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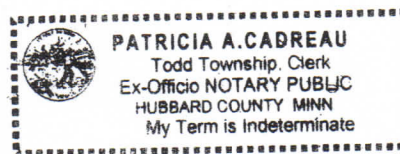
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STATE OF MINNESOTA )  
 ) S.S.  
COUNTY OF HUBBARD )

I, Patricia A. Cadrona being the Clerk/Deputy Clerk for Todd Township, Hubbard County, Minnesota, hereby certify that the attached document consisting of the **"TODD TOWNSHIP LAND USE ORDINANCE 2017 – NO. 3"** CONSTITUTES A COMPLETE, ACCURATE AND CORRECT COPY OF A Todd Township's Land Use Ordinance 2017- No. 4 signed and adopted on the 10<sup>th</sup> day of July, 2017 and on file in the office of the Town Clerk, Todd Township, Hubbard County, Minnesota

Dated: 1/19/2018

Patricia A. Cadreau  
Patricia A. Cadreau, Town Clerk  
Todd Township



**TODD TOWNSHIP  
HUBBARD COUNTY  
STATE OF MINNESOTA**

**LAND USE ZONING ORDINANCE**



**ORDINANCE 2017 – No. 3  
UPDATED FROM  
ORDINANCE 2007 – No. 02.01**

**Adopted: July 10, 2017**

**ORDINANCE 2017 – No. 3  
ZONING ORDINANCE  
TODD TOWNSHIP**

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- Credit: Cover Page of Ordinance  
Picture of a sunset on Fish Hook Lake 2016  
Courtesy of Mr. Ron Jensen, Vice Chair Todd Township Planning Commission



## **1.0 STATUTORY AUTHORIZATION, PURPOSE, POLICY, AND REPEALER**

### **1.01 Title**

This Ordinance shall be known, cited and referred to as the Todd Township Zoning Ordinance, except as referred to herein, where it shall be known as "Ordinance"

### **1.02 Statutory Authorization**

This ordinance is adopted pursuant to the authorization and policies contained in the planning and zoning enabling legislation in Minnesota Statutes, Chapter 462. If inconsistencies appear between State regulations and regulations outlined in this zoning ordinance then the stricter of the two applies.

### **1.03 Purpose**

For the purpose of promoting the public health, safety, morals and general welfare, Todd Township may by ordinance regulate on the earth's surface, in the air above the surface, and in subsurface areas, the location, height, width, bulk, type of foundation, number of stories, size of buildings and other structures, the percentage of lot which may be occupied, the size of yards and other open spaces, the density and distribution of population, the uses of buildings and structures for trade, industry, residence, recreation, public activities, or other purposes, and the uses of land for trade, industry, residence, recreation, agriculture, forestry, soil conservation, water supply conservation, conservation of shore lands, access to direct sunlight for solar energy systems, flood control or other purposes, and may establish standards and procedures regulating such uses. Minnesota Statutes § 462.357, subd. 1.

### **1.04 Policy**

As each piece of residential, commercial, agricultural, or other property is being developed and its use is being modified, the plans and development should conform to the comprehensive plan of the township, as amended, in order that they may contribute toward an attractive, orderly, stable and wholesome environment with adequate public services, safe roads and streets, adequate sanitary and water facilities, and adequate lot size. All properties shall be planned and developed to comply with the regulations set forth in this ordinance and with the official map.

### **1.05. Repealer**

The TODD TOWNSHIP ZONING ORDINANCE 2007-.02.01 and Amendment 2008-01.01 regulating land use within Todd Township, Hubbard County, State of Minnesota is hereby repealed. This ordinance does not alter any nonconformity governed by the Township's **May 10<sup>th</sup>, 2004 Ordinance** dealing with lots of record.

## 2.0 GENERAL PROVISIONS AND DEFINITIONS

### 2.01 Jurisdiction and Conformity

The provisions of this ordinance will apply to Todd Township. Except as this ordinance specifically provides, with provision for variances granted thereto, no structure shall be erected, converted, enlarged, reconstructed, or altered, and no structure or land shall be used for any purpose or in any manner which is not in conformity with this ordinance.

### 2.02 Vested Rights

Nothing in this or any referencing ordinance shall be interpreted or construed to give rise to any permanent vested rights in the continuation of any particular use, district land use classification or any permissible activities therein, and they are hereby declared to be subject to subsequent amendment, change, or modifications as may be necessary to the preservation or protection of the public health, safety and general welfare of Todd Township.

### 2.03 Compliance

The use, size and shape of lots; the use, size, type and location of structures on lots; the installation and maintenance of water supply and wastewater treatment systems; and the subdivision of land shall be in full compliance with the terms of this ordinance and other applicable state, federal and county statutes, rules and regulations.

### 2.04 Building Occupancy and Permits

Except as herein provided, no building, structure or premises shall hereafter be used or occupied and no structure permit shall be granted that does not conform the requirements of this ordinance.

### 2.05 Enforcement / Violation / Penalties

#### 2.05.01 Enforcement

This ordinance shall be administered and enforced by the Todd Township Board, Todd Township, Hubbard County, Minnesota or its authorized representative. It will be the duty of the zoning administrator in coordination with the Todd Township Board and township attorney to perform such duties as may be necessary to enforce the provisions of this ordinance.

#### 2.05.02 Violations and Penalties

Any person, firm or corporation who shall violate any of the provisions hereof or who shall fail to comply with any of the provisions hereof or who shall make any false statement in any document required to be submitted under the provisions hereof, shall be guilty of a misdemeanor as defined by state statutes and, upon conviction, shall be subject to the penalties set forth by statute for a misdemeanor, plus costs of prosecution. Each day that a violation continues to exist shall constitute a separate offense.



2.05.03 **Equitable or other Relief**

In the event of a violation or threatened violation of any provision of this ordinance or the conditions of any permit issued pursuant to this ordinance, the township, in addition to any other remedies, may, in its discretion, seek any civil or administrative remedies available to it, including but not limited to injunctive relief or abatement. Each right or remedy accruing to the township under this ordinance or at law is separate and distinct and may, in the township's discretion, be exercised independently or simultaneously with any other right or remedy.

2.05.04 **Attorneys Fees and Costs**

Unless otherwise agreed to by the Township in writing, the property owner shall reimburse the Township for all administrative, legal, and professional costs incurred in the consideration of any land use application or permit. Further, in all cases where the township is enforcing compliance with this ordinance and the enforcement does not involve criminal prosecution, the offending party will be required to reimburse the township for the attorney fees as well as any other professional fees, costs and disbursements associated with enforcing the provisions of this ordinance. Failure by the offending party to pay all township's costs and disbursements including attorney fees may result in those costs and disbursements being assessed against the property in violation. The property owner shall be invoiced for all of the Township's costs which shall be paid within 30 days of the date of the invoice unless otherwise agreed to in writing by the Township, should the property owner not reimburse the Township within said time, the Township shall be authorized to certify said unreimbursed costs to the County Auditor for payment with the owner's property taxes pursuant to Minn. Stat. § 366.012 or other relevant statute.

2.06 **Interpretation**

In their interpretation and application, the provisions of this ordinance will be held to be minimum requirements and shall be liberally construed in favor of the governing body and shall not be deemed a limitation or repeal of any other powers granted by Minnesota State Statutes.

2.07 **Severability**

If any section, clause, provision, or portion of this ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance will not be affected thereby. If any section, clause, provision, or portion of this ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, as applied to a particular property, building, or other structure such judgment shall not affect the application of said provision to any other property, building or structure not specifically included in said judgment.

2.08 **Abrogation and Greater Restrictions**

It is not intended by this ordinance to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this ordinance imposes greater restrictions, the provisions of this ordinance shall prevail. When any condition implied by this ordinance on the use of land or buildings is either more or less restrictive than applicable conditions imposed by statute, rules, and regulations, other Todd Township Ordinances or regulations of other jurisdictions, the more restrictive shall apply.

## 2.09 Uses Not Provided for Within Zoning Districts

Whenever in any land use district a use is neither specifically permitted nor denied, the use shall be considered prohibited. In such cases the town board or the planning commission, on their own initiative or upon request may conduct a study to determine if the use is acceptable and if so what zoning district would be most appropriate and any determination as to conditions and standards relating to development of the use. The town board, planning commission, or property owner, upon receipt of the study shall, if appropriate, initiate an amendment to this ordinance to provide for the particular use under consideration or shall find that the use is not compatible for development within the town.

## 2.10 Rules of Word Construction

For the purposes of this Ordinance, certain terms and words used herein shall be interpreted as follows:

- A. The word PERSON indicates an owner or representative of the owner, firm, association, organization, partnership, trust, company, limited liability corporation, limited liability partnership, or other limited liability entities, corporations as well as the individual.
- B. The present tense includes the past and future tense and the future the present, the singular number includes the plural, and the plural includes the singular, and the masculine gender includes the feminine gender and the neuter gender.
- C. The word WILL and SHALL are mandatory, and the word MAY is permissive.
- D. The words USED or OCCUPIED include the words INTENDED, DESIGNED, or ARRANGED TO BE USED OR OCCUPIED.
- E. The words LOT or PARCEL are interchangeable.

## 2.11 DEFINITIONS

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

***Abandoned.*** Any item which has ceased to be used for its designed and intended purpose. The following factors, among others, may be considered in determining whether or not an item has been abandoned:

- a. Present operability and functional utility;
- b. The date of last effective use;
- c. The condition of disrepair or damage;
- d. The last time an effort was made to repair or rehabilitate the item
- e. The status of registration or licensing of the item;
- f. The age and degree of obsolescence;
- g. The cost of rehabilitation or repair of the item versus its market value

***Abandoned Motor Vehicle.*** A motor vehicle as defined in Minnesota Statutes §169.01 stored outside a permanent enclosed structure that is not in good and safe operating condition or is not bearing a current valid license or registration for that type of vehicle.



**Accessory Structure.** A structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal use or structure.

**Accessory Use.** A use on the same lot with, and of a nature customarily incidental and subordinate to, the principal use or structure.

**Addition.** A structure added laterally to an existing building and occupying ground without the limits of the building to which it constitutes an addition. The addition of minor structural elements such as chimneys, bay windows and roof overhangs of two (2) feet or less shall not be considered as an addition.

**Agreement, Developer.** A formal written instrument (contract) between a developer and/or property owner and the Township which is used to identify the conditions and requirements under which said land is to be developed.

**Agent.** Any person who is authorized by a party to act on that party's behalf in dealing with activities under the jurisdiction of this ordinance. Said authorization to be provided in writing on a form provided by the township.

**Agricultural Structure.** Any structure existing or erected which is used principally for agricultural purposes.

**Agricultural Use Operations.** Real or personal property used for the production of crops, tillage, husbandry, or farming including but not limited to, fruit and vegetable production, tree farming, livestock, poultry, dairy products or poultry products, but not a facility primarily engaged in processing agricultural products. An agricultural operation shall also include certain farm activities and uses as follows:

- a. Chemical and fertilizer spraying
- b. Farm machinery noise
- c. Extended hours of operation
- d. Storage and spreading of manure and biosolids under state permit
- e. Open storage of machinery
- f. Odors produced from normal farm activities
- g. On farm marketing of farm products
- h. Game farms having current Department of Natural Resources permits
- i. Horticultural usages
- j. Commercial landscaping & tree nursery stock

**Alley.** A public or private right-of-way way used primarily as a secondary access to the rear or side of a property, whose principal access is on a public road.

**Applicant.** The owner of land proposed to be subdivided, permitted, or his designated representative.

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

**Attached.** Shall mean structurally affixed to, contiguous to, and sharing a common wall with, i.e. an attached garage. For the purposes of this Ordinance, a breezeway or other similar addition connecting one structure to another structure or part of a structure shall not be deemed to attach that structure to the other structure or part of a structure.

**Attorney.** The Township Attorney of Todd Township, as designated by the township board, or their authorized representative.

**Awning.** A roof-like cover, often of fabric, plastic, metal or glass designed and intended for protection from the weather or as a decorative embellishment, and which projects from a wall or roof of a structure primarily over a window, walk, or the like. Any part of an awning which also projects over a door shall be counted as an awning.

**Basement.** Any area of a structure, including crawl spaces, having its floor or base subgrade (below ground level) on all four sides, regardless of the depth of excavation below ground level.

**Bed and Breakfast.** An owner-occupied single-family dwelling in which five (5) or fewer transient guest rooms are rented on a nightly basis for periods of less than one week and where at least one (1) meal is offered in connection with the provision of sleeping accommodations only, with no provisions for cooking provided in any of the sleeping rooms.

**Board of Adjustment.** The Board of Adjustment for Todd Township, created by Ordinance No. 2001-01.01, on the 12<sup>th</sup> of May 2001.

**Borrow Pit.** See "Extractive Use"

**Breezeway.** A roofed accessory passage connecting two or more buildings no more than 120 square feet in size.

**Buildable Area.** The area remaining on a created parcel of land or platted lot after all road and utility easements and rights-of-ways, setbacks and wetlands are subtracted. This is also inclusive of two wastewater treatment sites.

**Buildable Lot Area.** The contiguous area of a lot, which is sufficient in area to accommodate the construction of a water supply system(s), wastewater treatment system(s) and their replacement, buildings and driveways, while still providing for adequate setbacks. Areas which are floodway, wetlands, rights-of-ways, bluffs or have poor soils which are unsuitable for individual wastewater treatment systems cannot be included in calculating buildable area of a lot.

**Building.** Any structure built for the support, shelter or enclosure of persons, animals, chattel or moveable property of any kind.

**Building – Principal.** A building or structure in which is conducted the primary use of the lot on which said building or structure is situated.

**Building Line.** A line parallel to a lot line or ordinary high-water level at any story level of a building, representing the required setback beyond which a structure may not extend.

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



**Business.** Any establishment, occupation, employment, or enterprise where merchandise is manufactured, exhibited or sold, or where services are offered for compensation.

**Cabin – Seasonal or Recreational.** A dwelling occupied only on a part-time basis.

**Campground.** A property consisting of designated campsites with appropriate facilities designed for temporary occupation by tents or recreational vehicles with management services and with site rentals.

**Cargo Container.** A metal and/or steel storage and transport receptacle structure normally used for moving goods on ships and trains. The size may vary from eight feet wide by eight feet high with lengths ranging from twenty to forty feet long.

**Cemetery.** Public and private cemeteries as defined in Minnesota Statutes, Chapter § 306.

**Church.** A building, together with its accessory buildings and uses, where persons regularly assemble for religious purposes and which building, together with its accessory buildings and uses, is maintained and controlled by a religious body.

**Clerk, Township.** The duly elected or appointed person responsible for the administration of the township's affairs.

**Cluster Subdivision.** A development pattern or technique whereby structures are arranged in closely related groups to make the most efficient use of the natural amenities of the land such as accomplished through a conventional development and/or conservation design development.

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

**Comprehensive Plan.** A compilation adopted by the township of goals, policy statements, standards, programs and maps for guiding the physical, social and economic development, both public and private, of the Township and its environs, as defined in the Minnesota Municipal Planning Act, and includes any unit or part of such plan separately adopted and any amendment to such plans or parts thereof.

**Commercial Speech.** Speech advertising a business, profession, commodity, service or entertainment.

**Conditional Use.** A land use and/or related structures or improvements as defined by this ordinance that would not be appropriate generally but may be allowed with appropriate conditions, to protect the public health, safety and welfare and to ensure conformity with the comprehensive plan of the township, and compatibility with the existing present neighborhood.

**Conditional Use Permit.** A permit issued by the township in accordance with procedures specified in this Ordinance including its compatibility with the Todd Township Comprehensive Plan as a flexible device to enable the town board to assign dimensions to a proposed use and impose appropriate conditions on it after consideration of adjacent uses and their functions and the special problems, which the proposed use presents.

**Conforming.** To be used or act in accord with this ordinance and any regulations or standards promulgated hereunder, and with any special requirements imposed hereunder, and with any special requirements imposed in the issuance of any permits hereunder.

**Conservation Development.** A method of subdivision characterized by common open space dwelling unit sites that may or may not be clustered. The purpose of a conservation development is to create greater community value through open space amenities for homeowners and protection of natural resources, while allowing for the residential densities consistent with prevailing land use densities.

**Construction Site Permit.** A permit issued under this ordinance by the zoning administrator authorizing and permitting certain work to be done by the applicant as specified elsewhere in this ordinance.

**Conventional Development.** A method of subdivision characterized by common open space and are spread evenly throughout a parcel. Conventional developments have large dwelling unit sites in a one primary residence per lot configuration.

**Container.** A receptacle or a flexible covering for the storage or shipment of goods.

**County.** Hubbard County, Minnesota

**Day Care Facility.** Any facility licensed by the Minnesota State Department of Public Welfare, public or private, which for gain or otherwise regularly provides one or more persons with care, training, supervision, habilitation, rehabilitation or developmental guidance on a regular basis, for periods of less than twenty-four (24) hours per day, in a place other than the person's own home. Day care facilities include but are not limited to: family day care homes, group family day care homes, day care centers, day nurseries, nursery schools, day-time activity centers, day treatment programs and day services, as defined by Minnesota State Statutes, Section § 245A, or successor statutes.

**Deck.** A horizontal, unenclosed platform which may or may not be permitted to have attached railings, seats, trellises, or other features, attached or functionally related to a principal use or site and at any point extending more than one foot above ground level.

**Developer's Agreement.** A formal written instrument (contract) between a developer and/or property owner and the township which is used to identify the conditions and requirements under which said land is to be developed.

**Dirt Moving.** Means the same as extractive use.

**District.** Any section in Todd Township for which the regulations governing the use of buildings and land or the height and area of buildings are uniform. Same as for Zoning (Land Use) District.

**Dwelling.** A building or portion thereof, designated exclusively for residential occupancy, including one-family, and multiple-family dwellings, lake dwellings, manufactured housing, but not including hotels, motels, bed and breakfasts, and boarding houses. A dwelling shall have a minimum of eight-hundred (800) square feet enclosed living space; designed for year-round usage. The term "Residence" shall mean the same as "Dwelling" as defined herein.

**Dwelling, Multiple-Family.** Any dwelling structure on a single-lot having [two] or more units, attached by common walls and each unit equipped with separate sleeping, cooking, eating, living, and sanitation facilities.

**Dwelling, Single Family.** A dwelling structure containing one dwelling unit designed exclusively for occupancy by one family with adequate sleeping, cooking, eating, living, and sanitation facilities.



**Dwelling Site.** A designated location for residential use by one or more persons using temporary or movable shelter, including camping and recreational vehicle sites.

**Dwelling Unit.** A residential building or portion thereof intended for occupancy by one (1) or more persons with adequate sleeping, cooking, eating, living, and sanitation facilities but not including hotels, motels, bed and breakfasts, and boarding houses

**Earth Sheltered Buildings.** Buildings constructed so that more than fifty percent (50%) of the exterior surface area of the buildings, excluding garages and other accessory buildings, are covered with earth. Partially completed buildings shall not be considered earth sheltered.

**Easement.** A grant by a land owner for a specific use of land by persons other than the owner of the land.

**Elevation.** The view of the side, front, or rear of a given structure(s).

**Elevation Area.** The area of all walls that face any lot line.

**Erect.** Activity of constructing, building, raising, assembling, placing, affixing, attaching, creating, painting, drawing or any other way of bringing into being or establishing.

**Existing Violation.** Any on-going or completed activity which is not permitted under any Todd Township Ordinance or pursuant to its authorization and policies.

**Exterior Storage.** Storage of goods, materials, equipment, vehicles, manufactured products and similar items not fully enclosed by a building.

**Extractive Use.** The use of land for surface or subsurface removal of sand, gravel, rock, industrial minerals, other nonmetallic minerals, topsoil, and peat **not** regulated under Minnesota Statutes, Sections § 93.44 to 93.51 or successor statute. Is also known as "borrow pits".

**Family farm.** An unincorporated farm unit owned by one or more persons or spouses of persons related to each other within the third degree of kinship according to civil law, at least one of whom is residing or actively engaged in farming on the unit, or a "family farm corporation" as that term is defined in Minnesota Statutes § 500.24, Subd. 2, which is herein incorporated by reference.

**Farm.** A tract or tracts of land, which are principally used for agricultural use. Such farms may include dwelling and agricultural accessory buildings and structures necessary to the operation of the farm.

**Fence.** A fence is any partition, structure, and wall or gate erected as a dividing mark, barrier or enclosure and located along the lot boundary, or within the lot.

**Flag.** Any fabric or similar lightweight material attached at one end of the material, usually to a staff or pole, so as to allow movement of the material by atmospheric changes and which contains distinctive colors, patterns, symbols, emblems, insignia, or other symbolic devices.

**Floor area.** The sum of the gross horizontal area of the several floors of the building, measured from the exterior faces of the exterior walls.

**Footprint.** The land surface area occupied by a structure.



**Forest Management.** The management of land for forest, woodland, or plantation uses for one or more of the following purposes: 1) to establish and maintain timber resources; 2) to harvest timber, including the selling of firewood; 3) to establish and maintain healthy and well-balanced forest; 4) to establish and maintain wildlife diversity and habitat for game and non-game species; 5) to provide outdoor recreation activities; and 6) to protect soil and water resources.

**Foundation.** That part of a structure which supports a building or wall.

**Frontage.** The line of contact of a property with the public right-of-way.

**Garage.** A structure which is only intended and used for vehicles and storage, and not a dwelling as defined herein.

**Golf Courses.** A tract of land laid out for at least nine holes for playing the game of golf and improved with tees, greens, fairways and hazards and that may include a clubhouse and shelter.

**Grade.** Grade shall be construed to be the final ground elevation after construction.

**Group Care Facility** - A facility, which provides residential services for individuals that have physical or mental health issues, the aged, or persons undergoing rehabilitation. This includes uses such as homes for persons with; physical or intellectually challenged health issues, chemically dependent, foster homes, maternity shelters and halfway houses and pursuant to the regulations promulgated in Minnesota Statutes Chapter § 245A or successor statute.

**Guest Cottage.** Means a structure used as a dwelling unit that will contain sleeping spaces and kitchen and bathroom facilities in addition to those provided in the primary dwelling unit on a lot.

**Height of Structure.** Means the vertical distance between the existing and adjoining ground level at the structure or the surrounding ground level, which has not been filled or banked, and the highest point of a flat roof or average height of the highest gable of a pitched or hipped roof.

**Home Business.** A use of a residential property for a non-residential commercial use by the inhabitants thereof which may be conducted inside as well as outside the primary residence and has non-residential employees.

**Home Occupation.** A use of a residential property for a non-residential commercial use by only the inhabitants thereof which is clearly incidental and secondary to the residential use.

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

**Hotel.** A building, structure, or enclosure, or any part thereof kept, used as, maintained as, or advertised as, or held out to the public to be an enclosure where sleeping accommodations are furnished to the public for compensation whether the compensation is paid directly or indirectly for periods generally of one week or less.

**Impervious Surface.** That portion of the buildable parcel which has a covering that will not permit water to percolate into the natural soil. Impervious surfaces shall include, but not be limited to, buildings, basketball courts, covered decks, porches, and other structures. The use of patio blocks, paver bricks or class 5 gravel material are considered impervious surfaces as a majority of water runs off the surface rather than being absorbed into natural soils underneath. An impervious surface that has been compacted or

covered with a layer of material so that it is highly resistant to infiltration by water which includes surfaces such as compacted sand, lime rock or clay, as well as most conventionally surfaced streets, roofs, sidewalks, parking lots and other similar structures. Open, uncovered decks are not considered impervious for the purposes of this ordinance.

**Interim Use.** A temporary use of property until a specified date, until the occurrence of a particular event, or until zoning regulations no longer allow it.

**Interim Use Permit.** A permit issued in accordance with procedures specified in the Ordinance, as a flexible device to enable the township to assign time limits and conditions to a proposed use after consideration of current or future adjacent uses.

**Landscaping.** The placement of trees, shrubs, grass, walls, earth mounds, or other allowable features.

**Land Use Amendment.** A change authorized by Todd Township either in the allowed use within a district or in the boundaries of a district.

**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 Area.** The area of a horizontal plane bounded by the lot lines and the ordinary high-water level if bounded by water.

**Lot Coverage.** That part or percentage of impervious surface coverage.

**Lot Line.** The property lines bounding a lot except that where the description extends into a public right-of-way, or a proposed public right-of-way, the line of such public right-of-way shall be considered the lot line.

**Lot Line, Front.** The boundary or boundaries of a lot, which abut on a public right-of-way. If the lot abuts public water, that side shall also be considered a front lot line.

**Lot, Substandard -** A lot or parcel of land for which a deed has been recorded in the office of the Hubbard County Recorder upon or prior to the effective date of **May 10<sup>th</sup>, 2001** which does not meet the minimum lot area, structure setbacks or other dimensional standards of this Ordinance. Another term frequently used is "non-conforming".

**Lot Line, Rear.** That boundary of a lot, which is opposite the front lot line.

**Lot Line, Side.** Any boundary of a lot, which is not a front lot line or a rear lot line.

**Lot of Record.** A lot and or parcel which were legally established according to the applicable laws and regulations at the time of its creation and which is heretofore duly approved and filed and that have been recorded in the office of the Hubbard County Recorder prior to **May 10<sup>th</sup>, 2004**.

**Lot Width.** The shortest distance between lot lines measured at the midpoint of the building line.

**Metes and Bounds.** Descriptions of property and descriptions for lots other than lots in recorded subdivision plats.



**Mining.** The removal of stone, coal, salt, iron, copper, nickel, petroleum or other materials from the land for commercial, industrial or governmental purposes regulated under Minnesota Statutes, Sections § 93.44 to 93.51.

**Mini Storage.** One or more structures that are used solely for the purposes of temporary storage of items by more than one owner and operated by a business licensed to provide such services.

**Mobile Home/Manufactured Home.** A factory-built dwelling transportable in one or more sections, is eight (8) body feet and/or more in width or forty (40) feet or more in length, or, when erected on site, is more than three-hundred twenty (320) square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained therein; except that the term includes any structures which meets all the requirements and with respect to which the manufacturer voluntarily files a certification required by the Secretary of the United States Department of Housing and Urban Development and complies with standards established pursuant to Minnesota Statutes Chapter § 327 or successor statute.

**Mobile Home Park/Manufactured Home Park.** As defined under MN Statutes, Chapter § 327 and Minnesota Rules, Chapter § 4630 or successor statute, any site, lot, field or tract of land upon which two or more occupied manufactured homes are located, either free of charge or for compensation, and includes any building, structure, tent, vehicle, or enclosure used or intended for use as part of the equipment of the manufactured home park.

Manufactured Home Park does not include manufactured homes, buildings, tents or other structures temporarily maintained by any individual or company on the premises associated with a work project and used exclusively to house labor or other personnel occupied with the work project. Manufactured Home Parks are licensed by the State of Minnesota Department of Health. Todd Township has additional standards.

**Motor Vehicle Repair Facility.** Major or general repair, rebuilding or reconditioning of engines or other motor vehicle parts including body work, frame work, machining, welding and painting services.

**Natural vegetation.** Vegetation that is indigenous to the area or like areas.

**Nonconformity - Legal.** Any legally established use, structure or parcel of land already in existence, recorded, or authorized prior to the adopted *Todd Township Land Use Ordinance 2001.01.01 dated May 10<sup>th</sup>, 2004* but not in conformance with the provisions of this ordinance.

**Nonconformity – Illegal.** A lot, building, structure, premise, lot or use unlawfully established and in violation of the laws and regulations applicable at the time of its development or initiation.

**Nuisance.** By authority and direction of Minnesota Statutes, Section § 429.101, anything that interferes with the use or enjoyment of property, endangers personal health or safety, or is offensive to the senses, such as excessive smoke, odor, noise, heat, vibration, glare, traffic generation, visual impact, and other similar interferences or offenses.

**Official Map.** The recorded land use map of Todd Township, adopted in accordance with Minnesota Statutes § 462.359 filed and recorded with the Hubbard County Recorder's Office.

**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 predominantly aquatic to predominantly terrestrial. For watercourses, the ordinary high-water level is the elevation to the top of the bank of the channel. For reservoirs and flowages, the ordinary high-water level is the operating elevation of the summer pool. In areas where the ordinary high-water level is not evident, setbacks shall be measured from the stream banks of the following water bodies that have permanent flow or open water; the main river channel, adjoining side channels, backwater, and sloughs. This includes the term ordinary high water mark (OHWM) determined by the Department of Natural Resources.

**Parcel.** See Lot.

**Parking Space.** A site off public right-of-way for parking one vehicle, enclosed in the main building, in an accessory building, or unenclosed, comprised of not less than ten (10) feet in width, twenty feet (20) in length, and 200 square feet in area, plus necessary maneuvering space and has adequate access to a public road or alley permitting satisfactory ingress and egress of an automobile.

**Planned Unit Development:** A conventional type of development characterized by a unified site design for a number of units or sites on a parcel, and also usually involving clustering of these units or sites to provide areas of common open space, density increases, and a mix of structure types and land uses.

**Planning Commission.** The Planning Commission of Todd Township, as created by Ordinance 97-1, on December 31, 1998, by the Todd Township Board of Supervisors.

**Plat.** The diagram, map, drawing, or chart drawn to scale and showing all the essential data pertaining to the boundaries and subdivisions of a tract of land, as determined by survey, that is required for a complete and accurate description of the land which it delineates and containing those items set forth in Minnesota Statutes Section § 505.02.

**Principal Structure or Use.** The single primary structure or use on a lot, as distinguished from accessory uses or structures.

**Private road.** An easement or other conveyance of record in perpetuity and transferable to successors, heirs and assigns, which provide the right of ingress and egress between a lot or lots and a public road.

**Property Line.** The legal boundaries of a parcel of property, including easements.

**Property Owner(s).** The property owner(s) named in the current records in the Office of the Recorder of Hubbard County.

**Public Road.** Public roads shall include township, county, state, or federal government roads whether established by plat, order, easement, statute or prescriptively. Platted roads, whether or not accepted and maintained by the town shall be included in the definition of public road as defined herein. The terms, principal and minor arterials, major collectors, and minor collectors and local roads, as used in this Ordinance shall mean those functional systems for rural areas as designated by the American Association of State Highway and Transportation Officials and identified as such by state or county classification.

**Public Use.** Uses owned or operated by municipal, school districts, town, county, state or other governmental units, inclusive of public lands.

**Public Waters.** Any waters as defined in Minnesota Statutes, Section § 103G.005.



**Reclassification/Rezoning.** The consideration of changing one land use to another land use which requires formal procedures inclusive of a hearing.

**Recreation Use.** All uses such as driving ranges, golf courses, horse-back riding trails, game farms, skiing, tennis courts, ball fields, picnic areas and the like, whether privately or publicly owned.

**Recreational Vehicle.** A vehicle, including a trailer designed to be occupied as mobile living quarters, and capable of being licensed by the State for highway purposes including the following:

- a. Travel trailer: any trailer forty (40) feet or less in length, either (8) feet or less in width, designed for recreational living quarters, not permanently affixed to the ground, having current license plates and used on a seasonal basis.
- b. Pickup coach: a structure designed to be mounted on a truck chassis for use as a temporary dwelling for travel, recreation and vacation.
- c. Motor home: a portable temporary dwelling for travel, recreation and vacation use constructed as an integral part of a self-propelled vehicle.
- d. Camping trailer: a folding structure mounted on wheels and designed for travel, recreation and vacation use.

**Residence, Single.** See "Dwelling".

**Residential Use.** The use of land for permanent, continuous or long-term occupancy.

**Restaurant.** An establishment which serves food to be consumed primarily while seated at tables or booths within the building or picked up at the building.

**Right-of-Way.** A parcel of property or interest in property dedicated to the public, including the traveled portions, banks, ditches, shoulders, and medians of a roadway, which is not privately owned.

**Roof Line.** The upper-most edge of the roof or in the case of an extended façade or parapet, the upper-most height of said façade.

**Salvage Yard.** Any place where two (2) or more vehicles not in running condition and/or not licensed, or the parts or remains thereof, are stored out in the open, and are not being restored to operation; or any land, building or structure used for wrecking, piling or storing of such motor vehicles or parts thereof; or a place maintained for keeping, storing, piling, handling or disassembling, whether temporarily, irregularly, or continually any old, used or second hand material of any kind including used motor vehicles, machinery, and/or parts thereof, cloth, rugs, clothing, paper, rubbish, bottles, rubber, iron or other metals, or articles commonly understood as junk. A salvage yard does not include the keeping of one (1) unlicensed motor vehicle within a garage or screened from adjacent properties or public roads in residential districts or three (3) unlicensed motor vehicles, not including farm implements, within agricultural districts.

**Screening.** The use of fences, permanent landscape plantings or other suitable means to minimize visual impacts of a structure or use upon adjacent structures or uses.

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

**Setback.** The minimal horizontal distance, as required by ordinance(s), rule(s), or statute(s), between structures, sewage treatment system, well, or other facility and an ordinary high-water level, sewage treatment system, top of a bluff, road, highway, property line, or other facility.



***Sewage Treatment System(s).*** A septic tank and soil absorption system or other individual or cluster type wastewater treatment system(s) as described and regulated by Minnesota Chapters § 7080, 7081, 7082, 7083, and 7084 or their successor statutes and the Hubbard County Sanitary Ordinance. Also known as a “wastewater treatment system(s). Now also called the following: SSTS (meaning Subsurface Sewage Treatment System), MSTS (Mid-sized Subsurface Sewage Treatment Systems), and LSTS (Large Subsurface Sewage Treatment Systems).

***Shoreland.*** Land located within the following distances from public waters: 1,000 feet from the ordinary high-water level of a lake, pond, or flowage; and 500 feet from a river or stream, or the landward extent of a floodplain designated by ordinance on a river or stream, whichever is greater. The limits of shore lands may be reduced whenever the waters involved are bounded by topographic divides which extend landward from the waters for lesser distances and when approved by the Minnesota Department of Natural Resources Commissioner. *Shoreland rules and regulations are governed and managed by Hubbard County.*

***Sign.*** Any letter, word or symbol, poster, picture, statuary, reading matter or representation in the nature of advertisement, announcement, message or visual communication, whether painted, posted, printed, affixed or constructed, including all associated brackets, braces, supports, wires and structures, which is displayed for informational or communicative purposes.

***Sign, Area.*** The maximum area enclosed within a connected geometric shape completely enclosing as a single unit, all letters, graphics, illustrations, insignias, figures, designs, images, colors, or other symbols used. Structural members not bearing advertising matter shall not be included in computation of the surface area. When signs are grouped together, sign area is the maximum area enclosed within a connected geometric shape completely enclosing all individual signs.

***Sign, Abandoned.*** Any sign and/or its supporting sign structure which remains without a message or whose display surface remains blank for a period of one (1) year or more, or any sign which pertains to a time, event or purpose which no longer applies, shall be deemed to have been abandoned. Signs applicable to a business temporarily suspended because of a change in ownership or management of such business shall not be deemed abandoned unless the property remains vacant for a period of one (1) year or more. Any sign remaining after demolition of a principal structure shall be deemed to be abandoned. Signs which are present because of being legally established nonconforming signs or signs which have required a conditional use permit or a variance shall also be subject to the definition of abandoned sign.

***Sign, Area Identification.*** A free standing, on-premises sign which identifies a residential complex of five (5) or more units, a shopping center or complex consisting of three (3) or more separate business concerns, an industrial complex or park, or an office building consisting of three (3) or more separate business concerns and located on the contiguous property.

***Sign, Awning.*** A building sign or graphic printed on or in some fashion attached directly to the awning material.

***Sign, Changeable Copy.*** A sign or portion thereof with characters, letters, or illustrations that can be changed or rearranged without altering the face or the surface of the sign. Changeable copy signs do not include signs upon which characters, letters or illustrations change or rearrange only once in a twenty-four (24) hour period.

***Sign Face.*** The surface of the sign upon, against, or through which the message of the sign is exhibited.



**Sign, Flashing.** A directly or indirectly illuminate sign which exhibits changing light or color effect by any means, so as to provide intermittent illumination which includes the illusion of intermittent flashing light by means of animation. Also, any mode of lighting which resembles zooming, twinkling, or sparkling.

**Sign, Freestanding.** Any sign which has supporting framework that is placed on, or anchored in, the ground and which is independent from any building or other structure.

**Sign, Ground.** Any freestanding sign with its sign face mounted on the ground or mounted on a base at least as wide as the sign and which has a total height not exceeding eight (8) feet.

**Sign, Height of.** The height of the sign shall be computed as the vertical distance measured from the base of the sign at grade to the top of the highest attached component of the sign.

**Sign, Illuminated.** Any sign which contains an element designed to emanate artificial light internally or externally.

**Sign, Interior.** A sign which is located within the interior of any building, or within an enclosed lobby or court of any building, and a sign for and located within the inner or outer body, court or entrance of any theater.

**Sign, Legally Established Nonconforming.** Any sign and its support structure lawfully erected prior to the effective date of this ordinance which fails to conform to the requirements of this ordinance. A sign which was erected in accordance with a variance granted prior to the adoption of this ordinance and which does not comply with this ordinance shall be deemed to be a legal nonconforming sign. A sign which was unlawfully erected shall be deemed to be an illegal sign.

**Sign, Monument.** See Sign, Ground.

**Sign, Off-Premise.** A commercial speech sign which directs the attention of the public to a business, activity conducted, or product sold or offered at a location not on the same premises where such business sign is located. For purposes of this Ordinance, easements, and other appurtenances located in an easement, shall be considered an off-premise sign.

**Sign, On-Premise.** Identifies or advertises an establishment, person, activity, goods, products, or services located on the premises where the sign is installed.

**Sign, Pole.** See Sign, Pylon.

**Sign, Portable.** Any sign which is manifestly designed to be transported, including by trailer or on its own wheels, even though the wheels of such sign may be removed and the remaining chassis or support is converted to another sign or attached temporarily or permanently to the ground since this characteristic is based on the design of such a sign.

**Sign, Projecting.** Any sign which is affixed to a building or wall in such a manner that its leading edge extends more than two (2) feet beyond the surface of such building or wall face.

**Sign, Pylon.** Any freestanding sign which has its supportive structure(s) anchored in the ground and which has a sign face elevated above ground level by pole(s) or beam(s) and with the area below the sign face open.