered by the Princeton Township Zoning Administrator.
2. The Board of Adjustment of Princeton Township shall act upon all questions as they arise in the administration of this ordinance; and hear and decide appeals from and review any order, requirement, decision or determination made by the Zoning Administrator who is charged with enforcing this ordinance as provided by Minnesota Statutes.
3. Permit fees, processing fees, and inspection fees as may be established by resolution of the Town Board Supervisors shall be collected by the Zoning Administrator.

300:0682 Certification.

1. Certain land use decisions which directly affect the use of land within the designated land use districts and involve any of the following actions must be certified by the Commissioner as described in Section 300:0682 paragraph 3:
  - a. Adopting or amending an ordinance regulating the use of land, including rezoning or particular tracts of land.
  - b. Granting a variance from a provision of this ordinance, which relates to the zoning dimension provisions of this ordinance.
  - c. Approving a plat, which is inconsistent with this ordinance.

2. No such action shall be effective until the Commissioner has certified that the action complies with the Minnesota Wild and Scenic Rivers Act, the statewide standards and criteria, and the management plan.
3. Certification Procedure.
  - a. A copy of all notices of any public hearings, or where a public hearing is not required, a copy of the application to consider zoning amendments, variances, or inconsistent plats under this ordinance shall be sent so as to be received by the Commissioner at least thirty (30) days prior to such hearings or meetings to consider such actions. The notice or application shall include a copy of the proposed ordinance or amendment, or a copy of the proposed inconsistent plat, or a description of the requested variance.
  - b. The Town Board Supervisors shall notify the Commissioner of its final decision on the proposed action within ten (10) days of the decision.
  - c. The Commissioner shall, no later than thirty (30) days from the time he receives notice of the final decision, communicate either certification of approval, with or without conditions, or notice of non-approval.
  - d. The action becomes effective when and only when either:
    - (1) The final decision taken by the Town Board Supervisors has previously received certification of approval from the Commissioner; or
    - (2) The Town Board Supervisors receives certification of approval after its final decision; or
    - (3) Thirty (30) days have elapsed from the day the Commissioner received notice of the final decision, and the Town Board Supervisors has received from the Commissioner neither certification of approval nor notice of non-approval; or
    - (4) The Commissioner certifies approval after conducting a public hearing.
  - e. In case the Commissioner gives notice of non-approval of an ordinance, amendment, variance or inconsistent plat, either the applicant or the Chairperson of the Town Board may within thirty (30) days of said notice, file with the Commissioner a demand for hearing. If the demand for hearing is not made within thirty (30) days, the notice of non-approval becomes final.
    - (1) The hearing will be held in an appropriate local community within sixty (60) days of the demand and after at least two weeks published notice.
    - (2) The hearing will be conducted in accordance with Minnesota Statutes, Section 103G.31 1, Subdivisions 2, 6, and 7.

- (3) The Commissioner shall either certify approval or deny the proposed action within thirty (30) days of the hearing.

300:0683 Variances.

1. The grant of a variance requires the presence of the following conditions:
  - (a) The strict enforcement of the land use controls will result in unnecessary hardship.
  - (b) Granting of the variance is not contrary to the purpose and intent of this ordinance and is consistent with the Rum River rule, parts 6105.1400 - 6105.1500.
  - (c) There are exceptional circumstances unique to the subject property, which were not created by the landowner.
  - (d) Granting of the variance will not allow any use which is neither a permitted or conditional use in the land use district in which the subject property is located.
  - (e) Granting of the variance will not alter the essential character of the locality.
  - (f) Exception for lots which do not meet the minimum lot width requirements of this ordinance: Where a setback pattern from the ordinary high water level has already been established on both sides of a proposed building site, the setback of the proposed structure may be allowed to conform to that pattern. This provision shall apply only to lots, which do not meet the minimum lot width requirements of this ordinance.
2. All granted variances to the requirements of this ordinance must be certified in accordance with Section 300:0682 of this ordinance before they become effective.
3. All inconsistent plats approved by the Town Board Supervisors must be certified in accordance with Section 300:0682 of this ordinance.

300:0684 Conditional Use or Interim Use Permit Application Review by DNR. A copy of all notices of any public hearing, or where a public hearing is not required, a copy of the application to consider issuance of a conditional use permit or interim use permit shall be sent so as to be received by the Commissioner at least thirty (30) days prior to such a hearing or meeting to consider issuance of a conditional use permit or interim use permit. A copy of the decision shall be forwarded to the Commissioner within ten (10) days of such action. Failure to provide notice of the hearing or decision shall not invalidate the decision of the Township.

300:0685 Procedures Summary. The following table summarizes permit, review, and certification procedures within the land use district designated by this ordinance.

Types of Activities  
Building Permits

Procedures  
LP

Sign Construction Permits	LP
Water Supply Permits	LP
Sewage System Permits	LP
Grading, Filling Permits	LP
Conditional Use Permits	PH-FD
Interim Use Permit	PH-FD
Amendments to Ordinance	PH-FD-CC
Variances	PH-FD-CC
Inconsistent Plats	PH-FD-CC
Plats	FD
Certain Recreational Development	PA

LP - Permit issued by the local authority in accordance with this ordinance and all other local ordinances.

PH - Copy of public hearing notice of application sent so as to be received by the Commissioner at least thirty (30) days prior to hearing or meeting.

FD - Local authority forwards decision to the Commissioner within ten days after taking final action.

CC - Action becomes effective only when Commissioner certifies its compliance with the Act, statewide standards and criteria, and the Rum River rule.

PA - Preliminary plans approved by Commissioner prior to their enactment by local authority.

#### 300:0686 Enforcement.

1. It is declared unlawful for any person to violate any of the terms and provisions of this ordinance. Violation thereof shall be a misdemeanor. Each day that a violation is permitted to exist shall constitute a separate offense.
2. In the event of a violation or a threatened violation of this ordinance, the Town Board Supervisors, in addition to other remedies, may institute appropriate actions or proceedings to prevent, restrain, or abate such violations or threatened violations.
3. Any taxpayer of Princeton Township may institute mandamus proceedings in District Court to compel specific performance by the proper official or officials of any duty required by this ordinance.

#### 300:0687 Effectuation.

1. This ordinance shall be in full force and effect from and after its passage, approval, and publication as provided by law.

#### 300:070 COMMERCIAL/INDUSTRIAL DISTRICTS.

300:071 Commercial/Industrial District Permitted Uses. The following are Permitted Uses in a Commercial/Industrial District:

1. Offices.
2. Retail businesses and service commercial uses occurring within enclosed buildings, excluding those which are listed or similar to those listed in Section 300:072.
3. Agriculture and farm buildings: The use of land for growing and/or production of field crops, including barley, corn, hay, oats, potatoes, rye, sorghum, soybeans, and sunflowers.
4. Nurseries and greenhouses for the propagation, cultivation, and growing of plants.

300:072 Commercial/Industrial District Conditional Uses. The following are Conditional Uses in a Commercial/Industrial District:

1. Hospitals and medical clinics, nursing or extended care facilities, congregate care facilities and licensed day care facilities.
2. Restaurants, cafes, refreshment parlors, and taverns.
3. Parks, playgrounds, golf courses, recreation and community buildings owned and/or controlled by the Township or by a private school or public school district or other municipal authority.
4. Drive up or drive through facilities, transient sales and beauty and barber shops.
5. Wholesale businesses and any business that requests outside storage, display, sales or servicing.
6. Auto, truck, boat, and farm sales and/or service.
7. Hotels and motels.
8. Apartments and other multi-family dwellings.
9. Theaters.
10. Bowling alleys, skating rinks and other similar recreational facilities.
11. Gasoline service stations and convenience stores.
12. Manufacturing, assembly, processing, research, warehousing, and storage facilities occurring within an enclosed building; and Mini-Storage Buildings.
13. Public utility services, including stations, communication towers or antennas, distribution plants, etc., but not including warehouses for the storage of bulky material, and not including factories for the manufacture of any commodity. Public

utility and service structures shall not be located and constructed at such places and in such manner that they will segment agricultural land by limiting or interfering with the access to fields or the effectiveness and efficiency of the farmer or farm equipment including crop spraying aircraft.

14. Agriculture and farm buildings: The use of land for growing and/or production of livestock, including dairy and beef cattle, goats, horses, sheep, hogs, poultry, game birds, ponies, deer, mink and other animals.
15. Other uses similar in nature to the uses described in this subsection which the Township Board of Supervisors finds meets the standards of Section 300:230.3.
17. Salvage Yards.

300:0725 Commercial/Industrial District Interim Uses. The following are Interim Uses in a Commercial/Industrial District:

1. Amusement Park, Portable
2. Asphalt & Concrete Mixing Plants, Portable
3. Mining.
4. Temporary Tire and/or Waste Collection and/or Recycling Operations
5. Other uses similar in nature to the uses described in this Subsection which the Township Board of Supervisors finds meet the standards of Section 300:230.3 and the general standards of Section 300:235.

300:073 Site Plan Approval/Requirements for Permitted and Conditional Uses. No building permit shall be issued for any construction within a Commercial/Industrial District until the site plan has been reviewed by the Planning Commission and approved by the Township Board of Supervisors. Applications for building permits for agricultural buildings shall be exempt from the site plan approval requirements of this Section 300:073. The application for a building permit for any construction within a Commercial/Industrial District shall be accompanied by a site plan showing such information as is necessary to show compliance with this ordinance, including but not limited to:

1. Description of the site (legal description);
2. Site plan drawn at scale showing parcel and building dimensions;
3. Location of all buildings and their square footage;
4. Curb cuts, driveways, access roads, parking spaces, off-street loading areas, and sidewalks;
5. Landscaping and screening plans;

6. Drainage plan;
7. Sanitary sewer and water plan with estimated use per day;
8. Soil type;
9. Any additional written or graphic data reasonably required by the Township Board of Supervisors or Planning Commission.

300:075 Height, Yard, Area, and Lot Width and Depth Regulations.

1. Lots, Area, and Width. Unplatted lots located within Commercial/Industrial Districts shall meet the following minimum requirements:
  - a. Minimum area of each lot must be at least two and one-half (2 ½) acres.
  - b. Minimum front yard width of two hundred (200) feet at the front lot line and sixty-six (66) feet on curves and cul-de-sacs.
  - c. Minimum lot width of one hundred fifty (150) feet at the building setback line.
  - d. For lots that front public bodies of water, the lot width as measured at the high water mark shall not be less than one-hundred and fifty (150) feet.
2. Lots, Area, and Width. Platted lots located within Commercial/Industrial Districts shall meet the following minimum requirements:
  - a. Minimum area of each lot must be at least one and one-quarter (1 ¼) acres.
  - b. Minimum front yard width of one hundred and fifty (150) feet at the front lot line.
  - c. Minimum lot width of one hundred and fifty (150) feet at the building setback line.
  - d. For lots that front public bodies of water, the lot width as measured at the high water mark shall not be less than one-hundred and fifty (150) feet.
3. Yards - Front, Rear, Side, and Setbacks. Structures located within the Commercial/Industrial Districts shall meet the following setback requirements:
  - a. Front yard setbacks shall not be less than seventy (70) feet.
  - b. Side yard setbacks shall not be less than thirty-five (35) feet.
  - c. Rear yard setbacks shall not be less than thirty-five (35) feet.

- d. On public bodies of water, the setback shall not be less than one hundred (100) feet from the high water mark of said body of water.
4. Height Requirements. Structures located within the Commercial/Industrial Districts shall meet the following height requirements:
    - a. Except as provided in paragraph b below, no building hereinafter erected or altered shall exceed thirty-five (35) feet in height.
    - b. Agricultural and essential service structures shall have no height limitations.
- 300:080 AIRPORT APPROACH PROTECTION OVERLAY DISTRICT. An Airport Approach Protection Overlay District is established in order to control the use and development of land to provide protection for aircraft operations and protect the public from noise and safety hazards on the ground. The restrictions of this Overlay District are in addition to the regulations and restrictions of the underlying districts.
- 300:081 Boundaries. The boundaries of the Airport Approach Protection Overlay District form a fan-shaped area beginning at the end of the runway five-hundred (500) feet on either side of the centerline, and extending along that centerline for a distance of two (2) miles at which point the width is three-thousand (3,000) feet on either side.
- 300:082 All Uses are Conditional or Interim. All uses within an Airport Approach Protection Overlay District are conditional or interim and must follow Conditional Use Permit procedures or the Interim Use Permit procedures.
- 300:083 Prohibitions. The Airport Approach Protection Overlay Zone is intended to prohibit:
1. Uses that may result in employment, dwelling, or an assembly of more than twenty-five (25) persons.
  2. The manufacture, storage, or use of explosives or flammable materials.
  3. Electrical or electronic generation or transmission that would interfere with radio or navigation communications.
  4. Lighting that may confuse or mislead pilots.
  5. Such other uses or development that the Township Board of Supervisors may consider dangerous to airplane operations or ground activate or which may otherwise be inconsistent with airport operations.
- 300:090 FLOOD PLAINS, WETLANDS, AND SHORELANDS REGULATION. In addition to all rules and regulations contained in Township Zoning and Subdivision Ordinances, all use and development of land is subject to the laws, rules and regulations of Mille Lacs County and the State of Minnesota pertaining to Flood Plains, Wetlands, and Shorelands. It is the responsibility of the property owner to obtain all necessary permits required for compliance with such regulations.



300:130 WILD AND SCENIC RIVER RESTRICTIONS. Parts of the Rum River are within the area of lands covered by the Minnesota Wild and Scenic Rivers Act, Min. Stat. Section 103F.301 to 103F.345, and Minn. Rules Chapter 6105. Use of land in areas covered by the Wild and Scenic Rivers Act and related regulations shall conform to those regulations in addition to the restrictions of this ordinance.

300:140 ADDITIONAL RESTRICTIONS ON CERTAIN CONDITIONAL AND INTERIM USES.

300:141 Salvage yards. In addition to the requirements and performance standards for any Conditional Use Permit, salvage yards must at a minimum meet the following criteria:

1. No salvage yard shall be established, and no such business shall be conducted within a distance of one (1) mile, measured from the closest property lines, of cemeteries, public or private schools, public meeting places, or dwelling places provided, however, that one (1) dwelling place of the salvage yard owner is allowed.
2. Salvage yards shall be completely enclosed by a fence of not less than eight (8) feet in height, and constructed so that no dust, dirt, or other material may pass through such fence. Said enclosure shall be maintained in good condition at all times and nothing shall be piled or stored so as to protrude above said fence.

300:142 Dog Kennels. Applicant must comply with the County Ordinance and obtain a kennel license from Mille Lacs County.

300:143 Home Occupations. In addition to the requirements and standards imposed upon Interim Uses under this Ordinance, Home Occupation shall also meet the following minimum requirements:

1. No Interim Use for the establishment of a Home Occupation shall be granted in a district zoned Residential, Agricultural, River Conservation, or Rural Residential unless the Township Board of Supervisors determines that the operation of the Home Occupation will not interfere with the peace, harmony, tranquility, character, and other established uses of property located in the zoned district. In making this determination, the Township Board of Supervisors may take into account, among other things, whether truck traffic is required for the Home Occupation, the frequency of delivery of supplies and inventories, the effect on the traffic pattern in the community, the hours of operation of the business, the effect on the appearance of the neighborhood, and the effect on adjoining neighbors' rights to the use and enjoyment of their property.
2. If a Home Occupation takes place in an Accessory Building, the Accessory Building shall not exceed twelve (12) feet in ceiling height. For lots of less than five (5) acres in size, the Accessory Building may not exceed seven-hundred eighty (780) square feet. For lots of less than one (1) acre in size, the Home Occupation may not be located in an Accessory Building if a detached garage or other detached structure also exists. Notwithstanding the foregoing, in Agricultural Districts: the maximum size of an Accessory Building shall be two-thousand (2,000) square feet, and the twelve (12) foot ceiling height requirements shall not be applicable.

3. No more than one-quarter (1/4) of the Dwelling floor space may be used for Home Occupation Purposes.
4. In furtherance of the objectives of this section, Interim Uses may not be granted for the following Home Occupations: truck terminals, the sale of equipment for automotive service and supply, new or used car and equipment sales, repair of automobiles, trucks, ATVs, snowmobiles, motorcycles, and other motorized vehicles for compensation, occupations involving the use of machinery or omission of noxious chemicals or odors.
5. Home Occupations located in Residential, Rural Residential, or River Conservation Districts shall not be granted unless the applicant agrees that the operation of the Home Occupation will not require outside storage of any parts, inventory, or materials of any kind.
6. Home Occupations are intended to be allowed only where carried on strictly by the persons occupying the residence on the property. Accordingly, except in Agricultural Conservation Districts, no Home Occupation shall be permitted if it involves the hiring of employees who do not live on the property. In Agricultural Districts, up to three persons not living on the property may be employed.

300:144 Mining and Land Alteration. The purpose of this Ordinance is to put into law minimum removal, and reclamation standards and procedures intended to regulate the removal, processing and storage of topsoil, loam, rock, flat rock, sand, gravel, clay, peat, minerals, or other similar materials. These standards and procedures are intended to protect the public health, safety, and general welfare; and to minimize the adverse impact of extraction to the Township, abutting property owners, citizens of the Township, and wildlife and natural resources by:

- A. Preserving and protecting surface and groundwater quality and quantity for current and future use of the township and/or its residents.
- B. Preserving the value of property and its future ability to be an asset to the township and its residents.
- C. Limiting the volume and size of the most intensive types of extraction.

1. Activities Exempt from this Ordinance. This ordinance shall not apply to the following:

- A. Mineral extraction activities that affect less than five-thousand (5000) square feet of surface area or the removal or handling of less than one-thousand (1000) cubic yards of material in one calendar year per parcel or parcels in common scheme of development.
- B. Storage or stockpiles of winter abrasives (sand) used for the maintenance of private or public roads. This applies to the stockpile or storage area itself and not any associated mineral extraction activity or area.

- C. Excavation for the foundations, cellar, or basement of some pending structure for which a permit has been issued and which is to be erected immediately following the excavation, removal, or storage.
- D. Landscaping purposes on a lot used or to be used as a building site so long as said activities are completed within one year.
- E. Construction of farm and fire ponds and normal agricultural operations.
- F. Inactive areas where previous mining had last occurred at least one year prior to the adoption of this ordinance.
- G. Removal of stone or rock walls or foundation walls.
- H. Stripping of topsoil (loam) not part of a mineral extraction operation to a depth no greater than one (1) foot provided the area so stripped is reseeded in the same growing season as removal.
- I. Construction, reconstruction or maintenance of access roads. To maintain a total exemption, no more than two-thousand (2000) cubic yards of material from an access road excavation site may be used for any other purpose during any calendar year.
- J. Farming and cemetery operations. Excavation or grading activities conducted in the process of farming or cemetery operations are exempt. To maintain this exemption, no more than two-thousand (2000) cubic yards of material may be used for any other purpose during any calendar year.
- K. On-site construction of approved roads, sewer lines, storm sewers, water mains, surface water drainage approved by the local unit of government; agriculture; peat processing; conservation purposes; sod removal; or other public utilities. To maintain this exemption, no more than two-thousand (2000) cubic yards of material may be used for any other purpose during one calendar year.
- L. Excavations for wildlife ponds approved by units of government.
- M. Temporary excavations adjacent to the road right-of-way involving mining operations associated with road construction for a public entity, commonly known as temporary borrow pits, used exclusively for public infrastructure construction projects if: (1) the project is under the administration of a public entity; and (2) the contract requires erosion control, sediment containment and site restoration provisions at least as strict as those in the MPCA's NPDES General Storm Water Permit. These temporary borrow pits must be closed and restored within 24 months of the first date of work on the project. Only the excavation and removal of earth materials shall be allowed.

2. Interim Use Permit

A. An interim use permit (“IUP”) shall be required for all mining operations. An IUP for the mining of earth materials shall be granted for a maximum of ten (10) excavated acres per phasing plan.

B. No IUP holder shall open, operate, or maintain a mining operation, or allow others to do so, on the property without a valid IUP. Any use or change in operation, other than that allowed by the IUP, may require an amended IUP approved by the Township.

C. As provided for in Minnesota Statute Section 462.3597, incorporated by reference herein and as amended from time to time, additional condition(s) not outlined in this ordinance may be required for the issuance of an IUP so long as such condition(s) are deemed necessary to protect the public interest.

D. The IUP shall be terminated if mining ceases for a period of three (3) years. The IUP holder may request review of the termination by the Township Board of Supervisors. The IUP holder holds the burden to prove that the mining operation has not ceased.

E. Annual Registration.

1. Annual registration of all mining and land alteration IUP’s is required for the purpose of maintaining a current listing of active mining operations, decertify any IUPs where the mining operation has ceased, determine whether an IUP has expired due to inactivity for a period of three (3) years, to monitor compliance with the conditions of approval, and to review the applicability of the conditions.

2. Interim Use Permit holders shall complete and return the annual registration forms by December 31 of each calendar year.

3. Permit Denial. An IUP may be denied if any of the following situations may be expected to occur during or subsequent to prospecting or mining:

A. Landslides or deposition from the proposed operation into a stream or lake bed.

B. Surface subsidence which cannot be reclaimed.

C. Hazards (to include blasting) resulting in damage to any of the following:

1. Surface or groundwater.
2. Soil.
3. Air.
4. Dwelling houses.
5. Public buildings.
6. Schools.
7. Churches.
8. Cemeteries.

9. Commercial or institutional buildings.
  10. Public roads.
  11. Habitat required for survival of vegetation or wildlife designated as endangered through prior inclusion in rules adopted by the Department of Natural Resources.
4. Prohibited Areas. No mining extraction activities may be built, operated or maintained within any of the following areas:
- A. R-1 Residential, R-2 Residential, Rural Residential, River Conservation District, Commercial/Industrial District and Airport Approach Protection Overlay District.
  - B. Within one-thousand five-hundred (1500) feet of any lake, pond or flowage.
  - C. Within five-hundred (500) feet of a navigable river or stream.
  - D. Within a floodplain.
  - E. Within five-hundred (500) feet of the nearest edge of the right-of-way of any of the following: a State trunk highway, an interstate or federal highway or a County or Township highway.
  - F. Within three-thousand (3000) feet of any hospital, church, school, public park or cemetery.
  - G. Within one-thousand five-hundred (1500) feet of any public or private well.
  - H. Within one-thousand five-hundred (1500) feet of any residence or farm building.
5. Types of Mineral Extraction Activities Prohibited. Any proposed mineral extraction activity not specifically described in this ordinance shall be prohibited.
6. Accessory Uses Not Included. It is the intent of this ordinance that a permit granted hereunder does not imply permission to undertake any accessory or non-extraction uses.
7. Application. The following information shall be provided by the person requesting a permit for a mining operation:
- A. The name and address of the property owner and applicant.
  - B. The address and legal description of the land involved.
  - C. The following maps (For Maps A, B, and C: three (3) maps drawn at a scale of one (1) inch to one-hundred (100) feet and fifteen (15) maps reduced to 11"x17"; Map D – eighteen (18) copies on 8 ½" x 11" paper, (may be hand-drawn)).

**Map A - Existing Condition to include:**

1. Contour map in five (5) foot intervals
2. Existing vegetation to include tree lines
3. Wetland delineation and existing surface water drainage patterns, subject to Zoning Administrator's request for such information
4. Existing structures
5. Existing wells
6. Location of private sewers
7. Existing pipelines, power lines, other utilities
8. Existing easements

**Map B - Proposed Operation to include:**

1. Structures to be erected or removed
2. Location of sites to be mined showing depth of proposed excavation
3. Location of storage of mined materials, showing maximum height of storage deposits
4. Location of vehicle parking and access roads
5. Erosion and sediment control structures
6. Screening proposal

**Map C - Reclamation Plan to include:**

1. Final grade of proposed site showing elevations and contour lines at five (5) foot intervals
2. Location and species of vegetation to be replanted
3. Proposed improvements such as roads, paths, ponds, structures, and fields

**Map D - General Location to include:**

1. All roads and/or buildings within one-half (1/2) mile of the site
2. All local routes that trucks will use to get to main roads; label as "haul road." (Note: routes, other than those proposed, may be required as haul roads.)

D. A soil erosion and sediment control plan.

E. A plan for dust and noise control.

F. Phasing Plan.

1. Phasing plans shall be submitted for all mining operations.

2. Phasing plans shall identify all phases of the operation, for a maximum of ten (10) excavated acres for each phase.

3. Plans shall identify the proposed:

(a) size of operation, specifying total size and size of each phase;

(b) location, specifying entire operation and each phase;

- (c) estimated duration of the mining operation;
- (d) processing;
- (e) staging;
- (f) stockpiling; and
- (g) time schedule for reclamation.

4. The Township Planning Commission shall review site and phasing plan before the start of each phase. The permit holder shall contact the Township Clerk to schedule a site visit for such purposes.

5. A bond, cash, certified check, or irrevocable letter of credit secured for a phase may be transferred to a later phase only after reclamation on a phased area has been completed and only after the Township Board of Supervisors grants approval for such transfer.

G. A security statement by the applicant demonstrating the proposed activity will in no way jeopardize the public health, safety and welfare or is appropriately fenced to provide adequate protection.

H. Right of Entry.

1. A written right-of-entry shall be granted by the property owner and IUP holder that allows an authorized agent of the Township to enter the property at all reasonable times after reasonable notice, for the purpose of performing any duties imposed by this ordinance including but not limited to inspecting, enforcing, or determining compliance with any of the provisions of this ordinance.

2. Reasonable times and reasonable notice shall be determined by the Zoning Administrator taking into account the specific conditions requiring such entry onto the property.

3. Before exercising the right of entry, the authorized agent shall present proper identification and credentials to the owner or occupants. If unoccupied, the authorized agent shall make a reasonable effort to locate the owner or other persons having control of the property before exercising the right of entry.

## 8. General Requirements

A. Conformity - Mineral extraction activities shall conform and applicant must comply with all applicable Federal and State laws and County and Township ordinances or regulations.

B. Compliance - The Township Planning Commission shall consider the financial and technical ability of the applicant to complete all proposed activities in approval of this permit. The Township Board of Supervisors may deny, modify, or revoke its approval if the applicant or agent is not in

compliance with other Township, County, or State permits for Mineral Extraction Activity.

C. Burden of Proof - In all cases, the applicant shall have the burden of proof that all requirements, standards, and conditions of this Ordinance and subsequent approval are met.

D. Equipment - All equipment used for mining operations shall be constructed, maintained, and operated in a manner as to minimize, as far as practical, noise, dust and vibrations adversely affecting the surrounding property.

E. Noise - Maximum noise levels at the mining operation shall be consistent with Minnesota Pollution Control Agency standards.

F. Vibration - All practical means shall be employed to eliminate adverse impacts on adjacent properties from vibration of equipment consistent with all Federal and State laws, statutes, and rules.

G. Hours of Operation -

(1) All crushing, processing, loading, or hauling shall be performed between the hours of 7:00 a.m. to 9:00 p.m., subject to the Township Board of Supervisors discretion upon a finding of necessity to protect the public interest including health, safety, or welfare concern(s).

(2) There shall be no crushing, processing, loading, or hauling on Sundays or on holidays, subject to the Township Board of Supervisors discretion upon a finding of necessity to protect the public interest including health, safety, or welfare concern(s).

H. Topsoil - Topsoil shall not be stripped, excavated or otherwise removed from the premises for sale at retail or wholesale. All topsoil removed from the subject property shall be returned to the subject from the subject property.

I. Ground Water Impacts

1. Assessment Submitted.

The Applicant must submit technical data or other information that the Mineral Extraction Activity will not cause an adverse impact to ground water quality and quantity before the Township Planning Commission recommends approval of any application.

2. Water Use.

A mineral extraction activity must not withdraw more than five-thousand (5000) gallons of ground water per day.

3. Standards for Acceptable Ground Water Impacts



a. Projections of ground water quality shall be based on the assumption of drought conditions (assuming 60% of annual average precipitation).

b. No mineral extraction activity shall increase any contaminant concentration in the ground water to more than one-half (½) of the Federal Primary Drinking Water Standards. No mineral extraction activity shall increase any contaminant concentration in the ground water to more than the Federal Secondary Drinking Water Standards.

c. If ground water contains contaminants in excess of the primary standards, and the mineral extraction activity is to be served by on-site ground water supplies, the applicant shall demonstrate how water quality will be improved or treated, if necessary.

4. The mining operation shall be conducted in such a manner as to minimize interference with the surface water drainage outside the boundaries of the mining operation.

J. Preservation of Natural and Historic Features - The scenic, historic or environmentally sensitive areas or any areas identified in the Township Comprehensive Plan or by the State of Minnesota as rare and irreplaceable areas shall be preserved.

#### K. Roads

1. Mining Access Roads - The location of the intersection of mining access roads with any public roads shall be selected such that traffic on the access roads will have a sufficient distance of public road in view so that any turns onto the public road can be completed within a margin of safety as determined by the appropriate road authority. All access roads to and/or from: (a) mining operations to public highways, roads, or streets; and (b) adjoining property shall be paved or otherwise maintained to control dust.

2. Dust - Dust control shall be used on all gravel roads for transport when the degree of intensity reaches such a level that it constitutes a hazardous condition or interferes with the use or enjoyment of adjoining properties.

3. Damage - All haul roads, including township and county roads, damaged by the mining operation, as determined by the appropriate road authority, shall be repaired at the expense of the IUP holder. Ordinary wear on the road(s), as determined by the appropriate road authority, shall not be considered "damage" and the IUP holder shall not be held responsible for repair expenses.

## L. Fencing, Barriers, and Set-Backs

1. Safety Fencing - Safety fencing shall be erected and maintained around all mining operations subject to the Zoning Administrator's discretion. Safety fencing shall consist of orange snow fence a minimum of three (3) feet in height. The top of the working face shall be fenced. All slopes steeper than 1.5/1 shall be fenced.
2. Screening Barrier - To minimize problems of dust and noise and to shield mining operations from public view, a screening barrier shall be required between the mining site and adjacent properties or public roads as determined by the Zoning Administrator.
3. General standards for screening barriers are as follows:
  - a. Existing trees and other natural vegetation adjacent to any public park, residential development, public road, or residential zoning district shall be preserved for a minimum width of twenty-five (25) feet.
  - b. The use of screening walls/barriers shall consist of materials of similar type, quality, and appearance as that of the natural environment. Such screens shall be at least six (6) feet in height and provide a minimum opaqueness of eighty percent (80%).
  - c. The use of berming or landscaping must be of a nature that will become eighty percent (80%) opaque at the time of maturity.
  - d. Planting screens shall consist of healthy plant materials at least six (6) feet in height at the time of planting. Planting screens should be maintained in a neat and healthy condition. Plantings that have died shall be replaced within the current or next growing season.
  - e. Screening fences and walls that are in disrepair shall be repaired.

## M. Setback - The following setback requirements shall apply to mining operations:

1. The processing of mined materials shall not be conducted closer than one-hundred (100) feet to the property line.
2. A fifty (50) foot buffer area plus an additional area needed to maintain a 3:1 slope shall be established between the mining site boundary and the property line or any public road right of way containing the mining site. This buffer area may be altered through a written agreement with the adjacent property owner. Proof of any such agreement shall be filed with the Township, and specifically shall state what activities may take place in the buffer area.

## N. End of Season - At the end of each mining season the working face shall be fenced with safety fencing. Slopes other than the working face shall be sloped to 3:1 slope or be fenced with safety fencing.

O. A bond, cash, certified check, or irrevocable letter of credit with sufficient surety running to the Township, shall be obtained to pay the cost and expenses associated with reclamation as required by the Interim Use Permit. The adequacy, conditions and acceptability of any surety shall be determined by the Township Board in its sole discretion. The amount shall be set by the Board of Supervisors based on a per acre of mined area. This bond, cash, certified check, or irrevocable letter of credit shall remain in effect for twelve (12) months after a mining operation terminates, is abandoned, or has expired. Proof of such bond, cash, certified check, or irrevocable letter of credit shall be provided to the Township Board of Supervisors before mining begins.

9. Land Reclamation. All mining sites shall be reclaimed after mining operations terminate, are abandoned, or have expired. Reclamation shall be completed within one (1) year. The affected land must be restored to a condition or physical state that is either compatible with that which existed prior to any development or encourages the productive use of the land. The following standards shall apply:

A. All buildings, structures, and plants that are incidental to such operation and that are either structurally unsafe or abandoned shall be dismantled and removed during the one (1) year reclamation period.

B. All access, haul, or other support roads must be reclaimed once no longer used, unless reserved for future productive use of the land, as described in the reclamation plan.

C. The finished grade shall be such that it will not adversely affect the surrounding land or future development of the site. The peaks and depressions of the mined area shall be graded and back-filled to a surface which will result in a gently rolling topography in substantial conformity to the land area immediately surrounding, and which will minimize erosion due to rainfall. No finished slope shall exceed a 3:1 slope.

D. Reclaimed areas shall be surfaced either: (1) with soil of a quality and a depth at least equal to the topsoil of land areas immediately surrounding; or (2) with a similar material that will support plant growth and to a depth of at least three (3) inches. This material shall be seeded, sodded, or planted.

10. Land Rehabilitation

A. Rehabilitation shall be a continuing operation occurring as quickly as possible after the mining operation has moved sufficiently into another part of the extraction site.

B. Slopes – all banks and slopes shall be left in accordance with the rehabilitation plan submitted with the permit application.

C. Cover and Planting – slopes, graded, and backfilled areas shall be surfaced with at least three (3) inches of topsoil. Such ground cover shall be tended as necessary until it is self-sustained.

D. Water Bodies – all water areas resulting from excavation shall be rehabilitated. The bottom contour must be gradually sloping from the shoreline to the deepest portion with a maximum slope of no more than ten (10) feet with no drop-offs.

E. Final elevation – no part of the rehabilitated area which is planned for utilization for uses other than open space or agriculture shall be at an elevation lower than that required for gravity connection to a natural drain except for ponds as designated above.

F. Active Gravel pit or Active Excavation – restoration and rehabilitation are not mandatory in an active gravel pit area, but may be concurrent with other operations if possible.

G. Restoration Area – restoration and rehabilitation are mandatory and must take place according to the approved restoration and rehabilitation plan and schedule or within thirty (30) days of the excavation of an IUP. Each day's violation shall be deemed a separate offense.

H. The Township Board of Supervisors shall approve in writing, the final rehabilitated site and may waive inconsistencies to, the original rehabilitation plan as might be necessary to obtain a well-graded, gently rolling topography consistent with the site and adjacent land and land use. Any ponds or slopes greater than 6:1 shall be specified noted as accepted if approved.

11. Release of Financial Security. The IUP holder may apply for release of a surety bond or security deposit pertaining to an area that has not been mined and is not intended to be mined or that has been mined and reclaimed in conformity to this ordinance. Within thirty (30) days after the application is filed, the Zoning Administrator shall consider the application. If the Zoning Administrator determines that the area, if unmined, is expected to remain so for the foreseeable future or, if mined, has been reclaimed in conformity to this ordinance, the Zoning Administrator may recommend, and the Board of Supervisors may order, the release of the surety bond or security deposit to the extent that it pertains to that area. However, before the surety bond or security deposit may be reduced or released, the Board of Supervisors shall amend the applicable reclamation plan and IUP accordingly.
12. Violation. Failure to comply with any of the terms of this ordinance constitutes a violation. The Township may take appropriate action to enforce this ordinance in the event of a violation, including but not limited to: seeking injunctive relief; initiating action to compel performance; or seeking other appropriate court action if necessary to prevent, restrain, correct, or abate such violations or threatened violations. The court may award costs, disbursements and reasonable attorney's fees and witness fees, which costs and fees can be assessed against the land.
13. Existing Mines. Nothing in this article is intended to require new reclamation plans for existing surface mines with approved conditional use permits under the original ordinance.

14. Relationship to Other Ordinances. Where there is a conflict between the language contained in this Ordinance and any other Township ordinances, the stricter language shall apply for purposes of this Ordinance.

300:150 PARKING.

300:151 General Parking Requirements. In all zoning districts off street parking facilities for the storage of motor vehicles for the use of occupants, employees and/or patrons of structures constructed after the date of this ordinance shall be constructed and maintained in accord with the requirements of Sections 300:151 to 300:155.

300:152 Application to Expand and Addition. Whenever a structure to which this Section does not apply because of its pre-existing nature is expanded, the requirements of this Section shall apply to the structure from the date of the expansion on.

300:153 Same Tract of Land. Required off-street parking must be on the same lot or tract of land as the structure it is intended to serve.

300:154 Dust Free Materials. Off-street parking areas must be designed and constructed of dust free materials.

300:155 Minimum Parking Spaces. The following minimum number of off-street parking spaces must be provided for the uses as specified regardless of the District in which they are contained:

1. Single family dwellings, duplexes, triplexes, townhomes, apartments and other multi-family dwellings. Two (2) spaces per dwelling.
2. Motels and hotels. One (1) space per rental unit.
3. Church and Theaters. One (1) space for each four (4) seats, based upon design capacity.
4. Restaurants and Taverns. One (1) space for each sixty (60) square feet of gross floor area.
5. Bowling Alleys. Five (5) spaces for each bowling lane.
6. Other commercial establishments. One (1) space for each two-hundred and fifty (250) square feet of gross floor area for the first ten-thousand (10,000) square feet, and one (1) space for every four-hundred (400) square feet of gross floor area thereafter.

300:160 BUILDING REQUIREMENTS.

300:161 Dwellings. All structures erected for dwelling purposes shall meet the following minimum requirements:

1. All dwellings must have at least three (3) livable rooms and a garage or storage building with at least four hundred and forty (440) square feet. In addition, the minimum area of the dwelling as measured from the outside of the basement foundation shall not be less than nine-hundred and sixty (960) square feet, ramblers without a basement, one-thousand one-hundred (1100) square feet, and all multi-story structures eight hundred and sixty-four (864) square feet.
2. No livable room, except the kitchen, shall contain less than ninety (90) square feet.
3. All structures must have a minimum exterior dimension of twenty-four (24) feet width as measured at the building line.
4. Roof lines must have at least a 3/12 pitch. Flat or shed type roofs are not permitted.
5. No structure shall have corrugated metal as a siding material.
6. All structures must have permanent, concrete or treated wood foundations, which will serve to anchor the structure.

300:162 One Structure Containing Dwellings Per Lot. The minimum lot size as set forth must be met for each structure containing Dwellings.

300:163 Fill: Frozen Ground. No structure shall be built or placed on frozen ground, nor on filled ground until the Zoning Administrator has been satisfied that the fill has compacted sufficiently to support the contemplated load.

300:164 Road Grade. All structures and driveways shall be constructed to conform to the established grade of the adjacent highway or street.

300:165 Standards and Specifications. The Minnesota State Building Code, current edition, is adopted and incorporated into this ordinance by reference.

300:166 Materials. All construction materials shall conform to the requirements of the Minnesota State Building Code.

300:167 Construction. All buildings shall meet the standards and requirements of the UBC.

300:168 Sewage and Septic Systems. Subsurface sewage treatment systems shall be designed, permitted, and inspected in accordance with the standards set forth in Minnesota Statutes 115.55; 145A.01 through 145A.08; 375.51 or successor statutes, Minnesota Rules Chapters 7080 through 7082, and Mille Lacs County Ordinance Chapter 3, Article 3, Subsurface Sewage Treatment Systems as amended from time to time. The statutes, rules and ordinance are hereby adopted by reference.

300:170 NON-CONFORMING USES.

300:171 Present Uses and Structures Excepted. Except as otherwise expressly provided herein, the use of any land or building lawfully existing at the time of taking effect of this ordinance, or any subsequent amendments, may be continued even though such use or activity does

not conform to the requirements of this ordinance, and except as otherwise expressly provided herein, any structure lawfully existing at the time of taking effect of this ordinance, or any subsequent amendments, may continue to exist so long as it is otherwise lawful.

300:172 No Expansion of Non-Conforming Uses. Except as otherwise provided in this Section, no non-conforming use of the land shall be enlarged to occupy a greater area of land than that occupied by such use at the time of the adoption of this ordinance or any subsequent amendments, nor shall any such non-conforming use be moved to any other part or parcel of land upon which it is conducted at the time of the adoption of this regulation. However, expansion of a non-conforming use may be permitted if the Township Board of Supervisors finds that the following conditions are met:

1. The expanded use consists solely of the remodeling of an existing building in which the non-conforming use is conducted and the remodeling does not increase the total square footage of floor space for each story of said existing structure by more than twenty-five (25) percent of the total square footage existing prior to the remodeling.
2. Any such expansion of the non-conforming use shall be deemed a Conditional Use and must meet the standards for a Conditional Use.

300:173 Loss of Non-Conforming Use Status. If a non-conforming use consists of a building and ceases for a continuous period of two (2) years, any subsequent use of the building shall be in conformity to the requirements of this ordinance. No non-conforming use, if once changed to a use permitted in the district, shall be changed back to non-conforming use. If at any time any building becomes substantially or wholly destroyed by fire, earthquake, windstorm, explosion, or other disaster, then the land on which such building is located or maintained shall from and after the date of such destruction be subject to all the requirements specified by this ordinance.

300:174 Loss of Non-Conforming Structures. A non-conforming structure may not be enlarged or altered in a way that increases its non-conformity. If at any time any non-conforming structure becomes substantially or wholly destroyed by fire, earthquake, windstorm, explosion, or other disaster, then the land on which such building is located or maintained will after the date of such destruction be subject to all the requirements specified by this ordinance.

300:180 PLANNING COMMISSION.

300:181 Establishment. There is hereby established a Planning and Zoning Commission hereinafter called the "Planning Commission" consisting of seven (7) residents of Princeton Township, appointed by the Township Board of Supervisors. The terms of office and compensation of Planning Commission members will be set by the Township Board of Supervisors.

300:182 Duties. The Planning Commission shall act as an advisor for the Township Board of Supervisors with respect to the administration or amendment of this ordinance, and shall have such additional duties as are provided herein and such as may be from time to time assigned to it by the Township Board of Supervisors.

300:183 Organization. The Planning Commission shall elect its own Chair and shall elect a Secretary who shall preserve a record of its proceedings. Meetings of the Planning Commission may be called by the Township Board of Supervisors, or by the Chair of the Planning Commission. Four (4) members shall constitute a quorum to do business.

300:184 Planning Commission Secretary. The Township Board of Supervisors shall have the right to establish the position of Non-Voting Secretary to the Planning Commission. If created, the Non-Voting Secretary shall be a non-voting member of the Planning Commission and shall be paid such compensation as determined by the Township Board of Supervisors.

300:190 BOARD OF ADJUSTMENT AND APPEALS. The Township Board of Supervisors shall be the Board of Adjustment and Appeals.

300:191 Powers and Duties/Appeals.

1. The Board of Adjustment shall be the Township Board of Supervisors and shall act upon all questions that may arise in the administration of this ordinance, including the interpretation of zoning maps and ordinances.
2. The Board of Adjustment shall hear and decide appeals from and review any order, requirement, decision, or determination made by an administrative official charged with enforcing this ordinance. Such appeal may be taken by any person aggrieved or by any officer, department, board or commission of Princeton Township.
3. The Board of Adjustment shall have power to vary and adapt the strict applications of any of the requirements of these regulations in the case of exceptionally irregular, narrow, or shallow lots, or other exceptional physical conditions, whereby such strict application would result in practical difficulty or unnecessary hardship that would deprive the owner of the reasonable use of the land or building involved.
4. Any appeals of a Board of Adjustment decision shall be made to the District Court as provided in state law. Board of Adjustment decisions shall be final except if appealed to District Court.

300:200 CONSTRUCTION OF THE ORDINANCE.

300:201 Validity.

1. Should any section, clause, or provision of these regulations be declared by a court of competent jurisdiction to be invalid, such declaration shall not affect the validity of any other section, clause, or provision of this ordinance, other than that so declared invalid.
2. Whenever there is a conflict or inconsistency between any section, clause, or provision of this ordinance with any other section, clause, or provision of this ordinance or any section, clause or provision of the law of the State of Minnesota, the stricter standard shall prevail.



- 300:202 Chapter, Section and Subdivision Headings. All chapter, section, and subdivision headings of this ordinance are to be construed as though they are not a part of the subject matter of this ordinance, but are intended for convenience only and not as comprehensive titles.
- 300:210 AMENDMENTS/REZONING. The Township Board of Supervisors or Planning Commission, upon its own motion, may initiate a request to amend the text of this ordinance or the district boundaries on the Zoning Map. Any person, firm, corporation, or other legal entity owning real estate within the Township may initiate a request to amend the district boundaries and/or text of this ordinance.
- 300:211 Procedure. Six (6) copies of detailed written and graphic materials fully explaining the requested proposal for an amendment of this ordinance shall be filed with the Township Clerk and shall be accompanied by a fee, as determined by resolution of the Township Board of Supervisors. The fee shall be non-refundable.
1. The Township Clerk shall refer the amendment request along with all related information to the Planning Commission for consideration, and a report and recommendation shall be made by the Planning Commission to the Township Board of Supervisors.
  2. The Town Clerk shall set a date for a public hearing on the request at the first meeting of the Planning Commission after the required notices can be given. Notice of such hearing shall be published in conformance with state law, and if it is a district change request, individual notices shall be mailed not less than ten (10) days nor more than thirty (30) days prior to the hearing to all owners of property, according to the most recent property assessment records, within three-hundred and fifty (350) feet of the parcel included in the request. Such notice shall also be published in the official Township paper within the above time periods. The failure of a property owner to receive the notice shall not invalidate any such proceedings.
  3. The Planning Commission shall reach a decision and make its report to the Township Board of Supervisors within seven (7) days after the conclusion of the public hearing.
  4. Upon receiving the report and recommendation of the Planning Commission, the Township Board of Supervisors shall place the amendment request on the agenda of its next meeting. In no event shall the Township Board of Supervisor's decision be made more than sixty (60) days after the date the request was filed with the Town Clerk unless the decision time is extended as permitted by statute or upon agreement with the person making the request. The provisions of this section are intended to comply with Minnesota Statute Section 15.99. The report and the recommendation of the Planning Commission shall be entered in and made part of the permanent minutes of the Township Board of Supervisors meeting.
  5. The Township Board of Supervisors shall have the option to set and hold a public hearing if deemed necessary for reaching a decision.
  6. Amendment of these Regulations shall be by a four-fifths (4/5) vote of the full Township Board of Supervisors.

7. Within sixty (60) days of the date that the request was filed with the Township Clerk, the Clerk shall notify, in writing, the applicant of the Township Board of Supervisor's decision.

300:220 VARIANCES. A property owner may apply for a variance from the requirements of this ordinance including without limitation requirements relating to setbacks, lot width, depth and area, height and parking; however, a variance will not be permitted for any use that is not permitted under this ordinance for the property in the zoning district where the affected land is located.

300:221 Application. A request for a variance or appeal shall be filed with the Township Clerk and shall be accompanied by a fee as set by resolution of the Township Board of Supervisors, along with written material explaining and supporting the request as well as a site plan if applicable.

300:222 Procedures.

1. The Township Clerk shall forward the application to the Planning Commission for consideration at its next regular meeting. The Planning Commission shall consider the request and make a recommendation to the Board of Adjustment within seven (7) days.
2. Upon receiving the recommendation of the Planning Commission, the Board of Adjustment shall set and hold a public hearing on said request. Notice of such hearing shall be mailed not less than ten (10) days nor more than thirty (30) days to property owners within five-hundred (500) feet of the affected parcel as determined by the Township Clerk. Such notice shall also be published in the official newspaper within the above time period. Failure of a property owner to receive said notice shall not invalidate any such proceedings.
3. A variance of these Regulations shall be by four-fifths (4/5) vote of the full Board of Adjustment.
4. Upon receiving the report and recommendation of the Planning Commission, the Board of Adjustment shall decide the issue within sixty (60) days after the date the request was filed with the Town Clerk, unless the decision time is extended as permitted by statute or upon agreement with the person making the request. The Board of Adjustment's decision shall be entered in and made part of the permanent minutes of the meeting.

300:223 Standards. No variance from the provisions or requirements of these Regulations shall be recommended by the Planning Commission or be authorized by the Board of Adjustment unless they find evidence that all the following facts and conditions exist:

1. There are exceptional or extraordinary circumstances or conditions applying to the property in question as to the intended use of the property that do not apply generally to other properties in the same zoning district.

2. The variance is necessary for the preservation and enjoyment of a substantial property right similar to that possessed by other properties in the same district and in the same vicinity. The possibility of increased financial return or financial hardship shall not in itself be deemed sufficient to warrant a variance.
3. The authorizing of such variance will not be of substantial detriment to adjacent property and will not materially impair the intent and purposes of this ordinance or the public interest.
4. The condition or situation of the specific piece of property, or the intended use of said property for which the variance is sought, is not of so general or recurrent a nature as to make reasonably practicable the formulation of a general regulation for such conditions or situation.

300:224 Conditions May Be Attached to Variances. In granting a variance, the Board of Adjustment may impose conditions to ensure compliance and to protect adjacent properties.

300:225 Lapse of Variance. If within one (1) year after granting a variance the work permitted is not started, such a variance shall become null and void unless a petition for an extension has been approved by the Township Board of Supervisors.

300:230 CONDITIONAL USE PERMITS. Conditional Use Permits may be granted to allow uses within a zoning district designated as “Conditional Uses” where the proposed use meets all of the requirements of Paragraph 3 or can meet such requirements with appropriate conditions attached.

1. Application. Applications for Conditional Use Permits shall be made to the Township Clerk together with all required fees. The application shall be accompanied by a site plan showing such information as is necessary to show compliance with this Ordinance, including but not limited to:
  - A. Description of the site (legal description);
  - B. Site plan drawn to scale showing parcel and building dimensions;
  - C. Location of all buildings and their square footage;
  - D. Curb cuts, driveways, access roads, parking spaces, off-street loading areas, and sidewalks;
  - E. Landscaping and screening plans;
  - F. Drainage plan;
  - G. Sanitary sewer and water plan with estimated use per day;
  - H. Soil type;

I. Any additional written or graphic data reasonably required by the Township Board of Supervisors or Planning Commission.

2. Procedures.

A. The Township Clerk shall set a date for a public hearing by the Planning Commission and forward the application to the Planning Commission for consideration at its next regular meeting.

B. Notice of such hearing shall be published at least once in the official paper of the Township and mailed to individual properties, within five-hundred (500) feet of the parcel included in the request, not less than ten (10) days nor more than thirty (30) days prior to the date of the hearing. Failure of a property owner to receive said notice shall not invalidate any such proceeding.

C. The Planning Commission shall consider possible adverse effects of the proposed conditional use and what additional requirements may be necessary to reduce any adverse effects, and the Planning Commissioner shall make a recommendation to the Township Board of Supervisors within seven (7) days.

D. Upon receiving the report and recommendation of the Planning Commission, the Township Board of Supervisors shall have the option of holding an additional public hearing and may impose any conditions deemed necessary. The Township Board of Supervisors shall decide the issue within sixty (60) days after the date the request was filed with the Town Clerk, unless the decision time is extended as permitted by statute or upon agreement with the person making the request. The Township Board of Supervisors' decision shall be entered in and made part of the permanent minutes of the meeting. Approval of a Conditional Use Permit shall require passage by a four-fifths (4/5) vote of the full Township Board of Supervisors.

3. Standards. No Conditional Use Permit shall be recommended by the Planning Commission or approved by the Township Board of Supervisors unless they find the following:

A. The proposed use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted.

B. The establishment of the proposed use will not impede the normal and orderly development and improvement of surrounding property for predominant uses in the area.

C. Adequate utilities, access roads, drainage and other necessary facilities have been or will be provided.

D. Adequate measures have been or will be taken to provide sufficient off-street parking and loading space to serve the proposed use.

E. Adequate measures have been or will be taken to prevent or control offensive odor, fumes, dust, noise, and vibration, so that none of these will constitute a nuisance, and

to control lighted signs and other lights in such a manner that no disturbance to neighboring properties will result.

F. Proper facilities are provided which would substantially mitigate any traffic congestion or traffic hazard which may result from the proposed use.

G. A demonstrated need for the proposed use.

H. The proposed use is in compliance with the Comprehensive Plan and other ordinances and regulations adopted by the Township.

I. **Certification of Taxes Paid.** Prior to approving an application for an interim use permit, the applicant shall provide certification to the Township that there are no delinquent property taxes, special assessments, interest, or utility fees due upon the parcel of land to which the interim use permit application relates.

4. **Recording.** A certified copy of any conditional use permit shall be filed with the County Recorder by the Township Clerk. The conditional use permit shall include the legal description of the property involved.
5. **Compliance.** Any use permitted under the terms of any conditional use permit shall be established and conducted in conformity with the terms of such permits and any conditions connection to such permit.
6. **Lapse of Conditional Use Permit by Non-Use.** If within one (1) year after granting a conditional use permit the use permitted has not been initiated, then such permit shall become null and void unless a petition for an extension has been approved by the Township Board of Supervisors.

300:235 **INTERIM USE PERMITS.** The purpose and intent of allowing interim uses is to allow a use:

A. for a brief period of time until a permanent location is obtained or while the permanent location is under construction.

B. that is presently judged acceptable by the Township Board, but that with anticipated development or redevelopment, will not be acceptable in the future or will be replaced in the future by a permitted or conditional use allowed within the respective district.

C. which is reflective of anticipated long range change to an area and which is in compliance with the Comprehensive Plan provided that said use maintains harmony and compatibility with surrounding uses and is in keeping with the architectural character and design standards of existing uses and development.

1. **General Standards.** An interim use shall comply with the following:

A. The use is allowed as an interim use in the respective zoning district and conforms to zoning regulations.

B. The date or event that will terminate the use can be identified with certainty.

C. The use will not impose additional unreasonable costs on the public if it is necessary for the public to take the property in the future.

D. The applicant agrees to any conditions that the Township Board deems appropriate for permission of the use including the requirement of appropriate financial surety to cover the cost of removing the interim use and any interim structures upon the expiration of the interim use permit.

2. Application, Public Hearing, Notice, and Procedure. The application, public hearing, public notice, and procedure requirements for Interim Use Permit shall be the same as those for a Conditional Use Permit as provided in this Ordinance.

3. Certification of Taxes Paid. Prior to approving an application for an interim use permit, the applicant shall provide certification to the Township that there are no delinquent property taxes, special assessments, interest, or utility fees due upon the parcel of land to which the interim use permit application relates.

4. Permit Transferability and Termination:

A. Any Interim Use Permit (IUP) issued under this Ordinance is granted solely to the applicant and/or the business entity named in the application, and for the premises named in the IUP application. No IUP of any sort granted pursuant to this Ordinance is transferable to any other person or premises. An IUP does not run with the land. If a change of ownership, control, or location of any licensed premises occurs, whether pursuant to move, sale, transfer, assignment, or otherwise, the owner or proposed new owner must complete a new application subject to approval pursuant to this Ordinance. A change of ownership or control includes, but is not limited to:

1. The sale of all or substantially all of the company assets;

2. Sale or acquisition of forty (40) percent or more of the controlling interest (voting) stock if the company stock is publicly traded;

3. Sale of fifty-one (51) percent of the voting stock if a non-publicly traded stock or closely held corporation;

4. Execution of a management agreement; or

5. The change of any officer or majority stockholder if the company is a closely-held corporation.

B. An IUP shall terminate on the happening of any of the following events, whichever occurs first:

1. With a change of ownership,

2. If the approved use is inactive for one (1) year or longer as determined by the Zoning Administrator,
3. The date or event stated in the permit.
4. Upon violation of conditions under which the permit was issued.
5. Upon change in the Township's zoning regulations which renders the use nonconforming.

300:240 FEES FOR REZONING, VARIANCES, INTERIM USE PERMITS AND CONDITIONAL USE PERMITS. To defray administrative, legal, and other professional fees and costs of processing requests for conditional use permits, interim use permits, variances and rezoning requests, the Township Board of Supervisors shall:

1. Establish from time to time an administrative fee to be paid at the time of the application; and
2. Establish a fee for recording the approved conditional use permit, interim use permit, variance or rezoning request; and
3. Require the applicant to reimburse the Township for the cost of engineering, legal, and other professional services incurred in the review and processing of the conditional use permit, interim use permit, variance, or rezoning request including the drafting of any documents connected therewith. Prior to the public hearing to be held on a conditional use permit, interim use permit, variance, or rezoning, the Applicant shall deposit with the Township Clerk one-hundred twenty-five (125) percent of the Clerk's estimated cost of the engineering, legal, and other professional services. The amount required to be deposited hereunder shall be in addition to the normal application fee required for a conditional use permit, interim use permit, variance or rezoning request.

300:245 SPECIAL EVENTS AND ESTABLISHING PERMIT REQUIREMENTS

Section 1. Purpose and Findings. The purpose of this ordinance is to protect the health, safety and welfare of the residents of Princeton Township by regulating time, place and manner of conduct of Special Events and by establishing permit requirements for conducting Special Events as such are herein defined. The Township finds these regulations necessary to ensure that such events are conducted with sufficient consideration given to public safety issues, including, among other things, the impact of such events on parking and vehicular traffic with the Township.

Section 2. Definitions. For purposes of this ordinance the following terms shall have the meaning given to them:

- a. "Applicant" is defined as a natural person, association, organization, club, group formed for a common purpose, partnership of any kind, limited liability company, corporation or any other legal entity who seeks a permit to conduct a Special Event within the Township.
- b. "Special Event" is defined as a gathering on public or private property, assembled with a common purpose for a period of one hour or longer. Special events include, but are not limited to concerts, fairs, carnivals, car shows, flea markets, marathons, walkathons,

festivals, races, bicycle events, celebrations or any other gathering or event of similar nature. Special events do not include events that are not open to the public and held on private property such as weddings and graduation or social parties.

Section 3. Permit Required. No person or group shall hold or conduct a Special Event within the Township, unless a permit has been issued for such event upon timely written application made to the Township.

Section 4. Application for Permit. Written application for Special Events must be made at least 30 days in advance of the event's proposed date in a form prescribed by the Township Board of Supervisors. This application period shall not begin to run until a complete application has been filed with the Township. Application forms shall be made available in the office of the Clerk. An application fee, in the amount set by the Township Fee Schedule, shall be paid to the Township, along with the completed application form. Failure to provide a complete application or to pay the fee, as herein required, is sufficient reason to deny the Special Events permit. In addition to the application fee, the Applicant shall pay all additional costs incurred by the Township as a direct result of the Special Event. The Town Board may also require the Applicant to post a bond or other surety to cover such additional costs.

Section 5. Issuance of Permit, Conditions, Posting. Special Events permits will be issued upon Town Board approval. The Board of Supervisors may attach such reasonable conditions to the permit as are deemed necessary to protect the health, safety and welfare of the community. Such conditions may pertain to any of the following:

- a. Location and hours during which the event may be held including restrictions on the volume, duration, and hours of amplified sound.
- b. Sanitation/availability of potable water including the provision of additional portable restrooms.
- c. Security/crowd management including requirements for contracted law enforcement or private security.
- d. Parking and traffic issues including proof that adequate overflow parking has been secured.
- e. Emergency, fire, and medical services including stand-by fire or ambulance service as necessary for the Special Event.
- f. Clean-up of premises and surrounding area/trash disposal including additional trash receptacles or dumpsters.
- g. Insurance- including proof of adequate commercial liability insurance.
- h. Lighting.
- i. Temporary construction, tents, barricades/fencing.
- j. Removal of advertising/promotional materials.
- k. Alcohol consumption.
- l. Any other condition with the Town Board deems necessary.

Upon Town Board approval, the Clerk shall issue a permit to the Person(s) named in the permit application. The permit shall clearly state the conditions, if any, imposed by the Town Board. Copies of the permit shall be posted in (3) prominent locations during the Special Event. In addition, the Town Board may require notice of the Special Event be provided to neighboring property owners.

Section 6. Exceptions to the Permit Requirements. The permit requirement contained in this ordinance does not apply to the following.

- a. Special Events sponsored and managed by Princeton Township.
- b. Funeral and funeral processions.



- c. The grounds of any school, playground, place of worship, hotel, conference center, stadium, athletic fields, arena, auditorium, or similar permanent place of assembly when used for regularly established assembly purpose.

Section 7. Authorization Required. Persons or organizations are prohibited from operating a concession or selling products or services on public property within a defined fair, festival or celebration area without authorization from a non-profit association sponsoring the event. The entity sponsoring the event shall submit a description of the defined celebration area in the permit application to the Town Board for approval.

Section 8. Alcohol. The Applicant shall inform the Township if alcoholic beverages are to be provided at the Special Event and the Township may impose any conditions or restrictions it deems necessary to secure public safety. The sale or consumption of alcohol at a Special Event outside of the compact and contiguous space defined as the “licensed premises” of a “licensed establishment”— as those terms are defined by the Mille Lacs County Liquor Ordinance-- requires a temporary on-sale liquor license pursuant to Minnesota Statute 340A.404 Subd. 10(b) as it may be amended. No alcoholic beverages shall be provided at a Special Event unless the alcoholic beverages are served under the authority of a temporary liquor license or provided by a licensed caterer permitted to provide alcoholic beverages by application of State law or Mille Lacs County Ordinance.

Section 9. Denial of Application. A permit may be denied based upon a determination that:

- a. The Special Event would endanger public health or safety;
- b. The Special Event would unreasonably infringe upon adjacent property owners’ rights;
- c. The Special Event would conflict with another proximate event or interfere with construction or maintenance work;
- d. The Applicant has violated a condition of this ordinance or a special event permit issued to the Applicant within the last 12 months;
- e. The property on which the Special Event is to take place is delinquent in the payment of property taxes,

Section 10. Indemnification. As a condition of the issuance of a permit, the Applicant agrees to defend, indemnify and hold Princeton Township, its officers and employees harmless from any liability, claim, damages, costs, judgments, or expenses, including attorney’s fees, resulting from the Special Event.

Section 11. Penalty for Violation, Enforcement. Any person who violates any condition of a Special Event permit or any provision of this ordinance shall be guilty of a misdemeanor, punishable as prescribed by State Law. Enforcement of this ordinance, at the Town Board’s discretion, take any of the following forms:

- a. Citation/criminal prosecution
- b. Injunctions, declaratory judgements, or other civil remedies
- c. Permit revocation
- d. Dispersion of persons gathered
- e. Liquor license revocation or suspension

300:250 ZONING ADMINISTRATOR/BUILDING INSPECTOR.

300:251 Appointment/Compensation. The Township Board of Supervisors shall appoint a Zoning Administrator whose term of office and compensation shall be set by the Township Board

of Supervisors and who shall have the authority and responsibility to enforce all of the provisions of this ordinance under the direction of the Township Board of Supervisors. The Zoning Administrator may also serve as the Building Inspector, or the Township Board of Supervisors may appoint another person to serve as the Building Inspector.

300:252 Duties. The Zoning Administrator so appointed shall have the following duties:

1. To maintain a system of procedures, records, files, and documents that will provide for effective and consistent administration, enforce the substance and intent of this ordinance for the protection and preservation of the public health and safety, and issue permit documents when the applicant has met the requirements of the ordinance.
2. To issue and enforce stop orders on the construction, repair, alteration, renewal, or demolition of any building or structure or any work done thereon carried on in violation of this ordinance.
3. To interpret this ordinance and make recommendations to the Planning Commission and Township Board of Supervisors.
4. To inspect all buildings and structures that are regulated under this ordinance, and to provide inspection reports to the permittee and file records as deemed appropriate by the Township Board of Supervisors.

300:253 Technical Consultation. The Zoning Administrator may, with permission and under the Township Board of Supervisors, employ such technical or expert consultants as may be desirable.

300:254 Violation/Penalties. The Zoning Administrator shall have the right to enter any property, building or structure in connection with the Zoning Administrator's duties, upon showing his/her credentials or badge of office. The Zoning Administrator may call upon the Township Board of Supervisors for assistance in enforcing any of the provisions of this ordinance. Any person or persons who shall interfere with the Zoning Administrator in the execution of the Zoning Administrator's duties as defined in this ordinance, shall, upon conviction thereof, be subject to the penalties provided herein.

300:255 Penalties. Any person who violates any of the provisions of this ordinance or who fails to comply with any of the provisions of this ordinance, or who makes a false statement in any document required to be submitted to the Township under the provisions of this ordinance shall be guilty of a misdemeanor, and each day that a violation exists shall constitute a separate offense.

300:260 BUILDING PERMITS/APPLICATION. No person may erect, alter, or relocate any structure without first making application to and procuring from the Building Inspector a building permit. Applications for permits shall be made in writing upon forms furnished by the Building Inspector and shall be accompanied by two (2) copies of plans and specifications clearly illustrating and specifying the work to be done. Buildings of one-hundred-thousand (100,000) or more square feet content shall have plans and specifications prepared by a practicing architect, registered and licensed in the State of

Minnesota. Each application for a building permit shall show the correct legal description of the property and shall be accompanied by two (2) copies of a site plan showing the correct location of the proposed buildings with respect to the property lines and also the correct location of all of the buildings either on, or proposed to be constructed on, the property. The plan shall also show the proposed location of actual and proposed water supply and sanitary facilities. A certificate of survey shall be furnished, if deemed necessary by the Building Inspector.

300:261 Issuance of Permit. The Building Inspector shall examine and approve all plans and specifications, and if they comply with this ordinance, the Building Inspector shall issue a building permit. One (1) copy of the plans and specifications shall be kept by the Building Inspector, open as public information. The Building Inspector shall sign all building permits.

300:262 Fees. A fee in an amount to be determined from time to time by the Board of Supervisors shall be payable at time issuance of a building permit, provided, that the permit shall not be required for construction, repairs, maintenance, or minor alterations made in accordance with this ordinance where such costs shall not exceed the current adopted fee schedule.

The Board of Supervisors, at their discretion, may issue a partial refund, with the Township retaining the Plan Check Fee, which will not be more than 65% of the Total Permit Fee and the Surcharge Fee. Work that is started without a permit is subject to a Double Permit Fee.

300:263 Refusal to Issue Permits. The Building Inspector shall refuse to approve any applications or issue a building permit in the following cases:

1. Where the plans and specifications and other data, which accompany such application, indicate that the proposed work is not in accordance with the provisions of this ordinance.
2. Where necessary grading incidental to the proposed construction will obstruct any natural drainage waterway; where the relative elevations of the proposed building grade and the established road grade conflict in a manner likely to cause damage to the property or other property in the Township; or where the proposed construction is too low for proper drainage.

300:264 Inspection. The Building Inspector shall inspect each structure for which a building permit has been issued at least once during the work. Unless waived by the Building Inspector for small building projects, a minimum of three (3) inspections will be required, namely: (1) when the foundations are complete; (2) when the entire rough work is in place; and (3) when the building is complete. The owner, or builder, shall notify the Building Inspector at such times as the construction approaches the above mentioned conditions, provided, that the Building Inspector shall make such additional inspections he believes necessary to ensure Code compliance.

300:265 Expiration of Permits. All building permits issued shall expire one hundred twenty (120) days after the date thereof and all fees shall be forfeited unless the work contemplated and authorized thereby is in actual process.

300:270 PUBLIC UTILITIES EXCEPTION. Public utilities may petition the Township for an exemption from any or all of the requirements of this ordinance for the purpose of construction of substations and similar storage structures not designed or used for human occupancy. Exemptions may be granted if:

1. The Township Board of Supervisors determines that compliance with this ordinance creates an unnecessary hardship upon the public utility.
2. Granting the petition for exemption will not seriously affect the purposes of this ordinance.

300:300 ADULT USES.

300:301 For the purposes of this section, the following definitions shall apply:

Adult Uses: Adult uses include adult bookstores, adult motion picture theaters, adult mini-motion picture theaters, adult massage parlors, adult steam room/bathhouse facilities, adult enterprises, businesses or places open to some or all members of the public at or in which there is an emphasis on the presentation, display, depiction or description of “specified sexual activities” or “specified anatomical areas” which are capable of being seen by members of the public.

Adult Bookstore: A building or portion of a building used for the barter, rental or sale of items consisting of printed matter, pictures, slides, records, audiotape, videotape, or motion picture film if a substantial or significant portion of such items are distinguished or characterized by an emphasis on the depiction or description of “specified sexual activities” or “specified anatomical areas” or the barter, rental or sale of instruments, devices, or paraphernalia that are designed for use in connection with specified sexual activities. “Substantial or significant portion of items”, for purposes of this ordinance, shall mean more than fifteen (15) percent of usable floor area.

Adult Cabaret: A building or portion of a building used for providing dancing or other live entertainment, if such building or portion of a building excludes minors by virtue of age, or if such dancing or other live entertainment is distinguished or characterized by an emphasis on the presentation, display, depiction or description of “specified sexual activities” or “specified anatomical areas”.

Adult Health/Sports Club: A health/sports club, which excludes minors by reason of age, or if such club is distinguished or characterized by an emphasis on “specified sexual activities” or “specified anatomical areas”.

Adult Massage Parlor: A massage parlor which restricts minors by reason of age, or which provides the service of “massage”, if such service is distinguished or characterized by an emphasis on “specified sexual activities” or “specified anatomical areas”.

Adult Mini-Motion Picture Theater: A building or portion of a building with a capacity for less than fifty (50) persons used for presenting material if such building or portion of a building as a prevailing practice excludes minors by virtue of age, or if such material is

distinguished or characterized by an emphasis on the depiction or description of “specified sexual activities” or “specified anatomical areas” for observation by patrons therein.

Adult Motion Picture Theater: A building or portion of a building with a capacity of fifty (50) or more persons used for presenting material if such building or portion of a building as a prevailing practice excludes minors by virtue of age, or if such material is distinguished or characterized by an emphasis on the depiction or description of “specified sexual activities” or “specified anatomical areas” for observation by patrons therein.

Adult Steam Room/Bathhouse Facility: A building or portion of a building used for providing a steam bath or heat bathing room used for the purpose of pleasure, bathing, relaxation, or reducing, utilizing steam or hot air as a cleaning, relaxing or reducing agent, if such building or portion of a building restricts minors by reason of age or if the service provided by the steam room/bathhouse facility is distinguished or characterized by an emphasis on “specified sexual activities” or “specified anatomical areas”.

Specified Anatomical Areas:

1. Less than completely and opaquely covered:
  - a. Human genitals;
  - b. Pubic region;
  - c. Buttocks; and,
  - d. Female breast below a point immediately above the top of the areola; and
2. Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

Specified Sexual Activities:

1. Human genitals in a state of sexual stimulation or arousal;
2. Acts of human masturbation, sexual intercourse or sodomy; and
3. Fondling or other erotic touching of human genitals, pubic region, buttocks or female breast.

300:302 Location Requirements.

1. Adult Uses shall be permitted in areas zoned Commercial/Industrial south of Highway 95 provided the following requirements are met:

No adult use shall be located within five hundred (500) feet of:

- a. Any area zoned Residential, Rural Residential, or River Conservation.

- b. Any school, as defined in Minnesota Statutes § 120.101.
- c. Any church or place of worship.
- d. Any daycare facility or any residential or nonresidential program, as defined in Minnesota Statutes § 245A.02.
- e. Any hotel or motel.
- f. Any public park or cemetery.
- g. State and US Highways.

2. Adult uses shall not be established or maintained as a permitted, conditional, interim or accessory use in any area other than those described in paragraph (A) above.

300:303 Amortization of Nonconforming Uses. Adult uses established prior to the enactment of this ordinance shall be permitted and regulated as nonconforming uses until July 31, 2004, at which time such uses shall become unlawful, unless they conform to the requirements of Section 300:302.

300:304 Additional Building Placement Restrictions. Chapter 300:300, the Adult Use Regulations of the Township of Princeton Zoning and Subdivision Ordinances, contain standards that are additional to those set forth in other sections of the ordinances. Minimum setbacks from roads, building bulk limitations, as well as minimum lot and building dimensions, shall be determined by referring to the specific standards set forth in the Commercial/Industrial District. In the event of a conflict between the setbacks listed in this chapter and those listed in other appropriate sections of the ordinances, the most restrictive setback shall apply.

## 300:400 Floodplain Management Ordinance

### Three Districts - One-Map Format

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**300:400 FLOOD PLAIN MANAGEMENT ORDINANCE  
THREE DISTRICT - ONE-MAP FORMAT<sup>1</sup>**

<sup>1</sup>*A Flood Insurance Rate Map has been published for the community and the Regulatory Floodway boundary is shown on this map. A separate Flood Boundary and Floodway Map has not been published.*

## **SECTION 300:401 STATUTORY AUTHORIZATION, FINDINGS OF FACT AND PURPOSE**

1. Statutory Authorization: The legislature of the State of Minnesota has, in Minnesota Statutes, Chapter 103F and Chapter 462, delegated the responsibility to local government units to adopt regulations designed to minimize flood losses. Therefore, the Town Board of Princeton Township, Mille Lacs County, Minnesota does ordain as follows:

2. *Findings of Fact:*

- a. The flood hazard areas of Princeton Township, Mille Lacs County, Minnesota are subject to periodic inundation which results in potential loss of life, loss of property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures or flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare.
- b. Methods Used to Analyze Flood Hazards. This Ordinance is based upon a reasonable method of analyzing flood hazards which is consistent with the standards established by the Minnesota Department of Natural Resources.
- c. National Flood Insurance Program Compliance. This Ordinance is adopted to comply with the rules and regulations of the National Flood Insurance Program codified as 44 Code of Federal Regulations Parts 59 -78, as amended, so as to maintain the community's eligibility in the National Flood Insurance Program.

3. Statement of Purpose: It is the purpose of this Ordinance to promote the public health, safety, and general welfare and to minimize those losses described in Section 1.21 by provisions contained herein.

## **SECTION 300:402 GENERAL PROVISIONS**

1. Lands to Which Ordinance Applies: This Ordinance shall apply to all lands within the jurisdiction of Princeton Township, Mille Lacs County, Minnesota shown on the Official Zoning Map and/or the attachments thereto as being located within the boundaries of the Floodway, Flood Fringe, or General Flood Plain Districts.
2. Establishment of Official Zoning Map: The Official Zoning Map together with all materials attached thereto is hereby adopted by reference and declared to be a part of this Ordinance. The attached material shall include the Flood Insurance Study Mille Lacs County, Minnesota And Incorporated Areas, the Flood Insurance Rate Map Index for Mille Lacs County, Minnesota And Incorporated Areas with a map number of 27095CIND2A, and Flood Insurance Rate Map panels for Mille Lacs County, Minnesota And Incorporated Areas with numbers 27095C0425C, 27095C0450C, 27095C0500C, 27095C0503C, 27095C0504C, 27095C0505C, 27095C0510C, 27095C0512C, and 27095C0520C ; all of the aforementioned documents

being dated March 4, 2013 and prepared by the Federal Emergency Management Agency. The Official Zoning Map shall be on file in the Office of the Town Clerk.

3. Regulatory Flood Protection Elevation: The regulatory flood protection elevation shall be an elevation no lower than one foot above the elevation of the regional flood plus any increases in flood elevation caused by encroachments on the flood plain that result from designation of a floodway.

4. *Interpretation:*

- a. In their interpretation and application, the provisions of this Ordinance shall be held to be minimum requirements and shall be liberally construed in favor of the Town Board and shall not be deemed a limitation or repeal of any other powers granted by state statutes.
- b. The boundaries of the zoning districts shall be determined by scaling distances on the Official Zoning Map. Where interpretation is needed as to the exact location of the boundaries of the district as shown on the Official Zoning Map, as for example where there appears to be a conflict between a mapped boundary and actual field conditions and there is a formal appeal of the decision of the Zoning Administrator, the Board of Adjustment shall make the necessary interpretation. All decisions will be based on elevations on the regional (100-year) flood profile, the ground elevations that existed on the site at the time the Community adopted its initial floodplain ordinance or on the date of the first National Flood Insurance Program map showing the area within the 100-year floodplain if earlier, and other available technical data. Persons contesting the location of the district boundaries shall be given a reasonable opportunity to present their case to the Board of Adjustment and to submit technical evidence.

5. *Abrogation and Greater Restrictions: It is not intended by this Ordinance to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this Ordinance imposes greater restrictions, the provisions of this Ordinance shall prevail. All other ordinances inconsistent with this Ordinance are hereby repealed to the extent of the inconsistency only.*

6. Warning and Disclaimer of Liability: This Ordinance does not imply that areas outside the flood plain districts or land uses permitted within such districts will be free from flooding or flood damages. This Ordinance shall not create liability on the part of Princeton Township, Mille Lacs County, Minnesota or any officer or employee thereof for any flood damages that result from reliance on this Ordinance or any administrative decision lawfully made thereunder.

7. Severability: If any section, clause, provision, or portion of this Ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby.

8. Definitions: For the purpose of this ordinance, certain terms and words are hereby defined as follows. In the event of any conflict between the following definitions and the definitions contained elsewhere in Princeton Township Zoning and Subdivision Ordinances, the following shall control only as to applicability within Sections 300:400 to 300:413.

- a. Accessory Use or Structure - a use or structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal use or structure.
- b. Basement - means any area of a structure, including crawl spaces, having its floor or base subgrade (below ground level) on all four sides, regardless of the depth of excavation below ground level.
- c. Conditional/Interim Use - means a specific type of structure or land use listed in the official control that may be allowed but only after an in-depth review procedure and with appropriate conditions or restrictions as provided in the official zoning controls or building codes and upon a finding that:

(1) Certain conditions as detailed in the zoning ordinance exist.

(2) The structure and/or land use conform to the comprehensive land use plan if one exists and are compatible with the existing neighborhood.

- d. Equal Degree of Encroachment - a method of determining the location of floodway boundaries so that flood plain lands on both sides of a stream are capable of conveying a proportionate share of flood flows.
- e. Flood - a temporary increase in the flow or stage of a stream or in the stage of a wetland or lake that results in the inundation of normally dry areas.
- f. Flood Frequency - the frequency for which it is expected that a specific flood stage or discharge may be equaled or exceeded.
- g. Flood Fringe - that portion of the flood plain outside of the floodway. Flood fringe is synonymous with the term "floodway fringe" used in the Flood Insurance Study Mille Lacs County, Minnesota And Incorporated Areas.
- h. Flood Plain - the beds proper and the areas adjoining a wetland, lake or watercourse which have been or hereafter may be covered by the regional flood.
- i. Flood Proofing - a combination of structural provisions, changes, or adjustments to properties and structures subject to flooding, primarily for the reduction or elimination of flood damages.
- j. Floodway - the bed of a wetland or lake and the channel of a watercourse and those portions of the adjoining flood plain which are reasonably required to carry or store the regional flood discharge.
- k. Lowest Floor - the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, used solely for parking of vehicles, building access, or storage in an area other than a basement area, is not considered a building's lowest floor.
- l. Manufactured Home - a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does not include the term "recreational vehicle."
- m. Obstruction - any dam, wall, wharf, embankment, levee, dike, pile, abutment, projection, excavation, channel modification, culvert, building, wire, fence, stockpile, refuse, fill, structure, or matter in, along, across, or projecting into any channel, watercourse, or regulatory flood plain which may impede, retard, or change the direction of the flow of water, either in itself or by catching or collecting debris carried by such water.
- n. Principal Use or Structure - means all uses or structures that are not accessory uses or structures.
- o. Reach - a hydraulic engineering term to describe a longitudinal segment of a stream or river influenced by a natural or man-made obstruction. In an urban area, the segment of a stream or river between two consecutive bridge crossings would most typically constitute a reach.
- p. Recreational Vehicle - a vehicle that is built on a single chassis, is 400 square feet or less when measured at the largest horizontal projection, is designed to be self-propelled or permanently towable by a light duty truck, and is designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use. For the purposes of this Ordinance, the term recreational vehicle shall be synonymous with the term travel trailer/travel vehicle.

- q. Regional Flood - a flood which is representative of large floods known to have occurred generally in Minnesota and reasonably characteristic of what can be expected to occur on an average frequency in the magnitude of the 100-year recurrence interval. Regional flood is synonymous with the term "base flood", 1-percent annual chance flood or 100-Year flood elevation.
- r. Regulatory Flood Protection Elevation - The regulatory flood protection elevation shall be an elevation no lower than one foot above the elevation of the regional flood plus any increases in flood elevation caused by encroachments on the flood plain that result from designation of a floodway.
- s. Structure - anything constructed or erected on the ground or attached to the ground or on-site utilities, including, but not limited to, buildings, factories, sheds, detached garages, cabins, manufactured homes, recreational vehicles not meeting the exemption criteria specified in Section 300:409.3 of this Ordinance and other similar items.
- t. Substantial Damage - means damage of any origin sustained by a structure where the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.
- u. Substantial Improvement - within any consecutive 365-day period, any reconstruction, rehabilitation (including normal maintenance and repair), repair after damage, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures that have incurred "substantial damage," regardless of the actual repair work performed. The term does not, however, include either:
  - (1) Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions.
  - (2) Any alteration of an "historic structure," provided that the alteration will not preclude the structure's continued designation as an "historic structure." For the purpose of this Ordinance, "historic structure" shall be as defined in 44 Code of Federal Regulations, Part 59.1.
- v. Variance - means a modification of a specific permitted development standard required in an official control including this Ordinance to allow an alternative development standard not stated as acceptable in the official control, but only as applied to a particular property for the purpose of alleviating a hardship, practical difficulty or unique circumstance as defined and elaborated upon in a community's respective planning and zoning enabling legislation.

9. Detachments: The flood insurance rate map panels adopted by reference in Section 300:402.2 of this Ordinance include floodplain areas that currently lie within the corporate boundaries of cities in Mille Lacs County at the time of adoption of this Ordinance. If any of these floodplain lands are detached from a city after the date of adoption of this Ordinance and come under the jurisdiction of Princeton Township, Mille Lacs County, Minnesota, the newly detached floodplain lands shall be subject to the provisions of this Ordinance immediately upon the date of detachment from a city.

## **SECTION 300:403 ESTABLISHMENT OF ZONING DISTRICTS**

### 1. Districts:

- a. Floodway District. The Floodway District shall include those areas designated as floodway on the Flood Insurance Rate Map adopted in Section 300:402.2. For lakes, wetlands and other basins, the Floodway District shall include those areas designated as Zone A on the Flood Insurance Rate Map panels adopted in Section 300:402.2 that are at or below the ordinary high water level as defined in Minnesota Statutes, Section 103G.005, subdivision 14.
- b. Flood Fringe District. The Flood Fringe District shall include those areas designated as floodway fringe, which shall include the areas shown on the Flood Insurance Rate Map, adopted in Section 300:402.2, as being within Zone AE but being located outside of the floodway. For lakes, wetlands and other basins, the Flood Fringe District shall include those areas designated as Zone A on the Flood Insurance Rate Map panels adopted in Section 300:402.2 that are below the 1% annual chance flood elevation (100-year flood elevation) but above the ordinary high water level as defined in Minnesota Statutes, Section 103G.005, subdivision 14.
- c. General Flood Plain District. The General Flood Plain District shall include those areas for streams on the Flood Insurance Rate Map adopted in Section 300:402.2 that designated as Zone A and Zone AE without a delineated floodway, which are not subject to the criteria in 300:403.1.a and 300:403.1.b above.

*2. Compliance: No new structure or land shall hereafter be used and no structure shall be constructed, located, extended, converted, or structurally altered without full compliance with the terms of this Ordinance and other applicable regulations which apply to uses within the jurisdiction of this Ordinance. Within the Floodway, Flood Fringe and General Flood Plain Districts, all uses not listed as permitted uses or conditional/interim uses in Sections 300:404, 300:405 and 300:406 that follow, respectively, shall be prohibited. In addition, a caution is provided here that:*

- a. New manufactured homes, replacement manufactured homes and certain recreational vehicles are subject to the general provisions of this Ordinance and specifically Section 300:409.
- b. Modifications, additions, structural alterations, normal maintenance and repair, or repair after damage to existing nonconforming structures and nonconforming uses of structures or land are regulated by the general provisions of this Ordinance and specifically Section 300:411.
- c. As-built elevations for elevated or flood proofed structures must be certified by ground surveys and flood proofing techniques must be designed and certified by a registered professional engineer or architect as specified in the general provisions of this Ordinance and specifically as stated in Section 300:410 of this Ordinance.

## **SECTION 300:404 FLOODWAY DISTRICT (FW)**

### 1. Permitted Uses:

- a. *General farming, pasture, grazing, outdoor plant nurseries, horticulture, truck farming, forestry, sod farming, and wild crop harvesting.*

- b. Industrial-commercial loading areas, parking areas, and airport landing strips.
- c. Private and public golf courses, tennis courts, driving ranges, archery ranges, picnic grounds, boat launching ramps, swimming areas, parks, wildlife and nature preserves, game farms, fish hatcheries, shooting preserves, target ranges, trap and skeet ranges, hunting and fishing areas, and single or multiple purpose recreational trails.
- d. Residential lawns, gardens, parking areas, and play areas.

2. Standards for Floodway Permitted Uses:

- a. The use shall have a low flood damage potential.
- b. The use shall be permissible in the underlying zoning district if one exists.
- c. *The use shall not obstruct flood flows or increase flood elevations and shall not involve structures, fill, obstructions, excavations or storage of materials or equipment.*

3. Conditional/Interim Uses:

- a. Structures accessory to the uses listed in 300:404.1 above and the uses listed in 300:404.3.b – 300:404.3.h below.
- b. Extraction and storage of sand, gravel, and other materials.
- c. Marinas, boat rentals, docks, piers, wharves, and water control structures.
- d. Railroads, streets, bridges, utility transmission lines, and pipelines.
- e. Storage yards for equipment, machinery, or materials.
- f. Placement of fill or construction of fences.
- g. *Recreational vehicles either on individual lots of record or in existing or new subdivisions or commercial or condominium type campgrounds, subject to the exemptions and provisions of Section 300:409.3 of this Ordinance.*
- h. *Structural works for flood control such as levees, dikes and floodwalls constructed to any height where the intent is to protect individual structures and levees or dikes where the intent is to protect agricultural crops for a frequency flood event equal to or less than the 10-year frequency flood event.*

4. Standards for Floodway Conditional/Interim Uses:

- a. All Uses. No structure (temporary or permanent), fill (including fill for roads and levees), deposit, obstruction, storage of materials or equipment, or other uses may be allowed as a conditional/interim use that will cause any increase in the stage of the 100-year or regional flood or cause an increase in flood damages in the reach or reaches affected.
- b. All floodway conditional/interim uses shall be subject to the procedures and standards contained in Section 300:410.4 of this Ordinance.
- c. The conditional/interim use shall be permissible in the underlying zoning district if one exists.

d. Fill:

- (1) Fill, dredge spoil, and all other similar materials deposited or stored in the flood plain shall be protected from erosion by vegetative cover, mulching, riprap or other acceptable method.
- (2) Dredge spoil sites and sand and gravel operations shall not be allowed in the floodway unless a long-term site development plan is submitted which includes an erosion/sedimentation prevention element to the plan.
- (3) As an alternative, and consistent with Subsection (b) immediately above, dredge spoil disposal and sand and gravel operations may allow temporary, on-site storage of fill or other materials which would have caused an increase to the stage of the 100-year or regional flood but only after the Town Board has received an appropriate plan which assures the removal of the materials from the floodway based upon the flood warning time available. The conditional/interim use permit must be title registered with the property in the Office of the County Recorder.

e. Accessory Structures:

- (1) Accessory structures shall not be designed for human habitation.
- (2) Accessory structures, if permitted, shall be constructed and placed on the building site so as to offer the minimum obstruction to the flow of flood waters:
  - a. Whenever possible, structures shall be constructed with the longitudinal axis parallel to the direction of flood flow; and
  - b. So far as practicable, structures shall be placed approximately on the same flood flow lines as those of adjoining structures.
- (3) Accessory structures shall be elevated on fill or structurally dry flood proofed in accordance with the FP-1 or FP-2 flood proofing classifications in the State Building Code. As an alternative, an accessory structure may be flood proofed to the FP-3 or FP-4 flood proofing classification in the State Building Code provided the accessory structure constitutes a minimal investment, does not exceed 500 square feet in size at its largest projection, and for a detached garage, the detached garage must be used solely for parking of vehicles and limited storage. All flood proofed accessory structures must meet the following additional standards:
  - a. The structure must be adequately anchored to prevent flotation, collapse or lateral movement of the structure and shall be designed to equalize hydrostatic flood forces on exterior walls;
  - b. Any mechanical and utility equipment in a structure must be elevated to or above the regulatory flood protection elevation or properly flood proofed; and
  - c. To allow for the equalization of hydrostatic pressure, there must be a minimum of two "automatic" openings in the outside walls of the structure having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding. There must be openings on at least two sides of the structure and the bottom of all openings must be no higher than one foot above the lowest adjacent grade to the structure. Using human intervention to open a garage door prior to flooding will not satisfy this requirement for automatic openings.

f. Storage of Materials and Equipment:

- (1) The storage or processing of materials that are, in time of flooding, flammable, explosive, or potentially injurious to human, animal, or plant life is prohibited.
- (2) Storage of other materials or equipment may be allowed if readily removable from the area within the time available after a flood warning and in accordance with a plan approved by the Town Board.

- g. Structural works for flood control that will change the course, current or cross section of protected wetlands or public waters shall be subject to the provisions of Minnesota Statute, Chapter 103G. Community-wide structural works for flood control intended to remove areas from the regulatory flood plain shall not be allowed in the floodway.
- h. A levee, dike or floodwall constructed in the floodway shall not cause an increase to the 100-year or regional flood and the technical analysis must assume equal conveyance or storage loss on both sides of a stream.

## **SECTION 300:405 FLOOD FRINGE DISTRICT (FF)**

1. Permitted Uses: Permitted uses shall be those uses of land or structures listed as permitted uses in the underlying zoning use district(s). If no pre-existing, underlying zoning use districts exist, then any residential or non residential structure or use of a structure or land shall be a permitted use in the Flood Fringe District provided such use does not constitute a public nuisance. All permitted uses shall comply with the standards for Flood Fringe District "Permitted Uses" listed in Section 300:405.2 and the "Standards for all Flood Fringe Uses" listed in Section 300:405.5.

### 2. Standards for Flood Fringe Permitted Uses:

- a. All structures, including accessory structures, must be elevated on fill so that the lowest floor including basement floor is at or above the regulatory flood protection elevation. The finished fill elevation for structures shall be no lower than one (1) foot below the regulatory flood protection elevation and the fill shall extend at such elevation at least fifteen (15) feet beyond the outside limits of the structure erected thereon.
- b. As an alternative to elevation on fill, accessory structures that constitute a minimal investment and that do not exceed 500 square feet at its largest projection may be internally flood proofed in accordance with Section 300:404.4.e.
- c. The cumulative placement of fill where at any one time in excess of one-thousand (1,000) cubic yards of fill is located on the parcel shall be allowable only as a conditional/interim use, unless said fill is specifically intended to elevate a structure in accordance with Section 300:405.2.a of this ordinance.
- d. The storage of any materials or equipment shall be elevated on fill to the regulatory flood protection elevation.
- e. The provisions of Section 300:405.5 of this Ordinance shall apply.

3. Conditional/Interim Uses: Any structure that is not elevated on fill or flood proofed in accordance with Section 300:405.2.a - 405.2.b and or any use of land that does not comply with the standards in Section 300:405.2.c – 5300:405.2.e shall only be allowable as a conditional/interim use. An application for a conditional/interim use shall be subject to the standards and criteria and evaluation procedures specified in Sections 300:405.4 – 300:405.5 and 300:410.4 of this Ordinance.

### 4. Standards for Flood Fringe Conditional/Interim Uses:

- a. Alternative elevation methods other than the use of fill may be utilized to elevate a structure's lowest floor above the regulatory flood protection elevation. These alternative methods may



include the use of stilts, pilings, parallel walls, etc., or above-grade, enclosed areas such as crawl spaces or tuck under garages. The base or floor of an enclosed area shall be considered above-grade and not a structure's basement or lowest floor if: 1) the enclosed area is above-grade on at least one side of the structure; 2) it is designed to internally flood and is constructed with flood resistant materials; and 3) it is used solely for parking of vehicles, building access or storage. The above-noted alternative elevation methods are subject to the following additional standards:

- (1.) Design and Certification - The structure's design and as-built condition must be certified by a registered professional engineer or architect as being in compliance with the general design standards of the State Building Code and, specifically, that all electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities must be at or above the regulatory flood protection elevation or be designed to prevent flood water from entering or accumulating within these components during times of flooding.
  - (2.) Specific Standards for Above-grade, Enclosed Areas - Above-grade, fully enclosed areas such as crawl spaces or tuck under garages must be designed to internally flood and the design plans must stipulate:
    - (a) A minimum area of openings in the walls where internal flooding is to be used as a flood proofing technique. There shall be a minimum of two openings on at least two sides of the structure and the bottom of all openings shall be no higher than one-foot above grade. The automatic openings shall have a minimum net area of not less than one square inch for every square foot of enclosed area subject to flooding unless a registered professional engineer or architect certifies that a smaller net area would suffice. The automatic openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of flood waters without any form of human intervention; and
    - (b) That the enclosed area will be designed of flood resistant materials in accordance with the FP-3 or FP-4 classifications in the State Building Code and shall be used solely for building access, parking of vehicles or storage.
- b. Basements, as defined by Section 300:402.8 of this Ordinance, shall be subject to the following:
    - (1) Residential basement construction shall not be allowed below the regulatory flood protection elevation.
    - (2) Non-residential basements may be allowed below the regulatory flood protection elevation provided the basement is structurally dry flood proofed in accordance with Section 300:405.4.c of this Ordinance.
  - c. All areas of non residential structures including basements to be placed below the regulatory flood protection elevation shall be flood proofed in accordance with the structurally dry flood proofing classifications in the State Building Code. Structurally dry flood proofing must meet the FP-1 or FP-2 flood proofing classification in the State Building Code and this shall require making the structure watertight with the walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy. Structures flood proofed to the FP-3 or FP-4 classification shall not be permitted.
  - d. When at any one time more than 1,000 cubic yards of fill or other similar material is located on a parcel for such activities as on-site storage, landscaping, sand and gravel operations, landfills, roads, dredge spoil disposal or construction of flood control works, an erosion/sedimentation control plan must be submitted unless the community is enforcing a state approved shoreland management ordinance. In the absence of a state approved shoreland ordinance, the plan must clearly specify methods to be used to stabilize the fill on site for a flood event at a minimum of the 100-year or regional flood event. The plan must be prepared and certified by a registered professional engineer or other qualified individual acceptable to the Governing Body. The plan may incorporate

alternative procedures for removal of the material from the flood plain if adequate flood warning time exists.

- e. Storage of Materials and Equipment:
  - (1.) The storage or processing of materials that are, in time of flooding, flammable, explosive, or potentially injurious to human, animal, or plant life is prohibited.
  - (2.) Storage of other materials or equipment may be allowed if readily removable from the area within the time available after a flood warning and in accordance with a plan approved by the Governing Body.
- f. The provisions of Section 300:405.5 of this Ordinance shall also apply.

#### 5. Standards for All Flood Fringe Uses:

- a. All new principal structures must have vehicular access at or above an elevation not more than two (2) feet below the regulatory flood protection elevation. If a variance to this requirement is granted, the Board of Adjustment must specify limitations on the period of use or occupancy of the structure for times of flooding and only after determining that adequate flood warning time and local flood emergency response procedures exist.
- b. Commercial Uses - accessory land uses, such as yards, railroad tracks, and parking lots may be at elevations lower than the regulatory flood protection elevation. However, a permit for such facilities to be used by the employees or the general public shall not be granted in the absence of a flood warning system that provides adequate time for evacuation if the area would be inundated to a depth and velocity such that when multiplying the depth (in feet) times velocity (in feet per second) the product number exceeds four (4) upon occurrence of the regional flood.
- c. Manufacturing and Industrial Uses - measures shall be taken to minimize interference with normal plant operations especially along streams having protracted flood durations. Certain accessory land uses such as yards and parking lots may be at lower elevations subject to requirements set out in Section 300:405.5.b above. In considering permit applications, due consideration shall be given to needs of an industry whose business requires that it be located in flood plain areas.
- d. Fill shall be properly compacted and the slopes shall be properly protected by the use of riprap, vegetative cover or other acceptable method. The Federal Emergency Management Agency (FEMA) has established criteria for removing the special flood hazard area designation for certain structures properly elevated on fill above the 100-year flood elevation - FEMA's requirements incorporate specific fill compaction and side slope protection standards for multi-structure or multi-lot developments. These standards should be investigated prior to the initiation of site preparation if a change of special flood hazard area designation will be requested.
- e. Flood plain developments shall not adversely affect the hydraulic capacity of the channel and adjoining flood plain of any tributary watercourse or drainage system where a floodway or other encroachment limit has not been specified on the Official Zoning Map.
- f. Standards for recreational vehicles are contained in Section 300:409.3.
- g. All manufactured homes must be securely anchored to an adequately anchored foundation system that resists flotation, collapse and lateral movement. Methods of anchoring may include, but are not to be limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable state or local anchoring requirements for resisting wind forces.

# **SECTION 300:406 GENERAL FLOOD PLAIN DISTRICT AND PROCEDURES FOR DETERMINING 1% ANNUAL CHANCE FLOOD ELEVATIONS (100-YEAR FLOOD ELEVATIONS) FOR LAKES LOCATED IN ZONE A**

## 1. Permissible Uses in General Flood Plain District:

- a. The uses listed in Section 300:404.1 of this Ordinance shall be permitted uses.
- b. All other uses shall be subject to the floodway/flood fringe evaluation criteria pursuant to Section 300:406.2 below. Section 300:404 shall apply if the proposed use is in the Floodway District and Section 300:405 shall apply if the proposed use is in the Flood Fringe District.

## 2. Procedures for Floodway and Flood Fringe Determinations for Streams Located Within the General Flood Plain District:

- a. Upon receipt of an application for a permit or other approval within the General Flood Plain District, the applicant shall be required to furnish such of the following information as is deemed necessary by the Zoning Administrator for the determination of the regulatory flood protection elevation and whether the proposed use is within the Floodway or Flood Fringe District.
  - (1.) A typical valley cross-section(s) showing the channel of the stream, elevation of land areas adjoining each side of the channel, cross-sectional areas to be occupied by the proposed development, and high water information.
  - (2.) Plan (surface view) showing elevations or contours of the ground, pertinent structure, fill, or storage elevations, the size, location, and spatial arrangement of all proposed and existing structures on the site, and the location and elevations of streets.
  - (3.) Photographs showing existing land uses, vegetation upstream and downstream, and soil types.
  - (4.) Profile showing the slope of the bottom of the channel or flow line of the stream for at least 500 feet in either direction from the proposed development.
- b. The applicant shall be responsible to submit one copy of the above information to a designated engineer or other expert person or agency for technical assistance in determining whether the proposed use is in the Floodway or Flood Fringe District and to determine the regulatory flood protection elevation. Procedures consistent with Minnesota Regulations 1983, Parts 6120.5000 - 6120.6200 and 44 Code of Federal Regulations Part 65 shall be followed in this expert evaluation. The designated engineer or expert is strongly encouraged to discuss the proposed technical evaluation methodology with the respective Department of Natural Resources' Area Hydrologist prior to commencing the analysis. The designated engineer or expert shall:
  - (1.) Estimate the peak discharge of the regional flood.
  - (2.) Calculate the water surface profile of the regional flood based upon a hydraulic analysis of the stream channel and overbank areas.
  - (3.) Compute the floodway necessary to convey or store the regional flood without increasing flood stages more than 0.5 foot. A lesser stage increase than .5' shall be required if, as a result of the additional stage increase, increased flood damages would result. An equal degree of encroachment on both sides of the stream within the reach shall be assumed in computing floodway boundaries.
- c. The Zoning Administrator shall present the technical evaluation and findings of the designated engineer or expert to the Governing Body. The Governing Body must formally accept the technical evaluation and the recommended Floodway and/or Flood Fringe District boundary or deny the

permit application. The Governing Body, prior to official action, may submit the application and all supporting data and analyses to the Federal Emergency Management Agency, the Department of Natural Resources or the Planning Commission for review and comment. Once the Floodway and Flood Fringe District Boundaries have been determined, the Governing Body shall refer the matter back to the Zoning Administrator who shall process the permit application consistent with the applicable provisions of Section 300:404 and 300:405 of this Ordinance.

3. Procedures for Determining 1% Annual Chance Flood Elevations (100-Year Flood Elevations) for Lakes Located in Zone A:

- a. Upon receipt of an application for a permit or other approval within a Zone A, the Zoning Administrator will use the 1% annual chance flood elevation for that basin that has previously been determined in accordance with approved FEMA methods, if available. If the 1% annual chance flood elevation has not been previously determined, the applicant shall be required to furnish all necessary information as deemed necessary by the Zoning Administrator for the determination for the 1% annual chance flood elevation in accordance with approved FEMA methods.
- b. The applicant shall be responsible to submit one copy of the above information to a designated engineer or other expert person or agency for technical assistance in determining whether the proposed use is in the Floodway or Flood Fringe District and to determine the 1% annual chance flood elevation (100-year flood elevation). Procedures consistent with Minnesota Regulations 1983, Parts 6120.5000 - 6120.6200 and 44 Code of Federal Regulations Part 65 shall be followed in this expert evaluation. The designated engineer or expert is strongly encouraged to discuss the proposed technical evaluation methodology with the respective Department of Natural Resources' Area Hydrologist prior to commencing the analysis.
- c. Once the 1% annual chance flood elevation (100-year flood elevation) has been determined, the Zoning Administrator 300:404 and 300:405 of this Ordinance.

**SECTION 300:407 SUBDIVISIONS**

1. Review Criteria: No land shall be subdivided which is unsuitable for the reason of flooding, inadequate drainage, water supply or sewage treatment facilities. All lots within the flood plain districts shall be able to contain a building site outside of the Floodway District at or above the regulatory flood protection elevation. All subdivisions shall have water and sewage treatment facilities that comply with the provisions of this Ordinance and have road access both to the subdivision and to the individual building sites no lower than two feet below the regulatory flood protection elevation. For all subdivisions in the flood plain, the Floodway and Flood Fringe District boundaries, the regulatory flood protection elevation and the required elevation of all access roads shall be clearly labeled on all required subdivision drawings and platting documents.

2. Floodway/Flood Fringe and/or 1% Annual Chance Flood Elevation Determinations for Lakes Located in Zone A. Applicants shall provide the information required in Section 6.2 and 6.3 of this Ordinance to determine the 100-year flood elevation, the Floodway and Flood Fringe District boundaries, and the regulatory flood protection elevation for the subdivision site.

3. Removal of Special Flood Hazard Area Designation: The Federal Emergency Management Agency (FEMA) has established criteria for removing the special flood hazard area designation for certain structures properly elevated on fill above the 100-year flood elevation. FEMA's requirements incorporate specific fill compaction and side slope protection standards for multi-structure or multi-lot developments. These standards should be investigated prior to the initiation of site preparation if a change of special flood hazard area designation will be requested.

## **SECTION 300:408 PUBLIC UTILITIES, RAILROADS, ROADS, AND BRIDGES**

1. Public Utilities. All public utilities and facilities such as gas, electrical, sewer, and water supply systems to be located in the flood plain shall be flood proofed in accordance with the State Building Code or elevated to above the regulatory flood protection elevation.
2. Public Transportation Facilities. Railroad tracks, roads, and bridges to be located within the flood plain shall comply with Sections 300:404 and 300:405 of this Ordinance. Elevation to the regulatory flood protection elevation shall be provided where failure or interruption of these transportation facilities would result in danger to the public health or safety or where such facilities are essential to the orderly functioning of the area. Minor or auxiliary roads or railroads may be constructed at a lower elevation where failure or interruption of transportation services would not endanger the public health or safety.
3. On-site Sewage Treatment and Water Supply Systems: Where public utilities are not provided: 1) On-site water supply systems must be designed to minimize or eliminate infiltration of flood waters into the systems; and 2) New or replacement on-site sewage treatment systems must be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters and they shall not be subject to impairment or contamination during times of flooding. Any sewage treatment system designed in accordance with the State's current statewide standards for on-site sewage treatment systems shall be determined to be in compliance with this Section.

## **SECTION 300:409 MANUFACTURED HOMES AND MANUFACTURED HOME PARKS AND PLACEMENT OF RECREATIONAL VEHICLES.**

1. New manufactured home parks and expansions to existing manufactured home parks shall be subject to the provisions placed on subdivisions by Section 300:407 of this Ordinance.
2. *The placement of new or replacement manufactured homes in existing manufactured home parks or on individual lots of record that are located in flood plain districts will be treated as a new structure and may be placed only if elevated in compliance with Section 300:405 of this Ordinance. If vehicular road access for pre-existing manufactured home parks is not provided in accordance with Section 300:405.5.a, then replacement manufactured homes will not be allowed until the property owner(s) develops a flood warning emergency plan acceptable to the Town Board.*
  - a. All manufactured homes must be securely anchored to an adequately anchored foundation system that resists flotation, collapse and lateral movement. Methods of anchoring may include, but are not to be limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable state or local anchoring requirements for resisting wind forces.
3. Recreational vehicles that do not meet the exemption criteria specified in Section 300:409.3.a below shall be subject to the provisions of this Ordinance and as specifically spelled out in Sections 300:409.3.c- 300:409.3.d below.
  - a. Exemption - Recreational vehicles are exempt from the provisions of this Ordinance if they are placed in any of the areas listed in Section 300:409.3.b below and further they meet the following criteria:
    - (1) Have current licenses required for highway use.
  - (2) Are highway ready meaning on wheels or the internal jacking system, are attached to the site only by quick disconnect type utilities commonly used in campgrounds and

- recreational vehicle parks and the recreational vehicle has no permanent structural type additions attached to it.
- (3) The recreational vehicle and associated use must be permissible in any pre-existing, underlying zoning use district.
- b. Areas Exempted For Placement of Recreational Vehicles:
- (1) Individual lots or parcels of record.
  - (2) Existing commercial recreational vehicle parks or campgrounds.
  - (3) Existing condominium type associations.
- c. Recreational vehicles exempted in Section 300:409.3.a lose this exemption when development occurs on the parcel exceeding \$500 for a structural addition to the recreational vehicle or exceeding \$500 for an accessory structure such as a garage or storage building. The recreational vehicle and all additions and accessory structures will then be treated as a new structure and shall be subject to the elevation/flood proofing requirements and the use of land restrictions specified in Sections 300:404 and 300:405 of this Ordinance. There shall be no development or improvement on the parcel or attachment to the recreational vehicle that hinders the removal of the recreational vehicle to a flood free location should flooding occur.
- d. New commercial recreational vehicle parks or campgrounds and new residential type subdivisions and condominium associations and the expansion of any existing similar use exceeding five (5) units or dwelling sites shall be subject to the following:
- (1) Any new or replacement recreational vehicle will be allowed in the Floodway or Flood Fringe Districts provided said recreational vehicle and its contents are placed on fill above the regulatory flood protection elevation and proper elevated road access to the site exists in accordance with Section 300:405.5.a of this Ordinance. No fill placed in the floodway to meet the requirements of this Section shall increase flood stages of the 100-year or regional flood.
  - (2) All new or replacement recreational vehicles not meeting the criteria of (a) above may, as an alternative, be allowed as a conditional/interim use if in accordance with the following provisions and the provisions of 300:410.4 of the Ordinance. The applicant must submit an emergency plan for the safe evacuation of all vehicles and people during the 100 year flood. Said plan shall be prepared by a registered engineer or other qualified individual, shall demonstrate that adequate time and personnel exist to carry out the evacuation, and shall demonstrate the provisions of Section 300:409.3.a (1) and (2) of this Ordinance will be met. All attendant sewage and water facilities for new or replacement recreational vehicles must be protected or constructed so as to not be impaired or contaminated during times of flooding in accordance with Section 300:408.3 of this Ordinance.

## **SECTION 300:410 ADMINISTRATION**

*1. Zoning Administrator: A Zoning Administrator or other official designated by the Governing Body shall administer and enforce this Ordinance. If the Zoning Administrator finds a violation of the provisions of this Ordinance the Zoning Administrator shall notify the person responsible for such violation in accordance with the procedures stated in Section 300:412 of the Ordinance.*

## 2. Permit Requirements:

- a. **Permit Required.** A Permit issued by the Zoning Administrator in conformity with the provisions of this Ordinance shall be secured prior to the erection, addition, modification, rehabilitation (including normal maintenance and repair), or alteration of any building, structure, or portion thereof; prior to the use or change of use of a building, structure, or land; prior to the construction of a dam, fence, or on-site septic system; prior to the change or extension of a nonconforming use; prior to the repair of a structure that has been damaged by flood, fire, tornado, or any other source; and prior to the placement of fill, excavation of materials, or the storage of materials or equipment within the flood plain.
- b. **Application for Permit.** Application for a permit shall be made in duplicate to the Zoning Administrator on forms furnished by the Zoning Administrator and shall include the following where applicable: plans in duplicate drawn to scale, showing the nature, location, dimensions, and elevations of the lot; existing or proposed structures, fill, or storage of materials; and the location of the foreground in relation to the stream channel.
- c. **State and Federal Permits.** Prior to granting a permit or processing an application for a conditional/interim use permit or variance, the Zoning Administrator shall determine that the applicant has obtained all necessary state and federal permits.
- d. **Certificate of Zoning Compliance for a New, Altered, or Nonconforming Use.** It shall be unlawful to use, occupy, or permit the use or occupancy of any building or premises or part thereof hereafter created, erected, changed, converted, altered, or enlarged in its use or structure until a certificate of zoning compliance shall have been issued by the Zoning Administrator stating that the use of the building or land conforms to the requirements of this Ordinance.
- e. **Construction and Use to be as Provided on Applications, Plans, Permits, Variances and Certificates of Zoning Compliance.** Permits, conditional/interim use permits, or certificates of zoning compliance issued on the basis of approved plans and applications authorize only the use, arrangement, and construction set forth in such approved plans and applications, and no other use, arrangement, or construction. Any use, arrangement, or construction at variance with that authorized shall be deemed a violation of this Ordinance, and punishable as provided by Section 300:412 of this Ordinance.
- f. **Certification.** The applicant shall be required to submit certification by a registered professional engineer, registered architect, or registered land surveyor that the finished fill and building elevations were accomplished in compliance with the provisions of this Ordinance. Flood proofing measures shall be certified by a registered professional engineer or registered architect.
- g. **Record of First Floor Elevation.** The Zoning Administrator shall maintain a record of the elevation of the lowest floor (including basement) of all new structures and alterations or additions to existing structures in the flood plain. The Zoning Administrator shall also maintain a record of the elevation to which structures or alterations and additions to structures are flood proofed.
- h. **Notifications for Watercourse Alterations.** The Zoning Administrator shall notify, in riverine situations, adjacent communities and the Commissioner of the Department of Natural Resources prior to the community authorizing any alteration or relocation of a watercourse. If the applicant has applied for a permit to work in the beds of public waters pursuant to Minnesota Statute, Chapter 103G, this shall suffice as adequate notice to the Commissioner of Natural Resources. A copy of said notification shall also be submitted to the Chicago Regional Office of the Federal Emergency Management Agency (FEMA).
- i. **Notification to FEMA When Physical Changes Increase or Decrease the 100-year Flood Elevation.** As soon as is practicable, but not later than six (6) months after the date such supporting

information becomes available, the Zoning Administrator shall notify the Chicago Regional Office of FEMA of the changes by submitting a copy of said technical or scientific data.

3. Board of Adjustment:

- a. Rules. The Board of Adjustment shall adopt rules for the conduct of business and may exercise all of the powers conferred on such Boards by State law.
- b. Administrative Review. The Board of Adjustment shall hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by an administrative official in the enforcement or administration of this Ordinance.
- c. Variances. The Board of Adjustment may authorize upon appeal in specific cases such relief or variance from the terms of this Ordinance as will not be contrary to the public interest and only for those circumstances such as hardship, practical difficulties or circumstances unique to the property under consideration, as provided for in the respective enabling legislation for planning and zoning for cities or counties as appropriate. In the granting of such variance, the Board of Adjustment shall clearly identify in writing the specific conditions that existed consistent with the criteria specified in this Ordinance, any other zoning regulations in the Community, and in the respective enabling legislation that justified the granting of the variance. No variance shall have the effect of allowing in any district uses prohibited in that district, permit a lower degree of flood protection than the regulatory flood protection elevation for the particular area, or permit standards lower than those required by state law. The following additional variance criteria of the Federal Emergency Management Agency must be satisfied:
  - (1) Variances shall not be issued by a community within any designated regulatory floodway if any increase in flood levels during the base flood discharge would result.
  - (2) Variances shall only be issued by a community upon (i) a showing of good and sufficient cause, (ii) a determination that failure to grant the variance would result in exceptional hardship to the applicant, and (iii) a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.
  - (3) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
- d. Hearings. Upon filing with the Board of Adjustment of an appeal from a decision of the Zoning Administrator, or an application for a variance, the Board of Adjustment shall fix a reasonable time for a hearing and give due notice to the parties in interest as specified by law. The Board of Adjustment shall submit by mail to the Commissioner of Natural Resources a copy of the application for proposed variances sufficiently in advance so that the Commissioner will receive at least ten days notice of the hearing.
- e. Decisions. The Board of Adjustment shall arrive at a decision on such appeal or variance within sixty (60) days. In passing upon an appeal, the Board of Adjustment may, so long as such action is in conformity with the provisions of this Ordinance, reverse or affirm, wholly or in part, or modify the order, requirement, decision or determination of the Zoning Administrator or other public official. It shall make its decision in writing setting forth the findings of fact and the reasons for its decisions. In granting a variance the Board of Adjustment may prescribe appropriate conditions and safeguards such as those specified in Section 300:410.4.f, which are in conformity with the purposes of this Ordinance. Violations of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this Ordinance punishable under Section 300:412. A copy of all decisions granting variances shall be forwarded by mail to the Commissioner of Natural Resources within ten (10) days of such action.



- f. Appeals. Appeals from any decision of the Board of Adjustment may be made, and as specified in this community's official controls and also by Minnesota Statutes.
- g. Flood Insurance Notice and Record Keeping. The Zoning Administrator shall notify the applicant for a variance that: 1) The issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance up to amounts as high as \$25 for \$100 of insurance coverage and 2) Such construction below the 100-year or regional flood level increases risks to life and property. Such notification shall be maintained with a record of all variance actions. A community shall maintain a record of all variance actions, including justification for their issuance, and report such variances issued in its annual or biennial report submitted to the Administrator of the National Flood Insurance Program.

4. Conditional/Interim Uses. The Town Board shall hear and decide applications for conditional/interim uses permissible under this Ordinance. Applications shall be submitted to the Zoning Administrator who shall forward the application to Town Board for consideration.

- a. Hearings. Upon filing with the Town Board an application for a conditional use permit, the Town Board shall submit by mail to the Commissioner of Natural Resources a copy of the application for proposed conditional use sufficiently in advance so that the Commissioner will receive at least ten days notice of the hearing.
- b. Decisions. The Town Board shall arrive at a decision on a conditional/interim use within sixty (60) days. In granting a conditional/interim use permit the Town Board shall prescribe appropriate conditions and safeguards, in addition to those specified in Section 300:410.4.f, which are in conformity with the purposes of this Ordinance. Violations of such conditions and safeguards, when made a part of the terms under which the conditional/interim use permit is granted, shall be deemed a violation of this Ordinance punishable under Section 300:412. A copy of all decisions granting conditional/interim use permits shall be forwarded by mail to the Commissioner of Natural Resources within ten (10) days of such action.

c. Procedures to be followed by the Town Board in Passing on Conditional/Interim Use Permit Applications Within all Flood Plain Districts.

- (1) Require the applicant to furnish such of the following information and additional information as deemed necessary by the Town Board for determining the suitability of the particular site for the proposed use:
  - a. Plans in triplicate drawn to scale showing the nature, location, dimensions, and elevation of the lot, existing or proposed structures, fill, storage of materials, flood proofing measures, and the relationship of the above to the location of the stream channel; and
  - b. Specifications for building construction and materials, flood proofing, filling, dredging, grading, channel improvement, storage of materials, water supply and sanitary facilities.
- (2) Transmit one copy of the information described in subsection (a) to a designated engineer or other expert person or agency for technical assistance, where necessary, in evaluating the proposed project in relation to flood heights and velocities, the seriousness of flood damage to the use, the adequacy of the plans for protection, and other technical matters.
- (3) Based upon the technical evaluation of the designated engineer or expert, the Town Board shall determine the specific flood hazard at the site and evaluate the suitability of the proposed use in relation to the flood hazard.

d. Factors Upon Which the Decision of the Town Board Shall Be Based. In passing upon conditional/interim use applications, the Town Board shall consider all relevant factors specified in other sections of this Ordinance, and:

- (1) The danger to life and property due to increased flood heights or velocities caused by encroachments.
- (2) The danger that materials may be swept onto other lands or downstream to the injury of others or they may block bridges, culverts or other hydraulic structures.
- (3) The proposed water supply and sanitation systems and the ability of these systems to prevent disease, contamination, and unsanitary conditions.
- (4) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner.
- (5) The importance of the services provided by the proposed facility to the community.
- (6) The requirements of the facility for a waterfront location.
- (7) The availability of alternative locations not subject to flooding for the proposed use.
- (8) The compatibility of the proposed use with existing development and development anticipated in the foreseeable future.
- (9) The relationship of the proposed use to the comprehensive plan and flood plain management program for the area.
- (10) The safety of access to the property in times of flood for ordinary and emergency vehicles.
- (11) The expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters expected at the site.
- (12) Such other factors which are relevant to the purposes of this Ordinance.

e. Time for Acting on Application. The Town Board shall act on an application in the manner described above within sixty (60) days from receiving the application, except that where additional information is required pursuant to 10.43 of this Ordinance. The Town Board shall render a written decision within sixty (60) days from the receipt of such additional information.

f. Conditions Attached to Conditional/Interim Use Permits. Upon consideration of the factors listed above and the purpose of this Ordinance, the Town Board shall attach such conditions to the granting of conditional/interim use permits as it deems necessary to fulfill the purposes of this Ordinance. Such conditions may include, but are not limited to, the following:

- (1) Modification of waste treatment and water supply facilities.
- (2) Limitations on period of use, occupancy, and operation.
- (3) Imposition of operational controls, sureties, and deed restrictions.
- (4) Requirements for construction of channel modifications, compensatory storage, dikes, levees, and other protective measures.
- (5) Flood proofing measures, in accordance with the State Building Code and this Ordinance. The applicant shall submit a plan or document certified by a registered professional engineer or architect that the flood proofing measures are consistent with the regulatory flood protection elevation and associated flood factors for the particular area.

## **SECTION 300:411 NONCONFORMING USES**

1. A structure or the use of a structure or premises which was lawful before the passage or amendment of this Ordinance but which is not in conformity with the provisions of this Ordinance may be continued subject to the following conditions. Historic structures, as defined in Section 300:402.8.u of this Ordinance, shall be subject to the provisions of Sections 300:411.1.a – 300:411.1.e of this Ordinance.

- a. No such use shall be expanded, changed, enlarged, or altered in a way that increases its nonconformity.
- b. Any structural alteration or addition to a nonconforming structure or nonconforming use which would result in increasing the flood damage potential of that structure or use shall be protected to the Regulatory Flood Protection Elevation in accordance with any of the elevation on fill or flood proofing techniques (i.e., FP-1 thru FP-4 floodproofing classifications) allowable in the State Building Code, except as further restricted in 300:411.1.c and 300:411.1.f below.
- c. The cost of all structural alterations or additions to any nonconforming structure over the life of the structure shall not exceed 50 percent of the market value of the structure unless the conditions of this Section are satisfied. The cost of all structural alterations and additions must include all costs such as construction materials and a reasonable cost placed on all manpower or labor. If the cost of all previous and proposed alterations and additions exceeds 50 percent of the market value of the structure, then the structure must meet the standards of Section 300:404 or 300:405 of this Ordinance for new structures depending upon whether the structure is in the Floodway or Flood Fringe District, respectively.
- d. If any nonconforming use is discontinued for 12 consecutive months, any future use of the building premises shall conform to this Ordinance. The Assessor shall notify the Zoning Administrator in writing of instances of nonconforming uses that have been discontinued for a period of 12 months.
- e. If any nonconforming use or structure is substantially damaged, as defined in Section 300:402.8.t of this Ordinance, it shall not be reconstructed except in conformity with the provisions of this Ordinance. The applicable provisions for establishing new uses or new structures in Sections 300:404, 300:405 or 300:406 will apply depending upon whether the use or structure is in the Floodway, Flood Fringe or General Flood Plain District, respectively.
- f. If a substantial improvement occurs, as defined in Section 402.8.u of this Ordinance, from any combination of a building addition to the outside dimensions of the existing building or a rehabilitation, reconstruction, alteration, or other improvement to the inside dimensions of an existing nonconforming building, then the building addition and the existing nonconforming building must meet the requirements of Section 300:404 or 300:405 of this Ordinance for new structures, depending upon whether the structure is in the Floodway or Flood Fringe District, respectively.

## SECTION 300:412 PENALTIES FOR VIOLATION

1. Violation of the provisions of this Ordinance or failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with grants of variances or conditional/interim uses) shall constitute a misdemeanor and shall be punishable as defined by law.
2. Nothing herein contained shall prevent Princeton Township, Mille Lacs County, Minnesota from taking such other lawful action as is necessary to prevent or remedy any violation. Such actions may include but are not limited to:
  - a. In responding to a suspected Ordinance violation, the Zoning Administrator and Local Government may utilize the full array of enforcement actions available to it including but not limited to prosecution

and fines, injunctions, after-the-fact permits, orders for corrective measures or a request to the National Flood Insurance Program for denial of flood insurance availability to the guilty party. The Community must act in good faith to enforce these official controls and to correct Ordinance violations to the extent possible so as not to jeopardize its eligibility in the National Flood Insurance Program.

- b. When an Ordinance violation is either discovered by or brought to the attention of the Zoning Administrator, the Zoning Administrator shall immediately investigate the situation and document the nature and extent of the violation of the official control. As soon as is reasonably possible, this information will be submitted to the appropriate Department of Natural Resources' and Federal Emergency Management Agency Regional Office along with the Community's plan of action to correct the violation to the degree possible.
- c. The Zoning Administrator shall notify the suspected party of the requirements of this Ordinance and all other official controls and the nature and extent of the suspected violation of these controls. If the structure and/or use is under construction or development, the Zoning Administrator may order the construction or development immediately halted until a proper permit or approval is granted by the Community. If the construction or development is already completed, then the Zoning Administrator may either: (1) issue an order identifying the corrective actions that must be made within a specified time period to bring the use or structure into compliance with the official controls; or (2) notify the responsible party to apply for an after-the-fact permit/development approval within a specified period of time not to exceed 30-days.
- d. If the responsible party does not appropriately respond to the Zoning Administrator within the specified period of time, each additional day that lapses shall constitute an additional violation of this Ordinance and shall be prosecuted accordingly. The Zoning Administrator shall also upon the lapse of the specified response period notify the landowner to restore the land to the condition which existed prior to the violation of this Ordinance.

## **SECTION 300:413 AMENDMENTS**

The flood plain designation on the Official Zoning Map shall not be removed from flood plain areas unless it can be shown that the designation is in error or that the area has been filled to or above the elevation of the regulatory flood protection elevation and is contiguous to lands outside the flood plain. Special exceptions to this rule may be permitted by the Commissioner of Natural Resources if he determines that, through other measures, lands are adequately protected for the intended use.

All amendments to this Ordinance, including amendments to the Official Zoning Map, must be submitted to and approved by the Commissioner of Natural Resources prior to adoption. Changes in the Official Zoning Map must meet the Federal Emergency Management Agency's (FEMA) Technical Conditions and Criteria and must receive prior FEMA approval before adoption. The Commissioner of Natural Resources must be given 10-days written notice of all hearings to consider an amendment to this Ordinance and said notice shall include a draft of the Ordinance amendment or technical study under consideration.



**CHAPTER 400**  
**TOWNSHIP AND ADMINISTRATION**

400:000 TOWNSHIP AND ADMINISTRATION.

400:100 REGULAR MEETING.

400:110 Regular meetings of Princeton Township shall be set at the beginning of each calendar year and published yearly in the official newspaper of the Township.

400:111 A quorum shall be three (3) Township Board Supervisors, except that when a vacancy exists on the Township Board, a quorum shall be a majority of all filled positions.

400:112 A majority of a quorum shall be sufficient for conducting business with the following exceptions:

1. Notwithstanding Section 400:112, Paragraph 2, ordinances shall require three (3) votes for passage.
2. If Minnesota Statutes or Township Board ordinances require a larger majority.
3. Granting of Waivers, Conditional Use Permits and Interim Use Permits shall require a four-fifths (4/5) vote of the full Township Board to pass.

400:113 At least three (3) days before each regular meeting, the Township Clerk shall mail an Agenda to each Board member setting forth the business to be discussed.

1. The order of business shall be as follows:
  - a. approval of minutes.
  - b. old business.
  - c. new business.
  - d. individual comment of Board members.
  - e. approval of bills.
2. Where ordinances, variances, Conditional Use Permits, or Interim Use Permits appears on the agenda, a brief explanation shall be included with the agenda.
3. The Township Clerk shall be notified of all items to appear on the agenda not later than five (5) days before the meeting.
4. The Board may by a vote of a majority of the quorum amend the agenda to add new items of business provided that where the new item of business involves an ordinance, variance, conditional use permit, or interim use permit, the vote for passage or granting of any such item shall be four (4) votes.

400:120 ORDINANCES.

400:121 Each ordinance shall have two (2) readings to be held at two (2) separate meetings before it is submitted to the Board for a vote, subject to the exception that the Board by a vote of four (4) members may amend these rules to permit the first and second reading at the same meeting. The vote on the ordinance may occur immediately following the second reading.

400:122 The full text of the ordinance shall be published in the official newspaper unless the Board provides otherwise, provided that the publication must in all cases comply with State Statute.

400:130 SPECIAL MEETINGS.

400:131 A special meeting of the Township Board may be called by either the Chairman of the Board or any two (2) Board members upon three (3) days mailed notice by the Township Clerk to all Board members wherein the time, date, and purpose of the meeting is set forth. The Township Clerk shall also notify the local news media prior to meetings as required by law and shall endeavor to give such notice at least twenty-four (24) hours prior to special meetings, consistent with State law.

400:132 Only items of business contained in the notice may be discussed.

## **CHAPTER 500**

### **ROAD CONSTRUCTION STANDARDS**

500:000 ROAD CONSTRUCTION STANDARDS.

500:100 TOWNSHIP ROAD STANDARDS. Prior to acceptance by the Township Board, roads constructed for public use shall meet the following minimum specifications:

1. The minimum road right-of-way width shall be sixty-six (66) feet,
2. The right-of-way shall be cleared of all brush, trees and stumps and all debris shall be removed from the right-of-way.
3. The roadway shall conform to the typical rural or urban section attached to these standards. All available topsoil shall be replaced on the road inslopes, backslopes and ditch bottoms and seeded with rye and brome grass
4. The ditch depth and width shall conform to the typical street section attached to these standards. Any exceptions to the standard section will require a Certified

Civil Engineer's Plan, approved by the Town Board, assuring adequate drainage of water from the road surface and ditches.

5. Dead end roads shall have a minimum cleared right-of-way diameter and a bituminous road surface diameter as shown on the road details. For roads that are laid out to be continued at a later date, there shall be a temporary turnaround built in the same manner as previously outlined. Due to high maintenance costs, cul-de-sacs are to be kept to a minimum number possible. Temporary cul-de-sacs shall be constructed within temporary easements outside the sixty-six (66) foot right-of-way rather than in platted right-of-way.
6. Roads shall be designed for a minimum thirty (30) miles per hour design speed. All finished grades shall be reasonable and justified, with a minimum one-half (1/2) percent and maximum eight (8) percent grade. A maximum two (2) percent grade shall extend one hundred (100) feet from all intersections. The Town Board reserves the right to request a lesser grade when deemed necessary to assure safety and efficient road maintenance. This will be determined during the plan review process. A road profile and drainage plan shall be furnished to the Town Board in conformance to the Developer's Agreement. Exceptions to these design criteria will be allowed only when conditions justify and the Town Board approves the exception for public safety and/or environmental considerations. Before Class 5 aggregate base work is started, the edge of the road shall be staked and a test roll of the subgrade performed.
7. Class 5 aggregate base with a minimum five (5) percent binder (subject to testing) shall be placed with a minimum thickness as per the typical street section. Additional thickness may be required depending on the soil conditions. All base work shall be inspected, test rolled and approved by the Town's representative prior to placement of the bituminous surface. Class 5 shall be compacted to a minimum ninety-five (95) percent of the Modified Proctor Density and shall be tested by the Developer at



locations specified by the Town's representative. The minimum test frequency shall be every three-hundred (300) feet.

8. A plant-mixed bituminous surface shall be placed in accordance with MnDOT Standard Specifications for Construction 2360, latest revision. Bituminous wear course shall be LVWE35030B. Bituminous non-wear course shall be LVNW35030B. The bituminous shall be placed as per the typical street section. There shall be a twelve (12) inch wide apron thirty (30) feet long where driveways or mailboxes are already established. All bituminous placement shall be inspected and approved by the Town's Engineer. The bituminous shall be compacted according to the "Ordinary Compaction Method". Pavement smoothness shall be waived.
9. Shouldering, Class 5 (with a minimum five (5) percent binder, subject to testing) shall be placed beyond the edge of the bituminous mat and brought up to the level of the bituminous surface. All shouldering shall be inspected by the Town's representative prior to acceptance.
10. All storm sewer work shall be in accordance with Sections 2501, 2503, 2506 and 2511 of the current Minnesota Department of Transportation Specification, latest revision, and as shown on the detail plates. All concrete storm sewer pipe joints shall be of the rubber "O" ring gasket type. Corrugated polyethylene pipe (CPP) may be used in green area. All CPP shall have "water-tight" joints.
11. All concrete curbing shall be in accordance with Section 2531 of the current Minnesota Department of Transportation specifications, latest revision, and as shown on the details.
12. Geotextile fabric shall conform to the Minnesota Department of Transportation 3733 requirements, latest revisions. Geotextile shall be Type V, non-woven fabric.

500:200 DRAINAGE.

1. Rural design streets shall be built to be free of snow traps and flooding. All ditches shall provide for the ten (10) year frequency storm event in accordance with the "Rational Formula" method of design without flood encroachment on the road shoulder or bituminous surface. Culverts under roadways and driveways shall be designed for the fifty (50) year storm event without overtopping of the roadway; except when they are the outlet from a detention pond and then they shall be designed for the one-hundred (100) year frequency, twenty-four (24) hour duration storm event in accordance with the "Soil Conservation Service" (SCS) method of design, without overtopping the driveway.
2. Urban design streets shall have storm sewer systems installed to provide for surface water runoff. Storm sewers shall be designed for a ten (10) year frequency storm event in conformance with the "Rational Formula" method of design. All detention pond areas and all storm sewers providing outlets for detention pond areas shall be designed for the one-hundred (100) year frequency, twenty-four (24) hour duration storm event in accordance with the "Soil Conservation Service" (SCS) method of design. Combination pipe and ditch pond outlets will be considered based upon

suitable design data being furnished by the Developer's Engineer and approval by the Town Board or Town's representative.

3. All landlocked ponding areas without outlets shall be provided with drainage easements to encompass the elevation of the water surface computed by using a three (3) inch frozen ground rainfall amount and post development runoff conditions in accordance with the "Soil Conservation Service" (SCS) method of design. Drainage easements shall be provided for all retention and detention areas to provide for expected flood high water elevation.
4. Culverts are required as follows:
  - a. All private driveways shall have a minimum twelve (12) inch diameter and thirty (30) foot length, sixteen (16) gauge metal culvert with aprons installed in the roadway ditch alignment.
  - b. All public roadway cross culverts shall be a minimum eighteen (18) inch diameter, sixteen (16) gauge metal culverts with aprons of the length required to match the roadway ditch and embankment conditions.

500:300 INSPECTION OF IMPROVEMENTS.

1. It shall be the responsibility of the Developer and/or Contractor to notify the Town or the Town's representative so that adequate tests and inspections can be accomplished on the road improvements. Failure to notify Town or the Town's representative in time to perform proper inspection of the aggregate base or bituminous surface will result in one of the following:
  - a. The right of the Town Board to refuse acceptance of said proposed road.
  - b. The right of the Town Board to require test core-boring as requested by the Town's representative to determine if the specified gravel and bituminous depth, meeting the specifications were installed, together with density tests and oil content tests. Test core-borings for the entire project to average one (1) boring every five-thousand (5,000) square feet and are to be paid by the Developer. The Town Board reserves the right to select the company to provide test core-borings. All borings and sample holes shall be repaired at the Developer's expense.

CHAPTER 600  
LICENSES, PERMITS, AND BUSINESS REGULATIONS

600:000 LICENSES, PERMITS, AND BUSINESS REGULATIONS.

600:200 SIGNS.

600:205 DEFINITIONS.

**Abandoned Sign** – a sign which no longer identifies or advertises a bona fide business, lessor, service, owner, product, or activity, and/or for which no legal owner can be found.

**Area** – (See “Sign, Area of”)

**Awning** – a shelter projecting from and supported by the exterior wall of a building constructed of non-rigid materials on a supporting framework. (Compare “Marquee”)

**Awning Sign** – a sign painted on, printed on, or attached flat against the surface of an awning.

**Banner Sign** – a sign made of fabric or any non-rigid material with no enclosing framework.

**Billboard** – a sign erected and used for the purpose of advertising a product, event, place, person, or subject not related to the premises on which the sign is located. (See off-premises sign)

**Building Face** – the exposed face of a building, including windows and doors, from ground level to the eave line.

**Canopy** – a rigid multi-sided structure covered with fabric, metal, or other material and supported by a building at one or more points or extremities and by columns or posts embedded in the ground at other points or extremities. May be illuminated by means of internal or external sources. (Compare “Marquee”)

**Canopy Sign** – a sign affixed or applied to the exterior facing surface or surfaces of a building or freestanding canopy.

**Construction Sign** – a temporary sign identifying an architect, contractor, subcontractor, and/or material supplier participating in construction on the property on which the sign is located.

**Copy** – the graphic content of a sign surface in either permanent or removable letter, pictographic, symbolic, or alphabetic form.

**Double-faced Sign** – a sign with two faces, essentially back-to-back or v-construction, provided the angle of separation does not exceed 30 (thirty) degrees.

**Electrical Sign** – a sign or sign structure in which electrical wiring, connections, or fixtures are used.

**Façade** – the entire building front including the parapet.

**Face of Sign** – the area of a sign on which the copy is placed.

**Freestanding Sign** – any sign supported by structures or supports that are placed on or anchored in, the ground and that are independent from any building or other structure.

**Height (of a Sign)** – the vertical distance measured from the highest point of the sign, excluding decorative embellishments, to the grade of the adjacent street or the surface grade beneath the sign, whichever is less.

**Illegal Sign** – a sign which does not meet the requirements of this code and which has not received legal non-conforming status.

**Incidental Sign** – a small sign, emblem, or decal informing the public of goods, facilities, or services available on the premises, e.g., a credit card sign or a sign indicating hours of business.

**Institutional Sign** – any sign erected and maintained by a church or other religious institution for the identification of said church or religious property, or facility.

**Marquee** – a permanent roof-like structure or canopy of rigid materials supported by and extending from the façade of a building. (Compare “Awning”)

**Marquee Sign** – any sign attached to or supported by a marquee structure.

**Monument Sign** – a sign where the extent of the sign surface is attached to the ground or a foundation in the ground; and where there are no poles, braces, or other visible means of support other than attachment to the ground.

**Non-conforming sign** – a sign which was erected legally, but which does not comply with subsequently enacted sign restrictions and regulations.

**Off-premise Sign** – a sign structure advertising an establishment, merchandise, service or entertainment which is not sold, produced, manufactured, or furnished at the property on which said sign is located, e.g., “billboards” or “outdoor advertising.”

**On-premise Sign** – a sign which pertains to the use of the premises and/or property on which it is located.

**Owner** – a person recorded as such on official records. For the purposes of this ordinance, the owner of property on which a sign is located is presumed to be the owner of the sign unless facts to the contrary are officially recorded or otherwise brought to the attention of the Administrator, e.g., a sign leased from a sign company.

**Painted Wall Sign** – any sign which is applied with paint or similar substance on the surface of a wall.

**Point of Purchase Display** – advertising of a retail item accompanying its display, e.g., an advertisement on a product dispenser, tire display, etc.

**Political Sign** – a temporary sign used in connection with a local, state, or national election or referendum.

**Portable Sign** – any sign designed to be moved easily and not permanently affixed to the ground or to a structure or building.

**Projecting Sign** – a sign, other than a flat wall sign, which is attached to and projects from a building wall or other structure not specifically designed to support the sign.

**Real Estate Sign** – a temporary sign advertising the real estate upon which the sign is located being for rent, lease, or sale.

**Sandwich Sign** – two sign faces that are back-to-back and are connected together at the top and apart from each other at the bottom.

**Sign** – any device, structure, fixture, or placard using graphic, symbols, and/or written copy for the primary purpose of identifying, providing directions, or advertising any establishment, product, goods, or services.

**Sign, Area of** – includes the space inside a continuous line drawn around and enclosing all letters, designs, and background materials exclusive of border, trim and structural supports.

**Special Event** – an event of limited duration. Examples of special events include but are not limited to: grand openings, anniversary celebrations, community celebrations, tournaments.

**Temporary Sign** – a sign not constructed or intended for long-term use. Such sign is intended for special events, prior to a permanent sign, etc.

**Under-canopy Sign** – a sign suspended beneath a canopy, ceiling, roof, or marquee.

**Wall Sign** – a sign attached essentially parallel to and extending not more than twenty-four (24) inches from the wall of a building or beyond the edge of the eave with no copy of the sides or edges. Wall signs shall not extend horizontally beyond the edges of the wall the sign is attached to. This definition includes painted, individual letter, or cabinet signs.

**Window Display** – use of the window area for display of merchandise, seasonal scenes, or similar. If advertising is included in a window display, it shall be included in the calculation of wall signage.

**Window Sign** – lettering placed directly on a window surface. The area of permanent window signs shall be included in the calculation of wall signage. Window signs shall not cover more than 40% of the window area.

600:215 OFF-SITE SIGNS. All signs located in the Commercial/Industrial Zoning District which are not located on the tract of land where the business advertised is located or situated, shall meet the following requirements.

1. The size of the sign shall be a minimum of four (4) feet by eight (8) feet or thirty-two (32) square feet with a maximum size of twenty (20) feet by twenty (20) feet or four hundred (400) square feet.
2. The maximum height for an off-site sign shall be no more than twenty (20) feet above ground level.
3. The off-site signs may face on both sides, be back-to-back, or V-type.
4. Front, Rear and Side Setbacks. Signs shall meet the following setback requirements:
  - a. Front yard, highway or service road right-of-way shall not be less than two (2) feet.
  - b. Rear yard shall not be less than thirty-five (35) feet.
  - c. Rear yard adjacent to public bodies of water shall not be less than fifty (50) feet.
  - d. Side yard shall not be less than twenty (20) feet.
  - e. Rear and side yard adjacent to residential or agricultural zoned properties shall not be less than fifty (50) feet.
5. The horizontal distance between all off-site signs shall be at least six hundred (600) feet.
6. A building permit fee and a one-time interim use fee may be charged for each sign constructed. A fee schedule may be obtained from the Town Clerk.
7. Off-site signs shall be considered the principle use on the sites on which they are located.
8. Off-site signs existing at the time of enactment of this ordinance and not meeting the full requirements of this ordinance shall be deemed legal non-conforming entities.
9. All applications for off-site signs shall be made to the Princeton Town Clerk with all required information. The application shall then be presented to the Planning Commission for review and recommendation. Following review, the Planning Commission shall submit its recommendations to the Princeton Town Board. If approval is granted by the Town Board, a permit shall be issued to the applicant granting permission for the erection and maintenance of the sign.

600:225 ON-SITE SIGNS IN COMMERCIAL/INDUSTRIAL DISTRICT.

1. The maximum size shall be ninety-six (96) square feet of face. Double sided signs are allowed with ninety-six (96) square feet on each side.
2. Only one free standing sign is permitted per site.
3. All commercial/industrial uses are allowed wall signs of two (2) square feet per lineal foot of wall not to exceed one hundred fifty (150) square feet. Signage may be increased for multi-tenant buildings by twenty (20) square feet per tenant. Wall signs affixed to the exterior wall, awning, or canopy of a building or structure, shall not project more than twelve (12) inches from the surface to which it is attached, or above said surface.
4. Double stacking of advertising signs is prohibited.
5. Maximum height for free standing signs shall be no more than twenty (20) feet above ground level.
6. Front, Rear and Side Setbacks. Signs shall meet the following setback requirements:
  - a. Front yard, highway or service road right-of-way shall not be less than two (2) feet.
  - b. Rear yard shall not be less than thirty-five (35) feet.
  - c. Rear yard adjacent to public bodies of water shall not be less than fifty (50) feet.
  - d. Side yard shall not be less than ten (10) feet.
  - e. Side yard adjacent to public bodies of water shall not be less than twenty (20) feet.
  - f. Rear and side yard adjacent to residential or agricultural zoned properties shall not be less than fifty (50) feet.
7. All light sources shall be diffused and directed toward the sign. Sign lighting shall be zero (0) foot candle at all non-roadside property lines.
8. One (1) pylon sign is permitted for each gasoline service station, provided that said sign does not exceed thirty (30) feet in height, is no more than sixty-four (64) square feet in sign area and maintains a minimum setback of ten (10) feet from any public right-of-way. Said gasoline service station pylon sign shall be allowed in addition to all other permitted signs.
9. Prohibited Signs in Commercial/Industrial District. The following signs are prohibited:
  - a. Abandoned Signs;

- b. Billboards;
- c. Roof Signs;
- d. Off-premises Signs;
- e. Stationary Vehicle Signs; and
- f. Signs posted within the public right-of-ways and public property, excluding directional signs and signs expressly allowed herein and by other governmental agencies.

10. Permitted Signs in Commercial/Industrial District. The following signs are permitted in commercial/industrial district. A sign permit is required for each sign.

- a. Signs on Construction Sites. Two signs shall be permitted upon a construction site. Each sign shall not exceed sixty-four (64) square feet in area per surface; shall be limited to a single surface; shall be located upon the subject construction site; shall be set back ten (10) feet from the right-of-way; and shall be removed upon completion of the construction site improvements and release of the financial guarantee.
- b. Temporary Signs. No sign permit shall be issued for a temporary sign for a duration of more than twenty-one (21) days at one time or for more than three (3) twenty-one (21) day periods in any calendar year. Permit periods may run consecutively without interruption if approved by the Town Board. Only one (1) temporary sign shall be allowed on a property at one time. In cases of properties with multiple tenants, one (1) temporary sign per tenant shall be allowed at one time.
- c. Portable Signs. No sign permit shall be issued for a portable sign for a duration of more than fourteen (14) days at one time and no more than one time per quarter of a calendar year.

11. Signs Permitted Without Sign Permit.

- a. Temporary real estate or construction signs. Such signs shall be removed when property is sold, developed, or occupied.
- b. Political signs per Minnesota Statute 160.27 or current state law.
- c. Banners or pennants commemorating a special event not connected with a business when installed not more than twenty-five (25) days prior to the event and removed within five (5) days following the event. Exception used only once per calendar year.
- d. Banners or pennants for business anniversaries, grand openings, and other special events and promotions are allowed only for a maximum of ten (10) days. Exception used only once per calendar year.

600.235 ON-SITE SIGNS IN RESIDENTIAL, AGRICULTURAL, RIVER CONSERVATION, AND RURAL RESIDENTIAL DISTRICTS. No signs shall be permitted in Residential,



Agricultural, River Conservation, and Rural Residential Zoning Districts with the following exceptions:

1. Home Occupation signs located on the property wherein the Home Occupation is engaged, provided that the signs shall not exceed two (2) feet by three (3) feet in size and shall contain only the name and occupation of the occupant of the building. Home Occupations are occupations engaged in by the occupant of one's own dwelling, including also the office of a person engaged in a professional occupation and located in his or her own building, provided that the appearance of the dwelling may not be changed.
2. Signs not exceeding eight (8) square feet in area and pertaining to the lease, hire, or sale of a building or premises on which the sign is located. In the erection and maintenance of such signs, for purposes of setback requirements, the signs shall be deemed a building, which must comply with such setback requirements.
3. Front, Rear and Side Setbacks. Signs shall meet the followings setback requirements:
  - a. Front yard or road right-of-way shall not be less than two (2) feet.
  - b. Rear yard shall not be less than fifty (50) feet.
  - c. Side yard shall not be less than twenty (20) feet.
4. Agricultural related signs, provided they do not exceed 8 square feet, and no more than 3 per parcel.

600.245 NOTICE OF VIOLATION; ORDER TO REPAIR OR REMOVE SIGN. The Township may cause the following action to be taken:

1. When, in the opinion of the Town Board, a violation of the Code exists, the Town Board shall issue a written order to either the owner of the sign or the owner of the property on which the sign is placed. The order shall specify those sections of the Code involved, shall describe the violation and shall direct that the violation be corrected within thirty (30) days from the date of the order.
2. If, upon inspection, the Town Board finds that a sign is abandoned or is structurally or electrically defective, or in any way endangers the public, the Town Board shall issue a written order to the owner of the sign and occupant of the premises stating the nature of the violation and requiring repair or removal of the sign within thirty (30) days of the date of the order.

600.255 REMOVAL OF SIGNS BY TOWNSHIP

1. The Town Board may cause the removal of any illegal sign, any sign remaining after a business closes, or any sign not properly maintained in cases of emergency, or after failure to timely comply with written orders for removal or repair. After removal or demotion of the sign, a notice shall be mailed to the sign owner and owner of the property where the sign was located stating the nature of the work and the date on

which it was performed and demanding payment of the costs together with an additional 50% for inspection and incidental costs. If the amount specified in the notice is not paid within thirty (30) days after mailing of the notice, it shall become a lien against the property where the sign was located and shall be certified as an assessment against the property together with 10% interest for collection in the same manner as the real estate taxes.

2. The owner of the property upon which the sign is located shall be presumed to be the owner of all signs thereon unless facts to the contrary are brought to the attention of the Town Board, as in the case of a leased sign.
3. For purposes of removal, a sign shall be deemed to include all sign embellishments and structures designed specifically to support the sign.
4. In case of emergency, the Town Board may cause the immediate removal of a dangerous or defective sign without notice. Signs removed in this manner must present a hazard to the public safety as defined in the most current State Building Code.

600.265      APPEALS. Any failure to respond to an application within fourteen (14) days of receipt or any decision rendered by the Town Board in denying a permit or in alleging a violation of this subdivision may be appealed as provided in Section 300:190 of the Zoning Regulations.

**CHAPTER 700**  
**PUBLIC HEALTH, SAFETY AND WELFARE**

700:000 PUBLIC HEALTH, SAFETY AND WELFARE.

700:100 ANIMALS.

700:110 DOGS. Not more than three (3) dogs over six (6) months of age may be kept on any property in the town without a conditional use permit granted by the Board of Supervisors.

700:200 PUBLIC NUISANCES. The Board of Supervisors of the Township of Princeton, Mille Lacs County, State of Minnesota, pursuant to Section 368.01, Minnesota Statutes, hereby ordains as follows:

700:210 PUBLIC NUISANCES DEFINED. Whoever by his 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.

1. Maintains or permits a condition which unreasonably annoys, injures, or endangers the peace, safety, health, morals, comfort or repose of any considerable number of members of the public.
2. Interferes with, obstructs, or renders dangerous for passage any public highway or right-of-way, or waters used by the public.
3. 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.

700:220 PUBLIC NUISANCE AFFECTING HEALTH. The following are hereby declared to be public nuisances affecting health:

1. Exposed accumulation of decayed or unwholesome food or vegetable matter, except for such matter placed in lawful compost heaps.
2. Any diseased animal running at large.
3. Carcasses of animals not buried or destroyed within twenty-four (24) hours after death.
4. Accumulation of manure in areas not zoned for agricultural use.
5. Accumulations of refuse, garbage, junk, or other debris not contained in tightly covered receptacles.
6. Privy vaults and garbage cans, which are not rodent free, or fly-tight, or which are so maintained as to constitute a health hazard or to emit foul and disagreeable odors.
7. The pollution of any public well or cistern, stream, lake, canal, or other body of water by sewage, industrial waste, or other substances.

8. All noxious weeds and other rank growths of vegetation upon public or private property.
9. Dense smoke, noxious fumes, gas, soot, or cinders, in unreasonable quantities.
10. Any public exposure by a person knowingly having a contagious disease.
11. Any offensive trade or business as defined by state statute not operating under local license.
12. Sewage, septic system effluent or seepage from a soil treatment system, which may constitute a health hazard, emit foul disagreeable odors, or otherwise threaten or damage real or personal property of others.

700:230 PUBLIC NUISANCES AFFECTING MORALS. The following are hereby declared to be nuisances affecting public morals and decency:

1. All gambling devices, slot machines, and punch boards except otherwise authorized by state law or ordinance.
2. Betting, bookmaking, and all apparatus used in such occupations.
3. All houses kept for the purpose of prostitution or promiscuous sexual conduct and gambling houses.
4. All places where intoxicating liquor is manufactured or disposed of in violation of law or where, in violation of law, persons are permitted to resort for the purpose of drinking intoxicating liquor, or where intoxicating liquor is kept for sale or other disposition in violation of law, and all liquor and other property used for maintaining such a place.
5. Any vehicle used for promiscuous sexual conduct, illegal drug and alcohol usage or any other immoral or illegal purpose.

700:240 PUBLIC NUISANCES AFFECTING PEACE AND SAFETY. The following are declared to be nuisances affecting public peace and safety:

1. All trees, hedges, billboards, or other obstructions, which prevent persons from having a clear view of all traffic approaching an intersection.
2. All structures, wires and limbs of trees, which are less than eight (8) feet above the surface of the ground over any street right-of-way.
3. Any distinctly and loudly audible noise that unreasonably annoys, disturbs, injures, or endangers the comfort, repose, health, peace, safety, or welfare of any person, precludes the enjoyment of property, or affects a property's value.

4. Obstructions and excavations affecting the ordinary use by the public of streets, alleys, sidewalks or public grounds except under such conditions as are permitted by this code or other applicable law.
5. Radio aerials or television antennae erected or maintained in a way so as to endanger property or public safety.
6. All interference and disturbance of radios and television sets caused by electrical appliances and equipment or improper operation thereof.
7. All use or display of fireworks and use of explosives, except as allowed by law.
8. Any use of property abutting on a public street or sidewalk or any use of a public street or sidewalk which causes large crowds to gather, obstructing traffic or the free use of the street or sidewalk.
9. All hanging signs, awnings, and other similar structures over streets and sidewalks, or so situated so as to endanger public safety, or not constructed and maintained as provided by ordinance.
10. All potentially dangerous, unguarded machinery in any public place, or so situated or operated on private property as to attract the public.
11. Wastewater cast upon or permitted to flow upon streets or other public property.
12. Accumulations in the open of discarded or disused machinery, household appliances, automobile bodies, miscellaneous junk, or other material, in a manner conducive to the harboring of rats, mice, snakes, or vermin, or the rank growth of vegetation among the items so accumulated or in a manner creating fire, health, or other safety hazards from such accumulation.
13. To store in any area open to the public, any unused icebox, refrigerator, freezer or other box with a door attached thereto, which will effectively exclude air when shut.
14. Any well, hole, basement, or other excavation, which is left uncovered, or in such other condition as to constitute a hazard to any child or other person coming on the premises where it is located.
15. Obstruction to the free flow of water in a natural waterway or a public street drain, gutter, or ditch with trash, debris, or other materials.
16. The placing or throwing on any street, sidewalk, or other public property of any glass, tacks, nails, bottles, or any other substance which may injure any person or animal or damage any vehicle tire when passing over such substance.
17. The depositing of garbage or refuse on a public right-of-way, public property, or on adjacent private property, except if placed inside tightly sealed containers which are placed specifically for garbage or refuse pick up by an authorized public or private contractor.

18. Any unattended vehicle, which constitutes an obstruction to traffic or hinders snow removal or street improvement.
19. Any abandoned or junk vehicle as defined in Minnesota Statutes.
20. All other conditions or things, which are likely to cause or to pose an unreasonable threat of injury to the person or property of anyone.

700:250 ENFORCEMENT DUTIES OF OFFICERS. The Township Clerk, Zoning Administrator, and duly authorized County or State health officers are authorized to enforce the provisions of this ordinance relating to nuisances affecting health, and the Township Board or its authorized representative shall assist such officers in such enforcement. The Township Clerk, Township Board, or its authorized representative, and County Sheriff are further authorized to enforce the provisions of this ordinance relating to nuisances affecting public peace, morals, and safety, and such officers have the power to inspect public and private premises 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.

700:260 ABATEMENT.

1. Whenever the officer charged with enforcement determines that a public nuisance is being maintained or exists on premises in the Township, the officer shall notify in writing the owner or occupant of the premises of such fact and order that such nuisance be terminated and abated. The notice shall be served in person or by certified mail. If the premises are not occupied and the owner is unknown, the notice may be served by posting it on the premises. The notice shall specify the steps to be taken to abate the nuisance and the time, not exceeding thirty (30) days, within which the nuisance is to be abated. The notice shall also specify that the owner or occupant upon whom the notice is served may request in writing to the Township Clerk that a hearing be held before the deadline for abatement stated in the notice or within ten (10) days after service of notice, whichever date is longer. If the notice is served by posting, thirty (30) days must elapse between the day of posting and the deadline for abatement. If the notice is not complied with within the time specified, and a hearing has not been requested, the enforcing officer shall take immediate steps to abate the nuisance. If a hearing has been requested, such action may not take place until after the hearing and the Township Board of Supervisors has rendered its decision.
2. Whenever a situation exists that immediately endangers the lives or health of the public, and under which the above notification procedures would be impractical, the enforcing officer may take immediate steps to abate the nuisance, and such action shall be immediately reported to the Township Board of Supervisors.

700:270 RECOVERY OF COST.

1. Personal Liability. The owner 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 attorneys' 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. Thereupon, the amount shall be immediately due and payable at the office of the Township Clerk.
2. Assessment. On or before the October 1 next following the 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 Township Board of Supervisors may then spread the charges against such property for certification to the County Auditor for collection by the County Treasurer and payment to the Township as other taxes are collected and paid.

700:280 PENALTY. Any person who violates any provisions of this ordinance is guilty of a misdemeanor and shall be punished by a fine and imprisonment not to exceed the maximum allowed by state law. Every day that the offense occurs shall be deemed a separate violation of this ordinance.

700:290 REPEALER. All other ordinances and resolutions of this Township concerning the subject matter of this ordinance (i.e., subdivision control, planning and zoning and nuisances) heretofore in effect are hereby repealed.

1. All ordinances or portion of ordinances that conflict herewith are hereby repealed. Should any section of this ordinance be held unconstitutional or void, the remaining provisions shall remain in full force and effect.