

Town of Lakewood Zoning Ordinance

Ordinance number 16

JANUARY 7, 1998

Amended January 5, 2000
Amended March 5, 2014
Amended October 1, 2014
Amended May 6, 2015
Amended June 7, 2017
Amended June 9, 2020
Amended February 27, 2024

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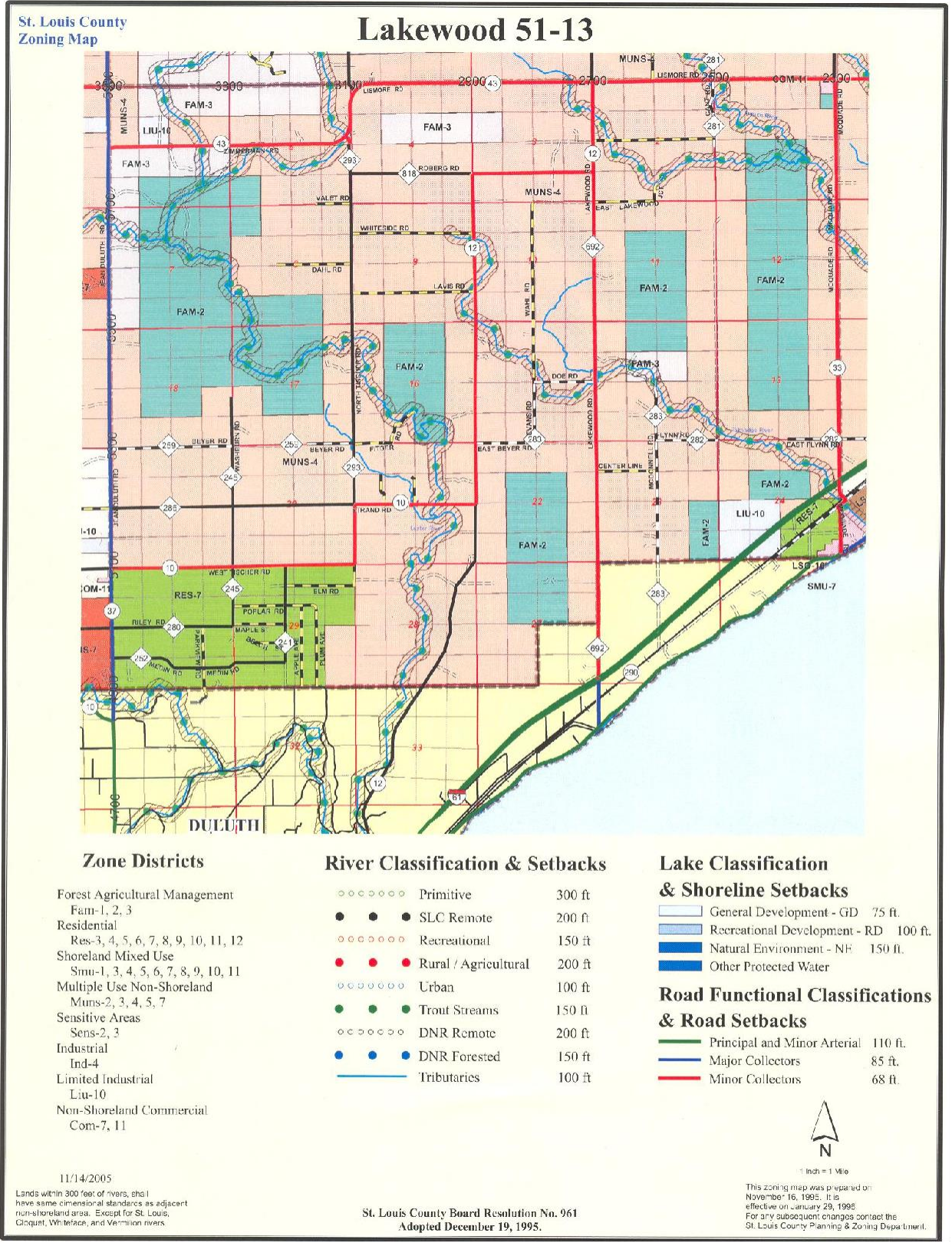
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LAKEWOOD TOWNSHIP – MAP



ARTICLE I – TITLE, HISTORY, REPEALER, PURPOSE

Section 1 – Title

Zoning Ordinance for Lakewood Township

St. Louis County, Minnesota

Otherwise Known As Zoning Ordinance Number 16

HISTORY OF ZONING ORDINANCES IN LAKEWOOD TOWNSHIP

Ordinance #1 May 6, 1961

Ordinance #3 May 9, 1968

Amendment to Ordinance #3 June 1, 1976

Amendment to Ordinance #3 August 2, 1978

Ordinance #15 November 1, 1989

Amendment to Ordinance #15 November 6, 1991

Ordinance #16 January 15, 1998

Amendments to Ordinance #16 January 5, 2000

Amendments to Ordinance #16 March 5, 2014

Amendments to Ordinance #16 October 1, 2014

Amendments to Ordinance #16 May 6, 2015

Amendments to Ordinance #16 June 7, 2017

Amendments to Ordinance #16 June 9, 2020

Amendments to Ordinance #16 February 27, 2024

Section 2 – Repealer

This Ordinance hereby repeals and replaces Ordinance Number 15, the Zoning Ordinance of Lakewood Township, and all amendments thereto.

Section 3 – Intent and Purpose

An Ordinance establishing comprehensive land use regulations for Lakewood Township, in accordance with the provisions Minnesota Statutes Chapter 462, and all acts amendatory thereof, to promote the health, safety, morals, and general welfare of the inhabitants by dividing the Township into zones and regulating therein the uses of land and the placement of all structures with a view to encouraging the most appropriate use of the land in the Township, and to recognize and preserve the economic and environmental values of all lands within the Township. All public waters within the unincorporated areas of St. Louis County, Minnesota, have been given public waters classification, pursuant to Minnesota Statutes 103F and all acts amendatory thereof, and uses of shore lands within these classes are hereby designated within this ordinance, and upon the official zoning map, based upon the compatibility of the designated type of land use with the public waters classification.

Article I: Title, History, Repealer, Purpose

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ARTICLE II – GENERAL PROVISIONS

Section 1 – Application and Interpretation

- A. Lakewood Township is hereby divided into zoning districts as shown on the official Zoning Map for Lakewood Township, Minnesota, and filed in the office of the County Auditor. The map and all explanatory matter thereon are hereby made a part of this Ordinance.
- B. No land or structures shall be changed in use and no structure or mobile storage structure shall be erected, placed, altered in its exterior dimensions, or moved until the Zoning Administrator has approved and issued a land use permit, certifying that the plans and intended use of land and structures are in conformity with this Ordinance.
- C. A permit for an accessory structure may be the first permit issued for an undeveloped parcel or lot. However, such an accessory structure shall not be occupied as a dwelling.
- D. In each zone district each structure or use hereafter erected, altered, or established shall be provided with the yards and setbacks specified; shall be on a lot of the area and width specified, and shall not exceed the percent of maximum total building coverage of its lot as specified in this Ordinance. No open space, lot, off-street parking, or loading space required for a building or structure shall be included as part of a lot, open space, off-street parking, or loading space for another building structure.
- E. The minimum lot width, lot area, and setback requirements established herein shall be maintained for the placement of all structures and additions unless otherwise provided. Greater lot area per unit may be required if necessary to provide for proper sewage disposal. Any structure in any zone district may have an extended roof line which encroaches upon the minimum side and rear setbacks, provided such encroachment shall not extend more than three (3) feet into the required setback distance, and the roof line will not interfere with the adjacent property's solar access or create a drainage problem.
- F. Sewage Disposal - Structures which require sewage disposal facilities and which locate on a lot serviced by public sewage facilities shall be required to connect to such facilities subject to the approval of the local unit of government operating the sewage collection/disposal system. Any premises intended for human occupancy (seasonal or year-round) must be provided with an approved method of sewage disposal designed in accord with all the regulations of the Minnesota Department of Health or the St. Louis County Department of Health, or as otherwise specified in this Ordinance. No permit for a dwelling (seasonal or year-round) shall be issued prior to a permit for an approved sewage disposal system. No permit for a sewage disposal system

will be issued for occupancy of any structure which does not meet all principal structure setbacks.

- G. Waste Disposal - The disposal of sewage, industrial wastes, or other wastes as defined in Minnesota Statutes 115.01, shall be subject to the standards, criteria, rules and regulations of the Minnesota Pollution Control Agency, or the St. Louis County Department of Health, whichever is more restrictive. Any agricultural waste disposal operation must conform to the standards, criteria, rules and regulations of the Minnesota Pollution Control Agency. No rubbish or trash of any sort shall be thrown or discarded in any manner into any public water or into any watercourse leading to public water. No solid waste disposal site shall be located within the jurisdiction of this Ordinance.
- H. No Land Use Permit shall be required for:
1. Accessory structures with area coverage of no more than one hundred twenty (120) square feet. Accessory structures with sidewalls are limited in height to no more than eight (8) feet. Such structures are however subject to the normal setback requirements for accessory structures.
 2. Local public utility distribution lines. However, the Town Board of Supervisors may adopt reasonable regulations governing the location of utilities including the depth that the underground lines can be installed. In addition, the Town Board may secure from the utility the blueprints showing the location of the underground utilities.
 3. Farming excluding livestock.
 4. Remodeling of existing structures.
 5. Satellite receiving antennas and apparatus of a diameter of twelve (12) feet or less that meet all setbacks.
 6. An exterior appearance change provided no dimension in the structure is increased.
- I. Construction of a building or commencement of a use shall be substantially begun within twelve (12) months of the date of issue of a permit or said permit shall become void. Permit extensions may be granted by the Zoning Administrator, provided that the proposal meets ordinance requirements.
- J. The road classification system applicable to this Ordinance is available for inspection in the Lakewood Township office. Classifications of roads or sections of roads are subject to change from time to time as the result of changes in traffic patterns.
- K. No land use permit shall be issued to establish a use on any lot which has been

divided or transferred in violation of the Subdivision Regulations of Lakewood Township, or Article III, Sec. 6 of this Ordinance dealing with frontage on and access to an established public road.

- L. No lot shall be created that does not meet the requirements of this ordinance; transfers to adjoining parcels of nonconforming parcels are allowed provided such transfers do not adversely affect the conformity of the remaining lot as it relates to zoning and sanitary standards.
- M. Water Supply - Any public or private supply of water for domestic purposes must conform to Minnesota Department of Health standards for water quality and/or all St. Louis County health standards applicable thereto.
- N. Sunshine Law - No structure may be erected that would prevent a neighbor from collecting solar energy.

Section 2 – Purpose

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

Section 3 – Definitions

Other words or terms as used in this Ordinance have the meanings given in this section as follows:

Accessory Use or Structure: A use or structure on the same lot with, and customarily incidental and subordinate to, a principal use or structure. Accessory structures include but are not limited to garages, sheds, saunas, boathouses, bunk/guest houses, outdoor furnaces or boilers, outdoor grills or ovens, flag poles, and satellite dishes.

Accessory Structure, Oversize: Any accessory structure with floor space exceeding one thousand (1,000) square feet or sidewalls exceeding ten (10) feet in height.

Airport: Any locality, either of land or water, which is regularly used or intended to be used for the landing and takeoff, storage, or servicing of one or more aircraft.

Amateur Radio Operator: A person having a written authorization to be the control operator of an amateur radio facility. This authorization shall be in the form of a license or a permit issued by the Federal Communications Commission. Amateur radio operators provide communications services, including amateur satellite service and amateur services which are for the purpose of self-training, intercommunication and

technical investigations carried out by amateurs who are duly authorized persons interested in radio technique solely with a personal aim and without pecuniary interest, as defined in Title 47, Code of Federal Regulations, (97.3(a)(4)).

Attorney: The Township Attorney of Lakewood Township, Minnesota, or authorized representative.

Auditor: The County Auditor of St. Louis County, Minnesota, or authorized representative.

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

1. Part or all of the feature is located in a shoreland area;
2. The slope rises at least 25 feet above the ordinary high water level of the waterbody;
3. 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
4. The slope must drain toward the waterbody.

Bluff Impact Zone: A bluff and land located within twenty (20) feet from the top of a bluff. An area with an average slope of less than 18 percent over a distance of 50 feet or more shall not be considered part of a bluff.

Board of Adjustment: The Board of Adjustment for Lakewood Township as created by Township Ordinance.

Boathouse: A structure designed and used solely for the storage of boats or boating equipment.

Borrow Pit: A land use involving the excavation or digging of material for use as fill at another site. Borrow pits used for the private use of a land owner and pits used to construct roads for forest management purposes shall not be considered borrow pits. Pits used for public road and other public work purposes shall be considered borrow pits.

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

Buildable lot: A buildable lot or parcel must meet the acreage and lot width standards set forth in Ordinance. Each lot or parcel shall have access to and frontage on an improved public road. Frontage shall be equal to or greater than the minimum lot width requirements for the zone district. Ordinance provisions that may restrict development include, but are not limited to, ordinances prohibiting structures within regulatory floodplains or within 150' of designated trout streams and ordinance restricting development within areas designated as wetlands, on steep slopes 12% or greater, or land

disturbing activities on slopes 18% or greater. Additionally, the proposed use of the property must be able to meet any performance standards, as required by ordinance. Compliance with current St. Louis County Septic Ordinance shall be required.

Building Line: A line parallel to a lot line or the ordinary high water level at the required setback beyond where a structure may not extend.

Bunk/Guest House: A residential accessory structure used for sleeping quarters with no sanitation, cooking facilities, or water under pressure.

Cabinet shop/Carpenter shop: A business engaged in the production of products for the construction industry, as a supplier to residential or commercial clients.

Camouflaged Tower: Any tower or supporting structure that, due to design, location or appearance, partially or substantially hides, obscures, conceals or otherwise disguises the presence of the tower and one or more antenna arrays affixed thereto.

Campground: An open-air recreation area where temporary shelters, such as tents and recreational vehicles, are intended to provide short-term occupancy.

Cartway: An unimproved Township road, thirty (30) feet or wider, dedicated to public use or established pursuant to Minn. Stat. Sec. 164.08 (or other Minnesota Statutes). Pursuant to Minn. Stat. Sec. 164.11, unimproved platted roads, dedicated to the public, if not less than thirty (30) feet in width, are deemed a cartway.

Clerk: The Town Clerk of Lakewood Township, or authorized representative.

Commercial Racetrack: A for profit race track where prizes, goods, or services are offered.

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

Commissioner: The commissioner of the Department of Natural Resources.

Commercial Communications Tower: A facility that transmits and/or receives electromagnetic signals. It includes antennas, microwave dishes, horns, and other types of equipment for the transmission or receipt of such signals, telecommunication towers or similar structures supporting said equipment, equipment buildings, parking areas and other accessory development. The facility provides licensed commercial wireless telecommunications services, including cellular, personal communications services (PCS), specialized mobilized radio (SMR), enhanced specialized mobilized radio (ESMR), paging and similar services that are marketed to the general public.

Communications Tower: A structure that is intended to support communication equipment for wireless, broadcast and similar communication purposes. Permitted communication towers will be limited to monopole (free-standing), or lattice (self- supporting).

Community Center Facility: A building, group of buildings, or use of land to serve a

community's educational, recreational, religious, and service activities, typically containing space for a meeting hall, town garage, a post office, or fire hall. Due to public interest and public service provided, allowable lot coverage shall be consistent with the maximum allowable by St. Louis County, MN and use variance process for additional lot coverage to be lawful in all zones where a Community Center Facility is allowable.

Comprehensive Plan: The policies, statements, goals and interrelated plans for private and public land and water use, transportation, and community facilities including recommendations for plan execution, documented in texts, ordinances and maps which

constitute the guide for future development of Lakewood Township.

Conditional Use: A land use or development which would not be appropriate without restriction throughout the zone district but which, if controlled as to number, area, size, location, or relation to neighborhood, and as to compatibility with official Township plans, would not be injurious to the public health, safety, convenience, morals, order, comfort, appearance, prosperity or general welfare. Such uses may be permitted in listed zone districts only after approval of a conditional use permit by the Planning and Zoning Commission. Such uses when granted shall be considered permitted uses, not variances, and shall remain in effect so long as the conditions of the permit are met.

Contiguous: Being in actual contact, touching at an edge, point or along a boundary; having a common boundary; immediately next to each other.

Corner Lot: A parcel of land located at the intersection of two (2) or more streets. A parcel of land abutting on a curved street(s) or road(s) shall be considered a corner lot if straight lines drawn from the foremost point of the side lot lines to the foremost point of the lot (or an extension of the lot where it has been rounded by a street or road radius) intersect at an angle of less than one hundred thirty-five degrees (135°).

County Board: The County Board of Commissioners of St. Louis County, Minnesota.

Deck (attached): A horizontal, unenclosed platform that is attached, or functionally related to, a structure. An attached deck shall have no roof, extended soffit, nor walls but may have railings, seats, or other related features.

Deck (detached): A horizontal, unenclosed platform that is freestanding, greater than 18 inches in height at any point, and is not attached or functionally related to a structure. A detached deck shall have no roof, extended soffit, nor walls but may have railings, seats, or other related features.

Driveable Surface: A surface that is suitable for and capable of being driven upon.

Dwelling, Single-Family: A detached residence, including a mobile home, designed for one family only and having an approved sewage disposal system.

Dwelling, Multiple-Family: A residence designed for or occupied by three or more families, including a mobile home, with separate housekeeping and cooking facilities for each with an approved sewage disposal system. Currently not allowed in Lakewood Township.

Dwelling, Seasonal (cabin): A residence occupied on a part-time basis, not to exceed eight (8) months of the calendar year, and not requiring public services such as school bus transportation or snow plowing of roads by a government unit.

Dwelling, Two-Family: A residence designed for or occupied by two (2) families, with separate housekeeping and cooking facilities for each with an approved sewage disposal system.

Dwelling Unit: Any structure or portion of a structure, or other shelter designed as short or long-term living quarters for one or more persons, including rental or time-share accommodations such as motel, hotel, and resort rooms and cabins.

Earth Tone: Soft, neutral or weathered colors typically associated with forest vegetation, soil, bark, or rock; principally blacks, browns, greens, and grays.

Extractive Use: The use of land for surface or subsurface removal of sand, gravel, rock, industrial minerals, other nonmetallic minerals, and peat not regulated under Minnesota Statutes, Sections 93.44 to 93.51.

Failing Septic Systems: Any on-site sewage treatment system that discharges raw or partially treated sewage to the ground surface, surface water or ground water is a failed system. Failing systems include, unless specific evidence exists to the contrary, seepage pits, cesspools, dry wells, leaching pits and systems with less than three feet of unsaturated soil beneath the system bottom, and systems causing sewage back-up into structures.

Family: One (1) or more persons occupying a single housekeeping unit and using common cooking facilities.

Farm Ponds: Farm ponds include wildlife ponds, dugout and nature ponds. A pond may be constructed with a permit issued by the zoning administrator with an approved construction plan from the appropriate local, state or federal agencies. Material (soil, dirt) may not be removed from the site. Material removed from site constitutes a borrow pit and will follow the borrow pit standards. Setback will be 50 feet from road centerline with a side and rear lot setback of 25 feet in that zone. If the creation of a pond includes more than one acre of land, a conditional use permit is required. Consideration for affecting wetlands requires consultation with St. Louis County.

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

Filter Strip: The use of land topography and native vegetation to provide runoff, erosion, and sedimentation control.

Forest Land Conservation: The clear cutting of forested lands to prepare for a new land use other than reestablishment of a subsequent forest stand.

Gravel Pit: See Borrow Pit

Group Home, Day Care Centers, and Homes

Day Care Home: The care of a child in a residence outside the child's own home for gain or otherwise, on a regular basis, for any part of a twenty-four (24) hour day. A day care home provides care for no more than ten (10) children at one time of which not more than six (6) are under school age. The licensed capacity must include all children of any caregiver when the children are present in the residence.

Group Day Care Home: Day care for not more than twelve (12) children at any one time in a residence. The total number of children includes all children of any caregiver when the children are present in the residence.

Day Care Center: Any party that, for compensation or otherwise, provides day or night care for six (6) or more children at one time, not in a residence. The term includes, but is not limited to, programs for children known as nursery schools, day nurseries, child care centers, play groups, day care for school age children, after school programs, infant day care centers, cooperative day care centers and Head Start programs. Standards for group day care of preschooler and school age children may be found in Minnesota Statutes 9545.0510-9545.0670 (Rule 3).

Group Home A residential facility licensed by the State of Minnesota or the St. Louis County Social Services Department which serves from seven (7) to sixteen (16) mentally or physically handicapped or socially maladjusted individuals. A facility with one (1) to six (6) residents is considered a single-family dwelling. A facility with seven (7) to sixteen (16) residents is considered a multiple-family dwelling.

Guest Cottage: A structure used as a dwelling unit that may contain sleeping spaces, kitchen and bathroom facilities, in addition to those provided in the primary dwelling unit. Guest cottages are considered a principal structure.

Hardship: The same as that term defined in Minnesota Statutes, Chapter 394.

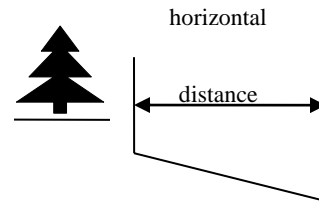
Height of Building: The vertical distance between the highest point on the roof and the lowest at the ground level where the building foundation meets the ground.

Highway Commercial Uses: Those which by their nature customarily relate to, depend upon, or provide essential services to the highway traveling public, on arterial and major collectors, including but not limited to gasoline service and light automotive repair stations, drive-in food facilities, motels, truck stops, etc., and which do not include operational activities that are or may be a nuisance to or otherwise incompatible with the existing or intended development pattern of the area.

Home Business: A commercial or minor industrial business use conducted on the same property on which the owner's home is situated, which may employ up to five (5) persons who are not residents of the owner's home, which is of a type or character consistent with rural residential lifestyle, and which is established and operated under such conditions that the use may not be a nuisance to or otherwise incompatible with the surrounding area and is not considered a planned residential development, highway commercial, neighborhood commercial, rural industry, or waterfront commercial.

Home Occupation: A use of non-residential nature conducted entirely within the dwelling or accessory buildings and carried on only by the inhabitants thereof, which use is clearly incidental and secondary to the use of the dwelling for residential purposes, and which does not include an operational activity that is or may be a nuisance to or otherwise incompatible with the surrounding area.

Horizontal Distance: A distance measured along a plane which is perpendicular to an axis running through the center of the earth at the point of measurement.



Industrial Use: The use of land or buildings for the production, manufacture, warehousing, storage, or transfer of goods, products, commodities, or other wholesale items.

Intensive Vegetation Clearing: The removal of trees, shrubs, or plants in a contiguous patch, strip, row, or block.

Interim Use: An “interim use” is a temporary use of property, provided that use is allowed by Ordinance, until a particular date, until the occurrence of a particular event, or until zoning regulations no longer permit it.

Junk or Salvage Yard: Any place where three (3) or more motor vehicles not containing current license plates, or not in operable condition, are stored in the open. Also, any place where the salvaging or scavenging of any other goods, articles, or merchandise not contained entirely within enclosed buildings is conducted.

Kennel: Any structure or premises intended for commercial activity, where four (4) or more dogs are kept or raised for compensations. A commercial activity may include, but is not limited to, dog breeding or boarding, dog daycare or dog grooming. A person's home where dogs are kept as pets is not a kennel.

Lawn and Landscape Services: A business primarily engaged in providing landscape care and maintenance services and/or installing trees, shrubs, plants, lawns, or gardens. A business primarily engaged in providing these services along with the design of landscape plans and/or the construction (i.e., installation) of walkways, retaining walls, decks, fences, ponds, and similar structures.

Livestock: Farm animals such as horses, cows, sheep, goats, poultry, etc., kept for use or profit.

Lot: 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.

Lot Coverage: Lot coverage shall include all structures, driving surfaces including gravel surfaces, septic system area, parking areas regardless of type of surface, and all other altered surfaces.

Lot Frontage: The front of a lot shall be the portion bordering the street or a body of water if the lot has water frontage. For the purpose of determining yard requirements on corner lots and through lots (through lots are lots running from street to street), all portions of a

lot adjacent to streets shall be considered frontage, and yards shall be provided as indicated under Yards in this section.

Lot of Record: A lot of record is a lot which is a part of a subdivision recorded in the office of the County Recorder or Registrar of Titles of St. Louis County, Minnesota, or a lot or a parcel described by metes and bounds, the description of which has been lawfully created and recorded, prior to the date of enactment of this Ordinance or amendments

thereto. However, a lot on Federal, State, tax forfeited, or Minnesota Power lands that have been leased out prior to the date of enactment of this Ordinance shall be considered a lot of record even though that lot has not been individually recorded in the office of the Recorder or Registrar of Titles. A lot of record may not be a buildable lot.

Lot Water Frontage: Shall be the minimum distance between the points of intersection of the side lot lines and the ordinary high water level.

Lot Width: Shall be the shortest distance between the side lot lines measured at the building line. The building line for parcels with shore frontage shall be the minimum principal structure setback distance as required for each river and lake classification and the location of the on-site sewage treatment system and expansion area. Lot width for parcels that do not have shore frontage shall be the location in which the building and on-site sewage system is located.

Mineral Evaluation: Mineral exploration exceeding four (4) test borings per forty (40) acre parcel and including development drilling, trenching, and bulk sampling.

Mineral Exploration: Exploratory drilling not to exceed four (4) test borings per forty (40) acre parcel.

Mobile Home: Shall be defined by the Manufactured Home Building Code M.S. 327.31. The definition states that it is a structure transportable in one or more sections, which in the traveling mode is eight (8) body feet or more in width or forty (40) body feet or more in length or when erected on-site is 320 or more in square feet and which is built on a permanent chassis and designed to be used as a dwelling when connected to the required utilities and meets the other standards of the code.

Mobile Home Park: A lot which has been planned and improved for the placement of, or which contains, two (2) or more mobile or manufactured homes as defined in Minnesota Statutes. Not an allowable use in Lakewood Township.

Nonconformity: Any legal use, structure, or parcel of land already in existence, recorded, or authorized prior to the adoption of this Ordinance or amendments hereto which would not have been permitted to become established under the terms of this Ordinance as adopted or amended if this Ordinance had been in effect as of the date the use, structure, or parcel was established, recorded, or authorized.

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

Parcel: A measured portion of land separated from other portions of land by a metes and bounds description or described as a separate tract of land in an instrument of conveyance

and recorded by the St. Louis County records office.

Planned Residential Development: A type of development characterized by a unified site design for a number of dwelling units or dwelling sites on a parcel, whether for sale, rent,

or lease, and also usually involving clustering of these units or sites to provide areas of common open space and density increases.

Planning and Zoning Commission: The Planning and Zoning Commission for Lakewood Township, hereinafter referred to as the Commission or the Planning Commission.

Principal Use or Structure: A structure or use that is the primary or predominant focus of activity on a parcel.

Private Driveway: A privately maintained road intended to provide access for up to two (2) parcels that have frontage on and access to an improved public road.

Private Road: A privately maintained road intended to provide access for up to two (2) parcels that do not have frontage on and access to an improved public road.

Public Water: A body of water capable of substantial beneficial public use. For the purpose of this Ordinance, this shall be construed to mean any lake, pond, or flowage of twenty-five (25) acres or more in size, or any river or stream with a total drainage area of two (2) square miles or more, which has the potential to support any type of recreational pursuit or water supply purpose. A body of water created by a private user where there was no previous shoreland as defined herein, for a designated private use authorized by the Commissioner of the Minnesota Department of Natural Resources shall be exempt from the provisions of this Ordinance as they apply to shoreland management. The official determination of the size and physical limits of drainage areas of rivers and streams shall be made by the Commissioner.

Race track: A prepared route traveled by participants to achieve goals of skill, duration, or speed, including practice for such events, also known as raceway or race course.

Remodel: An alteration of the interior or exterior portion of a structure that does not involve the replacement of the main structural frame, walls, or changes in the exterior dimensions of the structure. Remodeling of an existing structure shall be considered one or more of the following:

1. Work performed on the interior of a structure (provided the work will not increase the number of bedrooms or increase water usage).
2. Replacement of siding, windows, doors, soffit, fascia, roofing (i.e., if roofing replacement does not increase the height by more than two feet or increase living space), and ornamentation.
3. Additional windows or doors.

Under no circumstances shall remodeling constitute replacement of the main structural frame walls or changes in the exterior dimensions.

Residence: See Dwelling.

Resort: A commercial planned residential development where the primary purpose is to provide lodging and/or recreational opportunities.

Retail Sales: A sale is at retail except when the customer purchases the property for purpose of reselling it. A business is engaged in making retail sales if it is selling any merchandise to the general public. A business is engaged in retail sales if it leases merchandise to the general public. The sale of food and beverages to consumers is also retail sales.

Rifle or Shooting Range: In the absence of a definition of rifle/shooting range in the St. Louis County Ordinance or in Minnesota Statutory Law, Lakewood Township defines a rifle/shooting range to be use of property for shooting of such frequency and duration determined to be unreasonable and/or unsafe by neighbor(s) or raises concern about impact on property values. A rifle/shooting range is not the occasional sighting of firearms, occasional target practicing or seasonal hunting currently experienced in Lakewood Township.

A property owner raising the question of the establishment of a rifle/shooting range by another Lakewood Township property owner, shall document dates and times of shooting, unsafe shooting practices and/or information on property values. This documentshall be presented to the Planning and Zoning Commission for determination of reasonable use and/or for mediation. The Planning and Zoning Commission may requesta public hearing to solicit additional information. Based on information gathered, the Planning and Zoning Commission will determine whether or not a rifle/shooting range has been established and action to be taken.

Riparian: Property with shore frontage.

Road: Public and private roads in the Township shall be defined as follows:

Public:

Improved Public Road - Any constructed road regularly maintained during the previous ten (10) years by a unit of government as an official portion of that government's road system. An established road or platted road that has not been improved or maintained by a unit of government is not an improved public road.

Principal Road - Is a principal arterial, which serves corridor movements having trip lengths and travel density characteristics indicative of statewide or interstate travel. U.S. Highway 61 is the only principal arterial in Lakewood Township.

Secondary Road or Major Collector - Major collectors serve short trip travel of the intra-county type. Jean Duluth Road and Old Highway 61 are the major collectors in Lakewood Township.

Minor Roads, Minor Collector, or Local Roads - Minor collectors are intended to collect traffic from local roads and provide access within a reasonable distance to a principal road or major collector. Local roads serve mainly to provide access to adjacent land. Included are all roads not classified as arterial or collectors. Road rights-of-way for minor roads range from sixteen (16) feet to fifty (50) feet from centerline. All Township roads except those mentioned above are minor roads, minor collectors, or local roads.

Private:

Driveway - is a privately maintained road intended to serve one (1) dwelling that has frontage on and access to a public road.

Private Drive or Cartway - is a privately maintained road intended to serve one (1)

or more dwellings that do not have frontage on and access to a public road.

Road Frontage: The length of the border between a lot and a road.

Sanitation Permit: A permit issued by an authorized county representative approving a site as satisfactory for an individual sewage disposal system.

Sauna: An accessory structure used for the sole purpose of a steam bath and change room and/or storage of materials directly related to such activity.

Screening: The use of fences, vegetation, berms, or other methods that reduce visual impact of a structure or use upon adjacent structures or uses.

Setback: The minimum horizontal distance between where a structure may be placed and the normal high water mark, front, side, or rear lot lines.

Shore Impact Zone: Land located between the ordinary high water level of a public water body, and a line parallel to it, at a setback of 50 percent of the structure setback. See zone district requirements. See Article III, Dimensional Standards.

Shoreland: Land located within the following distances from public waters: One thousand (1,000) feet from the ordinary high water level of a lake, pond, or flowage; and three hundred (300) feet from the ordinary high water level of a river or stream, or the landward extent of a floodplain designated by ordinance on a river or stream, whichever is greater. The limits of shorelands may be reduced whenever the waters involved are bounded by topographic divides that extend landward from waters for lesser distances, and when approved by the Commissioner of the Department of Natural Resources.

Sign: Any device designed to inform or attract the attention of persons not on the premises on which the device is located, including any structure erected primarily for use in connection with the display of such device and all lighting or other attachments used in connection therewith.

Sign, Off-site: A sign other than an on-site sign.

Sign, On-site: A sign relating in its subject matter only to the premises on which the device is located, or to products, services, accommodations, or activities on the premises.

Significant Historic Site: Any archaeological site, standing structure, or other property that meets the criteria for eligibility to the National Registrar of Historic Places or is listed in the State Registrar of Historic Sites, or is determined to be an unplatted cemetery that falls under the provisions of Minnesota Statutes, Section 307.08. A historic site meets these criteria if it is presently listed on either register or it is determined to meet the qualifications for listing after review by the Minnesota State Archaeologist or the director of the Minnesota Historical Society. All unplatted cemeteries are automatically considered to be significant historic sites.

Steep Slope: Land where agricultural activity or development is either not recommended

or described as poorly suited due to slope steepness and the site's soil characteristics, as mapped and described in available county soil surveys or other technical reports, unless appropriate design and construction techniques and farming practices are used in accordance with the provisions of these regulations. Where specific information is not available, steep slopes are lands having average slopes over 12 percent, as measured over horizontal distances of 50 feet or more that are not bluffs.

Structural Dimensions: Are measured as the horizontal distance between the exterior walls of a structure.

Structure: Anything more than thirty (30) inches high, placed, constructed, or erected with an inherently permanent or fixed location, including portable buildings, mobile homes, signs, wind generating towers, earth sheltered homes, playing courts (tennis, handball, etc.), and swimming pools. Fences, utility poles, lawn lights, non-commercial antennae under fifty (50) feet in height and twelve (12) feet in diameter and related equipment shall not be considered structures.

Structure, Mobile Storage: Any unlicensed trailer or trailer-like vehicle (except a farm or hay wagon) in excess of eighteen (18) feet in length which is not stored in a building. Semi-trailers and railroad cars are examples of mobile storage structures.

Subdivision: Land that is divided for the purpose of sale, rent, or lease, including planned residential developments.

Subdivision Platting: The creation of a plat or subdivision of land as defined and regulated in the Subdivision Platting Ordinance for St. Louis County. The Subdivision Platting Regulations for St. Louis County apply in all cases of subdivision.

Toe of the Bluff: The point on a bluff where there is, as visually observed, a clearly identifiable break in the slope, from gentler to steeper. If no break is apparent, the toe of the bluff shall be determined to be the lower end of a 50 foot segment, measured on the ground, where the slope exceeds 18 percent.

Top of the Bluff: The point on a bluff where, as visually observed, there exists a clearly identifiable break in the slope from steep to gentle. If no break is apparent, the top of the bluff shall be the upper end of a 50 foot segment where the slope is less than 6 percent.

Town: Any town (or township) including those with the powers of a statutory city pursuant to law.

Town Board: Also known as the Town Board of Supervisors. The Town Board of Lakewood Township consists of the elected Supervisors, the official legal ruling body of the Township.

Transfer Station: A facility in which solid waste from collection vehicles is concentrated for subsequent transport. A transfer may be fixed or mobile.

Trout Stream: A river classification to be used on all trout streams designated by the

Commissioner of Natural Resources.

Variance: A modification or relief from a zoning ordinance where it is determined by the Board of Adjustment that, by reason of exceptional circumstances, the strict enforcement of the provisions of such Ordinance would create practical difficulties because of irregular lot size, topography or other characteristics of the land. Note that "practical difficulties" does not include a financial hardship.

Wetland: Shall be defined by Minnesota Wetland Conservation Act of 1991, Chapter 354 and all subsequent amendments.

Wood Processing Activities: A use involving mechanical equipment for the purpose of altering timber and timber by-products, such as debarking, chipping, and/or milling.

Yard: A required open space unoccupied and unobstructed by a structure.

Yard, Front: A yard extending across a lot between the side yard setback lines and lying between the right-of-way line of a road and the road setback or, in the case of water frontage only, lying between the normal high water mark and the shoreline setback.

Yard, Rear: A yard extending across a lot between the inner side yard lines, and extending from the rear lot line or shoreline to the minimum side yard or shoreline setback.

Yard, Side: A yard extending from the front lot line to the rear lot line, and extending from the side lot line a distance equal to the minimum side yard setback for accessory structures.

Zoning Administrator: The administrative officer of this Ordinance in Lakewood Township.

<u>Zoning Districts</u>	<u>Former</u>
Forestry-Agricultural Management... ..FAM-2	FA
Agricultural, Rural Residential.....FAM-3	A1
Rural Residential.....MUNS-4	AR
Residential... ..RES-7	R2
Commercial..... COM-11	C
Manufacturing (Light Industrial)... ..LIU-10	M1
Natural Environment Lakes & Streams... ..RES-5	W1
Recreational Development Lakes & Streams... ..SMU-7	W2
Lake Superior Waterfront OverlayLSO-10	LSO

FAM-2, Forestry-Agricultural

This district is dedicated to the continuation of forest programs, agricultural pursuits and related uses in those areas best suited for such activities.

FAM-3, Agricultural, Rural Residential

This district is intended to protect existing and potential agricultural areas of the Township, to maintain and promote the rural character of the Township, and to prevent urban and suburban encroachment upon these areas.

MUNS-4, Rural Residential

This district is intended to provide a gradual transition in density from the FAM-2 and FAM-3 districts to more densely populated zones in the Township and to limit development in a manner consistent with Township planning objectives.

RES-7, Residential

This district is established to provide medium density or semi-rural living on moderate size lots in areas not expected to be served by public water and sewer. Where soil conditions make it necessary, minimum lot sizes must be increased to permit proper on-site waste disposal systems.

COM-11, Commercial

This district is established to direct commercial development to appropriate locations which will promote the efficient delivery of goods and services while assuring the integrity of the surrounding land uses.

LIU-10, Manufacturing (Light Industrial)

The intent of this district is to accommodate and encourage, in a location and manner which benefit the Township, industrial uses which will not adversely affect surrounding areas because:

1. Such uses are relatively free from objectionable influences such as fire or explosion hazards, odor, dust, noise, smoke or toxic materials; or
2. Any objectionable features inherent in a particular use will be obviated by design, mechanical devices, and/or other appropriate measures as approved by the Planning and Zoning Commission under the conditional use permit review system.
3. Uses shall be wholesale.

RES-5, Natural Environment Lakes and Streams

This waterfront district is intended to protect and enhance certain lakes and streams through stringent development controls, due to the sensitive quality of their waters, the unique natural characteristics of their shorelands, and/or their inability to sustain development or significant recreational use. The RES-5 zone district is defined as the Shoreland of designated streams. See Shoreland, Article II.

SMU-7, Recreational Development Lakes and Streams

This waterfront district is intended to provide a balance between lake use and the lake resources by allowing moderate development and recreational use when it is consistent with both the existing development and use and the capabilities of the land and lake to sustain such activity. The SMU-7 zone district in Lakewood Township is not buildable.

LSO-10, Lake Superior Waterfront Overlay

It is the intention of this overlay to allow limited expansion of certain waterfront commercial activities, while safeguarding residential lifestyles and property values. The exterior appearance of commercial development shall conform with the rustic character of the North Shore for the LSO-10. This overlay applies only to those areas near Lake Superior and specified in the adopted land use plan where it has been determined that modes of residential and commercial land uses coexist, with neither being the predominant land use.

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ARTICLE III – DIMENSIONAL STANDARDS

Section 1 – General Standards

This Article addresses dimensional standards within the Township. All zone districts in use shall have a dimensional standard from Section 1 of this Article and a Use District from Article V. Deviation from the standards found in this Article, upon placement on the Official Zoning Map, shall require a variance approved by the Township Board of Adjustment. This Article also incorporates standards in relation to on-site sewage treatment, road right-of-way setbacks, bluff area standards, significant historic sites, placement and design of roads, driveways and parking areas, riparian and non-riparian lot size differences, storage of structures on lots, and Lake Superior erosion hazard area. Alterations of these standards shall require a variance from the Board of Adjustment.

Section 2 – Lot Dimension Table

Lakewood Township hereby establishes the following set of dimensional standards that will be used in all Township zone districts.

Lot Area Shown With Road Frontage				Principal/Accessory			Lot Line Setbacks				Principal & Accessory
				Structure Setback Road Centerline *			Side Yard		Rear Yard		
Zone	Lot Area Acres	Lot Width	Max % Lot Cover	Prin	Major	Minor	Prin	Accessory	Prin	Accessory	Shoreline * ***
FAM-2	17	600	2%	125	125	125	100	100	100	100	***
FAM-3	9	300	2%	125	125	125	50	25	100	50	***
MUNS-4	4.8	300	10%	125	125	125	50	25	50	50	***
RES-7	1.8	150	25%	125	100	88	20	10	45	10	***
COM-11**	2	100	25%	110	85	68	20	20	40	20	***
LIU-10**	5	200	25%	110	85	68	50	50	50	50	***
RES-5	2.5	200	10%	110	85	68	20	10	50	10	***
SMU-7	Not Buildable										
LSO-10	2	200	25%	110	85	68	40	40	45	45	***

Prin = Principal and major arterial roads

Major = Major collectors

Minor = Minor collectors and local roads

*Must meet all local, state, and federal ordinances,

**Commercial and LIU-10 zone coverage includes all structures plus parking areas, loading areas, and similar altered ground surfaces.

***These setbacks shall be used for protected waters that are not classified by the Department of Natural Resources under the Shoreland Management Regulations. All lakes and rivers that are classified under the Shoreland Regulations or County Trout

Stream standards shall utilize those setback standards unless, through adoption of specific zoning standards, the setbacks listed in the above table are used. The setbacks under the Shoreland Regulations and Trout Stream standards are as follows:

Natural Environment Lakes	150 feet
Recreational Development Lakes	100 feet
General Development Lakes	75 feet
Trout Streams	150 feet
Remote Rivers	200 feet
Forest Rivers	150 feet
All other rivers	100 feet

Section 3 – Sanitary System Setbacks and Standards

3.01 On-Site System Limiting Factors:

The St. Louis County Individual Sewage Treatment Construction standards relating to lot area, setback, and width standards shall be complied with. These standards may result in lot area and widths larger than required by the specific dimensional standards listed in the above table. In those situations where the sanitary system limiting factors result in a larger lot size, those standards shall be the applicable standards.

3.02 Structure Setback from Sanitary System:

All occupied structures including bunkhouses shall be set back 20 feet from an on-site sewage treatment system drain field and all accessory structures shall have a minimum setback of 10 feet from the system drain field.

3.03 Sanitary Check off:

All land use permits issued within the shoreland area and parcels of less than 2.5 acres outside the shoreland area shall have the sanitary system reviewed to determine if the system is failing or if the proposed land use permit would adversely impact the existing sewage system or the expansion area for the sewage system. No land use permit will be issued if there is such an adverse impact or if the system is failing unless the sanitary system is upgraded according to County standards with final approval given to the system by the County. The County shall develop administrative guidelines relating to the implementation of this procedure including provisions for not undertaking the check off when a system has been recently approved or reviewed by the County.

Section 4 – Bluff Area Standards

4.01 General Standards:

Unless other provisions have been established for specific soil conditions the following standards shall apply in bluff areas:

- A. The land must slope towards a public water.
- B. The land must rise a minimum of 25 feet from the ordinary high water level.
- C. The land has a slope of 30% but, if at any location within the slope, that percent slope becomes 18% or less over a 50 foot run, or there is an obvious break in the slope, the bluff impact zone shall not include that area. The top of the bluff shall be that area where there is a clear break in the slope and generally where the slope is less than 18% over a 50 foot run. All structures must be set back a distance of 30 feet from where the break in the slope begins. The 30 foot setback standard may be waived if all of the following conditions are met:
 - 1. The building would encroach upon the sewage treatment system expansion area;
 - 2. Vegetative screening and the integrity of the soil is maintained; and,
 - 3. No alternative building site exists.

4.02 Shallow Soils Bluff Standard:

This standard applies to a bluff where the soil depth over ledge rock averages 24 inches or less. Where this condition exists, structures may be placed on the bluff at a setback from the ordinary high water level that equals 150% of the standard setback requirement, provided all of the following conditions are met:

- A. The parcel shall have suitable area set aside for a sewage treatment system and expansion area.
- B. Erosion control standards consistent with Soil and Water Conservation Service guidelines are followed,
- C. The shore impact zone shall be one-half the new structure setback. 150% setback waiver. Structures may be placed between the standard and 50% setback if all the following conditions exist:
 - 1. Approved sewage treatment and expansion area exists.
 - 2. Sufficient screening and vegetative filter strip exists.
 - 3. Erosion control standards consistent with Soil and Water Conservation Service guidelines are followed.

The following geographic areas are of special concern due to highly erodible soils and sensitive fish habitat. The standards below shall apply to these areas unless the regular bluff impact zone or building setback standards result in more restrictive standards. It is not necessary for the height of the land above the water to be more than 25 feet, or for the

slope to exceed 30%, for the standards that exist in Section 5.03 and 5.04 apply.

4.03 Lake Superior Watershed Rivers:

The red clay areas of the Lake Superior watershed have been identified as having significant potential for erosion and such erosion would severely impact the streams which border these areas. Therefore, the following standards shall apply whenever they result in a greater structure setback than outlined in the general standards. The bluff impact zone shall be the vertical distance from the ordinary high water level (OHWL) inland to a point where the slope levels to 6% over a 100 foot run. The toe of the 6% slope shall serve as the point where the OHWL top of the bluff measurement shall be made. The vertical height from the OHWL to the start of the 6% slope shall be measured, and that height shall be multiplied by four. This distance shall serve as the bluff impact, and shore impact zone for the purpose of vegetation removal. The principal structure setback from the top of the bluff shall be 30 feet. No water orientated accessory structures are permitted in this bluff impact zone.

4.04 Additions to Existing Structures Not Conforming to the Bluff Setback:

Principal structures that meet the required setback from shoreline, but do not conform to the bluff setback, may expand with permit without limits to the size of expansion if:

- A. The original structure has a minimum footprint of 600 square feet.
- B. Adequate vegetative screening exists.
- C. Erosion control guidelines are followed.
- D. The building contractor demonstrates to the Township that effective erosion control measures will be taken, especially during the construction period.
- E. The addition does not come within the shore impact zone or closer than twice the minimum side yard setback standard.

If the structure is less than 600 square feet in area foundation footprint, an addition of 50 percent of floor area is permitted without variance, provided:

- A. The side yard setback standards set in Section 2 of this article; and
- B. Erosion control measures that conform to the technical standards of the Soil and Water Conservation District are taken.

Accessory structures that meet the normally required setbacks, but not the bluff setback may be added to, provided all other provisions in the ordinance are adhered to.

Section 5 – Significant Historic Sites

No structure or use may be established within 50 feet of a platted or unplatted cemetery

unless approved by the State Archaeologist. No structure or use may be placed on a significant historic site that affects the values of the site unless adequate information about the site has been removed and documented and such removal is approved by Lakewood Township.

Section 6 – Placement and Design of Private Roads, Private Driveways, and Parking Areas

Purpose of Driveway and Parking Area Standards:

1. Public safety concerns – to better assure that emergency vehicles will be able to promptly access dwellings and other structures in all weather conditions.
2. Environmental concerns – to manage runoff from driveways and parking area surfaces to mitigate the potential adverse effects of sediments and erosion on the environment, roadways and roadway drainages.

A. General Requirements: Driveways and parking areas:

Driveway design is integral to a building site plan and must be reviewed and approved prior to the issuance of the land use permit. A to scale site map (drawn to scale), including all structures, parking areas and driveways must be submitted with each permit application. Additional driveways or a driveway to an accessory building will require a separate permit. All public or private roads, driveways, and parking areas must be designed, constructed and maintained to meet the following standards:

1. Designed and constructed to minimize erosion and runoff.
2. Have area available for snow storage that will not result in rapid runoff into the surface water.
3. All lots of over 100 parking spaces shall have a plan prepared to control runoff using Soil and Water Conservation District guidelines.
4. Constructed to take advantage of natural vegetation to achieve maximum screening.

B. Specific Requirements: Driveways and Private Roads:

Driveways and private roads serving a structure shall meet the following standards, applicable to new driveway construction only:

1. Fire truck access shall be provided. Private driveways and private roads must have a 12' drivable surface with a 20' cleared surface and adjacent canopy clearance of 15'. Curves shall be minimum 100' radius. At termination point a turnaround of 50' x 60', a cul-de-sac of 100' – 0' radius or a turnout of 20' x 30' shall be provided.

2. Driveway slope shall not exceed ten (10) percent.
3. Wetland disturbance shall not be minimally allowed. For guidance see list of wetland consultants provided by the South St. Louis County Soil and Water Conservation District.
4. All designated trout streams shall have driveway setbacks following Article III, Section 2 of this Ordinance.
5. Driveways shall be designed to avoid runoff onto a public road and to control erosion and sediment runoff. It may be necessary to consult a civil engineer for proper design, surrounding grading, and culvert sizing.
6. Driveway entries onto Lakewood Township roads shall be a minimum of 40' from the next nearest driveway, measured from the closest edge of improved surface of adjacent property driveway.
7. A driveway entrance shall not be permitted to be located within 100' of the right-of-way of any intersecting road. For driveways onto St. Louis County or State of Minnesota roads refer to the St. Louis County Zoning Ordinance.
8. Only one (1) driveway is allowed per permit. Driveway permit fee is included in the land use permit fees for new construction. Any additional driveways will require a separate permit and fee. Minimum access separation described in (5 and 6) above shall be applicable for multiple driveways onto on parcel.
9. Driveway access width shall be no more than 32' in width, as measured at the public road access, for each parcel. This includes the improved surface and drivable surface described in (1) above.

Additional Standards: North Shore Management Plan Area and Planned Residential Development:

1. North Shore Management Plan Area, see Article VII, Section 8
2. Planned Residential Development, see Article VII, Section 5

Section 7 – Riparian and Non-riparian Property

Shoreland lot area requirements shall not be less than the standards for the lake classification as developed by the Department of Natural Resources. Non-riparian property within the Statutory Shoreland area shall be twice the lot size and width for the district designated on the official zoning map unless the zoning map designates an alternative standard or that the lot is solely used for accessory structures or for on-site sewage treatment. Riparian property is a parcel with shore frontage. Non-riparian property is a parcel without shore frontage but is within a shoreland district.

Section 8 – Storage of Structures

Structures that are being stored on a parcel, but are not utilized for any purpose, may be kept at that parcel without a permit, providing all setback standards, and lot conformity standards are met.

Section 9 – Erosion Hazard Areas, Lake Superior Shoreline

Erosion Hazard Areas have been determined by the North Shore Management Board for lands within Lakewood Township. The areas have been mapped by the Management

Board and defined as those areas of the North Shore where the long-term average annual rate of recession is one (1) foot or greater per year. Those areas identified must meet the following requirements:

- A. The Zoning Administrator, at the time of permitting, will notify the property owner of the restrictions of this section.
- B. The burden of proof concerning the suitability of land in designated Erosion Hazard Area is the responsibility of the property owner.
- C. Site development plans shall be required and approved by the Zoning Administrator for all new construction in the Erosion Hazard Area. The site plans shall include a description of the following: surface runoff including roof drains, subsurface runoff, vegetation removal including proposed landscaping, proposed sewage treatment systems, topography of site, structure and driveway location, potential bluff toe protection, slope alteration, and other pertinent information as requested.
- D. The site development plan shall include setback and shoreline erosion control recommendations, and shall comply with the shoreline alteration provisions of this Ordinance.
- E. Structures and soil absorption areas shall be set back 125 feet from the top edge of the eroding bluff, and where slumping is evident, the setback shall be measured from the uppermost shear zone (point at which the soil separates and slumping begins). Sewage treatment systems shall not be located within the structure setback area. The above standard may be modified by variance if the landowner provides technical data proving a different recession rate or that the Erosion Hazard Area, although correctly estimated, can be mitigated by structural protection.

The Zoning Administrator will provide elevated site recommendations when applicants apply for all land use permits.

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ARTICLE IV - NONCONFORMITIES

Section 1 – General

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

Section 2 – Nonconforming Uses

2.01 General Standards:

A nonconforming use is a use that is not permitted within the particular land use district where it is found, or a use that is permitted through the conditional use process, but has been in existence prior to the adoption of a zoning ordinance allowing it as a conditional use. The uses which would be allowed through the conditional use process may obtain a conditional use permit from the Planning and Zoning Commission. Uses which are not allowed in the zone district may not receive a conditional use or a variance except as defined in Article VI.

2.02 Specific Standards for Nonconforming Uses:

Nonconforming uses shall follow these standards:

- A. Nonconforming uses shall not be enlarged, increased, or moved, or extended to occupy a greater area of land than was occupied at the effective date of this Ordinance and amendments thereto, except to bring the use into conformity with the provisions of this Ordinance.
- B. Nonconforming uses shall not be changed to another nonconforming use.
- C. Nonconforming uses shall not be re-established if voluntarily discontinued for a continuous twelve (12) month period.
- D. Nonconforming uses may add an accessory structure, provided the structure does not increase the nonconformity.

Section 3 – Nonconforming Structures

3.01 General Standards:

Expansion of structures that are located in a manner that does not conform with the dimensional or other standards of this Ordinance requires a variance approved by the Board of Adjustment unless the expansion falls within the standards found in this section. The general standards are as follows:

- A. Certain nonconforming principal structures may be allowed one addition in accordance with the standards in this Article, provided it does not increase the nonconformity. This provision pertains to additions to existing structures only. The existing structure must essentially remain as is, except for the changes that constitute remodeling as defined in this Ordinance. The alteration to a nonconforming structure may be allowed provided that:
1. The structure is affixed to a permanent foundation.
 2. The structure meets or exceeds a ground floor area of two hundred forty (240) square feet.
 3. The structure does not encroach on more than one (1) setback, and that setback is at least twenty five percent (25%) of the required setback.
 4. The maximum allowable addition shall be determined by the following formula to be applied only once:
 - a. Divide the existing setback by the required setback of the zone district.
 - b. Multiply the above figure by six hundred (600) square feet.
 - c. In no event shall the addition exceed ninety percent (90%) of the existing structure's ground floor area.
 5. The height of the completed structure will not exceed that of the original structure, if the setback is less than eighty percent (80%) of the required setback.
- B. Any nonconformity, including the lawful use or occupation of land or premises existing at the time of the adoption of an additional control under this Ordinance, may be continued, including through repair, replacement, restoration, maintenance, and improvement that does not include expansion, unless:
1. The nonconformity or occupancy is discontinued for a period of more than one year, or
 2. Any nonconforming use that is destroyed by fire or other peril to the extent of greater than fifty percent of its estimated market value, and no land use permit has been applied for within 180 days of when the property is damaged.
- C. Should a nonconforming primary structure be moved horizontally for any distance whatsoever, it shall be done in such a manner as to conform to the regulations of the district where it is relocated.

- D. Subject to the limitations in this Ordinance, including Paragraph C above, nonconforming structures may be remodeled as defined in this Ordinance.
- E. Nonconforming accessory structures in waterfront zone districts may be moved away from the shoreline, provided the structure is moved outside the bluff and shore impact zones, and provided that no replacement or additions to the structure are made. A standard land use permit is required, but no variance is required.
- F. No additions shall be allowed to nonconforming accessory structures.
- G. Any grandfathered nonconforming structure or deck that is altered, replaced or partially replaced beyond what is allowed for remodeling shall no longer be considered grandfathered, and shall meet all standards of this Ordinance except as otherwise allowed per state statute.
- H. If, in a group of two or more contiguous lots with the same owners, any individual lot does not meet the minimum size requirements of this Ordinance, the lot must not be considered as a separate parcel of land for the purpose of sale or development. The lot must be combined with one or more contiguous lots so they equal one or more parcels of land, each meeting the requirements of this Ordinance.

3.02 Shore Impact Zone Expansion Without a Variance:

Nonconforming principal structures located within the shore impact zone may expand without a variance if the following standards are met:

- A. The structure meets or exceeds a ground floor area of 400 square feet.
- B. The existing structure does not encroach upon a side or road setback.
- C. The existing structure (including deck) is set back from the shore a minimum of 25 feet, or 25 percent of the required shoreline setback, whichever is greater.
- D. The height of the proposed addition, or completed structure, shall not exceed the height of the existing structure by more than two feet, and shall meet height limitations in the County ordinance.
- E. No additions (barring a deck) have been added to the structure since 1982, and the original structure existed before setback requirements were established.
- F. The addition will not encroach upon the septic treatment system or expansion area.
- G. The maximum allowable addition shall be determined by the following

formula to be applied only once:

1. Divide the existing setback by the required setback for the zone district.
2. Multiply the above figure by 800 square feet if the addition is to the rear, and 300 square feet if the addition is to the side, 500 square feet for “L” shaped additions.
3. In no event shall an addition to the rear exceed 50 percent, or an addition to the side exceed 25 percent of the original ground floor area. For “L” shaped additions, the addition shall not exceed 35% if the majority of the addition is to the rear, and 25% if the majority of the addition is to the side.

3.03 Shore Impact Zone Expansion With Conditions:

Nonconforming structures that do not meet the required shoreline setback but are located in the shore impact zone may expand if the following conditions are met:

A, B, C, D, E, and F above, with G.1 and G.3 remaining the same, and the following modification of G.2:

Multiply the above figure by 800 square feet if the addition is to the rear, and 400 square feet if the addition is to the side.

3.04

Additions to nonconforming structures that meet the shoreline setback, but do not meet side-yard, rear-yard, right-of-way and/or road centerline setbacks shall be restricted in the following manner:

- A. If the structure is sited to equal or greater than 50 percent of the required setback, additions may be in any direction except toward the nonconforming setback.
- B. Where the structure is sited less than 50 percent of the required setback, the addition shall only be in the opposite direction of the nonconforming setback.

3.05 Construction on Nonconforming Lots of Record:

- A. A nonconforming lot of record may be permitted as a buildable lot, following the issuance of a variance by the Board of Adjustment, if all of the following criteria are met:
 1. The lot is a Lot of Record, as defined, and was not created for the purpose of evading restrictions of this Ordinance.

2. The lot has been in separate ownership from abutting lands at all times since it became substandard.
 3. The lot created complied with official controls in effect at the time.
 4. Sewage treatment and building setback requirements are met.
 5. The Zoning Administrator and Board of Adjustment find the lot meets and complies with all state health and sanitation requirements.
- B. Nonconforming lots containing a principal structure may add an accessory structure, with the issuance of a variance by the Board of Adjustment, provided the accessory structure will meet all minimum setback requirements of this Ordinance and will not cause maximum percentage of lot coverage requirements to be exceeded.
- C. Additions to principal or accessory structures located on nonconforming lots may be permitted, with the issuance of a variance by the Board of Adjustment, provided that any such addition will meet all minimum setback requirements of this Ordinance, and will not cause the maximum percentage of lot coverage to be exceeded.
- D. All presently existing nonconforming land uses, which do not conform to the screening requirements as set forth under Article VI, shall be required to conform and comply with said screening requirements, or to cease and remove the nonconforming use. If the screening requirements are not being met the property owner shall be notified by the Zoning Administrator. Said notice shall be in writing, and shall establish a reasonable time limit within which the property owner shall provide said screening or to cease and remove the nonconforming use.

3.06 Riparian Nonconforming Lots:

Nonconforming lots containing a principal structure may either have one accessory structure under 150 square feet and one accessory structure not to exceed 500 square feet, or one accessory structure not to exceed 650 square feet. Said structures shall not be located in the bluff or shore impact zones and shall meet all other requirements of this Ordinance.

Additions to principal or accessory structures located on nonconforming lots may be permitted provided all the minimum requirements of this Ordinance can be met.

Section 4 – Decks, Attached

4.01 Deck Additions, Principal Structures, Toward Shoreline:

Deck additions extending toward the water body may be allowed to nonconforming

primary structures with the following performance standards. An evaluation of the property must reveal that no reasonable location for a deck exists except towards the shore.

- A. The deck shall have neither side walls, nor roof, but may contain railings for safety purposes.
- B. The deck shall not exceed 12 feet in depth.
- C. The closest point of the deck from the nearest point of ordinary high water level shall be no closer than 50 percent of the required setback of the zone district.
- D. Stairs and landings shall be included as part of the deck.

4.02 Deck Additions to Side of Principal Structures Not Extending Closer to Shoreline:

Deck additions to the side of nonconforming principal structures (not encroaching toward the water body) shall be permitted as per the following;

- A. Shall be limited to 12 feet in width if located within the Shore Impact Zone.
- B. Shall be limited to 16 feet in width if located outside the Shore Impact Zone.
- C. The design standards in 4.01 shall be followed.

4.03 Deck Additions to Rear of Principal Structure:

Deck additions to the rear of nonconforming principal structures shall be permitted as per the following:

- A. Limited to 16 feet in width if located within the Shore Impact Zone.
- B. No restrictions as to width outside the Shore Impact Zone, but may not be enclosed or have a roof.

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ARTICLE V - LAND USE CLASSIFICATIONS

Section 1 – Zone District Establishment

All Zone Districts within Lakewood Township shall have a Dimensional Standard from Article III and a land use district set forth in this Article. The land use and dimensional districts are based on the State Shoreland Regulations (Citation Rule Number 6120), Comprehensive Land Use Plan of Lakewood Township, and the purpose statement of each land use district. The Dimensional Standards will be identified by a number on the Zoning Map in accordance with the District number found in Article III. The Land Use District will be identified by an abbreviation.

Section 2 – Land Use District Titles

The following shall be the titles of the Land Use Districts used within Lakewood Township and the abbreviation for the District which will be found on the Zoning Map:

	<u>Former</u>
Forestry-Agricultural Management... ..FAM-2	FA
Agricultural, Rural Residential.....FAM-3	A1
Rural Residential.....MUNS-4	AR
Residential... ..RES-7	R2
Commercial..... COM-11	C
Manufacturing (Light Industrial)... ..LIU-10	M1
Natural Environment Lakes & Streams..... RES-5	W1
Recreational Development Lakes & Streams... ..SMU-7	W2
Lake Superior Waterfront OverlayLSO-10	LSO

Section 3 – Use Classification

Each land use district is divided into a purpose statement, permitted uses, permitted uses with performance standards, and conditional uses. Each section has the following purposes:

- A. **Purpose Statement:** Provides guidance on the use of the zone district. The district shall not be used contrary to the purpose of the district or in conflict with State Statute, Regulations, or adopted plans.
- B. **Permitted Uses:** These uses are allowed with a permit from the Township provided standards found in this Ordinance are being followed. Additional uses may be permitted if similar to the listed permitted uses and the purpose statement of that district.

- C. **Permitted with Performance Standards:** These uses are permitted if the standards found in this Ordinance are met and those standards are part of the permit. If the standards cannot be met, the use may still be allowed through the Variance or Conditional Use process, depending upon the nature of the non-compliance with the standards identified by a "C" or "S" in the ordinance.
- D. **Conditional Use Permits:** These uses require approval by the Planning Commission in accordance with the criteria set forth in this Ordinance. Uses other than those listed may be permitted through the conditional use process if similar to the uses listed under the performance standard or conditional use standard of that zone district, and consistent with the purpose of that district.

Section 4 – Zone Districts and Purposes

A. FAM-2, FORESTRY-AGRICULTURAL

1. **PURPOSE:**

This district is dedicated to the continuation of forest programs, agricultural pursuits and related uses in those areas best suited for such activities.

2. **DIMENSIONAL STANDARDS:**

Minimum Lot Size: 17 acres

Minimum lot width: 600 feet

Maximum lot coverage: 2%

Structure setback from road centerline: Principal 125 feet, Major 125 feet, Minor 125 feet

Side yard setback: Principal 100 feet, Accessory 100 feet

Rear yard setback: Principal 100 feet, Accessory 100 feet

These setbacks shall be used for protected waters that are not classified by the Department of Natural Resources under the Shoreland Management Regulations. All lakes and rivers that are classified under the Shoreland Regulations or County Trout Article III: Dimensional Standards 26 Stream standards shall utilize those setback standards unless, through adoption of specific zoning standards, the setbacks listed in the above table are used. The setbacks under the Shoreland Regulations and Trout Stream standards are as follows:

Natural Environment Lakes 150 feet

Recreational Development Lakes 100 feet

General Development Lakes 75 feet

Trout Streams 150 feet

Remote Rivers 200 feet

Forest Rivers 150 feet

All other rivers 100 feet

3. **PERMITTED USES:**

Accessory structure; oversized
 Archery Range (HB/HO)
 Automobile and small truck repair (HO)
 Bait sales; live and artificial (HB/HO)
 Barber (HO)
 Beauty shop (HO)
 Bed and breakfast (HO)
 Bicycle, motorcycle and small engine repair (HO)
 Broker, real estate (HO)
 Bunk house; guest cabin (non-rental)
 Cabinet shop/Carpenter shop (HO)
 Catering service (HO)
 Christmas tree, "cut-your-own"; or vegetables and berries (S)
 Clinic; medical, veterinary, chiropractic (HO)
 Clothing mfg. and sales (HO)
 Communication antenna/tower; residential, under 100 feet above ground w/o lights
 Dairy products; sales (HO)
 Dwelling; single-family
 Dwelling; seasonal (cabin or mobile home) (S)
 Eggs and poultry; processing and sales (HO)
 Electronic equipment; mfg. and repair (HB/HO)
 Farm pond; wildlife, dugout, nature pond (S)
 Feed; wholesale sales, and storage (HO)
 Florist; greenhouse and/or nursery (HB/HO)
 Livestock (S)
 Mobile home (seasonal or year-round use) (S)
 Printing; lithograph, photo, engraving (HB/HO)
 Professional office; accounting, attorney, engineer, police, sheriff (HB/HO)
 Septic tank; service (HO)
 Structure; mobile storage (S)
 Taxidermist (HO)
 Timber harvesting; commercial (S)
 Welding shop (HO)
 Windmill or wind generator tower; residential (S)

4. USES ALLOWED WITH A CONDITIONAL USE PERMIT:

Asphalt and asphalt products; process/portable-temporary (IUP)
 Athletic field; public Camp; private Church, synagogue
 Community center, town hall
 Contractor; equipment and material storage
 Convent, retreat house
 Dairy farm (incl. residence)
 Day care home; group day care home (governed by state mandate)
 Dwelling; two-family
 Elevators; grain storage

Fertilizer; natural or processed; storage/commercial
 Fire station, fire tower, and related facilities
 Fish hatchery; public or private
 Fur farm; incl. preparing and storage
 Game hunting reserve; commercial
 Golf course; public and private
 Gravel-borrow pit; crushing, screening, and washing plant, temporary-portable (IUP)
 Group home (governed by state mandate)
 Ice skating rink, hockey; outdoor-public
 Kennel
 Mineral exploration
 Park and playground; public
 Planned residential development
 Poultry farm (see also Livestock)
 School; public or private
 Tennis court; public or private club
 Tool house (government); road maintenance service, equipment, etc.
 Water pumping station; pipelines

B. FAM-3, AGRICULTURAL, RURAL RESIDENTIAL

1. PURPOSE:

This district is intended to protect existing and potential agricultural areas of the Township, to maintain and promote the rural character of the Township, and to prevent urban and suburban encroachment upon these areas.

2. DIMENSIONAL STANDARDS:

Minimum lot size: 9 acres
 Minimum lot width: 300 feet
 Maximum lot coverage: 2%
 Structure setback from road centerline: Principal 125 feet, Major 125 feet, Minor 125 feet
 Side yard setback: Principal 50 feet, Accessory 25 feet
 Rear yard setback: Principal 100 feet, Accessory 50 feet

These setbacks shall be used for protected waters that are not classified by the Department of Natural Resources under the Shoreland Management Regulations. All lakes and rivers that are classified under the Shoreland Regulations or County Trout Article III: Dimensional Standards 26 Stream standards shall utilize those setback standards unless, through adoption of specific zoning standards, the setbacks listed in the above table are used. The setbacks under the Shoreland Regulations and Trout Stream standards are as follows:

Natural Environment Lakes 150 feet
 Recreational Development Lakes 100 feet

General Development Lakes 75 feet
Trout Streams 150 feet
Remote Rivers 200 feet
Forest Rivers 150 feet
All other rivers 100 feet

3. PERMITTED USES:

Accessory structure; oversized
Archery range (HB/HO)
Automobile and small truck repair (HO)
Bait sales; live and artificial (HB/HO) Barber (HO)
Beauty shop (HO)
Bed and breakfast (HO)
Bicycle, motorcycle and small engine repair (HO)
Broker; real estate (HO)
Bunk house; guest cabin (non-rental)
Cabinet shop/Carpenter shop (HO)
Catering service (HO)
Christmas tree, "cut-your-own"; or vegetable and berries, "pick-your-own" (S)
Clinic; medical, veterinary, chiropractic (HO)
Clothing; mfg. and sales (HO)
Communication Antenna/Tower; residential, under 100 feet above ground w/o lights
Dairy products; sales (HO)
Dwelling; single-family
Dwelling; seasonal (cabin or mobile home) (S)
Eggs and poultry; processing and sales (HO)
Electronic equipment; mfg. and repair (HB/HO)
Farm pond; wildlife, dugout, nature pond (S)
Feed; wholesale sales, and storage (HO)
Florist; greenhouse and/or nursery (HB/HO)
Livestock (S)
Mobile home (seasonal or year-round use) (S)
Printing; lithograph, photo, engraving (HB/HO)
Professional office; accountant, attorney, engineer, police, sheriff (HB/HO)
Septic tank; service (HO) Structure; mobile storage (S)
Taxidermist (HO)
Timber harvesting; commercial (S)
Travel bureau (HO)
Windmill or wind generator tower; residential (S)

4. USES ALLOWED WITH A CONDITIONAL USE PERMIT:

Asphalt and asphalt products; process/portable-temporary (IUP)
Athletic field; public
Church, synagogue
Community center, town hall

Commercial Communication Tower
 Contractor; equipment and material storage
 Convent, retreat house
 Dairy farm (incl. residence)
 Day care home; group day care home (governed by state mandate)
 Dwelling; two-family
 Elevators; grain storage
 Fertilizer, natural or processed; storage/commercial
 Fire station, fire tower, and related facilities
 Fish hatchery; public or private
 Fur farm; incl. preparing and storage
 Game hunting reserve; commercial
 Golf course; public and private
 Gravel-borrow pit; crushing, screening, and washing plant, temporary-portable (IUP)
 Group home (governed by state mandate)
 Ice skating rink, hockey; outdoor-public
 Kennel; private
 Mineral exploration
 Park and playground; public
 Planned residential development
 School; public or private
 Tennis court; public or private club
 Tool house (government); road maintenance service, equipment, etc.
 Water pumping station; pipelines

C. MUNS-4, RURAL RESIDENTIAL

1. PURPOSE:

This district is intended to provide a gradual transition in density from the FAM-2 and FAM-3 districts to more densely populated zones in the Township and to limit development in a manner consistent with Township planning objectives.

2. DIMENSIONAL STANDARDS:

Minimum lot size: 4.8 acres
 Minimum lot width: 300 feet
 Maximum lot coverage: 10%
 Structure setback from road centerline: Principal 125 feet, Major 125 feet, Minor 125 feet
 Side yard setback: Principal 50 feet, Accessory 25 feet
 Rear yard setback: Principal 50 feet, Accessory 50 feet

These setbacks shall be used for protected waters that are not classified by the Department of Natural Resources under the Shoreland Management Regulations. All lakes and rivers that are classified under the Shoreland Regulations or County Trout Article III: Dimensional Standards 26 Stream standards shall utilize those setback standards unless, through adoption of specific zoning standards, the

setbacks listed in the above table are used. The setbacks under the Shoreland Regulations and Trout Stream standards are as follows:

Natural Environment Lakes 150 feet
Recreational Development Lakes 100 feet
General Development Lakes 75 feet
Trout Streams 150 feet
Remote Rivers 200 feet
Forest Rivers 150 feet
All other rivers 100 feet

3. PERMITTED USES:

Accessory structure; oversized
Archery range (HB/HO)
Automobile and small truck repair (HO)
Bait sales; live and artificial (HB/HO)
Barber (HO)
Beauty shop (HO)
Bed and breakfast (HO)
Beverages; wholesale, sales, and storage (HO)
Bicycle, motorcycle and small engine repair (HO)
Broker; real estate (HO)
Bunk house; guest cabin (non-rental)
Cabinet shop/Carpenter shop (HO)
Catering service (HO)
Christmas tree, "cut-your-own"; or vegetable and berries "pick-your-own" (S)
Clinic; medical, veterinary, chiropractic (HO)
Clothing; mfg. and sales (HO)
Communication antenna/tower; residential, under 100 feet above ground w/o lights
Dairy products; sales (HO)
Dwelling; single-family
Dwelling; seasonal (cabin or mobile home) (S)
Eggs and poultry; processing and sales (HO)
Electronic equipment; mfg. and repair (HB/HO)
Farm pond; wildlife, dugout, nature pond (S)
Feed; wholesale sales, and storage (HO)
Florist; greenhouse and/or nursery (HB/HO)
Livestock (S)
Printing; lithograph, photo, engraving (HB/HO)
Professional office; accountant, attorney, engineer, police, sheriff (HB/HO)
Septic tank; service (HO)
Structure; mobile storage (S)
Taxidermist (HO)
Timber harvesting; commercial (S)
Travel bureau (HO)
Welding shop (HO)

4. USES ALLOWED WITH A CONDITIONAL USE PERMIT:

Athletic field; public
Church, synagogue
Community center; town hall
Commercial Communication Tower
Contractor; equipment and material storage
Convent, retreat house
Day care home; group day care home (governed by state mandate)
Dwelling; two-family
Elevators; grain storage
Fire station, fire tower, and related facilities
Ice skating rink, hockey; outdoor-public
Kennel; private
Mineral exploration
Park and playground; public
Planned residential development
Recycling center; governmental
School; public or private
Tennis court; public or private club
Water pumping station; pipelines
Windmill or wind generator tower; residential

D. RES-7, RESIDENTIAL

1. PURPOSE:

This district is established to provide medium density or semi-rural living on moderate size lots in areas not expected to be served by public water and sewer. Where soil conditions make it necessary, minimum lot sizes must be increased to permit proper on-site waste disposal systems.

2. DIMENSIONAL STANDARDS:

Minimum lot size: 1.8 acres
Minimum lot width: 150 feet
Maximum lot coverage: 25%
Structure setback from road centerline: Principal 125 feet, Major 100 feet, Minor 88 feet
Side yard setback: Principal 20 feet, Accessory 10 feet
Rear yard setback: Principal 45 feet, Accessory 10 feet

These setbacks shall be used for protected waters that are not classified by the Department of Natural Resources under the Shoreland Management Regulations. All lakes and rivers that are classified under the Shoreland Regulations or County Trout Article III: Dimensional Standards 26 Stream standards shall utilize those setback standards unless, through adoption of specific zoning standards, the

setbacks listed in the above table are used. The setbacks under the Shoreland Regulations and Trout Stream standards are as follows:

Natural Environment Lakes 150 feet
Recreational Development Lakes 100 feet
General Development Lakes 75 feet
Trout Streams 150 feet
Remote Rivers 200 feet
Forest Rivers 150 feet
All other rivers 100 feet

3. PERMITTED USES:

Accessory structure; oversized
Automobile and small truck repair (HO)
Bait sales; live and artificial (HO)
Barber (HO)
Beauty shop (HO)
Bed and breakfast (HO)
Bicycle, motorcycle and small engine repair (HO)
Broker; real estate (HO)
Bunk house; guest cabin (non-rental) Cabinet shop/Carpenter shop (HO)
Catering service (HO)
Christmas tree, "cut-your-own", or vegetable and berries, "pick-your-own" (S)
Clothing; mfg. and sales (HO)
Communication antenna/tower; residential, under 100 feet above ground w/o lights
Dwelling; single-family
Dwelling; seasonal (cabin or mobile home)
Electronic equipment; mfg. and repair (HO)
Farm pond; wildlife, dugout, nature pond (S)
Florist; greenhouse and/or nursery (HO)
Livestock (S)
Mobile home (seasonal or year-round use) (S)
Printing; lithograph, photo, engraving (HB/HO)
Professional office; accountant, attorney, engineer, police, sheriff (HB/HO)
Septic tank; service (HO)
Structure; mobile storage (S)
Taxidermist (HO)
Timber harvesting; commercial (S) Welding shop (HO)

4. USES ALLOWED WITH A CONDITIONAL USE PERMIT:

Church, synagogue
Commercial communication tower
Convent, retreat house
Day care home; group day care home (governed by state mandate)

Dwelling; two-family
Fire station, fire tower, and related facilities
Ice skating rink, hockey; outdoor-public
Kennel; private
Mineral exploration
Park and playground; public
Water pumping station; pipelines
Windmill or wind generator tower; residential

E. COM-11, COMMERCIAL

1. PURPOSE:

This district is established to direct commercial development to appropriate locations which will promote the efficient delivery of goods and services while assuring the integrity of the surrounding land uses.

2. DIMENSIONAL STANDARDS:

Minimum lot size: 2 acres
Minimum lot width: 100 feet
Maximum lot coverage: 25%
Structure setback from road centerline: Principal 110 feet, Major 85 feet, Minor 68 feet
Side yard setback: Principal 20 feet, Accessory 20 feet
Rear yard setback: Principal 40 feet, Accessory 20 feet

Commercial and LIU-10 zone coverage includes all structures plus parking areas, loading areas, and similar altered ground surfaces

These setbacks shall be used for protected waters that are not classified by the Department of Natural Resources under the Shoreland Management Regulations. All lakes and rivers that are classified under the Shoreland Regulations or County Trout Article III: Dimensional Standards 26 Stream standards shall utilize those setback standards unless, through adoption of specific zoning standards, the setbacks listed in the above table are used. The setbacks under the Shoreland Regulations and Trout Stream standards are as follows:

Natural Environment Lakes 150 feet
Recreational Development Lakes 100 feet
General Development Lakes 75 feet
Trout Streams 150 feet
Remote Rivers 200 feet
Forest Rivers 150 feet
All other rivers 100 feet

3. PERMITTED USES:

Accessory structure; oversized
 Agricultural implements; distribution, display, repair, and sales
 Athletic club; private
 Automobile and small truck repair
 Automobile and truck sales, parts, supplies and storage
 Bait sales; live and artificial
 Bakery and baked goods; mfg and/or sales Bank and trust company, loan company
 Barber
 Beauty shop
 Beverages; wholesale, sales, and storage
 Bicycle, motorcycle and small engine repair
 Bicycle, motorcycle and small engine sales
 Boat sales
 Broadcasting studio; radio/TV
 Broker; real estate
 Cabinet shop/Carpenter shop
 Cafe restaurant
 Camper sales and service (trailers, etc.)
 Catering service
 Christmas tree, "cut-your-own"; or vegetable and berries, "pick-your-own" (S)
 Clinic; medical, veterinary, chiropractic
 Clothing; mfg. and sales
 Communication antenna/tower; residential, under 100 feet above ground w/o lights
 Curio and souvenir shop
 Dairy products; sales
 Garage rental storage; commercial
 Ice; mfg., sales, and storage
 Pipe or culvert; mfg., sales, and storage
 Recreational vehicle sales and repair
 Septic tank; mfg.
 Septic tank; service
 Sporting goods; sales, excluding firearms, ammunition
 Storage warehouse; excluding hazardous waste
 Store; general retail goods
 Structure; mobile storage (S)
 Taxidermist
 Tire repairing; recapping, equipment and supplies, including sales
 Travel bureau
 Windmill or wind generator tower; residential (S)
 Wood products mfg. and storage

4. USES ALLOWED WITH A CONDITIONAL USE PERMIT:

Archery range
 Athletic field; public
 Bar, cocktail lounge, tavern, supper club
 Bowling alley; commercial

Church, synagogue
 Commercial communication tower
 Contractor; equipment and material storage
 Day care center
 Drive-in restaurant
 Driving range (golf)
 Dry cleaning; bulk processing, pick-up station
 Eggs and poultry; processing and sales
 Electronic equipment; mfg. and repair
 Express delivery company; warehouse or garage
 Feed; wholesale sales, and storage
 Fire station, fire tower, and related facilities
 Fish or meat; sales, storage, or curing
 Florist; greenhouse and/or nursery
 Frozen food or cold storage locker
 Gas station; convenience store
 Gasoline, fuel oil, bulk storage tanks, and related facilities
 Go-kart track; commercial
 Golf miniature Grocery store
 Hardware, lumber sales
 Heavy equipment and large truck; repair and maintenance
 Ice skating rink, hockey; outdoor-public
 Kennel; commercial
 Liquor store
 Machine shop; metal fabrication and processing
 Mineral exploration
 Museum; art, cultural, historical
 Printing; lithograph, photo, engraving
 Professional office; accountant, attorney, engineer, police, sheriff
 Recycling center; governmental
 Resort; rental cabins, lodging, food, and related accessory facilities
 Roller skating rink
 Sauna, steam bath; commercial
 School; public or private
 Storage yard; equipment
 Swimming pool; public or private club
 Tennis court; public or private club
 Water pumping station; pipelines

F. LIU-10, MANUFACTURING (LIGHT INDUSTRIAL)

1. PURPOSE:

The intent of this district is to accommodate and encourage, in a location and manner which benefits the Township, industrial uses which will not adversely affect surrounding areas because:

1. Such uses are relatively free from objectionable influences such as fire or explosion hazards, odor, dust, noise, smoke or toxic materials; or
2. Any objectionable features inherent in a particular use will be obviated by design, mechanical devices, and/or other appropriate measures as approved by the Planning and Zoning Commission under the conditional use permit review system
3. Uses shall be wholesale.

2. DIMENSIONAL STANDARDS:

Minimum lot size: 5 acres

Minimum lot width: 200 feet

Maximum lot coverage: 25%

Structure setback from road centerline: Principal 110 feet, Major 85 feet, Minor 68 feet

Side yard setback: Principal 50 feet, Accessory 50 feet

Rear yard setback: Principal 50 feet, Accessory 50 feet

LIU-10 zone coverage includes all structures plus parking areas, loading areas, and similar altered ground surfaces.

These setbacks shall be used for protected waters that are not classified by the Department of Natural Resources under the Shoreland Management Regulations. All lakes and rivers that are classified under the Shoreland Regulations or County Trout Article III: Dimensional Standards 26 Stream standards shall utilize those setback standards unless, through adoption of specific zoning standards, the setbacks listed in the above table are used. The setbacks under the Shoreland Regulations and Trout Stream standards are as follows:

Natural Environment Lakes 150 feet

Recreational Development Lakes 100 feet

General Development Lakes 75 feet

Trout Streams 150 feet

Remote Rivers 200 feet

Forest Rivers 150 feet

All other rivers 100 feet

3. PERMITTED USES:

Communication antenna/tower; residential, under 100 feet above ground w/o lights

Structure; mobile storage (S)

Timber harvesting; commercial (S)

Windmill or wind generator tower; residential

4. USES ALLOWED WITH A CONDITIONAL USE PERMIT (wholesale only)

Acoustical material; mfg. and/or storage
Advertising display mfg.
Agricultural implements; distribution, display, repair, and sales
Automobile and small truck repair
Automobile and truck sales, parts, supplies, and storage
Bait sales; live and artificial
Bakery and baked goods; mfg. and/or sales
Beverages; wholesale, sales and storage
Bicycle, motorcycle and small engine repair
Bicycle, motorcycle and small engine sales
Boat sales
Bottled gas; storage and distribution
Bottling plant
Brewery
Bus line depot; garage and repair
Cabinet shop/Carpenter shop
Camper sales and service (trailers, etc.)
Catering service
Clothing; mfg. and sales
Commercial communication tower
Contractor; equipment and material storage
Dairy products; mfg.
Dairy products; sales
Dry cleaning; bulk processing, pick-up station
Eggs and poultry; processing and sales
Electric light and power company yards
Electronic equipment; mfg. and repair
Elevators; grain storage
Express delivery company; warehouse or garage
Feed; wholesale sales, and storage
Fertilizer; natural or processed; storage/commercial
Fire station, fire tower, and related facilities
Fish or meat; sales, storage, or curing
Florist; greenhouse and/or nursery
Frozen food or cold storage locker
Garage rental storage; commercial
Gasoline, fuel oil, bulk storage tanks, and related facilities
Grocery store
Hardware, lumber sales
Heavy equipment and large truck; repair and maintenance
Ice; mfg., sales, and storage
Machine shop; metal fabrication and processing
Mineral exploration
Pipe or culver; mfg., sales, and storage
Printing; lithograph, photo, engraving

Recycling center; governmental
Recreational vehicle sales and repair
Septic tank; mfg
Septic tank; service
Slaughter house (see also eggs and poultry processing)
Sporting goods; sales, excluding firearms, ammunition
Storage warehouse; excluding hazardous waste
Storage yard; equipment
Tire repairing; recapping, equipment and supplies, including sales
Tool house (government); road maintenance service, equipment, etc.
Water pumping station; pipelines
Welding shop
Wood processing activities; commercial, chipping and debarking; permanent
Wood products mfg. and storage

G. RES-5, NATURAL ENVIRONMENT LAKES AND STREAMS

1. PURPOSE:

This waterfront district is intended to protect and enhance certain lakes and streams through stringent development controls, due to the sensitive quality of their waters, the unique natural characteristics of their shorelands, and/or their inability to sustain development or significant recreational use. The RES-5 zone district is defined as the Shoreland of designated streams. See Shoreland, Article II.

2. DIMENSIONAL STANDARDS:

Minimum lot size: 2.5 acres
Minimum lot width: 200 feet
Maximum lot coverage: 10%
Structure setback from road centerline: Principal 110 feet, Major 85 feet, Minor 68 feet
Side yard setback: Principal 20 feet, Accessory 10 feet
Rear yard setback: Principal 50 feet, Accessory 10 feet

These setbacks shall be used for protected waters that are not classified by the Department of Natural Resources under the Shoreland Management Regulations. All lakes and rivers that are classified under the Shoreland Regulations or County Trout Article III: Dimensional Standards 26 Stream standards shall utilize those setback standards unless, through adoption of specific zoning standards, the setbacks listed in the above table are used. The setbacks under the Shoreland Regulations and Trout Stream standards are as follows:

Natural Environment Lakes 150 feet
Recreational Development Lakes 100 feet
General Development Lakes 75 feet
Trout Streams 150 feet

Remote Rivers 200 feet
Forest Rivers 150 feet
All other rivers 100 feet

3. PERMITTED USES:

Bunk house; guest cabin (non-rental)
Cabinet shop/Carpenter shop (HO)
Catering service (HO)
Clothing; mfg. and sales (HO)
Dwelling; single-family
Dwelling; seasonal (cabin or mobile home) (S)
Electronic equipment; mfg. and repair (HO)
Farm pond; wildlife, dugout, nature pond (S)
Florist; greenhouse and/or nursery (HO)
Mobile home (seasonal or year-round use) (S)
Printing; lithograph, photo, engraving (HO)
Professional office; accountant, attorney, engineer, police, sheriff (HB/HO)
Septic tank; service (HO) Taxidermist (HO)
Welding shop (HO)

4. USES ALLOWED WITH A CONDITIONAL USE PERMIT:

Commercial communication tower
Day care home; group day care home (governed by state mandate)
Kennel; private
Park and playground; public
Water pumping station; pipelines
Windmill or wind generator tower; residential

H. SMU-7, RECREATIONAL DEVELOPMENT LAKES AND STREAMS

1. PURPOSE:

This waterfront district is intended to provide a balance between lake use and the lake resources by allowing moderate development and recreational use when it is consistent with both existing development and use and the capabilities of the land and lake to sustain such activity. The SMU-7 zone district in Lakewood Township is not buildable.

2. DIMENSIONAL STANDARDS:

Not buildable

3. PERMITTED USES:

None

4. USES ALLOWED WITH A CONDITIONAL USE PERMIT:

Beach; private or commercial
Beach; public
Commercial communication tower
Park and playground; public

I. LS0-10, LAKE SUPERIOR WATERFRONT OVERLAY

1. PURPOSE:

It is the intention of this overlay to allow limited expansion of certain waterfront commercial activities, while safeguarding residential lifestyles and property values. The exterior appearance of commercial development shall conform with the rustic character of the North Shore for the LS0-10. This overlay applies only to those areas near Lake Superior and specified in the adopted land use plan where it has been determined that modes of residential and commercial land uses coexist, with neither being the predominant land use.

2. DIMENSIONAL STANDARDS:

Minimum lot size: 2 acres
Minimum lot width: 200 feet
Maximum lot coverage: 25%
Structure setback from road centerline: Principal 110 ft, Major 85 feet, Minor 68 feet
Side yard setback: Principal 40 feet, Accessory 40 feet
Rear yard setback: Principal 45 feet, Accessory 45 feet

These setbacks shall be used for protected waters that are not classified by the Department of Natural Resources under the Shoreland Management Regulations. All lakes and rivers that are classified under the Shoreland Regulations or County Trout Article III: Dimensional Standards 26 Stream standards shall utilize those setback standards unless, through adoption of specific zoning standards, the setbacks listed in the above table are used. The setbacks under the Shoreland Regulations and Trout Stream standards are as follows:

Natural Environment Lakes 150 feet
Recreational Development Lakes 100 feet
General Development Lakes 75 feet
Trout Streams 150 feet
Remote Rivers 200 feet
Forest Rivers 150 feet
All other rivers 100 feet

3. PERMITTED USES:

Accessory structure; oversized
 Bait sales; live and artificial (HB/HO)
 Bakery and baked goods; mfg and/or sales (HB/HO)
 Barber (HO)
 Beauty shop (HO)
 Bed and breakfast (HO)
 Broker; real estate (HO)
 Bunk house; guest cabin (non-rental)
 Cabinet shop/Carpenter shop (HB/HO)
 Catering service (HB/HO)
 Christmas tree, "cut-your-own"; or vegetable and berries, "pick-your-own" (S)
 Clinic; medical, veterinary, chiropractic (HB/HO)
 Clothing; mfg. and sales (HB/HO)
 Curio and souvenir shop (HB/HO)
 Dairy products; sales (HB/HO)
 Dwelling; single-family
 Dwelling; seasonal (cabin or mobile home) (S)
 Electronic equipment; mfg. and repair (HB/HO)
 Florist; greenhouse and /or nursery (HB/HO)
 Grocery store (HB)
 Mobile home (seasonal or year-round use) (S)
 Motel (HB)
 Printing; lithograph, photo, engraving (HB/HO)
 Professional office; accountant, attorney, engineer, police, sheriff (HB/HO)
 Resort; rental cabins, lodging, food, and related accessory facilities (HB/HO)
 Septic tank; service (HO)
 Sporting goods; sales, excluding firearms, ammunition (HB)
 Store; general retail goods (HB)
 Structure; mobile storage (S)
 Taxidermist (HO)
 Travel bureau (HB)

4. USES ALLOWED WITH A CONDITIONAL USE PERMIT:

Athletic club; private
 Bar, cocktail lounge, tavern, supper club
 Boat access; public
 Cafe restaurant
 Church, synagogue
 Communication antenna/tower; residential, under 100 feet above ground w/o lights
 Commercial communication tower
 Day care home; group day care home (governed by state mandate)
 Drive-in restaurant
 Fire station, fire tower, and related facilities
 Ice skating rink, hockey; outdoor-public
 Kennel; private

Liquor store
Museum; art, cultural, historical
Park and playground; public
Swimming pool; public or private club
Tennis court; public or private club
Water pumping station pipelines
Windmill or wind generator tower; residential

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ARTICLE VI - PERFORMANCE AND ADMINISTRATIVE STANDARDS

Section 1 – Performance and Administrative Standards

1.01 General:

The following shall apply for all standards in this Article:

- A. If a use requiring performance standards cannot meet the standards contained in this article, or the applicant does not wish to follow those standards, the use may then be reviewed as a conditional use or variance, and subject to additional or alternative conditions, or denial, in accordance with the criteria found in this Ordinance. The Ordinance states what permit is needed by identifying, at the end of a section, a "C" or "V." A "C" means that an applicant shall apply for a Conditional Use from the Planning and Zoning Commission and a "V" means the applicant shall apply for a Variance from the Board of Adjustment if a particular standard cannot be followed.
- B. Every land use permit issued with performance standards shall be conditioned upon the proposed development being in full compliance with the terms of the specified standards. Failure to comply with the terms shall result in the Zoning Administrator revoking the permit.
- C. Uses that are listed as a conditional use in the zone district, and where standards are found in this section, shall utilize the standards in this section as minimum standards and the Commission may require additional standards as part of the review process.
- D. Uses that are listed as performance standards that are heard as a conditional use, as stated in "A" above, will have the standards contained in this section as a guide to the Planning and Zoning Commission or the Board of Adjustment in their review, and if the Commission or Board does not specifically alter the particular performance standard, it shall be considered as a condition of the permit.
- E. The classification of roads conforms to Federal, State, and County Highway Department classifications and terminology. Classifications of roads or sections of roads are subject to change from time to time as the result of changes in traffic patterns. The classification system applicable to this Ordinance is available for inspection in the County Planning and Zoning Offices.
- F. The minimum lot width, lot area, and setback requirements established herein shall be maintained for the placement of all structures. Greater lot area per unit may be required if necessary to provide for proper sewage disposal. Any addition to a dwelling, or primary structure, shall comply with all minimum setback

- requirements of the zone district for a dwelling, or primary structure, and, with the exception of decks, the fee charged shall be the same as the fee for a dwelling or primary structure. Any structure in any zone district may have an extended roof line which encroaches upon the minimum side and rear yard setbacks, provided such encroachment shall not extend more than three (3) feet into the required setback distance.
- G. In no case of subdivision shall any lot or parcel be created which does not meet the requirements of this Ordinance. It should be noted that this applies most frequently to lot size in any zone district.
- H. Where a parcel is in two (2) or more districts (e.g., MUNS-4 and RES-5), the more restrictive requirements, shall apply.
- I. For any use, whether permitted or conditional, where an Environmental Assessment, Environmental Assessment Worksheet, or Environmental Impact Statement is required and where St. Louis County or Lakewood Township is designated as a lead agency, the propose shall be required to supply all information requested by the County or the Township to complete said documents. Failure to comply with this requirement will invalidate any permit issued and will subject the violator to prosecution under Article VIII.
- J. Each parcel on which a structure is to be erected, altered in its exterior dimensions, or moved shall have frontage on and access to an improved public road, unless hereinafter accepted, and no land use permits shall be issued to any landowner or their agent until full compliance with this section has been made.
1. Frontage, as used in this section, must be equal to or greater than the minimum lot width required for the zone district in which the parcel is located.
 2. Parcels without road frontage may be subdivided into three (3) or more parcels after May 31, 1973, upon submitting subdivision plans with the Zoning Administrator and must meet all Design Criteria for Planned Residential Developments as identified in Article VIII.
 3. The owner or their agent may apply for variance from the requirement for road frontage on parcels created prior to May 31, 1973, upon completion of the following:
 - a. The parcel owner shall provide to the Zoning Administrator and the Board of Adjustment copies of an easement of record, across all lands between the parcel in question and an improved public road, which easement shall run with the land.

- (1) Said easement shall be a least thirty-three (33) feet in width.
 - (2) The boundary of the owner's property with the property containing the easement shall be considered the road centerline for the purpose of determining setbacks for structures on the owner's property.
- b. The parcel owner shall provide the Zoning Administrator and the Board of Adjustment a signed and notarized covenant in recordable form agreeing to the following:
- (1) The parcel owner shall agree to maintain and provide access to the lot within the easement, at his or her expense.
 - (2) The parcel owner shall agree that said access shall have driveable surface of twenty (20) feet wide and shall end in a cul-de-sac, or turn-around, approved by the Zoning Administrator.
 - (3) The parcel owner shall agree to not demand, petition, or require any governmental unit or subdivision to provide a public road or cartway to the parcel, and not to have private access maintained at governmental expense.
- c. Prior to the hearing of said variance, or the issuance of the variance, a copy of the signed and notarized covenant together with a copy of the easement must be filed with the Town Clerk for notification of the Town Board of Supervisors. All filing expenses shall be borne by the petitioner.
4. If full compliance has been made with the above provisions of Section 1.01 J, the parcel is a lot of record, and the private road does not serve more than two (2) parcels, then the variance shall be granted.
 5. No private road shall serve more than two (2) parcels upon which a structure has been constructed.

Section 2 – Residential

2.01 Dwellings:

- A. Two-family dwellings (duplex) shall be located on a lot which is at least two (2) times the minimum lot area and at least two (2) times the minimum lot width required for a single family dwelling within the zone district in which said dwelling is located. The standards of the previous section apply also.
- B. Two (2) dwellings may be allowed on one (1) parcel, provided that each structure is located on the parcel in such a manner that the parcel can be divided into two (2) parcels, each of which contains one (1) structure and meets the minimum lot area, lot width, and dimensional requirements of the zone district. Each potential parcel shall be capable of accommodating individual on-site sewer and water systems.
- C. Lots created in a subdivision plat, approved after September 1, 1977, were considered suitable for one (1) single-family three (3) bedroom residence. Development that would increase water usage beyond what occurs in such a residence shall require a variance if the lot does not have sufficient room for such a system and expansion area. Lots in a subdivision plat must meet the following conditions:
 - 1. The use is specifically authorized in the land use district.
 - 2. The required side and rear yard setbacks for the dimensional district are doubled.
 - 3. All on-site sewage system regulations are observed.
- D. Mobile Home (Seasonal or Year-round Use)
 - 1. Screening - See Article VI, Section 12.06.
 - 2. Setbacks - All setbacks for mobile homes shall be one and one-half (1.5) times the standard setbacks for principal structures in the applicable zone district.
 - 3. Foundation - A mobile home shall be placed on a foundation so as to be substantially affixed to the site. The foundation shall consist of a concrete slab, pads, posts, or grade beam and installation of fireproof skirting.
 - 4. Mobile homes must meet the State of Minnesota Manufactured Home Building Code and display a Certified Evidential Seal provided by the manufacturer or the State. (Must contain U.S. Department of Housing and Urban Development (H.U.D.) Certification seal)

5. Must have an on-site electrical inspection.

Section 3 – Intensive Vegetation Removal: "V"

The following standards shall apply within the Shore and Bluff Impact Zone on all lakes and rivers, and within all RES-5 Zone areas.

3.01 Limits to Removal of Vegetation:

The removal of natural vegetation (i.e., trees, shrubs, and plants) within the shore and bluff impact zones is restricted and limited to the following:

- A. The removal of dead, diseased, dangerous, and storm or fire damaged trees, shrubs, and plants.
- B. The trimming and pruning of trees, shrubs, and plants.
- C. The removal of 25 percent (25%) of trees (greater than 2 inches in diameter at chest height), shrubs and plants. Note: This means that no more than 25% of the trees may be removed between the principal structure and the water body within the impact zone, and 25% vegetative removal standard throughout the shore impact zone.
- D. Timber harvesting within the RES-5 zone district shall be restricted to generally accepted forest management practices designed to promote and manage a healthy forested area.
 1. Clear cutting, except as authorized for public services such as roads and utilities, shall not be permitted within two hundred (200) feet of the ordinary high water level.
 2. Selective cutting of trees in excess of four (4) inches in diameter, chest height, within two hundred (200) feet of the ordinary high water level, shall be permitted, provided that the cutting is spaced in several cutting operations and a continuous tree cover is maintained and uninterrupted by large openings.
- E. Authorized removal of trees, shrubs, and plants shall be accomplished through human means (i.e., hands, ax, saw, etc.), and shall not be done by heavy equipment.

A. North Shore Management Plan Area Standards:

The following standards shall apply to the Lake Superior Management Plan area:

- A. A vegetation management plan will be required for total vegetation removal of over 10,000 square feet, or 25 percent of the total area, whichever is greater.
- B. Removal of woody vegetation shall be restricted on bluffs, steep slopes and within the structure setback area to maintain stable soil conditions.
- C. Removal of woody vegetation shall be limited to screen structures, clear cuts, parked vehicles or other facilities from public roads and Lake Superior. Selective removal of woody vegetation shall be allowed to provide a reasonable view of Lake Superior from individual residences.
- D. Clear cutting shall not be permitted unless part of an approved site development plan with the exception of authorized public service such as public roads and utilities.
- E. Removal of woody vegetation shall be restricted as much as possible along Department of Natural Resources designated trout streams to provide forshade coverage, to help keep stream temperatures at proper levels.
- F. Cutting, pruning, and trimming of trees shall be based on sound forest management practices for each individual tree species.
- G. Private driveways shall blend into the existing terrain as much as possible, and public utility lines to private landowners shall be buried if at all possible.
- H. To maintain natural topography and minimize soil erosion, the following policies shall apply: An erosion and sediment control plan shall be required for land alterations exceeding ten thousand (10,000) square feet or earth work exceeding one thousand (1,000) cubic yards.
 - 1. Erosion and sediment control plans shall be reviewed by the local Soil and Water Conservation District and approved by the local Zoning Administrator prior to the start of the land alteration work.
 - 2. Alterations must be designed and conducted in a manner that insures that only the smallest amount of bare ground is exposed for the shortest time possible.
 - 3. Mulches or similar materials must be used, where necessary, for temporary bare soil coverage and a permanent vegetative cover must be established as soon as possible.
 - 4. Methods to minimize soil erosion and to trap sediment before they reach any surface water feature must be used. Such methods shall be in place before development occurs.

5. Altered areas must be stabilized to acceptable erosion control standards consistent with the Field Office Technical Guides of the local Soil and Water Conservation District and the U.S. Soil Conservation Service.
 6. Fill or excavated material must be stabilized to prevent erosion and slope failure.
 7. Fill or excavated material must not be placed on bluffs, except as designed by qualified professionals.
 8. Approved permanent erosion control practices should be maintained.
- I. Soil Erosion Hazard Areas: The Lakewood Township's SMU7 zone of the North Shore Management Area of Lake Superior has been defined as an Erosion Hazard Area.
1. At the time of permitting and/or sale of a property within an Erosion Hazard Area, there will be a covenant recorded against the property, which states that it is in an Erosion Hazard Area and notes that there may be future restrictions subject to local ordinances.
 2. At the time of permitting, areas defined as Erosion Hazard Areas by the North Shore Management Board should have an on-site inspection, as determined by the local Zoning Administrator, to inform the landowner of erosion susceptibility.
 3. The burden of proof concerning the suitability of land for the proposed development shall be borne by the project proponent. Accordingly, a site development plan shall be required and approved by the Commission prior to all new construction in Erosion Hazard Areas. The site development plan shall include a description of:
 - surface runoff including roof drains
 - subsurface runoff
 - vegetation removal including proposed landscaping
 - proposed sewage treatment systems
 - topography of site
 - structure and driveway location
 - potential bluff toe protection
 - slope alterations
 - other pertinent information as requested
 4. The site development plan for Erosion Hazard Areas shall include setback and shoreline erosion control recommendations, and follow

shoreland alteration guidelines.

5. Structures and soil absorption areas shall be set back the annual erosion rate times fifty (50) plus twenty-five (25) feet (to allow for structure relocation) from the top edge of the eroding bluff. Where slumping is evident, the setback shall be measured from the uppermost shear zone (point at which the soil separates and slumping begins). In the absence of an established long-term erosion rate, the setback shall be one hundred twenty-five (125) feet.
6. The setback and the location of the soil absorption areas can be modified by variance if the landowner provides technical data proving a different recession rate or that the erosion hazard, although correctly estimated, can be mitigated by structural protection.
7. Erosion Hazard Areas have been determined by the North Shore Management Board and additional information can be obtained at the Lakewood Town Hall.

J. Zoning Administration of the North Shore Management Area.

1. The North Shore Management Board will review certain zoning decisions of cities, counties, and townships. These may include: (1) The adoption of the amendment of an ordinance regulating the use of land within the North Shore Management Area; (2) the granting of a variance from a provision of the local land use ordinance that relates to the zoning dimensions of the North Shore Management Plan; and (3) conditional use decisions affecting the use of land within the North Shore Management Area.
2. Variances can only be granted in accordance with Minnesota Statutes Chapter 394 when there are particular hardships that make strict enforcement of official controls impractical. They may not circumvent the general purposes and intent of the North Shore Management Plan. No variance may be granted that would allow any use that is prohibited in the zoning district in which the subject property is located. Conditions may be imposed in the granting of variances to ensure compliance and to protect adjacent properties and the public interest. In considering variance requests, boards of adjustment must also consider whether property owners have reasonable use of the lands without the variances, whether existing sewage treatment systems on the properties need upgrading before additional development is approved, whether variances are being requested solely on the basis of economic considerations, and the characteristics of development on adjacent properties.

3. All Federal, State, and local government agency actions (permit decisions and plan approvals) within the North Shore Management Area shall first be reviewed by the North Shore Management Board to ensure consistency with the approved North Shore Management Plan.

Section 4 – Wind Generating Towers

In addition to normal setback requirements, wind generator towers shall meet the following standard:

Minimum setback from all property lines shall be the height of the tower plus twenty (20) feet. Windmills shall follow all principal structure setback standards and may not exceed thirty-five (35) feet in height without a variance in shoreland zone districts.

Section 5 – Steep Slopes

In areas where slope exceeds 12 percent over a horizontal distance of fifty (50) or more feet, the Planning and Zoning Commission may require that the applicant, for any land use permit, submit information on how erosion will be prevented, existing vegetation preserved, and the view from the surface water screened for structures and vehicles: "V".

Section 6 – Stairways, Lifts, and Landings

Stairways, lifts and landings are the preferred alternative to major topographic alterations for achieving access up and down bluffs and steep slopes to shore areas. All such facilities shall meet the following standards in the bluff or steep slope areas: "V".

- A. Stairways and lifts must not exceed four (4) feet in width on residential lots. Wider stairways may be used for other allowed uses.
- B. Landings for stairways and lifts on residential lots must not exceed thirty-two (32) square feet.
- C. Canopies or roofs are not allowed on any stairways, lifts or landings in the bluff or steep slope areas.
- D. Stairways, lifts, and landings may be either constructed above the ground on posts or pilings, or located on ledge rock, or designed in a manner that ensures control of erosion. Landings shall be located as close to the ground surface as feasible.
- E. Stairways, lifts, and landings, must be located in the most visually inconspicuous portions of lots as viewed from the surface water provided that location is suitable for such construction.
- F. A parcel may have as many of these facilities as needed but vegetative

removal standards shall apply to placement of these facilities. Also there shall be an average ten (10) foot separation between each facility.

- G. Facilities such as ramps, lifts, or mobility paths for the physically handicapped are permitted provided the standards found above are followed and the requirements of state regulations relating to design and construction of such facilities are followed.

Section 7 – Recreational Vehicles on Lots

Recreational vehicles and other camping is permitted on parcels without a permit provided the following standards are followed: "C".

- A. No more than one recreational vehicle per parcel.
- B. The recreational vehicle shall have a current motor vehicle license.
- C. All setbacks including bluff setbacks, vegetative removal, and shoreland alteration standards are observed.
- D. Privies shall be the only sanitary facility.
- E. No structures including decks shall be placed on the property. If the above standards are not met, the applicant shall apply for the appropriate permits from the Township.

Section 8 – Community Centers

All community centers that are operated by a public agency shall be considered a permitted use without a conditional use permit on any acreage and width provided that the following standards are met: "C".

- A. The lot is of sufficient size to meet the following standards: front, side and rear yard setbacks of the district in which the use is located: "V".
- B. On-site parking as required in this ordinance be adhered to.
- C. On-site sewage treatment system meets with the approval of the County.
- D. Sufficient land be permanently set aside for sewage expansion area.
- E. The State Well Code is followed.
- F. Appropriate road authority authorizes access onto the road from the parcel.
- G. The authorization to place the use on the parcel was done at a public meeting

where members of the public had an opportunity to know about the proposal and comment on it.

Due to the intended public use and the multiple public activities, a lot coverage consistent with the maximum allowable by St. Louis County, MN is permitted.

Section 9 – Home Businesses & Home Occupations

Home businesses and home occupations are not permitted without a conditional use permit: "C".

Section 10 – Wetlands

10.01 Conformance with Federal and State Wetland Standards:

All development shall conform to Federal, State, and County wetland regulations and it shall be the responsibility of the applicant to demonstrate conformance with the appropriate regulations.

Section 11 – Land Alterations Within Three Hundred (300) feet of Lakes and Rivers: "C"

11.01 Permit Threshold Standard:

Within three hundred (300) feet of any lake or river grading, filling, excavating, or any alteration of the natural topography requires a permit if the following levels of alteration are met or exceeded:

- A. Any alteration of the natural topography located within the shore impact zone, bluff impact zone, or on a steep slope, involving more than ten (10) cubic yards of material.
- B. Any alteration of the natural topography, located within three hundred (300) feet of the shore and not covered in "A" above, involving more than fifty (50) cubic yards of material.
- C. The threshold standards listed above shall apply for the minimum lot area for the zone district where the alteration is taking place.
- D. The following shall not require a permit of any type: Excavations, grading and filling associated with construction of permitted structures, driveways located at the building setback or greater, (construction of boat or seaplane ramps are not exempt unless activity is less than minimum threshold), walking paths, sewage treatment systems, and gardens, provided that:

- 1. It is done in a manner designed to minimize erosion, sedimentation, and surface runoff and the standards set forth in Sections 11.04, 11.05,

11.06 are observed.

2. Permanent ground cover is established in as short a period of time as possible following completion of the project.

11.02 Land Alteration Performance Standard Permit:

An over-the-counter permit may be issued for alterations exceeding the threshold standards listed in 11.01 above if the following standards are observed:

- A. No alteration which exceeds the threshold has taken place in the two years prior to the proposed alteration.
- B. The standards listed in Sections 11.04, 11.05, and 11.06 are being observed.
- C. The technical standards of the Soil and Water Conservation District are being observed.

11.03 Land Alteration Conditional Use:

A conditional use permit shall be required when the threshold has been exceeded and one of the following has taken place:

- A. The applicant disagrees with the permit standards developed under section 11.02.
- B. Any alteration which exceeds the threshold standards has taken place without permit. Note: Applicant shall pay appropriate late fee.

11.04 Alterations Not Permitted:

The following alterations in shoreland and wetland areas shall not be allowed:

- A. Activities that cause unnecessary potential for soil erosion.
- B. Any alteration that will cause water backup on adjacent properties.
- C. Land disturbances that significantly retard or severely impede the drainage of adjacent properties.
- D. Intensive vegetation clearing within shore and bluff impact zones and on steep slopes.
- E. Activities in designated wetland areas according to State, County, and Federal regulations.

11.05 Minimum Standards for All Alterations:

The following standards shall apply to all alterations whether or not they require a permit, a performance standard permit, or conditional use permit:

- A. The smallest amount of bare ground shall be exposed for as short a period of time as possible.
- B. Mulches or similar materials shall be used for temporary bare ground coverage, and permanent vegetation cover shall be established as soon as possible.
- C. Accepted methods to prevent or limit erosion and trap sediment shall be employed (i.e., hay bales or silt fences).
- D. Altered areas shall be stabilized according to accepted engineering for soil erosion standards.
- E. Material shall not be placed in a manner that creates an unstable slope, or in bluff impact zones.
- F. Plans to place material on steep slopes shall be reviewed by qualified professionals, and the finished slope shall not exceed 20 percent.
- G. Any alterations below the ordinary high water level of public waters must first be authorized by the Commissioner of Natural Resources.
- H. The applicant shall submit a detailed plan, showing existing conditions and proposed alterations, from aerial view and cross-section perspectives.

11.06 Storm Water Management:

The following standards shall apply for storm water management:

- A. Impervious lot coverage shall not exceed 25 percent.
- B. Existing natural features that control storm water runoff shall remain unchanged, as much as possible.
- C. When areas are to be disturbed, alterations shall be managed to minimize the area to be modified, control runoff velocity and erosion, and reduce and/or delay runoff volume. Sediments shall be retained on site and the disturbed area shall be stabilized and in a completed condition in as short a period of time as possible.
- D. When man-made materials and/or facilities are used to control runoff directly into surface waters, the Soil and Water Conservation District shall be

informed and their requirements and concerns shall be addressed and followed. Reference will also be made to the Department of Natural Resources Minnesota Shoreland Rule #6120.3300, stipulation 11.

- E. Whenever a question arises concerning methods, management, or engineering practices, the Soil and Water Conservation District's advice shall be followed.

11.07 North Shore Management Plan Area Alteration Standards:

Grading and filling, erosion control in North Shore Management Plan area:

- A. An erosion and sediment control plan shall be required for excavations exceeding one thousand (1,000) square feet or one hundred (100) cubic yards or fill exceeding one thousand (1,000) cubic yards or fifty (50) cubic yards within the structure setback area. Shoreland alterations done in connection with work authorized by permit shall be exempt from the plan requirement.
- B. The South St. Louis County Soil and Water Conservation District and the Planning and Zoning Commission shall approve all plans prior to any alteration work starting.
- C. The approved erosion and sediment control plan shall be followed and is incorporated into any permit.
- D. All grading and filling shall follow the standards set forth in the Ordinance.

Section 12 – Other Structures

12.01 Principal Structures on Riparian Lots: "V"

- A. Structure width facing (the water) shall not exceed 40 percent of lot width.

12.02 Detached Garages and Pole Buildings: "V"

The following shall apply to garages and pole buildings over eight hundred (800) square feet in size located in riparian lake lots:

- A. The minimum setback from the ordinary high water level shall be twohundred (200) feet.
- B. The building setback from the side-yard lot line shall be a minimum of twenty (20) feet.
- C. The structure shall be painted or stained in an unobtrusive color.

12.03 Bunkhouses:

The following minimum standards shall apply to bunkhouses: "V"

- A. Bunkhouses shall be reviewed as added living and bedroom space, and the septic treatment system of the principal structure shall be sized to take into account the added water use.
- B. Bunkhouses located on riparian lake lots shall not exceed two hundred sixty (260) square feet in ground floor area and fourteen (14) feet in height unless the following performance standard is met:
 - 1. They shall be located on lots that have two times the minimum lot area and width requirements.
- C. Bunkhouses shall be limited to one (1) per parcel and must meet all dimensional requirements for the zone district.

12.04 Accessory Structures - General:

Oversize accessory structures (floor area greater than one thousand (1000) square feet, sidewalls higher than ten (10) feet must meet the following performance standards:

- A. All setbacks (road, side yard, rear, shoreline)-For any increase in squarefootage or height above the allowable maximums (one thousand (1000) squarefeet in area, ten (10) feet of sidewall height), the minimum required setbacks shall be determined by the following formulas:
 - 1. Establish a ratio by dividing the square footage of the proposed structure by the allowable maximum (1000 square feet), or by dividingthe side wall height of the proposed structure by the allowable maximum (10 feet). Perform both calculations if both dimensions are oversize.
 - 2. Multiply the required setbacks for the zone district by the ratio obtained to determine the new setback distance. If both square footage and side wall height dimensions are oversize, use the larger of the two ratios.
- B. Permanent and effective natural screening from the lakeshore and adjacent properties shall be established and maintained. See Article V, Section 1.
- C. Structures shall not be placed in a manner which obstructs the solar access of adjacent properties, as far as practicable.
- D. If a division of the parcel on which the structure has been constructed occurs, the resultant setbacks shall continue to meet the setback criteria stated above as well as all other performance standards for oversize accessory structures,

including screening and solar access.

Oversize accessory structures in the RES-5 zone district, in addition to the above performance standards, shall be painted or stained in an earth tone color. The use of earth tone colors for oversize accessory structures is strongly encouraged in all zone districts.

Bunkhouses shall be limited to one (1) parcel and must meet all dimensional requirements for the zone district.

12.05 Decks:

A. An attached deck may be allowed without a permit if the following standards are met:

1. It shall be no larger than one hundred twenty (120) square feet in size.
2. The platform shall not exceed thirty (30) inches in height above grade.

B. A detached deck may be allowed without a permit, and shall not be considered a water oriented accessory structure, if the following standards are met:

1. It shall be no larger than one hundred twenty (120) square feet in size.
2. The platform shall not exceed eighteen (18) inches in height above grade.
3. It shall be set back from the ordinary high water level a minimum of ten (10) feet.
4. It shall not be located in the bluff impact zone.

12.06 Screening and Landscaping:

A. Purpose and Intent. The Town of Lakewood recognizes the health, safety, aesthetic, and ecological value of screening. The provisions of this section are intended to:

1. Provide screening and mitigation of potential conflicts between more active uses and more passive uses;
2. Protect and improve property values;
3. Provide a buffer from uses that may create visual, noise, dust, or lighting intrusion.

B. Standards: The following standards for screening shall be followed when screening is required as a performance standard, conditional use, or variance.

Screening must be on the same parcel as the structure or use being screened, and it shall be the responsibility of the owner to maintain the screening.

1. Screening and Landscape Plans. A Screening and Landscape plan must be submitted with each application for a Conditional Use Permit. The Zoning Administrator may provide guidance regarding potential issues to be addressed in the plan. For example, low impact uses may require only a sketch drawn to scale showing retention of natural vegetation in certain areas.
2. Screening shall consist of one or more of the following:
 - a. Maintain existing vegetation and using the natural topography (preferred);
 - b. Planting a mix of coniferous and deciduous vegetation that is a minimum of four feet high at the time of planting;
 - c. Construction of a berm that must be seeded and have side slopes, not to exceed a 2:1 ratio, width to height;
 - d. Construction of a solid wood fence;
 - e. Construction of a chain link fence with earth tone privacy slats;
 - f. Construction of retaining walls or other walls.
3. Junk yards, auto wrecking yards, solid waste disposal facilities, building material storage yards, maintenance equipment or contractor yards, bulk oil and gas plants, utility substations, sawmills, borrow pits and other similar uses shall be adequately screened by fences, natural landforms, berms, which must be seeded and have side slopes, not to exceed a 2:1 width to height ratio, or natural or planted conifer and deciduous landscape plant materials, at least four (4) feet high at the time of planting, to effectively conceal the establishment from the general view of motorists using the roadway and adjacent residences. Where the Commission finds that prevention of vandalism, continuity of service, and general safety so indicate, screening requirements may be modified.
4. Screening of oversize accessory structures, mobile storage structures, seasonal dwellings, or other uses of residential nature, shall be provided by plantings of conifers and deciduous plants, if mature trees or shrubs are not present, to effectively conceal the structure from the general view of motorists using the roadway and adjacent residences. Screening or plantings of trees and shrubbery is also encouraged for mobile homes.
5. The development of parcels in the Commercial (Com-11) or Light Industrial (LIU-10) zones shall require screening to effectively conceal the activity from

the general view of motorists using the roadway and the adjacent residences.

Section 13 – Animals: "C"

- A. In shoreland areas, domesticated animals shall not be picketed, fenced or otherwise contained in shore and bluff impact zones or on steep slopes. However, access to the shore shall be allowed for watering purposes only, on a site to be approved by the Soil and Water Conservation Service.
- B. These standards recognize that in agricultural areas the keeping of livestock and related farming activities should be considered preeminent over non-agricultural uses in the area. Therefore, in the FAM zone district, no permits for the keeping and raising of livestock are required, provided no shoreland areas are evident.
- C. In areas designated as residential or other more developed uses, the Township recognizes that agricultural and residential and other uses should exist in a manner that promotes and protects the interests of all concerns. The Township determines impact by using Animal Units and the following table shows the animal unit for each species. The Zoning Administrator may determine the Animal Unit for animals not listed below.

<u>Animal</u>	<u>Unit</u>
One dairy cow	1.4 animal unit
One slaughter steer or heifer	1.0 “ “
One horse	1.0 “ “
One swine	0.4 “ “
One sheep, goat, dog	0.2 “ “
One duck, turkey, cat	.02 “ “
One chicken	.01 “ “

Therefore, the following standards shall apply in all other zone districts for keeping of domesticated animal. If these standards are exceeded, an individual shall apply for a Conditional Use Permit or a Variance.

- 1. No animal units, except for dogs and cats as pets, shall be permitted on parcels of under two acres except as conditional use. Dogs and cats on parcels of less than 4.5 acres are permitted to be kept at one animal unit per acre. Dogs and cats shall be limited to one animal unit per acre on parcels of nine acres in size or less. Also, see Article II, kennel definition.
- 2. On parcels between 2 and 4.5 acres, one animal unit may be allowed, but no permit is necessary.
- 3. On parcels between 4.51 and 9 acres, five animal units shall be permitted without a permit.
- 4. For parcels larger than 9 acres, 9 animal units plus one unit per acre

beyond 9 acres, to a maximum of 30 per quarter/quarter section or government lot. If an individual owns more than one quarter/quarter section or government lot that may be considered in the general area, that property may be used in calculating the total animal units allowed at the rate of 20 animal units per quarter/quarter section or government lot, even if all the animals are kept on a single parcel. No Land Use Permits are necessary if the livestock keeping remains within the guidelines.

5. The keeping of amounts greater than 1, 000 poultry or small animals or more than 250 swine shall require a conditional use permit.
 6. No animals may be permanently penned within the principal structure setback for any zone district.
- D. Where any parcel contains more than 5 animal units of swine or poultry, enclosed quarters or fencing shall be provided at no less than twice that of a zone district.
- E. Animal waste must be disposed of in an environmentally sound manner, and in no case shall runoff from waste discharge directly into a lake, river, unsealed well or wetland. The construction of animal waste systems is encouraged and may be required by the Planning Commission or the Zoning Administrator.

Section 14 – Off-street Loading, Parking and Access: "C"

1.01 Loading:

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

1.02 Parking:

Off-street automobile parking or storage space shall be provided on every lot on which any new structures are hereafter established. Such space shall be provided with vehicular access to a street or alley, and such space shall be provided with a suitable area for vehicle turn-around so as to allow vehicles safe entry onto the roadway, and such space shall be deemed to be required open space associated with the permitted use and shall not thereafter be reduced or encroached upon in any manner. When a structure is enlarged, the required off-street parking space shall be provided for the enlarged portion if the enlargement increases the demand for parking. If a use is changed to a different use requiring more, the additional amount of parking area shall be provided. Facilities that

operate on shifts shall have sufficient parking based on the standards in this section and the maximum number of employees that would park at the facility at any given time. In addition, the following minimum standards shall apply:

- A. An off-street parking space shall comprise an area with dimensions of nine (9) feet by twenty-two (22) feet plus necessary maneuvering space; total area for parking and maneuvering shall not encroach upon any public right-of-way.
- B. Residential dwelling: One and one half (1 1/2) parking space for each unit.
- C. Tourist accommodations: One (1) parking space for each room or unit, and one (1) parking space for each non-resident employee.
- D. Theater, stadium, auditorium, church, or other places of public assembly: One parking space for each three (3) seats, based on maximum seating capacity, and one (1) parking space for each employee.
- E. Stores and other retail business establishments: Ten (10) parking spaces for each one thousand (1,000) square feet of total floor area, and one (1) parking space for each employee.
- F. Office buildings: One (1) parking space for each two hundred (200) square feet of office floor area.
- G. Industrial, manufacturing, or wholesale establishments: One (1) parking space for each two workers, based on peak employment in any one shift.
- H. Restaurants, supper clubs, taverns, and bars: One (1) parking space for each two seats, based on maximum seating capacity, and one (1) parking space for each employee.
- I. Off-street parking areas, whether public or private for more than five (5) vehicles, shall be effectively screened by a fence, wall, or evergreen plant material from residential uses. All public or private parking areas shall be separated from the right-of-way of any road by means of a sod strip not less than three (3) feet in width or other barrier that clearly delineates the parking lot from the road.

highways. The applicant shall, if possible, make use of common driveways to limit the number of access points to any road.

Section 15 – Placement and Design of Roads, Driveways, and Parking Areas in Shoreland Areas: "V"

The following design criteria shall apply to all such facilities located in the shoreland area:

- J. Private roads, private driveways and parking areas shall have erosion control measures following the guidance of the Minnesota Department of Natural Resources Shoreland Management Rules (current edition under enforcement at the time of design and construction).
- K. All private roads, private driveways, and parking lots in bluff and steep slope areas shall be reviewed according to the land alteration standards of this Ordinance (Article III, Section 4 and Article VI, Section 5).
- L. If a private driveway, private road, or parking area is also intended to be used as a water access ramp, the following shall apply:
 - 1. Location: Conform to Department of Natural Resources Shoreland Management Rules (current edition under enforcement at the time of design and construction).
 - 2. Water access ramps shall have erosion control measures following the guidance of MDNR rules as above.

Section 16 – Large Parking Lots: "C"

Parking areas containing parking for 100 vehicles or more shall develop a storm water runoff plan so that snow and rain runoff does not discharge directly into lakes, streams, or wetlands. The technical standards of the Soil and Water Conservation District shall be used as a guideline in preparing and implementing such a plan. A Conditional Use will be required.

Section 17 – Signs: "C"

17.01 Sign Regulation Purpose and Intent:

The purpose and intent of this Section 17 is to protect the natural scenic beauty and rural character of Lakewood Township, promote aesthetic interests, minimize visual clutter, maintain property values, protect public safety, eliminate traffic hazards, and provide important information to the residents of the Township and the traveling public. The purpose and intent shall be achieved by restricting the number, size, location, maintenance, and spacing of outdoor advertising signs through the administration of this section.

17.02 General Restrictions:

- A. All Signs are subject to performance standards herein.
- B. No Sign visible to the traveling public shall be erected, structurally altered, or allowed to exist except as provided in this Section 17.
- C. Sign permits are required as stated herein.

17.03 Sign Permit Exemptions:

A Sign Permit shall not be required for the following exemptions:

- A. Signs not exceeding four (4) square feet in area and bearing only property numbers, post box numbers, names of occupants or other identification of premises, not having commercial connotations.
- B. Bulletin boards not exceeding five square feet at churches, schools and other public buildings, and not having commercial connotations.
- C. Flags and insignias of any government except when displayed in connection with commercial promotion.
- D. Legal notices, identification, information or directional signs erected or required by governmental bodies.
- E. Integral decorative or architectural features of buildings, except letters, trademarks, moving parts, or moving lights.
- F. On-Site Signs not exceeding four (4) square feet that, 1) only direct and guide traffic and parking on private property, and 2) bear no commercial content.
- G. A temporary sign indicating real estate for rent or for sale, related only to the premises on which it is located, and not exceeding six (6) square feet in area.
- H. Signs used on a temporary basis in conjunction with a garage, estate, rummage or produce sale, and not exceeding six (6) square feet in area.
- I. Political posters, erected or placed in accordance with all applicable state laws, may be allowed without a Permit provided that they are removed within ten (10) days following the election for which they were intended, and provided that such posters do not exceed thirty-two (32) square feet in area. In the event that the posters are not removed within the specified time, the Township may remove them at the name bearer's expense.

17.04 Signs Within Road Right-of-Way

Off-Site and On-Site signs within the right-of-way of a State or County roadway are allowed only if they are permitted, provided and installed by the State or County road authority in accordance with the road authority's sign program. Such signs must be wholly within the State or County road right-of-way.

17.05 Off-Site Signs

Off-Site Signs are not allowed except those allowed by Section 17.04 directly above.

17.06 On-Site Signs:

All On-Site Signs not exempted by this Section 17 require a Sign Permit obtained from the Zoning Administrator and must conform to the following, together with any additional standards imposed by this Section 17:

- A. In Commercial, Industrial and LSO-10 Zone Districts, each Conditional Use Permit or Interim Use Permit shall be allowed two On-Site Signs. Each Sign shall not exceed forty (40) square feet in surface area, and shall not be more than 15 feet off the ground. Only one (1) of the signs may be attached to a building.
- B. Home Occupations and Home Businesses: Home Occupations and Home Businesses shall be limited to one On-Site Sign, un-illuminated, and no more than eight feet in height measured from the ground. A Sign for a Home Business may not exceed sixteen (16) square feet per side in area. A Sign for a Home Occupation may not exceed ten square feet in area. The Sign must only convey the location, the name of the establishment, and the general types of goods or services available. The Sign must not contain other detailed information such as product brands and prices.
- C. Signs, Number and Surface: For the purpose of determining the number of signs, a Sign shall be considered to be a display device or devices on a common supporting structure. The surface, or area of a Sign, shall mean the surface of the entire structure, excluding the base. Both sides of a Sign may be used for display. If two sides of a Sign are used for display, the surface area of only the larger side shall be counted. Both sides of a V-type Sign shall be included in calculating surface area, unless the angle between the two surfaces is 30 degrees or less, in which case only the larger surface area will be counted. If a Sign consists of letters or other writing directly on a building or other structure rather than on a surface affixed to the building or other structure, the area of the Sign will be calculated to include the area within a rectangle or square that is configured to surround the message of the Sign and to include a border that is at least as large as the largest letter, symbol or number on the Sign. A Sign may not have a reflective surface.

- D. Additional Requirements for Commercial uses located within shoreland areas: Each use shall be allowed one sign that can be viewed from the public waterway and one sign that can be viewed from the roadway. The sign facing the water body shall not exceed 32 square feet in surface area and may not exceed 10 feet in height. The sign facing the roadway may not exceed forty (40) square feet and may not exceed 15 feet in height. Freestanding signs shall meet the required shoreline setback for principal structures. Signs may be located at a reduced setback from the shoreline provided the sign is attached to a permanent structure. Setbacks shall be a minimum of 10 feet from the right-of-way, and shall be the same as the required side yard setback for buildings. Signs must be made of wood and shall be rustic in appearance. The signs must only convey the location, and name of establishment, and the general types of goods or services available. The signs must not contain other detailed information such as product brands and prices.

17.07 Permits for On-Site Signs:

- A. All On-Site Signs require a Sign Permit obtained from the Zoning Administrator. A fee, set from time to time by the Town Board, will be charged. Permits shall expire ten years from the date of issuance.
- B. Application for permits or renewals for the placement and maintenance of Signs shall be on forms prescribed by the Zoning Administrator and shall contain such information as the Zoning Administrator may require.
- C. Permit Identification Number- Each permit issued for an Off-Site Sign shall be assigned an identification number by the Zoning Administrator. Said identification number shall be attached to the Sign in a conspicuous place by the permittee, and shall remain in place until the Sign is removed from its location.
- D. All nonconforming signs shall be removed, or otherwise made to conform to all applicable provisions of this Ordinance after mailing of a notice by the Zoning Administrator instructing such removal or conformity, with twenty- one (21) days given for compliance. Such notice shall be mailed to the permittee, or to the owner of the land on which unpermitted signs are located. The Zoning Administrator may a) revoke a Permit in the event of any violation of this Section 17 and b) remove or cause to be removed at the permittee's or landowner's expense Signs that violate this Ordinance.

17.08 Additional Standards:

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

- B. Setbacks - All Signs other than those listed in paragraph 17.08A above shall be set back a minimum distance of ten (10) feet from any road right-of-way, and front, side, or rear lot lines. In shoreland areas, the normal shoreline setback shall prevail unless otherwise approved by the Board of Adjustment. No Sign shall be allowed within two hundred (200) feet of a classified water body including trout streams.
- C. Lighting; Moving Parts.
 - 1. Illuminated Signs are permitted only in the LIU and Commercial districts.
 - 2. Signs shall not be erected or allowed to exist that include moving parts or changeable messages, or that are illuminated by any flashing or changing lights.
 - 3. Signs shall not be erected or allowed to exist that are not effectively shielded so as to prevent: (1) beams or rays of light from being directed at any portion of any roadway, or (2) beams of light of such intensity or brilliance as to cause glare or impair the vision of the operator of any motor vehicle, or (3) beams of light from being illuminated out across public waters. All exterior lighting shall be directed downward and all lighting shielded to prevent upward glare.
 - 4. No Sign shall be erected, placed, or illuminated so that it obscures or interferes with the effectiveness of any official traffic Sign, device, or signal, or any official Sign.

17.09 Prohibited Signs:

No Sign shall be erected or allowed to exist that:

- A. Claims to be or resembles, hides from view, or interferes with effectiveness of any official traffic or railroad control device, sign, or signal.
- B. Obstructs or interferes with a driver's view within five hundred (500) feet of approaching, merging or intersecting traffic.
- C. Prominently displays the words "stop" or "danger".
- D. Displays messages that are painted or drawn upon rocks, trees, public utility poles, or abandoned buildings.
- E. Allows access to be obtained only from an interstate main-traveled way but excluding frontage roads adjacent thereto.

- F. Is structurally unsafe, in disrepair, or abandoned. In such cases the Zoning Administrator shall require removal or repair of such Sign within twenty-one (21) days after written notification to the Sign owner, if known. In the event of noncompliance, the Zoning Administrator may remove the Sign at the Sign owner's expense.
- G. Is located within the right-of-way of any public roadway without a permit from the appropriate road authority. The Zoning Administrator shall inform the State or County road authority of unpermitted Signs within the right-of-way on State and County roads. The Zoning Administrator may enter upon the right-of-way of any public road and remove any advertising Sign not authorized by the appropriate road authority after notice to the appropriate road authority.
- H. Is located in, over or upon public waters, unless authorized by public authority.
- I. Is located within the shore impact zone, unless attached to a permanent structure.
- J. Which contains statements, words, or pictures of an obscene, indecent, or immoral character, or such as offend public morals or decency.
- K. Which obstructs the solar access of adjacent properties.

Section 18 – Salvage Yard Standards: "C"

18.01 Minimum Standards:

No new junk or salvage yards shall be allowed. Any pre-existing junk or salvage yards, if allowed, shall meet the following standards. These standards shall apply regardless of the year of the salvage yard establishment:

- A. No material shall be disposed of in a wetland and no draining or filling of wetlands shall take place.
- B. All salvage yards shall have a minimum rear, side, and road setback of one hundred (100) feet. No activity except fencing, berms, or other screening may take place in the setback area.
- C. No salvage yard is permitted within three hundred (300) feet of protected water.
- D. All waste including batteries, tires, and hazardous waste shall be kept on the property in a manner acceptable to St. Louis County or disposed of in a manner acceptable to the County and State and Federal regulations.

- E. Fencing, berms, and use of natural topography shall be sufficient to shield the view of any salvage material from any surface water, park, public road, private residence, or other structure, within one quarter mile of the parcel containing the salvage yard.
- F. No delinquent taxes shall be owed on the property.
- G. A record shall be kept of all salvage material and waste brought in and out of the property.
- H. The local fire department shall receive information on all flammable and hazardous material stored on the property including: amounts, types, and location.
- I. Fire breaks and roads shall be approved by the local fire department.
- J. A bond or other financial assurances must be provided the Township that is sufficient to cover the cost of removal and proper disposal of all salvage material and waste on the property. The Township shall determine the amount and type of assurances.
- K. The salvage yard shall conform to all on-site sewage disposal regulations.
- L. The salvage yard shall conform with all the standards for wells of the State Health Department including the sealing of abandoned wells.
- M. All access roads and bridges shall be able to handle traffic generated by the salvage yard; and, this determination shall be made by the Township.
- N. No parking relating to salvage yard activity shall take place off of the property including all roads and highways.

18.02 Existing Salvage Yards:

Salvage yards that do not have a conditional use permit shall obtain a permit from the Township Planning Commission at a public hearing. This permit may not be denied if it is demonstrated that the applicant's salvage yard has been in existence since January 1, 1978. All salvage yards shall immediately follow the minimum standards found in section 18.01. If the operator of the salvage yard is unable to follow the above minimum standards, the Planning Commission may impose other standards to mitigate the problems with the salvage yard.

18.03 New Salvage Yards:

No new salvage yards shall be allowed in any zone district.

Section 19 – Solid Waste Collection Stations

Solid waste collection stations and public utility structures necessary for the distribution of local utilities, such as small distribution and repeater stations and other equipment buildings which are normally uninhabited, shall be permitted in all zone districts on lots as small as one half (1/2) acre provided:

- A. That all setbacks normally required for accessory structures in the zonedistrict can be met.
- B. The structure does not exceed one hundred twenty (120) square feet.
- C. That there be created on the lot one (1) ten (10) feet by twenty-two (22) foot parking space for accommodation of service vehicles.
- D. Screening shall be provided as specified in Article VI, Sec. 12.06.

Section 19A – Various Pollutants and Substances Prohibited

- A. Sewer Sludge: "Sewer sludge" means solid, semisolid, or liquid residue generated during the treatment of sewage in a treatment works. Sewage sludge includes but is not limited to scum or solids in primary, secondary, or advanced wastewater treatment processes; material derived from sewage sludge; ash generated during the firing of sewage sludge in a sewage sludge incinerator; grit and screenings generated during preliminary treatment of domestic sewage in a treatment works, sewage sludge of any class, and sewage sludge known or denominated as biosolids.

"Importation of sewage sludge" means to bring sewer sludge into Lakewood Township for commercial, agricultural, industrial, or residential use within Lakewood Township; it does not include transit of sewage sludge through the township without any use or processing of the sludge while it is in Lakewood Township.

The land application or use of sewage sludge is prohibited within Lakewood Township. The importation of sewage sludge into Lakewood Township is prohibited.

- B. Septage: "Septage" means solids and liquids removed during periodic maintenance of individual sewage treatment system or solids and liquids which are removed from toilet waste treatment devices or a holding tank.

"Domestic Septage" means either liquid or solid material removed from a septic tank, cesspool, portable toilet, Type III marine sanitation device, or similar treatment works that receives only domestic sewage. Domestic septage

does not include liquid or solid material removed from a septic tank, cesspool, or similar treatment works that receives either commercial wastewater or industrial wastewater and does not include grease removed from a grease trap at a restaurant.

The land application of septage or domestic septage is prohibited within Lakewood Township.

This section does not apply to a homeowner who, because of a failure of his septic system releases domestic septage upon his own land.

- C. Oil: "Oil" means oil of any kind or in any form, including without limitation, petroleum, fuel oil, sludge, oil refuse, oil contaminated soil, and oil mixed with wastes or other substances, including dredge spoils.

The land application of oil is prohibited within Lakewood Township.

- D. Ash: "Ash" means ash produced by commercial or industrial processes, including but not limited to material from trash incinerators, mill smokestacks, air pollution scrubber brine, KO61 waste, pulp incinerators, cement kilns, tire incinerators, and sewage sludge treatment works.

The land application of ash is prohibited within Lakewood Township.

- E. Materials from scrubbers: "Materials from scrubbers" means materials that are removed from devices that are used to remove pollutants from industrial smokestacks.

The land application of materials from scrubbers is prohibited within Lakewood Township.

- F. Land treatment of wastes: "Land treatment of wastes" means the treatment of wastes by application to land when the hazardous constituents in the wastes can actually or theoretically be degraded, transformed, or immobilized by such application or treatment, and includes without limitation, soil farming or other treatment of petroleum contaminated soil.

The land application of land treatment of wastes is prohibited within Lakewood Township.

- G. Residuals: "Residuals" means the substances left over at the end of an industrial or manufacturing process, not limited to paper mill residuals.

The land application of residuals is prohibited within Lakewood Township.

Section 20 – Rural Industry and Forest Product Processing: "C"

20.01 Minimum Standards:

All new rural industries require a conditional use permit and, in addition to the criteria established for granting a conditional use permit, the following requirements shall apply:

- A. Transportation facilities shall be able to handle proposed increases.
- B. Current Minnesota Pollution Control Agency standards on noise shall apply.
- C. Lighting shall not be directed upon nearby or adjacent properties.
- D. All solid and hazardous waste shall be stored and disposed of in accordance with County, State, and Federal Regulations.
- E. Local fire department shall receive information on all material stored on the property, particularly hazardous, highly combustible or toxic material.
- F. Wood processing activities shall be set back four hundred (400) feet from adjacent parcels that contain residences.
- G. Wood processing activities shall be limited to the hours of 7:00 a.m. to 8:00 p.m.
- H. Natural flow of surface waters shall not be impeded as a result of the operation.
- I. Vegetative cover that may serve as a noise buffer to adjacent residences shall be maintained for a minimum distance of fifty (50) feet from the property line for the duration of the operation.

20.02 Timber Harvesting for Commercial Purposes:

A timber harvest, including either standing or downed timber, of more than 25% of a parcel or lot shall require a harvest plan approved by a qualified logger or forester and shall be reviewed by the Township Zoning Administrator, prior to any timber harvest.

Minnesota Forest Management Guidelines are to be followed in all harvests. Forest Management Guidelines are designed to protect water, forest, land and Township resources. A copy of the Minnesota Forest Management Guidelines is on file in the Township office.

Section 21 – Borrow Pits

21.01 Minimum Standards:

All borrow pits, whether they are in operation at the time of this ordinance adoption or are proposed, including regularly established non-conforming pits, shall follow the Minimum Standards set forth in this section, except for the financial assurances section. A borrow pit shall include the pit area, stockpiles, haul roads, entrance roads, scales, crusher, and all related facilities. If a pit operator of an existing borrow pit cannot meet these standards due to practical difficulty, such as extent of existing excavation or topographic conditions, the operator shall demonstrate the nature of the difficulty to the Zoning Administrator and the decision of the Zoning Administrator may be appealed to the Planning and Zoning Commission for a ruling. All new pits that cannot meet the minimum standards may have the standards altered through a conditional use permit.

A. The Minimum Standards are as follows:

- 1 No Borrow pit shall be within the setback for principal structures from the shore or any lake or river.
- 2 A no disturbance 100 foot buffer area shall be established between the property line containing the borrow pit and any adjacent parcel containing a residence or public/semi-public building. In order to qualify as a parcel with a residence or public/semi-public use such a parcel must have the principal structure within 300 feet of the property line adjacent to the proposed pit. The 100 foot buffer area may be altered through the agreement with the adjacent property owner. Proof of the agreement shall be filed with the Zoning Administrator and recorded with the County Recorder and specifically shall state what activities may take place in the buffer area. Without such an agreement, the buffer area may be used under the following circumstances:
 - a. The buffer area may contain the haul road if it is determined by the public road authority that for safety purposes the pit access needs to be within the buffer area.
 - b. The haul road may also be placed in the buffer area to avoid wetlands. The haul road must, in the above two situations, move away from the property line as soon as feasible unless permission is obtained by the adjacent property owner.
 - c. If authorized in an approved reclamation plan, 50 feet of the buffer area may be used for storage of topsoil and final sloping. All topsoil storage areas shall be seeded to prevent erosion and dust. Berms, including those consisting of topsoil to be used for reclamation, may be placed in the buffer area but they shall be seeded and mulched in a manner that prevents dust from blowing onto the adjacent properties.

Only berms within the buffer area are required to be seeded and mulched, and such berms that are in 45 day permit pits only are required to have temporary seeding and need not be mulched.

- 3 A no disturbance 50 foot buffer shall be established for all other parcels not listed in Number 2 above unless the adjacent property owner authorizes, in writing, a reduced buffer. The 50 foot buffer shall apply to all highways and the buffer area shall begin at the edge of the highway right-of-way.
4. Hours of operation shall be limited to 7:00 a.m. to 8:00 p.m., Monday through Saturday. No borrow pit operations may take place on Memorial Day, Independence Day, Labor Day, and Sundays. The hours of operation may be expanded either through conditional use approval of by the pit operator obtaining the signatures of two-thirds of the resident property owners who live within one-quarter mile of the pit and all resident property owners whose dwelling is within 300 feet of the pit. The petition must be renewed on an annual basis. Equipment maintenance may take place at any time if done within an enclosed structure or if maintenance is part of an extended hour petition. Hauling from a pit to a residential lot is permitted on Sundays and Holidays if delivery during regular hours is not feasible for the residential property owner. Hours and days of operation may also be extended when an emergency exists. An emergency is a short-term, unplanned, and unexpected event where an immediate need for borrow material exists in order to address a significant threat to the public safety.
5. Portable hot mix facilities are permitted for specific projects with a conditional use permit.
6. All Minnesota Pollution Control Agency noise & air quality standards shall apply.
7. Existing vegetation shall remain as a screen between the pit site and surrounding residences and public roads or parks. If screening is not sufficient to block the view of the borrow pit from any residence, road, or park, the Zoning Administrator may require additional screening or placement of a fence and/ or berm when such additional screening is topographically feasible.
8. Excavation below the water table is permitted with appropriate State permits provided there is no adverse impact upon the quality and quantity of nearby surface water or nearby wells.

9. All entrances and exits shall be constructed so as not to create a safety hazard and, during the hours of operation of the pit, "Trucks Hauling" signs shall be placed along all public roadways leading to the pit at a distance not less than 500 feet from the pit access road. Signs must be removed or covered when the pit is not in use for more than a 48-hour period.
10. A pit shall have a barrier controlling access and such barrier shall be clearly visible to prevent safety hazards to members of the public. The use of cable, chain, or similar barrier is prohibited. The control barrier shall deny access when the pit is not in operation.
11. The pit access road shall be placed in a manner that minimizes the view into the pit from the public road or any residence unless the road authority requires improved visibility for safety purposes.
12. Dust control measures shall be utilized on non-paved routes in accordance with the policy of the local road authority. Dust control measures shall also take place within the pit itself if dust leaves the property and regularly affects adjacent residential properties.
13. A borrow pit shall be solely used for operations directly related to a borrow pit. Any other use shall require a conditional use approval by the Township. It shall be the responsibility of the pit operator or owner to control activity within the pit area and to clean up any debris or other material left on the site. If done in conjunction with a hot mix operation, the recycling of asphalt may be done in a borrow pit. Storage of asphalt, including concrete, is permitted in a general purpose or public works pit provided it is part of an ongoing recycling effort.
14. No waste classified as hazardous by the Minnesota Pollution Control Agency shall be disposed of on the site.
15. A concurrent reclamation plan shall be submitted and approved by the Township. The stripping and stockpiling of the upper six inches of soil is a required component of all reclamation plans. These stockpiles shall be seeded and only used for reclamation purposes.
16. All property lines shall be located by a Registered Land Surveyor with the line location approved by the County Surveyor. This requirement may be waived if the adjacent property owners and the borrow pit owner/operator agree to the property lines and the agreement is recorded. This agreement must be in writing and submitted to the Zoning Administrator. No survey would be

needed if the County Surveyor determines that a property line dispute has no merit, or if the pit operator will maintain all setbacks based on the line proposed by the adjacent owner or that the operation would not encroach upon any required setback based upon a determination by the Zoning Administrator.

17. All utility line easements shall be observed and any encroachment into the utility right-of-way shall only be permitted with the written approval of the utility.
18. All operating borrow pits shall take measures to control erosion that has the potential to damage adjacent land, and control sedimentation that has the potential to leave the site. The access road shall also be designed in a manner that minimizes erosion. Erosion and sediment control measures shall conform to standards and specifications of the Soil Conservation Service "Field Office Technical Guide" or that of the Minnesota Department of Transportation. The Zoning Administrator shall approve all erosion and sediment control measures. The owner or operator shall maintain all such practices until the pit area is permanently stabilized or reclaimed.
19. No surface or ground water may be used in borrow pit operations unless specifically authorized by the Department of Natural Resources. The Township shall receive proof of such authorization.
20. All road weight limits and other road restrictions placed in effect by the local road authority shall be observed.
21. The Township adopts as a guideline for reclamation the report entitled "A Handbook for Reclaiming Sand and Gravel Pits" published in July 1992 by the Minnesota Department of Natural Resources. Reclamation plans will be reviewed in accordance with those standards and the technical standards of the Soil and Water Conservation District.
22. Under no circumstances may a borrow pit come within the principal structure setback standard for the zone district unless a variance is approved.

21.02 Borrow Pit Permitting:

The following borrow pit permits shall be available within Lakewood Township:

- A. Existing pre-ordinance pits.

- B. 45-calendar day permit.
- C. Public works pit, 2-year permit.
- D. General purpose permit.

All permits shall be recorded in such a manner that all adjacent property owners will be notified of the existence of a pit. Local governments shall receive notice of all authorized pits.

The following procedure shall also be followed for each of the permit types. Lakewood Township shall not use any borrow material originating from a pit not in conformance with these standards. The Township shall comply with the standards found in this section.

A. Existing Pre-Ordinance Pits:

1. All pit owners whose pit does not have a conditional use permit or other authorization shall make application to the Township within 24 months of adoption of this Ordinance.
 2. No borrow pits may be closed under this provision if the pit was established prior to January 1, 1969, and has been in continuous use since that date, application is made within the 18 month period, and the minimum standards are met. Continuous use is defined as the removal of a minimum of 100 cubic yards of material every two years.
 3. All legally established nonconformities shall cease to exist if no application is made.
 4. The permit shall remain in effect as long as the operation remains in compliance with the minimum standards.
 5. A pre-ordinance pit that cannot meet the minimum standards may continue in operation provided the Planning and Zoning Commission has reviewed the applicant's basis for non-compliance and agrees that the standards cannot be followed. The Commission, in such a situation, while not being permitted to close the operation, may require other mitigative measures.
- B. 45-Calendar Day, Single Season Pits: A regular land use permit may be issued for a borrow pit established in response to a single public works project that will not be used from more than one construction season, and activity other than hauling from stockpiles and any hot mix operation will not continue for more than 45 calendar days. The following restrictions shall apply for such a permit:

1. No residential uses or lakes and rivers within 300 feet of the borrow pit.
2. All minimum standards shall be followed.
3. Hot mix plant may be part of the application and all federal and state regulations shall be met.
4. The establishment of a 45 day permit pit will not be used as a rationale for a permanent borrow pit.
5. The appropriate public agency has notified the Township government by March 31 of a pending public works project in which the Township may be considered as a source of borrow material and that this permit may be utilized. The Township shall have 30 days to notify the Zoning Administrator of areas it considers as not meeting the land use and environmental standards set forth in the zoning ordinance for such pits. Borrow pits located in such areas may be established by utilizing the two year public works pit permitting process. The Zoning Administrator may authorize additional public works projects for this permit if it was not feasible for a specific project to meet the March 31 deadline; in such situations the Township shall be given 30 days notice for comment purposes.
6. Hours of operation may be expanded upon written permission of two-thirds of residential property owners within one-quarter mile of the proposed pit and all of the properties containing a residence within 300 feet of the pit. If the pit is located on a road closed for construction, hours and days of operation will be permitted without restriction if the residential property owners within 300 feet of the pit agree to such an extension.
7. No application will be permitted from an operator who has received a single site permit previously and the Zoning Administrator has determined that the previously approved pit was not adequately reclaimed.
8. The borrow pit shall conform with adopted land use plans.
9. Crushing shall be limited to 45 calendar days, hauling may continue until completion of the project for which the pit was authorized, and the hot mix operation may continue for two working days for each 1,000 tons of mix produced from the time of hot mix plant startup.

C. Public Works Pits, 2-Year Permit:

Pits that are exclusively used for public works purposes may be established without a Conditional Use Permit if the following criteria are met:

1. All minimum standards are followed.
2. Two-thirds of the residential property owners within one-quarter mile of the pit and all of the residential property owners within 300 feet of the pit sign a petition authorizing the pit. An applicant is eligible for a conditional use permit if signatures are not obtained.
3. The pit is in existence for not more than two years unless reauthorized by another petition or approved by a conditional use permit.
4. The pit must be used solely for public works projects that are defined as work on bridges, public roads, landfills, and other public facilities except up to 100 percent of production may be offered for general sale.
5. All borrow pits must comply with adopted land use plans.

D. General Purpose - Conditional Use Borrow Pits:

1. All Borrow pits that do not meet the public works criteria, new borrow pits, or reopening of pits, shall be a conditional use permit approved by Lakewood Township. Existing pre-ordinance pits that cannot meet the performance standards cannot be closed by Lakewood Township, but the Commission may impose conditions to mitigate the problems relating to the pit.
2. No Conditional Use application will be accepted by Lakewood Township unless all the text and drawing requirements listed in this section are met by the applicant.
3. The following criteria shall be used by the Planning and Zoning Commission in approving a new borrow pit conditional use application:
 - a. The ability of roads to handle traffic.
 - b. Air quality, dust and noise control measures and ability to limit impact upon any adjacent residential properties.
 - c. Groundwater protection.
 - d. Public safety.

- e. Control of erosion and sedimentation.
 - f. Impact upon watershed.
 - g. The cumulative impact of borrow pit operations in the area.
 - h. The ability of the owner/operator to implement the requirements of this ordinance.
4. The Planning and Zoning Commission may take the following actions relating to new borrow pits.
- a. Approve the borrow pit with conditions including limiting the years the permit is valid, and conditions that mitigate problems relating to pit operations.
 - b. Deny the application, but permit reapplication after certain conditions are met.
 - c. Deny the application for a period of years.
 - d. Deny the application permanently.
5. The Zoning Administrator may extend the years an approved conditional use pit is to remain in operation if the following circumstances exist:
- a. All standards found in this ordinance are being observed.
 - b. The intent of the original Planning and Zoning Commission approval would be met if an extension was authorized.
 - c. The Township shall be notified of the extension.
 - d. The Zoning Administrator's extension can be appealed to the Board of Adjustment within 30 days by the Town Board or by a property owner within the notification area.
 - e. The extension cannot exceed the length of the original permit.

21.03 The Application Form:

- A. All borrow pit applications shall contain the following information:
- 1. An index map using the U.S.G.S. map showing all features within one

mile of the pit. The features shall include all residences, wetlands, lakes and rivers, roads, existing borrow pits, location of other structures, utility lines and other features.

2. A written description of the pit and operation including: volume of material to be excavated, length to be in operation, amount of truck activity at highest and average levels, dust control measures, buffer area vegetation, depth to groundwater, hours of operation, description of operation including timing of excavation areas, routes trucks will take to and from site, types of barriers established, property line establishment, reclamation plans, noise levels at property lines, screening from the residential properties, drainage from the site, location and adequacy of topsoil set aside for reclamation, and future plans for the pit.
3. A detailed scale drawing at a scale of 100 feet per inch unless pit property covers 40 acres or more, and then a 200 feet per inch scale may be used. The drawing shall show the following:
 - a. Contour intervals utilizing 10 foot contour intervals unless the Zoning Administrator requires a drawing at 2 foot contour intervals.
 - b. Location of all pit operations.
 - c. Horizontal dimensions of the pit site.
 - d. All setbacks from roads and adjacent property lines.
 - e. Location, size, and use of all structures on the parcel.
 - f. Location of all adjacent structures and their uses.
 - g. Area of excavation.
 - h. Extent of vegetation in buffer area.
 - i. Location of utilities.
 - j. Location of all interior roads and the location barriers.
 - k. All lakes, streams, and wetlands on property.
 - l. Timing of reclamation effort.

B. Information submitted to other regulating agencies that address the required

information needs of this Ordinance may be used in lieu of the specific information item listed in this section.

21.04 Reclamation Standards:

All borrow pits shall implement the following minimum reclamation standards:

- A. Concurrent reclamation shall occur during the operation as well as at the completion of borrow excavation and related activities.
- B. At the non-working face of the pit, banks shall be maintained at a slope not to exceed 2:1 except that at cessation of pit operations the slope shall not exceed 2.5:1. The working face may be permitted at a greater than 2:1 slope provided that by December 1 of each year, banks that are higher than 15 feet shall be rounded for safety purposes, or fenced. Pits that are in operation year around may be exempted from this standard if the operator demonstrates to the Zoning Administrator that these safety measures are not needed and that other measures are more appropriate.
- C. All trees, brush, stumps and any other debris removed for the sole purpose of operation of borrow, shall be disposed of in a manner acceptable to the fire warden and the local solid waste authority. In no case shall vegetation from over a 10 acre area be kept on the property unless it is burned or buried.
- D. The tops of all banks shall be rounded to the surrounding topography.
- E. Pits may also be reclaimed for wetland mitigation or creation and, it is the intent of the operator to reclaim in that manner, it must be done in accordance with a plan approved by St. Louis County.
- F. All slopes shall be stabilized, equipment and structures removed, topsoil properly placed and permanent seeding established, banks rounded and other reclamation actions completed in accordance with the reclamation plan within 18 months of cessation of pit operations. A pit shall be considered inactive and requiring reclamation when less than 100 cubic yards of borrow material is excavated and removed per year for a two-year period. The Zoning Administrator may require the pit owner to supply evidence of pit usage. All temporary/permanent seedings shall conform to Department of Natural Resources pit reclamation standards, Minnesota Department of Transportation standards, or Soil Conservation Service technical standards.

21.05 Financial Assurance:

All pits shall meet the financial assurances standards listed in this section.

- A. The pit owner shall not, at any time, have any delinquent taxes owed on the pit.
- B. All pits, unless owned by a government agency or, if proof is provided, that through government road projects adequate bonding protection to assure reclamation is provided, shall have a bond or other financial instrument of sufficient amount to cover cost of reclamation of the site. The Township shall determine if the financial assurance is sufficient to cover the cost of reclamation by a private individual. The financial assurance amount shall be adjusted annually for inflation. The amount of the financial instrument may be increased to cover cost of other potential environmental or safety related issues. The Zoning Administrator is authorized to develop a formula to set the cost of reclamation so that there will be a standard basis for assurance amount calculation. No financial assurances will be required for pits that have less than two acres excavated at any given time and in which the applicant demonstrates that concurrent reclamation is taking place.

21.06 Permit Revocation:

Permits shall be revoked in accordance with the procedure found in this Ordinance.

Section 22 – Sexually Oriented Businesses: "C"

22.01 Purpose:

The purpose of this ordinance is to control and regulate certain land uses that have a direct and detrimental effect on the character of the Town of Lakewood. In addition to these performance standards, a conditional use permit shall be required.

22.02 Findings:

The Town Board of the Town of Lakewood issues the following findings regarding the effect sexually oriented businesses have on the character of the Town. The findings are based on the Town Board's study of experiences of other areas in the nation where sexually oriented businesses are located.

- A. Sexually oriented businesses can exert a dehumanizing influence on persons attending places of worship, children attending licensed day care homes, persons using public parks, and children and other persons attending schools;
- B. Sexually oriented businesses can contribute to an increase in criminal activity in the area where such businesses are located, taxing local law enforcement services.
- C. Sexually oriented business can significantly contribute to the deterioration of residential neighborhoods and can impair the value of residential housing in

the area in which such businesses are located.

- D. The concentration of sexually oriented businesses in one area can have a substantially detrimental affect on the area in which such businesses are concentrated and on the overall quality of urban life. A cycle of decay can result from the influx and concentration of sexually oriented businesses. The presence of such businesses is perceived by others to be an indication that the area is deteriorating and the result can be devastating as other businesses and residences move out of the vicinity. Declining real estate values, which can result from the concentration of such business, erode the township's tax base.

22.03 Authority:

The Town Board has the authority under Minnesota Laws 1963 Chapter 451 to regulate the location of this type of business. In order to minimize the detrimental affect sexually oriented businesses have on adjacent land uses, the Town Board adopts this section of the ordinance, recognizing that it has great interest in the present and future character of the township.

22.04 Definitions:

- A. Adults only bookstore: An establishment having as a substantial or significant portion of its stock in trade, books, magazines, films for sale or viewing on premises by use of motion picture devices or other coin operated means, and other periodicals which are distinguished or characterized by their principal emphasis on matters depicting, describing or relating to nudity, sexual conduct, sexual excitement, or sadomasochistic abuse, as defined below, or an establishment with a segment or section devoted to the sale or display of such material, for sale to patrons, therein.
- B. Adults only motion picture theater: An enclosed building used regularly and routinely for presenting programs, material distinguished or characterized by an emphasis on matter depicting, describing or relating to nudity, sexualconduct, sexual excitement or sadomasochistic abuse, as defined herein, for observation by patrons, therein.
- C. Massage parlor: A massage parlor which restricts minors by reason of age, or which provides the service of "massage," if such service is distinguished by an emphasis on nudity, sexual conduct, sexual excitement or sadomasochistic abuse, as defined herein, for observation or participation by patrons, therein.
- D. Nudity: The showing of the human male or female genitals, pubic area or buttocks with less than a fully opaque covering, or the showing of the female breast with less than fully opaque covering of any portion thereof below the top of the nipple, or the depiction of covered male genitalia in a discernibly turgid state.

- E. Adult rap parlor: A conversation/rap parlor which excludes minors by reason of age, and which provides the service of engaging in listening to conversation, talk or discussion, if such service is distinguished or characterized by an emphasis on nudity, sexual conduct, sexual excitement or sadomasochistic abuse, as defined herein, for observation or participation by patrons, therein.
- F. Adult sauna: An establishment or place primarily in the business of providing a steam bath or hot air bathing, and/or massage services which excludes minors by reason of age where such service is distinguished or characterized by an emphasis on nudity, sexual conduct, sexual excitement or sadomasochistic abuse, as defined herein, for patrons.
- G. Sexual conduct: Acts of masturbation, homosexuality, sexual intercourse, or physical contact with a person's unclothed genitals, pubic area, buttocks, or female breast.
- H. Sexual excitement: The condition of human male or female genitals when in a state of sexual stimulation or arousal.
- I. Sadomasochistic abuse: Flagellation or torture by or upon a person clad in undergarments, a mask, or bizarre costume, or the condition of being fettered, bound or otherwise physically restrained on the part of one so clothed.
- J. Adult entertainment center: An enclosed building or a part of an enclosed building wherein an admission is charged for entrance into the facility, or for food, alcoholic beverages or other beverages intended for consumption within the facility, wherein may be observed or which contains one or more coin-operated mechanisms which, when activated, permit a customer to view one or more live persons unclothed or in such attire, costume or clothing as to expose to view any portion of the female breast below the top of the areola, or any portion of the pubic hair, anus, cleft of the buttocks, vulva or genitals.
- K. Adult cabaret: A building or portion of a business 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 nudity, sexual conduct, sexual excitement or sadomasochistic abuse, as defined herein, for observation or participation by patrons, therein.
- L. Adult health/sports club: A health/sport club which excludes minors by reason of age, or if such club is distinguished or characterized by an emphasis on specified sexual activities or nudity, sexual conduct, sexual excitement or sadomasochistic abuse, as defined herein, for observation or participation by patrons, therein.

- M. 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 nudity, sexual conduct, sexual excitement or sadomasochistic abuse, as defined herein, for observation or participation by patrons, therein.
- N. Sexually oriented business: An adult bookstore, adult novelty store, adult video store, adult theater, adult massage parlor, adult conversation/rap parlor, adult sauna, adult entertainment center, adult cabaret, adult health/sport club, adult steam room, bathhouse facility, or any other business whose primary business activity is characterized by emphasis on matters depicting, describing or relating to nudity, sexual conduct, sexual excitement or sadomasochistic abuse, as defined herein.

22.05 Location restrictions:

- A. Sexually oriented business may be operated or maintained within commercially zoned areas only.
- B. Sexually oriented businesses shall:
1. Require triple the setbacks for the commercial zone district.
 2. Not be operated or maintained within 1000 feet from the property lines of a church, licensed day care facility, public library, public educational facility which serves persons age 17 or younger, elementary school, high school, place of worship, or elderly housing facility.
 3. Not be operated or maintained within 2000 feet of another sexually oriented business.
 4. Not be located in the same building or upon the same property as another such use.
 5. Not be located in any place that is also used to dispense or consume alcohol.

22.06 Regulated uses:

- A. Signs

In addition to complying with all Lakewood Ordinances on signage, a sexually oriented business shall not be permitted more than one sign advertising its business. In addition, a one square foot sign may be placed on the door to state hours of operation and admittance to adults only. All signs shall be on premises only, shall be flat wall signs, shall not contain any flashing lights, moving elements, or mechanically changing messages, shall not contain any depiction of the human form or any part thereof.

B. Windows

A sexually oriented business shall not display signs, merchandise or pictures of the products or entertainment in window areas or any area where they can be viewed from the outside.

C. Hours of operation

A sexually oriented business may operate between the hours of 10:00 a.m. and 10:00 p.m., Monday through Saturday. The business shall be closed on Sundays and legal holidays.

D. Physical contact

Notwithstanding any other provision of this Ordinance, a sexually oriented business:

1. Employing dancers or other live entertainers, shall not allow physical contact between the dancers/entertainers and the patrons of the business.
2. Employed dancers or other live entertainers, shall maintain a distance of four (4) feet at all times between the dancers/entertainers and the patrons of the business.

E. Gratuities

Notwithstanding any other provisions of this Ordinance, a sexually oriented business:

1. Shall not allow its dancer or other live entertainers to solicit payments/gratuities from the patrons of the business.
2. Shall not allow the patrons of the business to make direct payments/gratuities to its dancers or other live entertainers.

22.07 Penalty:

A violation of this ordinance shall be a misdemeanor under Minnesota Law.

22.08 Severability:

If any subsection, clause or phrase of this ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The Town Board hereby declares that it would have adopted this Ordinance and each subsection, sentence, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared invalid.

Section 23 – Communications and Wind Generating Towers

23.01 Definitions

- A. Amateur Radio Operator - A person having a written authorization to be the control operator of an amateur radio facility. This authorization shall be in the form of a license or a permit issued by the Federal Communications Commission. Amateur radio operators provide communications services, including amateur satellite service and amateur services which are for the purpose of self-training, intercommunication and technical investigations carried out by amateurs who are duly authorized persons interested in radio technique solely with a personal aim and without pecuniary interest, as defined in Title 47, Code of Federal Regulations, (97.3(a)(4)).
- B. Communications Tower – A structure that is intend to support communication equipment for wireless, broadcast and similar communication purposes. Permitted communication towers will be limited to monopole (free-standing), or lattice (self-supporting).
- C. Commercial Communications Tower – A facility that transmits and/or receives electromagnetic signals. It includes antennas, microwave dishes, horns, and other types of equipment for the transmission or receipt of such signals, telecommunication towers or similar structures supporting said equipment, equipment buildings, parking areas and other accessory development. The facility provides licensed commercial wireless telecommunications services, including cellular, personal communications services (PCS), specialized mobilized radio (SMR), enhanced specialized mobilized radio (ESMR), paging and similar services that are marketed to the general public.
- D. Electrical Substation – A facility consisting of electrical equipment that switches/changes and/or regulates the voltage of electricity. This assemblage of equipment is physically located on the ground and is enclosed by a fence. A grouping of electrical service equipment, line or pad transformers, or minor electrical equipment, is not classified as an electrical substation.

- E. Utility Structure – A use, building, or structure, including a communication tower, electrical substation, windmill, recycling center, telephone maintenance center, or other similar facility that is normally uninhabited, does not contain sanitary facilities and is not intended as a long-term work site.

23.02 Commercial Communication Tower (C)

A commercial communication tower and utility structure, in direct support of the tower, are permitted with a conditional use permit in all zone districts on lots as small as 20,000 square feet provided the tower is not illuminated and does not exceed 100 feet in height. A conditional use permit is required and must be submitted on an application form approved by the Zoning Administrator that will contain, but is not limited to, the following information:

- A. Explanation of the reasons a particular site has been selected, including a description of other viable alternate sites considered, the reason those sites were rejected, and a discussion of co-location on other towers.
- B. A topographical propagation study depicting expected coverage which shall include the assumptions and methodology used.
- C. Documentation that the tower has been designed to conform to applicable state structural building standards and to conform to accepted electrical engineering methods and practices as specified in applicable provisions of the National Electric Code, and identification of a qualified engineer licensed by the State of Minnesota who will inspect the facility when required, fencing plan and other information as determined by the Zoning Administrator as necessary to review the application.
- D. A description of the tower and its proposed use.

23.03 Minimum Standards

The following minimum standards will apply to all commercial communication towers and utility structures under the jurisdiction of this ordinance:

- A. A commercial communications tower will be restricted to a height of 100 feet and, will not be a guyed tower.
- B. The tower will not be illuminated. Night-time strobe or red lights will not be permitted.
- C. Towers will not be closer than two times the tower height to the nearest structure off of the property. The placement of a structure off of the property after the issuance of the permit for a tower does not create a nonconformity

for the tower. The applicant must provide written authorization from the landowner regarding the location of the tower in relation to any structures or uses on the property on which the tower is located. The tower will be located a distance from property lines equal to the setbacks of the zone district, or the tower height, whichever is greater. This setback will also apply from the ordinary high water mark for properties on a lake or river. All other utility structures are required to follow structure setback requirements.

- D. All facilities will have a landscaping or vegetative protection plan and property maintenance plan, including litter, vegetation and a structural care plan approved by the Zoning Administrator. No advertisements will be placed on a utility structure or tower except for the name of facility owners. A fencing plan will be required as part of the application review.
- E. The co-location of antennas on single towers is encouraged and the applicant will demonstrate that the facility will be constructed in a manner that will accommodate multiple users. No additional permits are required for the placement of additional antennas on an approved tower provided tower height is not increased by more than 20 feet and the new tower height does not exceed 100 feet or lighting is required where previously lighting was not required. The tower owner, including successor owners, will provide information that the site will be a shared use facility provided other users meet reasonable industry terms.
- F. Prior to submission of an application, the applicant will discuss emergency and public information needs with the appropriate government agencies.
- G. Structures will not exceed 600 square feet in area. This may be in a single structure or a series of structures, (limited to one tower), at the site, provided total area does not exceed 600 square feet. There will be a minimum of one mile separating a new tower from an existing tower.
- H. At least one parking place will be provided.
- I. If the site is on a private road, there must be an agreement to use such a road from the appropriate party.
- J. All local, State, and Federal agencies shall have access to the property for the purpose of monitoring and inspecting the facility.
- K. A performance bond will be required to ensure that the standards associated with the permit are met, including, but not limited to, the removal of the structure when it is no longer used.
- L. A facility that is no longer being utilized for the purpose for which it was permitted will be considered inactive, subject to permit revocation. The

Zoning Administrator will follow inactive permit requirements of this Ordinance. Tower owners that have their permits revoked will remove the tower and facility within 12 months of revocation.

- M. All appropriate government permits and authorizations must be followed and evidence of compliance with these regulations will be submitted to the Zoning Administrator.
- N. All towers and utility structures within parcels containing active or inactive borrow pits will require a conditional use permit, and as part of the review, these facilities must demonstrate that they will not interfere with the reclamation of the borrow pit or deny access to aggregate material and that the borrow pit is in compliance with Article VI, Section 21, of this Ordinance.
- O. The applicant will demonstrate that the facilities, including roads, are in compliance with county, state and federal wetland regulations.
- P. All tower owners, prior to receiving a permit from Lakewood Township, will obtain an address from County Communications.

23.04 Communications Towers for Amateur Radio Operators

No conditional use permit will be required for communications towers used by amateur radio operators licensed by the Federal Communications Commission. These towers must meet the following standards:

- A. All setback requirements are met. Minimum setbacks from all property lines shall be the height of the tower plus thirty-five (35) feet.
- B. Towers are no more than 100 feet in height.
- C. Towers are not illuminated.
- D. Towers in excess of 100 feet and less than 200 feet will require a variance. Towers may never exceed 200 feet in height.
- E. Amateur radio operator towers will be located at the operators residence or place of business.
- F. Amateur radio operator towers under 100 feet may be guyed, pursuant to F.C.C. PRB-1, F.C.C. rules, 97.15(B).

23.05 Wind Generating Towers – Commercial

Commercial wind generating towers are not permitted in Lakewood Township.

23.06 Wind Generating Towers – Personal Use

- A. In addition to normal set back requirements, wind generator towers shall be set back a minimum of the tower height plus thirty-five (35) feet. A variance hearing is not required for personal use wind generators, however, a conditional use permit or performance standards are required. Maximum windgenerator height shall not exceed 100 feet. Height is determined by the tip of the blades at their highest point of rotational arc.
- B. No wind generator shall violate MPC noise standards or otherwise result in a nuisance source of noise.
- C. A wind generator may not be used for any purpose other than alternative energy.
- D. A wind generator may not be used for the location of signs.
- E. No wind generator may contain lighting except as required by law.

Section 24 – Fill Importation

- A. Purpose and Intent. This section provides for protection related to the nuisance of noise and dust, public safety, and potential damage to roads.
- B. Fill Importation shall be defined as the transportation of Fill from one Lot to another, but shall not include transport between contiguous Lots not using public roads. Fill is defined as any material that is to be applied to the land or used to alter the surface of the land. Fill Importation is allowed in all zoned districts, but is subject to the following conditions:
 - 1. Fill must comply with Lakewood Zoning Ordinance Article VI, Section 19A (“Various Pollutants and Substances Prohibited”) and with Minnesota Pollution Control Agency guidelines regarding soil pollutants and contaminants.
 - 2. An Interim Use Permit for Fill Importation is required under either of the following circumstances:
 - a. Fill Importation to a Parcel or commonly-owned contiguous Parcels of greater than 300 cubic yards within a 60-day continuous time period, or
 - b. The Fill is to be placed on slopes greater than 20%.
- C. Fill Importation shall not count against the 300 cubic yards limit to the extent

Fill is used on the Parcel to construct a septic system, structures or driveways. Fill Importation does not include transport between contiguous Parcels not using public roads or Fill used by governmental agencies to build or maintain roads within Lakewood.

Section 25 – Prohibition Against Keeping of Junk Motor Vehicles and Junk Property in Plain View

- A. Purpose and Powers. Excessive amounts of junk motor vehicles and junk property in open view constitute a hazard to the health and welfare of the people of Lakewood Township in that such junk can harbor and attract vermin and present physical dangers to the safety and well-being of children and other citizens. Excessive amounts of junk motor vehicles and junk property in open view are a blight on the landscape, adversely affecting the environment and property values of nearby neighbors and of the Township as a whole.

Lakewood Township has the power pursuant to numerous statutory provision, including but not limited to the Laws of 1963, Chapter 451, and Chapter 168B, and Section 462.357 and 561.01 by ordinance (1) to prevent the bringing, depositing, or leaving within the township of any unwholesome substance, (2) to require owners or occupants of the lands to remove any unwholesome substances, and (3) in default thereof to provide its removal at the expense of the owner or occupant, which expense shall be a lien upon the property and may be collected as a special assessment. Lakewood Township also has the power (1) to provide for or regulate the disposal of garbage and other refuse, (2) to by ordinance define nuisances and provide for their prevention and abatement, and (3) to provide for the general welfare.

B. Definitions

1. “Junk Motor Vehicle” means a motor vehicle that (1) does not display current license plates or (2) is not in an operable condition.
2. “Junk Property” means wrecked, inoperable, partially dismantled, or abandoned property other than motor vehicles that has no value other than nominal salvage value. The term shall include by way of example (but not limited to) the following items if wrecked, inoperable, partially dismantled or abandoned and having no value other than nominal salvage value – motor vehicles not required to be licensed, refrigerators, washing machines, dishwashers, furnaces, appliances, plumbing fixtures, furniture, industrial waste, demolition waste or construction waste.
3. “Motor Vehicle” means a vehicle, either as defined in section 169.01 of the laws of the State of Minnesota or any other vehicle propelled or designed to be propelled by a motor, which can be licensed, including but not limited to cars, trucks, buses, all-terrain vehicles, trailers,

tractors and motorcycles. Farm machinery, farm equipment and any farm implements shall not be considered a “motor vehicle” nor “junk property”.

4. “Open View” shall mean that the junk motor vehicle or junk property can be seen with the unaided eye from a public road or public road easement, including any town road, county road, state road, or other public trail or cartway.
5. “Person” shall mean a natural person or any legal entity such as a corporation, partnership, or association.
6. “Responsible Authority” shall mean any person authorized by the Lakewood Board of Supervisors or by Lakewood Ordinance to enforce this ordinance.

C. Prohibitions

1. No person shall allow or permit the storage of more than two junk motor vehicles in open view on any property that the person owns or occupies within Lakewood Township.
2. No person shall allow or permit the storage of more than five items of junk property in open view on any property that the person owns or occupies within Lakewood Township.
3. The storage within Lakewood Township of more than two junk motor vehicles in open view or more than five items of junk property in open view is hereby declared to be a violation of this ordinance.

D. Enforcement

1. Enforcement of this Ordinance shall be in accordance with **Article VIII, Section 2**, of Lakewood Ordinance.

E. Appeals

1. In accordance with **Article VIII, Section 6**, any owner or occupant, upon receiving a notification to correct or remedy a prohibited condition may file with the Town Clerk a written request for an appeal hearing before the Board of Adjustment. The request for the hearing must be filed prior to the expiration of the time given in the notification for correcting or curing the prohibited condition. If a request for a hearing is filed, all enforcement is stayed until the time of the hearing, which shall be at the next regular Board of Adjustment meeting or, at the discretion of the Board, at a duly noted special

meeting. At the hearing, the Board may take any action or grant any relief it deems appropriate, including revoking the notification, extending the time to remedy or correct the condition, agreeing to an owners or occupants plan for correcting the condition, or reinstating the notification and the instruction to correct or remedy the condition in a given time frame, not less than seven days after the hearing.

F. Penalties

1. The penalty for a violation of this Ordinance is \$100 for each violation, and \$200 for any continuing or subsequent violation. If an owner or occupant does not remedy a violation, the Township may also provide for the removal of the junk motor vehicles or junk property at the expense of the owner or occupant, consistent with Chapter 168B, which expense shall be a lien upon the property and may be collected as a special assessment or, alternatively, may instruct the Township attorney to seek injunctive relief against the owner or occupant.

G. Coordination with Zoning Ordinance

1. Nothing in Lakewood Township's Zoning Ordinance shall be construed as inconsistent with this Ordinance and, to the extent that there may be an inconsistency, the provisions of this ordinance shall supersede the provisions of the Zoning Ordinance.

Section 26 – Bed and Breakfast Rentals

A Bed and Breakfast shall be defined as any single family dwelling represented to the public as a place where sleeping, cooking, eating, and living accommodations are furnished to the public for periods of occupancy, for compensation, and is not a resort, hotel or motel or vacation home rental.

Bed and Breakfast Rentals (B&B) are allowed with an Interim Use Permit in zone districts FAM-2, FAM-3, MUNS-4, RES-7, RES-5, and LSO-10. Bed and Breakfast Rentals are not allowed in the zone districts COM – 11, LIU-10, SMU-7.

Bed and Breakfast Rentals are allowable as a home business, as approved by the Planning and Zoning Commission. The following standards shall apply:

1. An Interim Use Permit shall be issued for not more than five (5) years.
2. Any subsequent Interim Use Permits shall not be for more than five (5) years.

3. The B&B must operate out of the property owner's primary residence and the property owner or employee must be generally present on the property during all rentals.
4. A change in ownership shall immediately terminate the IUP.
5. All side yard and rear yard setbacks shall be a minimum of fifty (50) feet or comply with current ordinance, whichever is greater.
6. For single bedroom rental, total occupancy shall not exceed 4 persons. For multiple bedroom rental, total guest occupancy shall not exceed one (1) plus two (2) times the total number of bedrooms available for rental. Total number of bedrooms available to the public does not include the owner's bedroom.
7. Off street parking must be provided for all vehicles, including but not limited to motor homes, recreational vehicles and trailers. No on street parking is permitted.
8. No temporary sleeping facilities may be used on the property during rentals (i.e. - tents, recreational vehicles, etc.).
9. Only one (1) B&B rental home is allowed per parcel.
10. The property owner shall obtain all licenses and permits as required by the state of Minnesota, St. Louis County, or other governmental agencies with jurisdiction, including but not limited to health, sanitary, fire, water quality, electrical service and land use permits prior to occupancy by the public.
11. Prior to the IUP public hearing, a copy of Sanitary System Point of Sale Compliance report must be submitted to the township zoning administrator.

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ARTICLE VII – PLANNED RESIDENTIAL DEVELOPMENT

Section 1 – Hearing Required

Planned Residential Developments require a conditional use hearing for approval. Planned Commercial Developments are not allowed.

Section 2 – Information Requirements

Before any application for permits for a Planned Residential Development may be filed, the landowner or agent must apply to the Commission for proceedings. Planned Residential Development applications shall contain the following information:

- A. A site plan drawn either 1": 100 foot or 1": 50 foot scale showing property boundaries, surface water features, existing and proposed structures and their uses, sewage treatment systems, topographic contours at ten-foot intervals or less, location of all uses including docking facilities, trails and other recreational facilities, utility lines, driveway entrances, existing wells including abandoned wells, and other information required by the Zoning Administrator in order to adequately review the proposal.
- B. Documents that explain how the project is designed and will function. These documents, which shall be submitted in draft form for Commission review, may be finalized after review and shall include: vegetation and erosion control plan, covenants, property association of which all property owners shall be a member, easements, floor plan for structures, fire protection plans, and other information required to adequately review the proposal.

Section 3 – Development Density

The density standards found in this article are maximum allowed densities and the Commission by considering land use and environmental impacts may decrease the permitted densities. See Section 5 A of Article VII.

3.01 Tier Division in Non-shoreland Area:

The property shall be divided into tiers using the depth of tier based on the minimum lot width for the zone district in which the planned development is located. The tier distances shall be measured from the side of the parcel with the greatest width.

3.02 Usable Area Calculation:

The total area within each tier is then calculated by excluding from each tier: the area in wetlands, bluffs, bedrock areas, highly erodible soils, the area set aside for sewage treatment, or land below the ordinary high water level of public waters. The area

remaining shall be used to calculate the allowed density for either residential or commercial planned developments.

Section 4 – Design Criteria

Criteria stated in the St. Louis County Subdivision Regulations shall serve as the design criteria for all Planned Residential Developments.

4.01 Setback Standards:

Exterior setback and public road setbacks shall be the same as required for the particular zone district in which the planned residential development is located. The Board of Adjustment shall act on any variance request from those standards. All interior setbacks, including those from interior roads, will be set by the Planning and Zoning Commission.

4.02 Fire Department Review:

The Township fire department shall approve of the planned residential development design regarding fire safety criteria. Failure of the fire department to respond within 60 days of notification by the Township will be construed as approval of the project as submitted.

4.03 Water-Oriented Accessory Uses:

Water -Oriented Accessory Uses that are permitted in this Ordinance are allowed in planned residential developments if authorized through permit review in accordance with the standards found in this Ordinance.

Section 5 – Design Criteria for Planned Residential Developments

Residential planned development design criteria for approval are as follows:

- A. If the private drive is to serve more than two (2) homes, parcels, or lots, (Planned Residential Development), then before any application for a land use permit may be filed, the landowner or his/her agent must request that the matter be referred to the Town Board of Supervisors for proceedings. Any parcel created by subdivision under this section shall have a minimum lot area of ten (10) acres and shall be at least twice the minimum lot area for the zone district.
- B. At least 50 percent of the total project area must be preserved as open space, separate from the subdivided lots. Open space must be preserved according to maximum lot coverage standards for each zone district.
- C. Dwelling units or sites, road right-of-way's, or land covered by road surfaces, parking areas, or structures except water-oriented accessory structures or

facilities, are developed areas and should not be included in the computation of minimum open space.

- D. Open space must include areas with physical characteristics unsuitable for development in their natural state, and areas containing significant historic sites.
- E. Open space may include outdoor recreational facilities for use by owners of the dwelling units or sites, or the public.
- F. The shore impact zone, based on normal structure setbacks, must be included as open space. At least 50 percent of the shore impact zone area of existing developments or at least 70 percent of the shore impact zone area of new developments must be preserved in their natural or existing state.
- G. Open space must not include commercial facilities or uses.
- H. The appearance of open space areas, including topography, vegetation, and allowable uses, must be preserved by use of restrictive deed covenants, permanent easements, public dedication and acceptance, or other equally effective and permanent means.
- I. Open space may include subsurface sewage treatment systems if the use of the space is restricted to avoid adverse impacts on the system.
- J. Planned residential developments must be connected to publicly owned water supply and sewer systems, if available. On-site water supply and sewage treatment systems must be centralized when feasible and designed and installed to meet or exceed applicable standards or rules of the Minnesota Department of Health and the Minnesota Pollution Control Agency and St. Louis County. On-site sewage treatment systems must be located on the most suitable areas of the development, and sufficient lawn area free of limiting factors must be provided for a replacement soil treatment system for each sewage system.
- K. Shore recreation facilities, including but not limited to swimming areas, docks, and watercraft mooring areas and launching ramps, must be centralized and located in areas suitable for them. Evaluation of suitability must include consideration of land slope, water depth, vegetation, soils, depth to groundwater and bedrock, or other relevant factors. The number of spaces provided for continuous beaching, mooring, or docking of watercraft must not exceed one for each allowable dwelling unit or site.
- L. Structures, parking areas, and other facilities must be treated to reduce visibility as viewed from public waters and adjacent shorelands by vegetation, topography, increased setbacks, color or other means acceptable to the local

unit of government, assuming summer, leaf-on conditions. Accessory structures may be permitted as allowed by this Ordinance.

- M. Non-shore recreational facilities should be placed in a manner that avoids major traffic routes and placed in an environmentally sound location. The facilities should also be located in centralized locations for use by the residents of the facility.
- N. Erosion control and storm water management for planned residential developments must:
 - 1. Be designed and constructed to minimize the likelihood of serious erosion occurring either during or after construction. This must be accomplished by limiting the amount and length of time of bare ground exposure. Temporary ground covers, sediment entrapment facilities, vegetated buffer strips, or other appropriate techniques must be used to minimize erosion impacts on surface water features. Erosion control plans approved by a Soil and Water Conservation District may be required if project size and site physical characteristics warrant.
 - 2. Be designed and constructed to effectively manage reasonable expected quantities and qualities of storm water runoff.

Section 6 – Commercial Planned Developments: Such planned developments are not allowed

Section 7 – Road Standards for Planned Residential Developments

- A. The Commission shall receive of the landowner a scaled engineering drawing of the parcel detailing any contemplated driveway, roadway, alleyway, or other improvements and any proposed subdivisions of the parcel.
- B. The Commission shall require a contract between the Township and the landowner relative to the construction, maintenance, establishment, etc., of any proposed roadway, alleyway, or driveway. The Commission may use the Subdivision Regulations of St. Louis County as a guide in drawing up this contract. Such contract shall be recorded on the deeds of all individual parcels of lots and contain provisions regarding the following:
 - 1. The establishment of a sixty-six (66) foot right-of-way to be deeded to the Town, or in the alternative, an executed valid and binding Property Owner's Association Agreement to which all landowners are parties. Such an agreement shall be established through articles of incorporation, bylaws, and any other necessary legal documents, to include all of the owners of lots within the subdivision. Such

documents shall provide for common ownership of the road system within the subdivision by all of the property owners, and shall provide that the Property Owners' Association shall be responsible for maintaining the road system at the Association's expense. The Property Owners' Association shall maintain said road system in such condition that it is driveable and passable by general purpose, public and emergency vehicles on a year-round basis.

2. The proposed grade of said thoroughfare.
3. The specifications for gravel base, gravel surfaces, ditches, and culverts.
4. In all respects the thoroughfare shall meet the minimum standards of the St. Louis County Highway Department and the Town of Lakewood for township roads.
5. All construction will be supervised by the Town of Lakewood at the landowner's expense.
6. The Town Board of Supervisors shall reserve such lands it deems necessary for right-of-way access.
7. No road construction shall end without linking to another established public road or in a cul-de-sac of such radius as the Town Board of Supervisors deems fit.
8. Setbacks shall be the same as required within the zone district.
9. Lot coverage, including all structures, parking and loading area and similarly altered ground surface, shall not exceed that allowed within the zone district.
10. There shall not be established on this proposed roadway any illegal or nonconforming lot or parcel in regard to total area or frontage.
11. Effective natural screening shall be required.
12. Prior to allowance of land use permits, the thoroughfare shall either be accepted by the Town Board of Supervisors or finished to contract specifications.
13. The Commission, with the agreement of the Town Board, shall be empowered under this section to require performance bonds as it deems necessary for the performance of this contract.

Section 8 – Planned Residential Development Standards and Criteria - North Shore Management Plan Area

8.01 Design Criteria:

- A. Structures, parking area, and other facilities must be designed and placed to reduce visibility as viewed from Lake Superior, roads and adjacent shorelands by vegetation, topography, increased setbacks, color, or other means acceptable to Lakewood Township, assuming summer, leaf-on conditions.
- B. Units, recreation facilities, and commercial uses must be clustered into one or more groups and located on suitable areas of the development site.
- C. An area must be provided for open space, according to the standards of the zone district, for the users and residents of the development. Road right-of-way's, land covered by road surfaces, parking areas, units, structures are considered developed area and should not be included in the computation of minimum open space. This open space dedication must be filed as a restriction against the property.
- D. The appearance of open space areas, including topography, vegetation, and allowable uses must be preserved by the use of restrictive deed covenants, permanent easements, public dedication and acceptance, or other equally effective and permanent means.
- E. Areas with physical characteristics unsuitable for development in their natural state, such as wetlands or areas containing significant historical sites, shall be considered open space.
- F. The development must also provide access to developed public roads.

8.02 Sewage Disposal Standards:

- A. On-site water supply and sewage treatment systems must be centralized and designed, installed, and operated to meet or exceed applicable standards or regulations of the Minnesota Pollution Control Agency (MPCA) and St. Louis County.
- B. On-site sewage treatment systems must be located on the most suitable areas of the development.
- C. Public water and sewage service must be used where available.
- D. Developments that produce 5,000 gallons of sewage per day or contain more than 15 units require an MPCA State Disposal System permit. This would result in an average flow rate of 333 gallons per unit per day.

- E. The potential person capacity of a dwelling shall be used to determine the potential gallons generated which, in turn, shall dictate the appropriate system(s) that should be utilized by the proposed development. St. Louis County and state standards and regulations apply and should be consulted.
- F. All new units must utilize water conserving plumbing fixtures and have water meters installed and accessible which serve all sewage generating appliances.
- G. No occupancy of any unit or use of any commercial structure of any planned residential development shall be allowed until the appropriate sewage disposal system is in place and fully operational.

8.03 Development Plan:

- A. At the time of application, the proposed property shall be under unified control or ownership. The applicant will provide a detailed development plan which shall include a description of:
 - 1. The property under consideration, including property boundaries, contours, on-site features, roads, lakes, rivers, and other relevant features.
 - 2. Building elevations, location on site, proposed uses, number of units, and commercial operations.
 - 3. A concept statement describing the project.
 - 4. Parking areas and driveways for residences, vehicle loading/unloading areas, proposed public road entrances, and projected traffic generation of the proposed development.
 - 5. Proposed phasing of the final development.
 - 6. Description of how the project will operate after completion.
 - 7. Nature of proposed ownership after completion.
 - 8. Proposed fire protection.
 - 9. Proposed homeowners' association agreement, where applicable.
 - 10. Detailed landscape plan which shows existing vegetation and proposed alterations and new plantings and landscaping.
 - 11. Recreational space location and use.

12. Water sources and water supply system plans.
13. Proposed sewage treatment system plans.
14. Storm water runoff plans (construction and operation).
15. Erosion control plan for shoreline, where applicable.
16. Erosion control plan for site (construction and operation).
17. Evidence of application of appropriate permits, state and federal.
18. Evidence of availability of necessary public facilities.
19. Proposed development plan will demonstrate that the development will conform with adjacent development and be screened from the lake, adjacent roads, and adjacent properties. Any other information deemed to be necessary by the Planning Commission will be provided by the applicant. Plan modifications or special conditions or performance standards may be required.

8.04 Campgrounds:

- A. All campgrounds within the Lake Superior Management Area approved after the effective date of this Ordinance amendment shall comply in all respects to applicable state regulations and laws and, furthermore, shall comply with the sanitary, shoreland alteration, erosion hazard area and planned residential development standards of Article VI, including the density standards.

Section 9 – Administration

9.01 Approval of Documents:

Before final approval can be granted, the applicant shall have received approval from the Township in a document that demonstrates adequate provisions have been developed that preserve and maintain in perpetuity all open spaces and common facilities. This information shall include:

- A. Open space preservation. Deed restrictions, permanent easements, public dedication and acceptance, or other equally effective and permanent means must be provided to ensure long-term preservation and maintenance of open space. The instruments must include all of the following projections:
 1. Commercial uses prohibited for residential planned unit developments.

2. Vegetation and topographic alterations shall conform with the land alteration and intensive vegetation removal standards of this Ordinance.
 3. Construction of additional buildings or storage of vehicles and other materials prohibited; and
 4. Uncontrolled beaching prohibited.
- B. Development organization and functioning. Unless an equally effective alternative community framework is established, when applicable, all planned residential developments must use an owners' association with the following features:
1. Membership must be mandatory for each dwelling unit or site purchaser and any successive purchasers.
 2. Each member must pay a pro rata share of the association's expenses, and unpaid assessments can become liens on units or sites.
 3. Assessments must be adjustable to accommodate changing conditions.
 4. The association must be responsible for insurance, taxes, and maintenance of all commonly owned property and facilities.

9.02 Number of Documents Needed:

The applicant shall submit a suitable number of preliminary and final documents and maps so that each appropriate government agency shall be able to review them. The following shall receive a copy of the documents and maps: six (6) copies for St. Louis County, one (1) copy for town government, one (1) copy for local fire department, one (1) copy for local school district, and one (1) copy for the Department of Natural Resources.

9.03 Approval:

The Commission shall hold a public hearing to evaluate the proposal, using the same standards for notification and decision as for conditional use hearings. All provisions of the Article must be met for the Commission to recommend approval. Final approval of the project is by the Town Board of Supervisors, upon the above recommendation of the Commission.

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ARTICLE VIII – ADMINISTRATION, ENFORCEMENT, AND APPLICATION REVIEW

Section 1 – General

1.01

This Ordinance shall be administered by the Lakewood Township Zoning Administrator. The Zoning Administrator shall make a monthly report of his activities to the Town Board, and shall provide assistance to any applicant in preparing his application, advise the applicant as to the provisions of this Ordinance, and cause to be inspected each project for which a permit has been granted.

1.02 Voiding of Permits Issued in Error:

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

1.03

No land hereafter changed in use, and no structure hereafter erected or placed, and no portion of any structure hereafter altered shall be used or occupied until the Zoning Administrator shall have inspected said land use or structure and shall have issued a Certificate of Compliance stating that such land use or structure has been found to be in conformity with the provisions of this Ordinance.

1.04 Administrative Determinations:

Administrative determinations are to be made by the Zoning Administrator as questions arise. Should a question or problem arise concerning an approved variance, conditional use permit, land use permit, or an existing use or structure, any person may request a review of the matter by the Zoning Administrator. Such a request shall be in writing and shall detail the problem and location of the subject property, if applicable.

- A. The Zoning Administrator shall investigate the matter, consult with the Commission if necessary, and report back to the party making the request within a reasonable period of time and take the appropriate action.
- B. Any person taking exception to the Zoning Administrator's determination may appeal to the Board of Adjustment, by letter, in the manner described in Article VIII, Section 6 of this Ordinance without the necessity of appealing directly to District Court.

Section 2 – Enforcement

2.01 Investigations:

The Zoning Administrator shall investigate all violations of this Ordinance, notify the owners of violations and direct property owner to correct violations within twenty-one (21) days and if compliance is not obtained within the period of time, shall issue a citation and report the violation to the attorney.

- A. The Commission shall advise the Zoning Administrator regarding initiation of actions to restrain, correct, or abate violations and/or threatened violations.
- B. Taxpayers within the Township may institute court proceedings to compel specific performance by proper officials in reference to administration of enforcement of the Zoning Ordinance.
- C. Lakewood Township may enforce all provisions of this Ordinance through such proceedings for injunctive relief as may be proper under the laws of Minnesota. The Town Board or Commission, upon notification from the Zoning Administrator, may initiate action to prevent, restrain, correct or abate violations or threatened violations. The Town Board or the Commission may at a later date vote to discontinue proceedings.

2.02 Misdemeanor Penalty:

Any person, firm, or corporation, or agent, employees or contractors of such, who violate, disobey, omit, neglect, refuse to comply with, or who resist enforcement of any of the provisions of this Ordinance shall, upon conviction, be guilty of a misdemeanor. Each day that a violation continues to exist shall constitute a separate offense. All fines for violations shall be paid to the Township and shall be credited to the General Revenue Fund.

2.03 Refusal to Comply:

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

- A. The applicant shall have no more than thirty (30) days from the date of the notification to satisfy said requirements or be subject to the revocation of said permit; or

- B. The applicant shall have no more than thirty (30) days from the date of the notification to make an appeal to the appropriate body.

2.04 Citations:

The Zoning Administrator or representative may issue citations for violations of this Ordinance.

- A. Citations shall contain the following information:
 - 1. The name and address of the person charged with the violation or the owner or person in charge of the premises at which the violation occurs.
 - 2. The date and place of the violation.
 - 3. A short description of the violation followed by the section of the Ordinance violated.
 - 4. The date and place at which the person receiving the citation shall appear and a notice that if such person does not respond, a warrant may be issued for such person's arrest.
- B. The citation shall be issued to the person charged with the violation, or in the case of a corporation or unit of government, to any officer or agent authorized to accept such issuance. The citation shall be issued to the person charged pursuant to Minnesota Rules of Criminal Procedure.
- C. After the issuance of the citation and within such time as shall be fixed by court rule, the person charged with the violation shall report as directed.
- D. If the person charged with the violation does not appear at the time specified by court rule, the court shall send a notice directing that person to respond to the citation within seven days of the date of notice and, if such person fails to respond, that shall cause a complaint to be signed and a warrant to be issued for the arrest of such a person to compel an appearance in court.

2.05 Inspections:

All persons involved in land development activity shall allow free access to the Zoning Administrator or representative of the Township at any reasonable time for the purpose of making such inspections as may be necessary to determine compliance with the Township Zoning Ordinance. Failure of such persons to allow an inspection shall be considered a violation of this Ordinance and the Zoning Administrator shall have the authority to take appropriate legal actions, or to suspend review of a permit, or to revoke a permit.

Section 3 – Conditional Uses and Interim Uses

3.01 Planning and Zoning Commission Approval:

For any use basically similar and compatible to other uses permitted in a zone, but not specifically identified, a permit may be issued only after an application of a Conditional Use has been received, reviewed, and approved by the Commission.

3.02 Application, Hearings, Decisions, and Conditions:

A. Applications

1. An application for a conditional use permit shall be filed with the Zoning Administrator on a proper form provided for that purpose, and shall be submitted in a timely manner as prescribed by the Commission in its rules of procedure.
2. The application shall be complete and shall be accompanied by detailed plans, drawn to scale, showing all details of the land area and proposed use, as well as any other information required to make clear the nature of the request and proposed use. The expense will be borne by the applicant.
3. The application shall be accompanied by the required fee.
4. The Zoning Administrator shall reject any application not accompanied by the required fee or by other materials and information as required by this Ordinance. Notification of rejection, along with the reason for such action, shall be given the applicant within ten (10) days of the decision.

B. Public Hearing Required:

- A. The Commission shall conduct a public hearing on each conditional use permit application, giving due notice thereof to the public as provided in Article VIII, Section 8 of this Ordinance.
- B. Such public hearings shall be conducted according to applicable Minnesota Statutes and to the rules and procedures of the Commission.

3.04 Decisions:

- A. Decisions of the Commission on all conditional use permit applications shall be made according to the general requirements and criteria for such permits as

listed in Section 3 of the Article and to any special requirements and criteria applicable to the particular application as listed in Article VI.

- B. The Commission shall render its decisions in writing within thirty-five (35) days of the close of the public hearing, stating its reasons in sufficient detail so that it can be determined that the decision was made in reliance on testimony given at the public hearing, and according to the criteria contained in this Ordinance. The vote of the Commission shall be indicated on the written decision.
- C. After a conditional use permit is granted, a certified copy of the decision shall be filed with the County Recorder or Registrar of Titles. The landowner(s) must sign the conditional use permit in the presence of a notary, before it can be registered.

3.05 Conditions:

- A. The Commission may impose such conditions or restrictions as it deems necessary to protect the public interest, including but not limited to matters relating to appearance, lighting, hours of operation, outside storage, parking, noise, odors and other performance characteristics, including performance bonds.
- B. When appropriate, restrictive covenants may be entered into regarding such matters.
- C. A Conditional Use Permit shall remain in effect for so long as the conditions agreed upon are observed. However, whenever it is deemed advisable, a time limitation or review requirement may be placed as a condition on any permit.

3.06 General Criteria and Requirements:

- A. All classes of Conditional Use Permits may be approved only upon a showing by the applicant that the standards and criteria stated in this section will be satisfied. Since by definition a conditional use is a special use not generally appropriate within the zone district, the applicant, or his/her representative, bears the burden of demonstrating a right to the permit by making such showing. Absent such showing, the Commission shall deny any application.
- B. A conditional use permit may be granted only upon finding all of the following:
 - 1. The use conforms to the land use or Comprehensive Plan of the Town of Lakewood.
 - 2. The use is compatible with the existing neighborhood and the conditional use will not be injurious to the use and enjoyment of the

environment, or detrimental to the rightful use and enjoyment of other property in the immediate vicinity, or neighborhood, nor substantially diminish or impair property values within the surrounding neighborhood.

3. The use will not impede the normal and orderly development and improvement in the surrounding area of uses permitted by right in the zone district.
4. The location and character of the proposed use is considered to be consistent with a desirable pattern of development for the area.
5. The proposed development and/or land use is consistent and in keeping with the spirit and intent of this Ordinance.

- C. When, in the opinion of the Commission, a conditional use permit may result in a material adverse effect on the environment, the applicant will be requested by the Commission to demonstrate the nature and extent of the effect, with all expenses to be borne by the applicant.

3.20 Interim Uses:

Definition: An “interim use” is a temporary use of property, provided that use is allowed by Ordinance, until a particular date, until the occurrence of a particular event, or until zoning regulations no longer permit it.

3.21 Purpose and Intent:

The purpose and intent of allowing is:

1. To allow a use for a brief period of time until a permanent location is obtained or while the permanent location is under construction.
2. To allow a use that is presently judged acceptable by the Commission, but that, with anticipated development or redevelopment, may not be acceptable in the future.
3. To allow a use that otherwise may require a conditional use permit under the zoning ordinance but because of its temporary nature may be acceptable as an interim use.

3.22 Application, Public Hearing, Notice, and Procedure:

The application, public hearing, notice and procedure requirements for Interim Use Permits shall be the same as those for Conditional Use Permits as provided in Article VIII, Section 3.

3.23 An Interim Use must comply with the following:

1. The use must meet the Conditional Use Permit standards set forth in this Ordinance.
2. The use must conform to all applicable zoning regulations.
3. The date or event that will terminate the use must be identified with certainty.
4. The use must not impose additional, unreasonable costs on the public.
5. The applicant must agree to any conditions deemed appropriate by the Commission for permitting the use.

3.24 Additional Conditions:

In permitting an interim use, the Planning and Zoning Commission may impose, in addition to the Standards and requirements expressly specified by the Ordinance, additional conditions it considers necessary to protect the interests of the Township.

3.25 Termination:

An Interim Use will terminate and become void upon the occurrence of any of the following events:

1. The termination date stated on the permit.
2. A violation of any condition under which the Commission issued the permit, or Zoning Ordinance.
3. A change in the applicable zoning regulations, which no longer allows the use.
4. The property owner, operator, or the use changes.
5. The permit is not utilized for a period of one (1) year from the date issued.

Section 4 – Appeals from Decisions

- A. Appeals from Commission decisions may be made by any aggrieved person or persons, or any department, Board or Commission of the Jurisdiction, or of the County or State.
- B. Appeals from Commission decisions shall be made to the Town Board of Supervisors. The appeal shall contain the information required on the Appeal Form that may be obtained from the Township office. An appeal of a

Commission decision shall be in writing and addressed to the Town Clerk and postmarked or hand delivered to the Town Clerk no later than seven (7) business days after the adjournment of the Public Hearing.

Section 5 – Permit Noncompliance

Whenever the Zoning Administrator determines that an issued conditional use permit is not in compliance with the terms of the permit, a hearing shall be scheduled by the Commission. The Commission, after taking testimony, may revoke the permit, place additional conditions on the permit, or determine that no action is needed. The hearing procedure shall follow the same format as done for conditional uses.

Section 6 – Variances and Other Appeals

6.01 General:

- A. Applications for Variances from the terms of this Ordinance, or an appeal from any order, requirement, decision or determination made by the Zoning Administrator shall be made to the Board of Adjustment.
- B. Such appeals may be taken by any person aggrieved, or by any officer, department, board or bureau of the township, county or state.
- C. B. Such appeals shall be taken to the Board of Adjustment within forty-five (45) days of receipt of notice from the Zoning Administrator or any order, requirement, decision, or determination made by him.
- D. An appeal stays all proceedings in furtherance of the action appealed from unless the Board of Adjustment certifies that by reason of the facts stated in the certificate a stay would cause imminent peril to life or property.

6.02 Applications, Hearings, Decisions, and Criteria:

- A. Applications
 - 1. An application for a variance shall be filed with the Zoning Administrator on a form provided for that purpose. Appeals shall be filed in a manner prescribed by the Zoning Administrator.
 - 2. Appeals applications shall be filed in a timely manner in advance of a scheduled hearing date as the Board of Adjustment may provide in its rules of procedure.
 - 3. Application forms shall be complete, and shall clearly specify the grounds of the appeal or the Variance. The application shall be accompanied by detailed plans, drawn to scale, showing all details of

the land area and the nature of the circumstances surrounding the appeal or Variance.

4. The application shall be accompanied by the required fee.
5. The Zoning Administrator shall reject, and refuse to refer to the Board of Adjustment any application not accompanied by the required fee or by other materials and information as required by this Ordinance. Notification of rejection, along with the reason for such action, shall be given the applicant within fifteen (15) business days of the receipt of the application. The applicant shall have the opportunity to resubmit a complete application after being notified of the rejection. For purposes of Minnesota Statutes, Section 15.99, the 60-day review period does not start until the Zoning Administrator has received a substantially complete application.

B. Public Hearing

1. The Board of Adjustment shall conduct a public hearing on each appeal and Variance application. Such public hearings may be continued from time to time and additional hearings may be held.
2. The Board of Adjustment shall set a reasonable time for the hearing of the appeal or Variance and shall give due notice thereof as provided in Sec. 6 of this Article.
3. Such hearings shall be conducted according to applicable Minnesota Statutes and to the rules of procedure of the Board of Adjustment.

C. Decisions

1. Decisions by the Board of Adjustment shall be made within thirty-five (35) days of the date a public hearing is closed.
2. The Board of Adjustment shall keep a written record of its proceedings showing the vote of each member on each question, or if absent or failing to vote indicating such fact.
3. The Board of Adjustment shall render its decisions in writing, stating its reasons in sufficient detail so that it can be determined that the decision was made in reliance on testimony given at the public hearing, and according to the criteria contained in this Ordinance.
4. A certified copy of any Variance granted by the Board of Adjustment shall be filed with the County Recorder or Registrar of Titles for record. The filing shall include a legal description of the property involved. It shall be the responsibility of the Zoning Administrator to carry out this provision.
5. After an appeal to the Board of Adjustment has been approved or a Variance granted, the appellant shall have sixty (60) days, after receipt of notice of the decision, to make application to the Zoning Administrator for any permit necessary to begin the structure or the use for which the appeal was made.

D. Criteria for Decisions

1. The Board of Adjustment shall always act with due consideration to promoting the public health, safety, convenience, and welfare, encouraging the most appropriate use of land and conserving property value, and shall permit no structure, building or use detrimental to a neighborhood.
2. Variances shall only be permitted
 - a. when they are in harmony with the general purposes and intent of the Ordinance, and
 - b. when the variances are consistent with the comprehensive plan.
3. Variance may be granted when the applicant for the Variance establishes that there are practical difficulties in complying with the Zoning Ordinance.
4. “Practical difficulties,” as used in connection with the granting of a Variance, means that
 - a. the property owner proposes to use the property in a reasonable manner not permitted by the Ordinance;
 - b. the plight of the property owner is due to circumstances unique to the property not created by the property owner; and
 - c. the Variance, if granted, will not alter the essential character of the locality.

Economic considerations alone do not constitute practical difficulties.
5. The Board of Adjustment may not permit as a Variance any use that is not allowed under the Ordinance for the property in the zone where the affected person’s land is located.
6. The Board of Adjustment may impose conditions in the granting of Variances. A condition must be directly related to and bear a rough proportionality of the impact created by the Variance.

7. When in the opinion of the Board of Adjustment a Variance may result in a material adverse effect on the environment, the appellant may be required by the Board of Adjustment to demonstrate the nature and extent of the effect.
8. It shall be the burden of the appellant to demonstrate practical difficulties to sustain the need for a Variance. Absent such a showing as provided in Minnesota Statutes and this Ordinance, the Board of Adjustment shall not approve any Variance.
9. Appeals

The Board of Adjustment may reserve or affirm wholly or partly, or may modify the order, requirement, decision, or determination of the Zoning Administrator and to that end shall have all the powers of that officer and may direct the issuance of a permit.

6.03 Appeals from Board of Adjustment Decisions:

- A. All decisions by the Board of Adjustment in granting variances or in hearing appeals from any administrative order, requirement, decision or determination shall be final except that any aggrieved person or persons, or any department, board or commission of the jurisdiction or of the County or State shall have the right to appeal within seven (7) business days after the adjournment of the Public Hearing.
- B. Appeals from the Board of Adjustment decisions shall be made to the Town Board. The appeals shall contain the information required on the appeal form that may be obtained from the Township office. An appeal of the Board of Adjustment decision shall be in writing and addressed to the Town Clerk and postmarked or hand delivered to the Town Clerk no later than seven (7) business days after the adjournment of the Public-Hearing.

6.04 Board of Supervisors Appeal:

- A. Public Hearing
 1. The Board of Supervisors shall conduct a public hearing on each appeal from a decision of the Board of Adjustment. Such public hearings may be continued from time to time and additional hearings may be held.
 2. The Board of Supervisors shall set a reasonable time for the hearing of the appeal or Variance and shall give due notice thereof as provided in Section 6 of this Article.
 3. Such hearings shall be conducted according to applicable Minnesota Statutes and to the rules of procedure of the Board of Supervisors.
- B. Decisions

1. Decisions by the Board of Supervisors shall be made within thirty-five (35) days of the date a public hearing is closed.
2. The Board of Supervisors shall keep a written record of its proceedings showing the vote of each member on each question, or if absent or failing to vote indicating such fact.
3. The Board of Supervisors shall render its decisions in writing, stating its reasons in sufficient detail so that it can be determined that the decision was made in reliance on testimony given at the public hearing, and according to the criteria contained in this Ordinance.
4. A certified copy of any Variance granted by the Board of Supervisors shall be filed with the County Recorder or Registrar of Titles for record. The filing shall include a legal description of the property involved. It shall be the responsibility of the Zoning Administrator to carry out this provision.
5. After an appeal to the Board of Supervisors has been approved or a Variance granted, the appellant shall have sixty (60) days, after receipt of notice of the decision, to make application to the Zoning Administrator for any permit necessary to begin the structure or the use for which the appeal was made.

C. Criteria for Decisions

1. The Board of Supervisors shall always act with due consideration to promoting the public health, safety, convenience, and welfare, encouraging the most appropriate use of land and conserving property value, and shall permit no structure, building or use detrimental to a neighborhood.
2. Variances shall only be permitted:
 - a. When they are in harmony with the general purposes and intent of the Ordinance, and
 - b. When the variances are consistent with the comprehensive plan.
3. Variance may be granted when the applicant for the Variance establishes that there are practical difficulties in complying with the Zoning Ordinance.
4. "Practical difficulties," as used in connection with the granting of a Variance, means that;
 - a. The property owner proposes to use the property in a reasonable manner not permitted by Ordinance.

- b. The Plight of the property owner is due to circumstances unique to the property not created by the property owner, and the Variance, if granted, will not alter the essential character of the locality.
 - c. Economic considerations alone do not constitute practical difficulties.
- 5. The Board of Supervisors may not permit as a Variance any use that is not allowed under the Ordinance of the property in the zone where the affected person's land is located.
- 6. The Board of Supervisors may impose conditions in the granting of Variances. A condition must be directly related to and bear a rough proportionality of the impact created by the Variance.
- 7. When in the opinion of the Board of Supervisors a Variance may result in a material adverse effect on the environment, the appellant may be required by the Board of Supervisors to demonstrate the nature and extent of the effect.
- 8. It shall be the burden of the appellant to demonstrate practical difficulties to sustain the need for a Variance. Absent such a showing as provided in Minnesota Statutes and this Ordinance, the Board of Supervisors shall not approve any Variance.
- 9. The Board of Supervisors may reverse or affirm wholly or partly, or may modify the order, requirement, decision, or determination of the Board of Adjustment and the Zoning Administrator, to that end shall have the power to direct the Zoning Administrator to issue a permit.

D. Appeals from Board of Supervisors Decisions

- 1. All decisions by the Board of Supervisors in granting variances or in hearing appeals from any administrative order, requirement, decision or determination shall be final except that any aggrieved person or persons, or any department, board or commission of the jurisdiction of the state shall have the right to appeal within thirty (30) days, after the receipt of notice of the decision, to the district court of the county on questions of law and fact.

Section 7 – Amendments

Article VIII: Administration, Enforcement, and Application Review

7.01 General

- A. This Ordinance, and the Zoning Map, may be amended whenever the public health, safety, convenience and general welfare would best be served by such amendment, in accord with the Township's Comprehensive Land Use Plan by the procedures set forth in this Article.

7.02 Zoning Ordinance Text

- A. An amendment to this Ordinance text may be initiated by the Town Board, Planning Commission, the Zoning Administrator, or a resident or land owner

of Lakewood Township. An amendment not initiated by the Commission shall be referred to it for study, further action as deemed necessary, and reported back to the Town Board in writing. If the Town Board decides to proceed with the proposed amendment, it shall direct the Planning and Zoning Commission to hold one or more public hearings.

- B. Public hearings on text amendments by the Commission, including requirements of notice to the public, shall be conducted pursuant to Minnesota Statutes regulating the adoption of ordinances by Counties, and by the standards set forth in Sec. 8 of this Article.
- C. After conducting a public hearing on an Ordinance text amendment, the Commission shall report in writing to the Town Board within thirty-one (31) days of the close of the hearing. Upon filing of a report by the Commission, or if no report is filed within thirty-one (31) days, the Town Board, in the manner prescribed by Minnesota Statutes, may by Ordinance adopt, modify or reject the amendment or any portion thereof as it deems advisable.

7.03 Zoning Ordinance Map:

- A. An amendment to the Zoning Map may be initiated by the Town Board, the Commission, Zoning Administrator, or a resident or landowner of Lakewood Township, or authorized representative. An amendment not initiated by the Commission shall be referred to it for study, further action as deemed necessary, and reported to the Town Board in writing. If the Town Board decides to proceed with the proposed amendment, it shall direct the Planning and Zoning Commission to hold one or more public hearings.
- B. In the case of an amendment initiated by one or more property owners of record, a verified petition shall be filed with the Zoning Administrator containing the signatures of not less than fifty percent (50%) of the owners of property lying within one-half (0.5) mile of the boundaries of the property affected by the proposed amendment. The petition shall also contain the signatures of all owners of the property for which the petition is being filed, or shall be accompanied by documentation authorizing the person acting on behalf of such owners to act so. The petition shall be verified by signing the verification form provided by the Town Hall office at the time the petition is filed. The Zoning Administrator will verify a sample of the signatures.
- C. If directed by the Town Board, the Commission shall conduct at least one (1) public hearing on all proposed Zoning Map amendments and report to the Town Board in writing within thirty-one (31) days of the close of the hearing(s).
 - 1. The Commission shall give notice of public hearings for Zoning Map amendments in the manner prescribed in this Article.

2. The Commission's report to the Town Board shall contain a statement of the evidence relied upon, the factual determination made from the evidence, and the criteria used in reaching its recommendation.
- D. Upon the filing of a report by the Commission or upon expiration of the thirty-one (31) day period, the Town Board may by resolution adopt the amendment or any portion thereof as it deems advisable.
 - E. Once an amendment has been acted upon by the Town Board, the matter shall not be reconsidered, nor shall any additional amendments involving the same parcel or property be heard or considered by the Commission or the Town Board for at least twelve (12) months.
 - F. Once a parcel of land has been rezoned by petition, the development intended for said parcel of land must be substantially begun, as determined by the Town Board, within twelve (12) months of the date of approval of said zoning change. If the Town Board determines that there has been a failure to substantially initiate such development, it may cancel said zoning change, and may determine that the zone classification revert to its previous classification.
 - G. Criteria for Zoning Map Amendments:
 1. Amendments to the Zoning Map shall be recommended for approval only upon the finding by the Commission that all of the following conditions exist:
 - a. The proposed zoning shall be consistent with the Comprehensive Land Use Plan adopted by the Township.
 - b. The proposed zoning shall not be spot zoning, which is zoning to discriminate in favor of one (1) lot or parcel out of harmony with surrounding lots or parcels and the Comprehensive Land Use Plan, and without benefit to the community.
 - c. There shall exist a clear public need for the benefit from additional zoning of the type proposed, which shall be above and beyond any benefit or convenience to the landowner.
 - d. Beyond a public need being evident, there shall be a showing that the public interest would be best served by rezoning the property in question rather than other property in the community.
 - e. In the case of down-zoning, which is the changing of a zone

district from a higher or more intensive use to a lower or less intensive use, the proposed zoning shall allow the property owner a reasonable use of the property under the terms of this Ordinance, as well as serve the public interest.

Section 8 – Hearings and Hearing Notices

8.01 General:

- A. As prescribed in this Ordinance, public hearing shall be held before any Zoning Ordinance text amendment, zoning map amendment, conditional use permit, variance appeal or other appeal may be approved or recommended for approval. Such public hearings may be continued when considered necessary and additional hearings may be held.

8.02 Hearing Notices:

- A. Notice shall be given to the public for each required public hearing as prescribed in this section.
- B. Zoning Ordinance Text Amendments
 - 1. Notice of public hearings regarding Zoning Ordinance text amendments shall be published in newspapers of this Township.
 - 2. Said publication shall appear at least ten (10) days prior to the hearing.
- C. Zoning Ordinance Map Amendments:
 - 1. For map amendments initiated by petition of a property owner, the Town Board or Commission, notice of time, place, and purpose of the hearing shall be given by publication in a newspaper of general circulation in the Township at least 10 days before the hearing. Written notice providing the same information shall be sent to all owners of record within one-fourth (1/4) mile of the affected properties, or the ten (10) properties nearest the affected property, whichever would involve more landowners, including the applicant, also at least ten (10) days prior to the date of the hearing.
 - 2. It is the duty of the applicant to submit the following items to the Clerk of Lakewood Township at least twenty-one (21) days prior to the date of the intended public hearing:
 - (1) A valid petition or application approved by the Zoning Administrator. This must include the complete legal description.

- (2) A list of current property owners of record (name and current mailing address) within one-fourth (1/4) mile of the affected property, or the ten (10) properties nearest the affected property, whichever would involve more landowners. This list may be compiled at the County Court House, second floor.
- (3) Verification that the fee has been paid to the Zoning Administrator.

D. Conditional Use Permits

1. Written and published notice of hearing on conditional use permit applications shall be given in the same manner as prescribed in section 8.02 of this section.
 - a. A valid petition or application approved by the Zoning Administrator. This must include the complete legal description.
 - b. A list of current property owners of record (name and current mailing address) within one-fourth (1\4) mile of the affected property, or the ten (10) properties nearest the affected property, which ever would involve more landowners. This list may be compiled at the County Court House, Second floor.
 - c. Verification that the fee has been paid to the Zoning Administrator.

E. Variance Appeals

1. Written and published notice of hearings on variance appeals shall be given in the same manner as prescribed in 8.02 of this section.
 - a. It is the duty of the applicant to submit the following items to the Clerk of Lakewood Township at least twenty-one (21) days prior to the date of the intended public hearing:
 1. A valid petition of application approved by the Zoning Administrator. This must include the complete legal description.
 2. A list of current property owners of record (name and current mailing address) within one-fourth (0.25) mile of the affected property, or ten (10) properties nearest

affected property, whichever would involve more landowners. This list may be compiled at the County Court House, Second Floor.

3. Verification that the fee has been to the Zoning Administrator.

F. Other Appeals

1. When an appeal is taken from any order, requirement, decision, or determination of the Zoning Administrator, if such appeal is regarding the application of this Ordinance to specific properties, written and published notice shall be given in the same manner as prescribed in 8.02 of this Section.
2. When such appeal affects the interpretation and application of this Ordinance in general, and not to specific properties, notice shall be published in an approved newspaper of the Township at least ten (10) days prior to the hearing, and shall be sent to the applicant.
3. Notice shall also be provided to the Zoning Administrator and the Commission.

8.03 Hearing Procedures:

- A. Hearings shall be conducted according to all applicable requirements of Minnesota Statutes, of this Ordinance, and of the rules of procedure of the Commission or Board of Adjustment. All members of the public shall have ample opportunity to be heard in person, in writing, or by authorized representative.
 1. The following procedure shall be followed for the order of persons appearing before the Commission or Board of Adjustment:
 - a. Staff report shall be given and include but not limited to a description of the request, analysis of the facts, communications received, conclusions and recommendations.
 - b. The applicant or representative.
 - c. Other governmental or information sources that may be appropriate, such as County or State agencies.
 - d. Those in favor of the proposal.

- e. Those opposed to the proposal.
- f. Other comments or evidence from the public.

2. Questioning

- a. Regular members may question any individual at the termination of that individual's presentation.
- b. Commission or Board of Adjustment members may question all individuals at the end of all testimony.
- c. Any individual may make a request to cross examine a witness. If possible, this should be accomplished by directing suggested examination questions to the Chair. If specifically requested, the Chair will allow individuals to personally cross examine witnesses. The Chair will then take the necessary steps to insure that cross examination questions and answers are being recorded, and the Chair may take such actions necessary to prevent repetitive, argumentative, or irrelevant questions and to expedite the cross examination to the extent consistent with disclosure of all relevant testimony and information.

3. Evidence

a. General

- (1) The Commission or Board of Adjustment is not bound by statutory rules of evidence. The Chair shall admit into evidence all information that is informative and material to the Commission's business. No evidence that has not been submitted at the hearing may be considered by the Commission.

b. Submission of Studies, Reports, and Other Materials

- (1) All materials submitted to the Commission or Board of Adjustment prior to the hearing shall be available for public inspection.
- (2) The Commission or Board of Adjustment shall establish policies and procedures for public review of information prior to and after the hearing.

- (3) Letters and documents submitted by the applicant or public will be read into the record or may be summarized by staff. Commission or Board of Adjustment members and the public shall have access to all information. If an applicant or member of the public desires to submit information directly to the Commission or Board of Adjustment prior to the meeting, they may do so only through the Town Clerk during regular business hours. Those submitting such information shall provide a sufficient number of documents so that all members of the Commission or Board of Adjustment shall have a set. The failure of the applicant to submit substantial technical or professional reports, plans, or studies well in advance of the hearing for public, staff, and the Commission or Board of Adjustment review may result in a continuance being declared by the Commission or Board of Adjustment after the initial hearing.

Section 9 – Commission and Board of Adjustment Rehearing

9.01 Responsibility:

The Zoning Administrator, Commission, or Town Board, may determine and place on the agenda of either the Planning Commission or Board of Adjustment a matter that has been previously heard by either body. The basis for such rehearing shall be the following:

- A. An irregularity in the proceedings of either body whereby the Zoning Administrator, Commission or Town Board, determines that the person requesting the rehearing was deprived of a fair hearing and that if the irregularity had not taken place, the decision making body would have likely made a different decision.
- B. Misconduct of a member of the decision-making body.
- C. Material evidence newly discovered, which with reasonable diligence, could not have been found and produced at the hearing and that would have likely resulted in a change in the final outcome of the decision.
- D. Errors of law occurring at the hearing and objected to at the time of the hearing.
- E. Conditions have changed requiring a re-examination of the original decision.

9.02 Rehearing Denial

The Board of Adjustment shall not order a rehearing when a land use permit has been issued on the proposed activity.

9.03 Rehearing Procedure:

All rehearing shall be scheduled as soon as possible and, once scheduled; no land use permit may be issued for the proposed activity. All hearings shall follow the same procedures as were required by the original permit. Rehearing requires presentation only of new information or evidence as detailed in 9.01. The Board of Adjustment or Commission, after the close of public testimony, may take the following action:

- A. Affirm the previous decision.
- B. Adjust conditions placed on the previous decision.
- C. Reverse the decision.

Only members of the decision making body who were present for the original decision may vote on the rehearing action. If a simple majority of the Commission or Board of Adjustment are eligible to vote on the matter there shall be a new application on the proposal.

Section 10 – New Application After Denial

10.01 1 Basis for a New Application:

The Zoning Administrator may permit a new application for a project previously acted upon by the Board of Adjustment or Commission based on at least one of the following criteria:

- A. The new application is determined by the Zoning Administrator to be significantly different from the earlier application.
- B. The intent of the standards for rehearing listed in Section 9 above are met.
- C. New State, Federal, or local regulations are in effect which would alter the review of the application by the decision-making body.
- D. Development pattern of the area has changed in a manner that would alter the findings made by the decision-making body.
- E. The decision-making body in its original decision stated terms for reapplication.

10.02 No New Application:

No new application will be permitted if the intent of the applicant is to cause numerous hearings on a similar issue in order to either disrupt the review process, obtain a new vote based on a perceived difference in the decision-making body, or cause property owners and interested citizens to have to attend numerous hearings.

Section 11 – Permit Revocation

11.01 Recording Decisions:

All decisions made by the Board of Adjustment or Commission may be recorded immediately. No land use permit will be issued until the conditions stated in the approval are implemented by the applicant. It shall be the responsibility of the Zoning Administrator to determine if the conditions for permit issuance are being implemented. If the conditions are not being implemented and no land use permit is issued, no revocation of a permit is required prior to commencing appropriate legal action to compel compliance.

11.02 Inactive Permits:

- A. If no substantial action has been taken to implement a use or variance within two years of conditional use or variance approval, pursuant to Section 3 or Section 6, a conditional use permit or variance may be revoked if the following takes place:
 - 1. The Zoning Administrator shall send to the owner of record of the property subject to the conditional use or variance, a written request for documentation from the owner of record, demonstrating that substantial action has been taken. The written request will indicate that the conditional use or variance may be terminated if the above documentation is not provided within forty-five (45) days.
 - 2. The Zoning Administrator determines that the holder of a conditional use or variance no longer intends to develop the property for the purpose for which the decision was made. Pending legal action or applications for approval by other government entities shall be construed by the Zoning Administrator as evidence that the holder of the conditional use or variance approval does intend to develop the property.
 - 3. Failure by the owner of record to respond with written documentation within the above forty-five (45) day period shall result in conditional use permit or variance revocation. If the owner of record responds, the Zoning Administrator shall report the matter to the appropriate body, which may take the following actions:

- a. Take no action, which will continue the decision for one (1) year, for a total of three years from the date of approval.
 - b. Record a statement of decision revocation if the owner of record states that the property will not be used for the purpose described in the conditional use permit or variance.
 - c. Conduct a formal revocation hearing.
- B. If an owner of record applies for another conditional use or variance which is intended as a substitute for a previously approved permit or variance, the original permit or variance will be terminated by the Zoning Administrator, upon approval of the new conditional use permit or variance.
- C. If it appears that a nonconforming use allowed by a conditional use permit has been discontinued for a period greater than twelve (12) months, the Zoning Administrator shall send written notice to the owner of record requesting, within forty-five (45) days of the date of the notice, documentation showing that the nonconforming use has continued without a twelve (12) month break, and showing the extent to which it has continued. Failure to provide the Zoning Administrator with documentation within forty-five (45) days of the date of the notice will result in proceedings to revoke the conditional use permit. If documentation is provided to the Zoning Administrator within forty-five (45) days, the Zoning Administrator shall refer the matter to the appropriate body for action, which may include formal revocation hearings.
- D. All conditional use or variance termination notices shall be recorded in the County Recorder's Office.

11.03 Permit Noncompliance:

Upon issuance of a land use permit for a variance, conditional use, performance standard or any other permit, the Zoning Administrator shall monitor compliance with the terms of the permit. If the Zoning Administrator determines that a violation has taken place, notification shall be given to the applicant of the nature of the violation and the steps needed to correct it. If the Zoning Administrator determines that corrective steps are either not possible, or that the applicant is unwilling to take such steps, the permit may be revoked. Appeals of revocation order shall be made to the Board of Adjustment. The Zoning Administrator may, in lieu of revocation, refer the issue to the originating decision-making body for a determination and action. The originating body shall hold a public hearing on the issue in the same manner as the original permit. The body may find that the violation did not take place or was not material to compliance with the intent of the permit, or it may alter the terms of the permit conditions, or it may revoke the permit. Revocation decisions by the Commission or the Board of Adjustment may be appealed to District Court.

Section 12 – Interpretation of Decision

The Zoning Administrator shall be responsible for interpreting the decisions of the Planning Commission or Board of Adjustment. The Zoning Administrator may refer an issue to the original decision-making body for an interpretation and that body may restate the conditions in a manner that clarifies the original action.

Section 13 – Notification Procedures for North Shore Management Board

- A. Copies of all adopted or amended ordinances regulating the use of land within the Lake Superior Management Area will be sent to the North Shore Management Board.
- B. Copies of all approved variances, conditional uses, new subdivisions plats and approved Planned Residential Development plans will be sent to the North Shore Management Board if it lies within the Lake Superior Management Area.

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ARTICLE IX – PLANNING AND ZONING COMMISSION

Section 1 – Creation

1.01

The Town Board of Supervisors hereby creates a Planning and Zoning Commission pursuant to Minnesota Statutes 394.30 and all acts amendatory thereof.

Section 2 – Membership

2.01 Regular Voting Members:

- A. The Commission shall consist of nine (9) voting members, who shall be appointed by the Town Board of Supervisors as provided in this Ordinance, all of whom shall be residents of the Town of Lakewood.
- B. No more than two (2) voting members shall be employed by the Township in other positions.
- C. No elected officials of Lakewood Township shall be a voting member.
- D. This Commission may also have designated alternate members who may substitute for regular appointed members.

2.02 Ex-Officio Members:

- A. The Zoning Administrator is hereby designated as an ex-officio, non-voting member of the Commission.

Section 3 – Appointments

3.01 Method of Appointment:

- A. The Supervisor appointed by the Town Board as liaison to the zoning functions and with input from the Chair of the Planning and Zoning Commission/Board of Adjustment, shall nominate candidates to fill vacancies on the Planning & Zoning Commission due to expired terms or otherwise. The appointments shall be made upon approval of the Board by majority vote of the entire Board.

3.02 Terms of Office:

- A. Except as provided below, each member of the Planning & Zoning Commission

shall be appointed to serve for a period of three (3) years, beginning on the date of the anniversary of their appointment to the Planning & Zoning Commission.

3.03 Vacancies:

- A. Appointments shall be made by the Town Board to fill any vacancy for the unexpired duration of the term. Such appointments shall be made at the earliest possible convenience of the Town Board. Nominations shall be made in the manner stated above.

Section 4 – Removal For Cause

4.01

The following shall be deemed sufficient cause, grounds or reason for the Town Board of Supervisors to remove any regular Commission member. The Town Board of Supervisors may remove any member upon the occurrence of non-performance of duty or misconduct in office, including any of the following conditions as reported to the Board of Supervisors.

- A. Failure of the member to attend one-third (0.33) of the regularly scheduled Commission meetings in any twelve (12) month period.
- B. Failure of the member to attend three (3) consecutive regular Commission meetings.
- C. Attendance at several regular or special Commission meetings for such a short length of time as to render the member's services of little value to the Town. The Town Board of Supervisors shall make judgment on such matters after receiving a report from the Chairperson or the Zoning Administrator as provided in this Section above.
- D. Violation by the member of any land use control ordinance adopted by the Town.
- E. Residency outside of the Town of Lakewood.
- F. Inability to carry out the duties of the Commission due to a conflict of interest.
- G. Neglect of duty, malfeasance or unprofessional actions unbecoming of a public official.

Section 5 – Organization and Procedures

5.01 Officers:

- A. The Commission shall elect a Chairperson and a Vice-Chairperson from among its regular members on an annual basis. This election shall take place at the first regular meeting or the township reorganization meeting.

- B. The Commission shall have the authority, by a majority vote of the Commission members, to vacate the Chair and/or the Vice Chair. Following any vacation of the Chair, the Vice Chair shall act as sitting Chair. The Commission may choose to elect a new Chair at the next regular scheduled meeting or any scheduled meeting thereafter to fill the vacated term. If the Vice Chair is vacated, the Commission may elect a Vice Chair at the next scheduled regular meeting or any scheduled meeting thereafter to fill the vacated term.
- C. The Town Board will provide a secretary for all regularly scheduled and special Commission meetings. The duties of the secretary shall include mailing of minutes, agenda, and staff reports to Commission members prior to meetings, preparing of findings of facts following public hearings, preparing of correspondence to the Town Board and other parties, updating current Commission documents, and phone members prior to meetings.

5.02 Rules of Procedure:

- A. The Commission shall adopt rules for the transaction of its business which shall not be inconsistent with or contrary to the statutes of the State of Minnesota or the Ordinances of this Town.

5.03 Meetings:

- A. The meetings of the Commission shall be held at the call of the Chairperson and at such other times as the Commission in its rules of procedure may specify.
- B. All meetings of the Commission shall be open to the public pursuant to Minnesota Statutes.

5.04 Voting:

- A. Each regular member, including the Chairperson, shall be entitled to vote on all questions, unless a particular issue involves a conflict of interest. A decision to abstain from voting, due to a potential conflict of interest, shall also extend to discussion. Testimony, however, may be offered.
- B. Any question of whether a particular issue involves a conflict of interest sufficient to disqualify a member from voting thereon shall be decided by a majority vote of the attending members except the member who is being challenged.
- C. Any member who believes he or she may have a conflict of interest, or who has a relative who has an interest in any decision to be made by the Commission, shall disclose such interest and either disqualify him or herself or seek a ruling pursuant to letter B above.

5.05 Records:

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

Section 6 – Authority and Duties

6.01 Plan Preparation and Review:

- A. The Commission shall cooperate with the Administrator and other employees of the Town in preparing and recommending to the Town Board plans for execution of the Town Comprehensive Plan in the form of official controls and other measures, and amendments thereto.

6.02 Public Hearings:

- A. The Commission shall hold all required public hearings for comprehensive plans and amendments thereto, official controls and amendments thereto, all conditional use permit applications, and other matters as may be prescribed by ordinances of this Town.
 - 1. The Commission shall have the authority to approve or deny all conditional use permit applications, and to direct the issuance of conditional use permits.
 - 2. If an appeal is filed with the Town Clerk, as described in Article VIII, Section 4, Appeals from Decisions, the Board of Supervisors shall have the authority to approve or deny or modify the conditional use permit.
 - 3. Granting of a conditional use permit by the Commission does not preclude the Town Board from ruling on other (non-zoning) matters which may affect the use which has been approved in the permit.
 - 4. On all other matters which are before the Commission for public hearing, the Commission shall report in writing to the Town Board.
 - 5. The Commission shall conduct hearings in the manner prescribed by Minnesota Statutes and other Ordinances of this Town.

Section 7 – Compensation

7.01

The voting members of the Commission may be paid their necessary expenses in attending any meetings, including meetings of the Commission and meetings of the Town Board when the Commission votes to send an official Commission representative to a meeting of the Town Board. The amount of such expenses shall be determined by the Town Board.

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ARTICLE X – BOARD OF ADJUSTMENT

Section 1 – Creation

1.01

The Town Board hereby creates a Board of Adjustment pursuant to Minnesota Statutes 394.27 and all acts amendatory thereof.

Section 2 – Membership

2.01 Regular Voting Members:

- A. The Board of Adjustment shall consist of nine (9) members, who shall be appointed by the Town Board of Supervisors as provided in this Ordinance, all of whom shall be residents of the Town of Lakewood.
- B. No more than two (2) voting members shall be employees of the Township in other positions
- C. No elected officers of Lakewood Township shall be a voting member.
- D. The Board of Adjustment may also have designated alternate members who may substitute for regular appointed members.

Section 3 – Appointments

3.01 Method of Appointment:

- A. The Supervisor appointed by the Town Board as liaison to the zoning functions and with input from the Chair of the Planning and Zoning Commission/Board of Adjustment shall nominate candidates to fill vacancies on the Board of Adjustment due to expired terms or otherwise. The appointments shall be made upon approval of the Board by majority vote of the entire Board.

3.02 Terms of Office:

- A. Except as provided below, each member of the Board of Adjustment shall be appointed to serve for a period of three (3) years, beginning on the anniversary of their appointment to the Planning & Zoning Commission.

3.03 Vacancies:

- A. Appointments shall be made by the Town Board to fill any vacancy for the unexpired

duration of the term. Such appointments shall be made at the earliest possible convenience of the Town Board. Nominations shall be made in the manner stated above.

Section 4 – Removal for Cause

4.01

The following shall be deemed sufficient cause, grounds or reason for the Town Board to remove any Board of Adjustment member. The Town Board of Supervisors may remove any member upon the occurrence of non-performance of duty or misconduct in office, including any of the following conditions as reported to the Board of Supervisors.

- A. Failure of the member to attend one-third (0.33) of the scheduled Board of Adjustment meetings in any twelve (12) month period.
- B. Failure of the member to attend three (3) consecutive Board of Adjustment meetings.
- C. Attendance at several Board of Adjustment meetings for such short length of time as to render the member's services of little value to the Town. The Town Board shall make judgment on such matters after receiving a report from the Chairperson or the Zoning Administrator as provided in this section above.
- D. Violation by the member of any land use control ordinance adopted by the Town.
- E. Residency outside of the Town of Lakewood.
- F. Inability to carry out the duties of the Board due to a conflict of interest.
- G. Neglect of duty, malfeasance or unprofessional actions unbecoming of a public official.

Section 5 – Organization and Procedures

5.01 Officers:

- A. The Board of Adjustment shall elect a Chairperson and a Vice-Chairperson from among its members.
- B. The Board of Adjustment shall have the authority, by a majority vote of the Board of Adjustment members, to vacate the Chair and/or the Vice Chair. Following any vacation of the Chair, the Vice Chair shall act as sitting Chair. The Board of Adjustment may choose to elect a new Chair at the next regular scheduled meeting or any scheduled meeting thereafter to fill the vacated term. If the Vice Chair at the next scheduled regular meeting or any scheduled meeting thereafter to fill the vacated term.
- C. The Town Board will provide a secretary for all regularly scheduled and special Board of Adjustment meetings. Duties are similar to those described in Article,

IX, Sec. 5.01 B.

5.02 Rules of Procedure:

- A. The Board of Adjustment shall adopt rules for the transaction of its business which shall be consistent with the statutes of the State of Minnesota and the

Ordinances of the Town of Lakewood.

5.03 Meetings:

- A. The meetings of the Board of Adjustment shall be held at the call of the Chairperson and at such other times as the Board of Adjustment in its rules of procedure may specify.
- B. All meetings of the Board of Adjustment shall be open to the public pursuant to Minnesota Statutes.

5.04 Voting:

- A. Each member, including Chairperson, shall be entitled to vote on all questions, unless a particular issue involves a conflict of interest. A decision to abstain from voting shall also extend to discussion. Testimony, however, may be offered.
- B. Any question of whether a particular issue involves a conflict of interest sufficient to disqualify a member from voting thereon shall be decided by a majority vote of the attending members except the member who is being challenged.
- C. Any member who believes he or she may have a conflict of interest, or who has a relative who has an interest in any decision to be made by the Board of Adjustment, shall disclose such interest and either disqualify him or herself or seek a ruling pursuant to letter B above.
- D. Any person may, in person or in writing, challenge whether any member may have a conflict of interest. Upon any such challenge, the Board shall decide the question pursuant to letter B above.

5.05 Records:

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

Section 6 – Authority and Duties

6.01 Variance:

- A. The Board of Adjustment shall have the authority to order the issuance of variances from the terms of this Ordinance, including restrictions placed on nonconformities.

- B. The Board of Adjustment may impose conditions in the granting of variances to insure compliance and protect adjacent properties and public interests.

6.02 Hearings, Decisions, and Appeals -See Article VIII, Sec.6.

Section 7 – Compensation

7.01

Members of the Board of Adjustment may be compensated in an amount determined by the Town Board, and may be paid their necessary expenses in attending meetings of the Board of Adjustment and in the conduct of business of the Board of Adjustment.

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ARTICLE XI – VALIDITY AND EXEMPTIONS

Section 1 – Severability

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

Section 2 – Impact Upon Other Property

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

Section 3 – Federal Government

No land owned or leased by the Federal Government shall be subject to the provisions of this Ordinance.

Section 4 – State Government

No land owned or leased by the State of Minnesota shall be subject to the provisions of this Ordinance.

Section 5 – More Restrictive Standards

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

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ARTICLE XII – FEES

Section 1 – Fees

1.01

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

1.02

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

1.03

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

1.04

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

1.05

All fees for permit applications, petitions, and appeals shall be tripled for persons, corporations or their agents applying for a permit after the date that they would ordinarily be required to make the appropriate application in order to comply with the terms of this Ordinance.

EFFECTUATION

This Ordinance shall take effect and be in full force on the seventh day of January, 1998, upon its adoption by the Lakewood Town Board of Supervisors.

Public hearings were held by the Lakewood Planning and Zoning Commission on April 8, April 12, and September 16, 1997.

Recommended by the Planning and Zoning Commission to the Town Board of Supervisors on November 5, 1997.

Recessed Town Board Meeting was held by the Lakewood Town Board of Supervisors on December 10, 1997.

Lakewood Planning and Zoning Commission
Lakewood Town Board of Supervisors

Dated adopted: November 5, 1977
Dated adopted: January 7, 1998

Lennart Johnson, Chairperson, Town Board

Larry Peak, Supervisor, Town Board

Bernard Pistner, Supervisor, Town Board

Planning and Zoning Commission

Gene Bromenshenkel, Chairman

Rodney Booth

Dick Bodine

Al Eastman

Inese Holte

Diane Larson

Hugo Leider, Vice-Chairman

Tim Musick

Dale Rogers

Gene Bromenshenkel, Chairperson, Planning
and Zoning Commission

Dorothy Cone, Clerk

Town of Lakewood
St. Louis County, Minnesota

LAKEWOOD TOWNSHIP ZONING FEES

Type	Fee
Single Family / Residential Dwelling	
Single family dwelling 1800 sq. ft or less	\$320
Single family dwelling greater than 1800 sq. ft	\$350
Single Family / Residential Accessory Structures	
Accessory structure 250 sq. ft. or less	\$80
Accessory structure 251 - 1200 sq. ft.	\$167
Accessory structure greater than 1200 sq. ft.	\$225
Deck	\$110
Single Family / Residential Additions	
Residential structure additions	\$200
Accessory building additions	\$167
Land Use Permit – unless otherwise noted	\$200
Commercial	
Commercial structure	\$691
Commercial accessory building	\$319
Commercial structure additions	\$234
Administrative Actions	
Appeal of Administrative Decision by Zoning Administrator to the Board of Adjustment or Planning Commission by Applicant	\$319*
Appeal of Planning Commission or Board of Adjustment Decision	\$1,595*
After-the-fact permit fee	4 times fee
Permit Extension	\$80
Conditional Uses	
Conditional use permit – adult / sexually oriented business (accessory)	\$2,339*
Conditional use permit – adult / sexually oriented business (principal)	\$5,847
Conditional use permit - commercial	\$691
Conditional use permit - home business / occupation	\$430
Conditional use permit - public utility facility	\$1,169
Conditional use permit - unless otherwise noted	\$430
Conditional use permit - utility corridor	\$5,847
Planned Residential Development	
Commercial	\$4,996
Mixed	\$6,272
Residential 6 or less	\$2,551
Residential 7 or more	\$3,083
Signs	
On Site	\$128
Site Permits	
Parking lot of 1 acre or greater	\$400
Land Alteration Permit	\$175
Subdivision	
Preliminary Plat	\$1,276*
Final Plat	\$638
Variance	
Commercial	\$550
Residential	\$446
Zoning Amendments	
Zoning map text amendments	\$691*
Cartway	\$5,000*
Ponds	\$100
Towers / Antenna	
New	\$5,000*
Rebuild	\$1,000*
Borrow Pit	\$1,000
Fill Importation	\$20 per day with 5 day minimum
Copy or Print Services	\$.025/pg

*Additional Fee Required

If, during the course of any matter for which a fee is required, the Town Board determines that outside services should be retained to aid processing the matter, the Town Board may require payment of an additional fee in the amount the Town Board believes will cover the cost of the outside services. The Town Board may cease work on the matter until such additional fees are paid to Lakewood. If the additional fees are not, in the judgment of the Town Board, will be exhausted before the matter is completed, the Town Board may require additional fee amounts to be paid, and may cease work on the matter until such additional fees are paid to Lakewood. Lakewood shall track such additional fees in a separate account and return any funds in this account that remain after the matter is completed and the time for any appeals is passed. Failure to pay additional fees as determined by the Town Board shall serve as grounds for an adverse decision on the matter and termination of the proceedings. The foregoing zoning fee schedule was passed by the Town Board of Lakewood Township on December 5, 2012. Revised and passed by the Town Board of Lakewood Township on May 18, 2016. Updated September 19, 2022.

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(The Index is for user convenience and is not an official part of the Ordinance)

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USE CLASSIFICATION TABLE

The use classification table defines the uses that are allowed, not allowed, and restricted in each zone district.

A. For uses not included on this list, application shall be made to the Commission for interpretation before an application is accepted.

B. Classification of Uses:

1. A "P" appearing in the following table for any use means that the use is permitted in the zone district, subject to the general provisions of this ordinance.
2. A "S" appearing in the table means that the use is permitted as above but that certain specific performance standards apply. See Article VI.
3. A "C" appearing in the table means that the use is allowed as a conditional use only and is permitted in that zone district only if a conditional use permit is granted by the Commission as specified in Article VIII, Sec. 3 of this Ordinance.
4. A "HO" or "HB" appearing in the table means that the use is not permitted in that zone district, except by a conditional use permit. See Article II, Sec. 3.
5. If the space is "blank," the use is not permitted in that zone district.
6. A "C*" appearing in the table means that the use is allowed as a conditional use only, and restricted to wholesale sales only, and is permitted in that zone district only if a conditional use permit is granted by the Commission as specified in Article VIII, Section 3 of the Ordinance.

USE	FAM-2	FAM-3	MUNS-4	RES-7	COM-11	LIU-10	RES-5	SMU-7	LSO-10
Accessory structure; oversized	P	P	P	P	P	P	P		P
Acoustical material; mfg. and/or storage						C*			
Advertising display mfg.						C*			
Agricultural implements; distrib., display, repair, and sales					P	C			
Airport; public or private, including seaplane base									
Amusement park									
Archery range	HB/HO	HB/HO	HB/HO		C				
Armory; government									
Arms and ammunition; commercial mfg., storage and sales									
Asphalt and asphalt products; process/portable-temporary	IUP	IUP							
Athletic club; private					P				C
Athletic field; public	C	C	C		C				
Atomic energy; power plant									
Auditorium; arena									
Automobile and small truck repair	HO	HO	HO	HO	P	C*			
Automobile and truck sales, parts, supplies and storage					P	C*			
Automobile and truck salvage and scrap yard									
Bait sales; live and artificial	HB/HO	HB/HO	HB/HO	HO	P	C*	HO		HB/HO

Legend:

Blank - Not permitted

C - Conditional use only

C* - Conditional use only - Wholesale

C** - Governed by State mandate, Conditional Use

HB/HO - Not permitted except for home business or home occupation

IUP – Interim Use Permit

P - Permitted

S - Permitted with performance standards

USE	FAM-2	FAM-3	MUNS-4	RES-7	COM-11	LIU-10	RES-5	SMU-7	LSO-10
Bakery and baked goods; mfg and/or sales					P	C*			HB/HO
Bank and trust company, loan company					P				
Bar, cocktail lounge, tavern, supper club					C				C
Barber	HO	HO	HO	HO	P		HO		HO
Beach; private or commercial								C	
Beach; public								C	
Beauty shop	HO	HO	HO	HO	P		HO		HO
Bed and breakfast	HO	HO	HO	HO			HO		HO
Beverages; wholesale, sales and storage					P	C*			
Bicycle, motorcycle and small engine repair	HO	HO	HO	HO	P	C*			
Bicycle, motorcycle and small engine sales					P	C*			
Boat access; public									C
Boat or yacht club; marina									
Boat sales					P	C*			
Bottled gas; storage and distribution						C*			
Bottling plant						C*			
Bowling alley; commercial					C				
Brewery						C*			
Broadcasting studio; radio/TV					P				
Broker; real estate	HO	HO	HO	HO	P		HO		HB/HO

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USE	FAM-2	FAM-3	MUNS-4	RES-7	COM-11	LIU-10	RES-5	SMU-7	LSO-10
Bunk house; guest cabin (non-rental)	P	P	P	P			P		P
Bus line depot; garage and repair						C*			
Cabinet shop/Carpenter shop	HO	HO	HO	HO	P	C*	HO		HB/HO
Café restaurant					P				C
Camp; private	C								
Campground; private, commercial									
Campground; public									
Camper sales and service (trailers, etc.)					P	C*			
Catering service	HO	HO	HO	HO	P	C*	HO		HB/HO
Cement and concrete products mfg.; sales and storage									
Cemetery									
Christmas tree, cut-your-own; or vegetable and berries, pick-your-own	S	S	S	S	S				S
Church, synagogue	C	C	C	C	C				C
Clinic; medical, veterinary, chiropractic	HO	HO	HO		P				HB/HO
Clothing; mfg. and sales	HO	HO	HO	HO	P	C*	HO		HB/HO
Communication Antenna/Tower; residential, under 100 ft. above ground w/o lights	P	P	P	P	P	P			C
Community center, town hall	C	C	C						
Commercial Communication Tower	C	C	C	C	C	C	C	C	C
Contractor; equipment and material storage	C	C	C		C	C*			
Convent, retreat house	C	C	C	C					

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USE	FAM-2	FAM-3	MUNS-4	RES-7	COM-11	LIU-10	RES-5	SMU-7	LSO-10
Curio and souvenir shop					P				HB/HO
Dairy farm (incl. residence)	C	C							
Dairy products; mfg.						C*			
Dairy products; sales	HO	HO	HO		P	C*			HB/HO
Day care center					C				
Day care home; group day care home	C**	C**	C**	C**			C**		C**
Detention or correction house									
Disposal plant; incinerator									
Disposal plan; sewage									
Drive-in restaurant					C				C
Drive-in theater									
Driving range (golf)					C				
Dry cleaning; bulk processing, pick-up station					C	C*			
Dump; solid waste disposal, landfill									
Dwelling; single-family	P	P	P	P			P		P
Dwelling; two-family	C	C	C	C					
Dwelling; multiple-family									
Dwelling; condominium									
Dwelling; seasonal (cabin or mobile home)	S	S	S	S			S		S
Eggs and poultry; processing and sales	HO	HO	HO		C	C*			

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USE	FAM-2	FAM-3	MUNS-4	RES-7	COM-11	LIU-10	RES-5	SMU-7	LSO-10
Electric generating plant; commercial									
Electric light and power company yards						C*			
Electronic equipment; mfg. and repair	HB/HO	HB/HO	HB/HO	HO	C	C*	HO		HB/HO
Elevators; grain storage	C	C	C			C*			
Explosives; mfg., storage, and distribution/commercial									
Express delivery company; warehouse or garage					C	C*			
Fairgrounds; incl. concessions									
Fairground; livestock only									
Farm pond; wildlife, dugout, nature pond	S	S	S	S			S		
Feed; wholesale sales, and storage	HO	HO	HO		C	C*			
Feedlot									
Fertilizer; natural or processed; storage/commercial	C	C				C*			
Fiberglass and plastics mfg.									
Fire station, fire tower, and related facilities	C	C	C	C	C	C*			C
Fish or meat; sales, storage, or curing					C	C*			
Fish hatchery; public or private	C	C							
Florist; greenhouse and/or nursery	HB/HO	HB/HO	HB/HO	HO	C	C*	HO		HB/HO
Frozen food or cold storage locker					C	C*			
Fur farm; incl. preparing and storage	C	C							

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USE	FAM-2	FAM-3	MUNS-4	RES-7	COM-11	LIU-10	RES-5	SMU-7	LSO-10
Game hunting reserve; commercial	C	C							
Garage rental storage; commercial					P	C*			
Gas station; convenience store					C				
Gasoline, fuel oil, bulk storage tanks, and related facilities					C	C*			
Go-kart track; commercial					C				
Golf; miniature					C				
Golf course; public and private	C	C							
Gravel-borrow pit; crushing, screening, and washing plant, temporary- portable	IUP	IUP							
Grocery store					C	C*			HB
Group home	C**	C**							
Hazardous waste									
Hardware, lumber sales					C	C*			
Heavy equipment and large truck; repair and maintenance					C	C*			
Horse racetrack; commercial									
Hospital; public or private									
Hotel									
Ice; mfg., sales, and storage					P	C*			
Ice skating rink, hockey; outdoor-public	C	C	C	C	C				C
Industrial park									

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USE	FAM-2	FAM-3	MUNS-4	RES-7	COM-11	LIU-10	RES-5	SMU-7	LSO-10
Irrigation facilities, canals, dams, reservoirs									
Junk and salvage yard									
Kennel	HO/HB	HO/HB	HO/HB		C				
Laboratory; research, medical, chemical									
Laundromat									
Liquor store					C				C
Livestock	S	S	S	S					
Machine shop; metal fabrication and processing					C	C*			
Mineral exploration	C	C	C	C	C	C*			
Mining; quarry, equipment storage, rock crushing, beneficiation, etc.									
Mobile home (seasonal or year-round use)	S	S	S	S			S		S
Mobile home; sales and service									
Mobile home park									
Motel									HB
Museum; art, cultural, historical					C				C
Nuclear Waste									
Paper mill, wafer board plant, etc.									
Park and playground; public	C	C	C	C			C	C	C

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USE	FAM-2	FAM-3	MUNS-4	RES-7	COM-11	LIU-10	RES-5	SMU-7	LSO-10
Paving-batch plant for cement, asphalt, and related material									
Pipe or culvert; mfg., sales, and storage					P	C*			
Planned residential development	C	C	C						
Poultry farm (see also Livestock)	C								
Printing; lithograph, photo, engraving	HB/HO	HB/HO	HB/HO	HB/HO	C	C*	HO		HB/HO
Professional office; accountant, attorney, engineer, police, sheriff	HB/HO	HB/HO	HB/HO	HB/HO	C		HB/HO		HB/HO
Racetrack; auto, snowmobile, motorcycle									
Recycling center; governmental			C		C	C*			
Resort; rental cabins, lodging, food, and related accessory facilities					C				HB/HO
Recreational vehicle sales and repair					P	C*			
Roller skating rink					C				
Sauna, steam bath; commercial					C				
School; public or private	C	C	C		C				
Septic tank; mfg.					P	C*			
Septic tank; service	HO	HO	HO	HO	P	C*	HO		HO
Shopping center									
Slaughter house (see also eggs and poultry processing)						C*			
Sporting goods; sales, excluding firearms, ammunition					P	C*			HB
Storage warehouse; excluding hazardous waste					P	C*			

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USE	FAM-2	FAM-3	MUNS-4	RES-7	COM-11	LIU-10	RES-5	SMU-7	LSO-10
Storage warehouse; hazardous waste									
Storage yard; equipment					C	C*			
Store; general retail goods					P				HB
Structure; mobile storage	S	S	S	S	S	S			S
Swimming pool; public or private club					C				C
Taxidermist	HO	HO	HO	HO	P		HO		HO
Tennis court; public or private club	C	C	C		C				C
Timber harvesting; commercial	S	S	S	S		S			
Tire repairing; recapping, equipment and supplies, including sales					P	C*			
Tool house (government); road maintenance service, equipment, etc.	C	C				C*			
Travel bureau		HO	HO		P				HB
Water pumping station; pipelines	C	C	C	C	C	C*	C		C
Welding shop	HO	HO	HO	HO	C	C*	HO		
Windmill or wind generator tower; residential	S	S	C	C	S	S	C		C
Windmill farm									
Wood processing activities; commercial, chipping and debarking; permanent						C*			
Wood products mfg. and storage					P	C*			
Zoo; roadside									

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