

ZONING ORDINANCE

<table><tr><td>Haybrook</td><td>Ford</td><td>Kroschel</td></tr><tr><td>Hillman</td><td>Peace</td><td>Pomroy</td></tr></table>			Haybrook	Ford	Kroschel	Hillman	Peace	Pomroy
Haybrook	Ford	Kroschel						
Hillman	Peace	Pomroy						
Ann Lake	Knife Lake	Whited						
Kanabec	Arthur	Comfort						
Southfork	Brunswick	Grass Lake						

**BRUNSWICK TOWNSHIP
KANABEC COUNTY, MINNESOTA**

Adopted November, 2007

BRUNSWICK TOWN ZONING ORDINANCE 2007

Town Board of Supervisors

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Planning Commission

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East Central Regional Development Commission
100 Park Street South, Mora, MN 55051
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ZONING ORDINANCE FOR THE TOWN OF

BRUNSWICK, MINNESOTA

THE TOWN BOARD OF THE TOWN OF BRUNSWICK ORDAINS: AN ORDINANCE REGULATING THE USE OF LAND, THE LOCATION, SIZE AND USE OF BUILDINGS AND THE ARRANGEMENT OF BUILDINGS ON LOTS IN THE TOWN OF BRUNSWICK, MINNESOTA, PURSUANT TO THE AUTHORITY GRANTED BY MINNESOTA STATUTES SECTION 462.357.

SECTION 1. TITLE AND APPLICATION

- Subd. 1. Title. This Ordinance shall be known as the "Zoning Ordinance of the Town of Brunswick, Minnesota," except as referred to herein, where it shall be known as "this Ordinance."
- Subd. 2. Intent and Purpose. The intent of this Ordinance is to protect the public health, safety and general welfare of the Town and its people through the establishment of minimum regulations governing land development and use. This Ordinance shall divide the Town into use districts and establish regulations in regard to location, erection, construction, placement, reconstruction, alteration and use of structures and land. Such regulations are established to provide convenience of access to property; to prevent congestion in the public right-of-way; to prevent overcrowding of land and undue concentration of structures by regulating land, buildings, yards and density of population; to provide for compatibility of different land uses; to provide for administration of this Ordinance, to provide for amendments; to prescribe penalties for violation of such regulations; to define powers and duties of the Town staff, the Board of Adjustment and Appeals, the Planning Commission, and the Town Board in relation to the Zoning Ordinance.
- Subd. 3. Standard Requirement. Where the conditions imposed by any provisions of this Ordinance are either more or less restrictive than comparable conditions imposed by other ordinance, rule or regulation of the Town, County, State, or Federal government, the ordinance, rule or regulation which imposes the more restrictive condition standard or requirements shall prevail. No private restriction, protection or covenant shall permit any use and/or development which does not meet the minimum requirements of this Ordinance.
- Subd. 4. Minimum Requirements. In their interpretation and application, the provisions of this Ordinance shall be held to the minimum requirements for the promotion of the public health, safety and welfare.
- Subd. 5. Conformity with Provisions. No structure shall be erected, converted, enlarged, reconstructed, placed or altered, and no structure or land shall be used for any purpose nor in any manner which is not in conformity with the provisions of this Ordinance.
- Subd. 6. Land Use Permits. Except as herein provided, no building, structure or premises shall hereafter be used or occupied and no land use permit shall be granted that does not conform to the requirements of this Ordinance.
- Subd. 7. Conditional Uses, Interim Uses, Variances, Amendments, Appeals. Nothing within this Ordinance shall be construed so to deny any property owner his right to apply for a conditional use permit, interim use permit, variance, amendment, or appeal.

Subd. 8. Uses Not Provided for Within Zoning Districts. Whenever in any zoning district a use is neither specifically permitted nor denied, the use shall be considered prohibited. In such case 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, what zoning district would be most appropriate, and the determination as to conditions and standards relating to development of the use. The Town Board, Planning Commission or property owner, shall, if appropriate, initiate an amendment to the Zoning Ordinance to provide for the particular use under consideration or shall find that the use is not compatible for development within the applicable zoning district.

Subd. 9. Separability. It is hereby declared to be the intention of the Town that the several provisions of this Ordinance are separable in accordance with the following:

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

SECTION 2. DEFINITION OF TERMS

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

Subd. 1. Accessory Building or Use. A subordinate building, structure or use which is located on the same lot on which the main building or use is situated and is reasonably necessary and incidental to the conduct of the primary or principal use of such building or main use.

Subd. 2. Adult Use. Defer to Kanabec County Ordinance #24 for definitions of adult use.

Subd. 3. Agriculture Uses. Those uses commonly associated with the growing of produce on farms. These include: field crop farming; pasture for hay; fruit growing; tree, plant, shrub or flower nursery without building; truck gardening; roadside stand for sale in season; and livestock raising and feeding.

Subd. 4. Agricultural operation. means a facility and its appurtenances for the production of crops, livestock, poultry, dairy products or poultry products, but not a facility primarily engaged in processing agricultural products.

Subd. 5. Agriculture established date of operation. Means the date on which the agricultural operation commenced. If the agricultural operation is subsequently expanded or significantly altered, the established date of operation for each expansion or alteration is deemed to be the date of commencement of the expanded or altered operation. As used in this paragraph, "expanded or significantly altered" means:

- (1) an expansion by at least 25 percent in the amount of a particular crop grown or the number of a particular kind of animal or livestock located on an agricultural operation; or
- (2) a distinct change in the kind of agricultural operation, as in changing from one kind or crop, livestock, animal, or product to another, but not merely a change from one generally accepted agricultural practice to another in producing the same crop or product.

Subd. 6. Automobile Wrecking or Junk Yard. Any place where vehicles not in running condition and/or not licensed and parts thereof are stored in the open and are not being restored to operation, and any land, building or structure used for wrecking or storing of such motor vehicles or parts thereof, and including any commercial salvaging and scavenging of any other goods, articles or merchandise.

- Subd. 7. Board of Adjustment and Appeals. The current Chairman of the Town Board, members of the Planning Commission, and two (2) appointed Township residents will comprise the Board of Adjustment.
- Subd. 8. Buildable Area. The portion of a lot that is capable of supporting the proposed structure(s), septic system sites and remaining after the required setbacks have been allowed for.
- Subd. 9. Building. Any structure used or intended for supporting or sheltering any use or occupancy.
- Subd. 10. Building Line. That line measured across the width of the lot at the point where the main structure is placed, in no event less than the distance required by the setback provisions herein.
- Subd. 11. Building Setback. The minimum horizontal distance between the building and the specified lot line as prescribed in this Ordinance.
- Subd. 12. Campground. An area accessible by vehicle and containing campsites or camping spurs for camping.
- Subd. 13. Church. A building, together with its accessory buildings and uses, where persons regularly assemble for religious worship and which building, together with its accessory buildings and uses, is maintained and controlled by a religious body organized to sustain public worship.
- Subd. 14. Commercial Recreation. Privately owned facilities such as a bowling alley, cart track, golf course, pool hall, vehicle racing, riding stables, dance hall, skating, theater, firearms range, boat rental, amusement rides, campgrounds, deer park, and similar uses.
- Subd. 15. Commercial Storage Building. also known as mini storage buildings is any storage building divided into individual compartments having direct access to the outside of the building and intended to be used principally to provide rental spaces to the general public for storage purposes.
- Subd. 16. Commercial Uses. Any establishment, occupation, employment, or enterprise where merchandise is exhibited or sold, or where services are offered for compensation.
- Subd. 17. Common Area Storage Building. Is any storage building not divided into individual compartments and not having direct access to the outside of the building intended to be used principally to provide rental spaces to the general public for storage purposes.
- Subd. 18. Communication Tower. Structure to support radio, cellular telephone and television transmission antennas; microwave relay towers, monopoles; and similar structures for transmission or reception and retransmission of electronic signals. Communication tower includes accessory equipment buildings that do not have office space. Communications tower does not include amateur radio operator antennas which are accessory to a residential use and television antennas which are accessory to a residential use.
- Subd. 19. Conditional Use. A use, which because of special problems of control requires reasonable, but special, and extraordinary limitations peculiar to the use for the protection of the public welfare and the integrity of the Town's comprehensive plan.
- Subd. 20. Conditional Use Permit. A permit issued by the Town Board in accordance with procedures specified in this Ordinance, as well as its compatibility with the Town's comprehensive plan, as a flexibility device to enable the Town Board to assign dimensions to a proposed use or conditions surrounding it after consideration of adjacent uses and their functions and the special problems which the proposed use presents.
- Subd. 21. Conditional Use Permit. Amendment. A change, modification, or revision made to a Conditional Use Permit previously issued by the township. An amendment may arise from an action initiated by the township or by an application initiated by the permittee.
- Subd. 22. Conforming. That which complies with the Brunswick Township Zoning Ordinance.

- Subd. 23. Corner Lot Setback. A setback from the center line of the existing road projected straight ahead of not less than 110 feet.
- Subd. 24. Daycare. A person or organization providing supervision of and care for children or disabled adults that is provided during the day.
- Subd. 25. Districts. A section or sections of the Town for which the regulations and provisions governing the use of buildings and lands are uniform for each class of use permitted therein.
- Subd. 26. Dwelling. A building or portion thereof, designated exclusively for residential occupancy, including one-family, two-family and multiple-family dwellings, seasonal dwellings, manufactured housing, but not including hotels, motels, and boarding houses.
- Subd. 27. Dwelling, Single Family. A detached dwelling unit designed for occupancy of one (1) family.
- Subd. 28. Dwelling, Two-Family. A dwelling designed exclusively for occupancy by two (2) families living independently of each other.
- Subd. 29. Earth Sheltered Buildings. Buildings constructed so that more than fifty percent (50%) of the exterior surface area of the buildings, excluding garages and other accessory buildings, is covered with earth. Partially completed buildings shall not be considered earth sheltered.
- Subd. 30. Easement. An easement is an interest in land owned by another not less than 33' wide that entitles the holder of that interest to use the described portion of that land for road purposes terminating at a public road.
- Subd. 31. Essential Services. Underground or overhead gas, electrical, steam or water distribution systems; collection, communication, supply or disposal system including poles, wires, mains, drains, sewer, pipes, conduits, cables, fire alarm boxes, traffic signals, hydrants or other similar equipment and accessories in conjunction therewith; but not including buildings or transmission services.
- Subd. 32. Family. An individual or two or more persons related by blood or marriage or a group of not more than five unrelated persons living together on the premises or in a single housekeeping unit.
- Subd. 33. Farm. A tract of land which is principally used for commercial agriculture, all of which is owned and operated by a single family, farm corporation, individual or corporation.
- Subd. 34. Fence. A barrier forming a boundary to, or enclosing some area.
- Subd. 35. 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.
- Subd. 36. Forestry. The management, including logging, of a forest, woodland, or plantation, and related research and educational activities, including the construction, alteration or maintenance of woodroads, skidroads, landings, and fences.
- Subd. 37. Garage, Private. An accessory building or accessory portion of the principal building which is intended for and used to store the private passenger vehicles of the family or families resident upon the premises, and in which no business service or industry is carried on; provided that not more than one-half (1/2) of the space may be rented for the private vehicles of persons not resident on the premises, except that all the space in a garage of one (1) or two (2) car capacity may be so rented.
- Subd. 38. Hardship - Undue. The property in question cannot be put to a reasonable use if used under conditions allowed by the official controls, the plight of the landowner is due to circumstances unique to his property not created by the landowners.

- Subd. 39. Home Occupation. Any occupation or profession carried on by a member(s) of the family residing on the premises, and does not change the residential character. The business may employ persons not residing in the home in accordance with this Ordinance. Home Occupations may be permitted or may require a Conditional Use Permit or may not be permitted at all.
- Subd. 40. Industrial Use. Any establishment, occupation, employment, or enterprise where the manufacturing, storage, or warehousing of products and materials occur.
- Subd. 41. Interim Use. An "Interim use" is a temporary use of property until a particular date, until the occurrence or a particular event, or until zoning regulations no longer permit it.
- Subd. 42. Interim Use Permit. A permit valid until a particular date, until the occurrence or a particular event, or until zoning regulations no longer permit it issued by the Town Board in accordance with procedures specified in this Ordinance, as well as its compatibility with the Town's comprehensive plan, as a flexibility device to enable the Town Board to assign dimensions to a proposed use or conditions surrounding it after consideration of adjacent uses and their functions and the special problems which the proposed use presents.
- Subd. 43. Licensed Business Vehicle. Any motorized vehicle or trailer, licensed for use on a public road and used primarily for business purposes.
- Subd. 44. Lot, Of Record. A parcel of land, whether subdivided or otherwise legally described of record as of the effective date of this Ordinance, or approved by the Town as a lot subsequent to such date and which is occupied by or intended for occupancy by one (1) principal building or principal use together with any accessory buildings and such open spaces as required by this Ordinance and having its principal frontage on a street, or a proposed street approved by the Board.
- Subd. 45. Lot. Land occupied or to be occupied by one (1) principal building or use and its accessory buildings, together with such open spaces as are required under the provisions of this Zoning Ordinance, having not less than the minimum area required by this Zoning Ordinance for a building site in the district in which such lot is situated and having its principal frontage on a public road, or having access to a public road by an easement not less than 33 feet in width.
- Subd. 46. Lot Area. The area of a horizontal plane within the lot lines.
- Subd. 47. Lot, Corner. A lot situated at the junction of and abutting on two(2) or more intersecting roads; or a lot at the point of deflection in alignment of a single street, the interior angle of which is one hundred thirty-five (135) degrees or less.
- Subd. 48. Lot, Frontage. The front of a lot shall be that boundary abutting a public right-of-way.
- Subd. 49. Lots, Line. A property boundary line of any lot held in single or separated ownership, except that where any portion of the lot extends into the abutting road, the lot line shall be deemed to be the road right-of-way.
- Subd. 50. Lot, Width. The shortest horizontal distance between the side lot lines measured at the right angles at the building line and front lot line.
- Subd. 51. Kennel. Any place where four (4) or more dogs over six (6) months of age are boarded, bred, and/or offered for sale, except veterinary clinics.
- Subd. 52. Manufacturing. All uses which include the compounding, processing, packaging, treatment, or assembly of products and materials.
- Subd. 53. Mining Operation - Commercial. The removal from the land and sale of stone, sand and gravel, coal, salt, iron, copper, nickel, granite, petroleum products or other material for commercial, industrial, or governmental purposes.

- Subd. 54. Nonconforming Structure or Use. Any structure or use which on the effective date of this Ordinance does not, even though lawfully established, conform to the applicable conditions if the structure or use was to be erected under the guidance of this Ordinance.
- Subd. 55. On - Site Sewer Permit. A permit issued by Kanabec County for the installation or alteration of any system for the collection, treatment and dispersion of sewage.
- Subd. 56. Outside Corner Lot. A lot on outside corner that intersects the corner.
- Subd. 57. Permitted Use. A use which may be lawfully established in a particular district or districts, provided it conforms with all requirements, regulations, and performance standards (if any) of such districts.
- Subd. 58. Planning Commission. The planning agency of the Town, designated by the Town Board.
- Subd. 59. Principal Use. The primary or main use of land or buildings as distinguished from subordinate, incidental or accessory uses.
- Subd. 60. Public Road. For the purpose of this Ordinance public roads shall include only those roads which are identified in the public record or maintained by the township, county, state, or federal government.
- Subd. 61. Public Uses. Uses owned or operated by municipal, school districts, town, county, state or other governmental units.
- Subd. 62. Public Waters. Any waters as defined in Minnesota Statutes 1980, Section 105.37, Subdivision 14 and 15. A body of water created by a private user where there was no previous shoreland shall be exempt from the provisions of these regulations.
- Subd. 63. Retreat Center. A place away from home for rest and renewal providing recreation, entertainment and instruction to vacationers intended for for-profit and non-profit facilities.
- Subd. 64. Setback. The minimum horizontal distance between a structure or sanitary facility and a road or highway right-of-way or property lot line, or between a structure or sanitary facility and the ordinary high water mark.
- Subd. 65. Shoreland. Land located within the following distances from public water: (i) 1,000 feet from the ordinary high water mark of a lake, pond, or flowage; and (ii) 300 feet from a river or stream; or the landward extent of a flood plain designated by ordinance on such a river or stream, whichever is greater. The limits of shorelands may be reduced whenever the waters involved are bounded by topographic divides which extend landward from the waters for lesser distances and when approved by the Commissioner.
- Subd. 66. Structure. Anything which is built, constructed or erected on the ground or attached to the ground; an edifice or building of any kind; or any piece of work artificially built up and/or composed of parts joined together in some definite manner whether temporary or permanent in character, including decks and signs.
- Subd. 67. Use. The purpose or activity for which the land or building thereon is designated, arranged, or intended, or for which it is occupied, utilized or maintained, and shall include the performance of such activity as defined by the performance standards of this Ordinance.
- Subd. 68. Variance. The waiving action of the literal provisions of the Zoning Ordinance in instances where their strict enforcement would cause undue hardship because of physical circumstances unique to the individual property under consideration.
- Subd. 69. Zoning Administrator. A person appointed by the Town Board to enforce the Zoning Ordinance.

Subd. 70. Zoning Map. The maps or map incorporated into this Ordinance as part thereof, and as amended, designating the zoning districts.

SECTION 3. ZONING DISTRICT PROVISIONS

Subd. 1. Establishment of Districts. The following zoning districts are hereby established within the Town of Brunswick.

- A-R, Agricultural-Residential District
- C-I, Commercial-Industrial District
- S, Shorelands District

Subd. 2. Map. The location and boundaries of the districts established by this Ordinance are hereby set forth on the zoning map entitled "Zoning Map of the Town of Brunswick", hereinafter referred to as the "Zoning Map", a copy of which is on file with the Town Clerk. Said maps and all of the notations, references and other information shown thereon shall have the same force and effect as if fully set forth herein and thereby made a part of this Ordinance by reference.

Subd. 3. Detachment. In the event of changes in the Town boundaries removing territory from the Town, district boundaries shall be construed as moving with Town boundaries.

Subd. 4. Zoning District Boundaries.

- A. Boundaries indicated as approximately following the center lines of streets, highways, alleys, or railroad lines shall be construed to follow such center lines.
- B. Boundaries indicated as approximately following lot lines shall be construed as following such lot lines.
- C. Boundaries indicated as following shore lines shall be construed to follow such shore lines, and in the event of change in shore line shall be constructed as moving with the actual shore line; boundaries indicated as approximately following the center lines of streams, rivers, lakes, or other bodies of water shall be construed to follow such center lines.
- D. Boundaries indicated as approximately following the Town boundaries shall be construed as following such boundaries. The proposes language is very broad and may be difficult to enforce. However, in a situation where it is clearly applicable, it may well be upheld.
- E. Where a district boundary line divides a lot which was in a single ownership at the time of passage of this Ordinance, the extension of the regulations for either portion of the lot may be interpreted by the Zoning Administrator upon request of the owner.
- F. The exact location of all district boundaries shall be interpreted by the Zoning Administrator, subject to appeal as provided in Section 14 of this Ordinance.

Subd. 5. District Regulations. The regulations of this Ordinance within each district shall be minimum regulations, and shall apply uniformly to each class or kind of structure of land, except as hereinafter provided.

- A. No building, structure, or land shall hereafter be used or occupied, except in conformity with all of the regulations herein specified for the district in which it is located, and except when such use is a legal nonconforming use.

- B. No building or other structure shall hereafter be erected, placed, or altered to exceed the height or bulk, to accommodate or house a use, to occupy a greater percentage of lot area, and to have narrower or smaller yards, other than herein required; or in any other manner contrary to the provision of this Ordinance.
- C. No yard or lot existing at the time of passage of this Ordinance shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this Ordinance shall meet at least the minimum requirements established by this Ordinance.

SECTION 4. (A-R) AGRICULTURAL - RESIDENTIAL DISTRICT

Subd. 1. Purpose. The (AR) Agricultural-Residential District is intended to accommodate agricultural and residential uses as the predominant uses, in areas well served by the existing road systems and where services and facilities can be provided in the most cost effective manner. Residential development shall occur on lots of two acres or more. Agricultural uses of land shall be as permitted or by conditional use or interim use as specified in the following subdivisions.

Subd. 2. Permitted Uses. The following uses are permitted:

- A. Farm structures which are used for purposes related to the operation of the farm.
- B. Farm production which shall include the raising of crops and animals for sale, profit, or pleasure, provided that on parcels of less than ten (10) acres and not less than two (2) acres, the number of animals shall be limited to not more than three (3) animal units: Animal units are established as stated in current Minnesota Feedlot Guidelines.
- C. Sump type livestock and/or poultry manure storage systems or other systems of manure storage that are of like and similar nature that prevents feed lot runoff provided they meet the standards for feed lots adopted by the Minnesota Pollution Control Agency provided such activities occur on parcels of ten (10) acres or more.
- D. Farm drainage systems, flood control and watershed structures and erosion control devices meeting all county, state and Soil Conservation Service minimum standards.
- E. Greenhouse or nursery.
- F. Forestry
- G. Temporary or seasonal roadside stands for sale of agricultural products - not to exceed one stand per farm.
- H. Single family dwellings subject to the following provisions:
 - 1. No more than three (3) dwellings shall be allowed per quarter of a quarter section of land, and shall only be permitted if the lot or parcel of land upon which the dwelling is located fronts an existing public road. Any existing lots of record shall be considered buildable regardless of this density requirement.
 - 2. Dwelling units shall not be permitted in areas classified as wetlands, flood plain, peat and muck areas, areas of poor drainage, and areas where the water table depth is less than three (3) feet.
 - 3. Dwelling units which would require a new public dedicated road shall not be permitted.

I. Common Area Storage. Existing agricultural buildings can be used for common area storage.

J. Essential services.

Subd. 3. Conditional Use and Interim Uses. The following uses may be permitted or may not be permitted.

A. One additional farm dwelling as an accessory use to the farm which may not be separated as a non-farm residence.

B. Two-family dwellings, farm or non-farm.

C. Airports and aircraft landing areas, public and private.

D. Churches, chapels, temples, synagogues, cemeteries, with normal accessory buildings for education and living quarters.

E. Local government administration and service buildings.

F. Hospitals, convalescent homes, nursing homes.

G. Schools, except home schools, or other educational facilities - public and private.

H. Commercial outdoor recreation areas that are similar to public recreation areas including private campgrounds, golf course, swimming pools, riding stables, and resorts.

I. The raising of animals on less than two (2) acres. Animal numbers shall conform to the limitations established in Section 4, Subd. 2.B.

J. Agriculture oriented businesses such as grain and feed sales, implement sales, general repair and the processing and packaging of agricultural products.

K. Livestock sales barns and accessory facilities.

L. Livestock feed and poultry lots subject to the requirements of the Minnesota Pollution Control Agency regulations.

M. Kennels.

N. Extraction of minerals, sand, gravel, rock, or any material from the earth and/or asphalt processing operations. Those extractions dealing with crushing only would be between the hours of 7:00 a.m. and 7:00 p.m. Monday through Friday with the exception of legal holidays.

O. Home occupations.

P. Wildlife areas, forest preserves, public parks owned or other spaces owned or operated by a government agency or nonprofit organization.

Q. Salvage areas including automobile junkyards.

R. Open and outdoor storage provided that:

1. The area is fenced and screened from view of neighboring residential uses and districts in compliance with this Ordinance.

2. Storage is screened from view from the public right-of-way in compliance with this Ordinance.
 3. Storage area is grassed or surfaced to control dust.
 4. All lighting shall be hooded and so directed that the light source shall not be visible from the public right-of-way or from neighboring residences.
 5. The use does not take up parking space as required for conformity to this Ordinance.
 6. All open and outdoor storage shall cover a space no more than 4,000 square feet.
- S. Other uses determined to be similar to those listed as permitted. Other uses determined to be similar to those listed as conditional uses or interim uses.

Subd. 4. Accessory Uses. The following uses are permitted accessory uses:

- A. Any structure or use which is incidental to the permitted principal use including garages, sheds, fencing, and landscaping.
- B. Recreational facilities which serve the residents of the principal use.
- C. Operation and storage of vehicles, equipment and machinery which is incidental to the permitted principal use.

Subd. 5. Lot Area Requirements shall be as follows.

- A. Lot Area. A lot area of not less than two (2) acres for each dwelling unit is required, of which an area of at least one (1) acre is determined to be buildable.
- B. Lot Width. A lot width of not less than three hundred, ten (310) feet at the building line and front lot line is required.
- C. Lot Depth. A lot depth of not less than two hundred, fifty (250) feet is required.

Subd. 6. Building and Structure Setback Requirements shall be as follows.

- A. Front Setback. A setback from the fronting road of not less than one hundred, ten (110) feet from the centerline is required.
- B. Side Lot Line Setback. A setback from each side lot line is required, each not less than thirty (30) feet.
- C. Rear Lot Line Setback. A rear lot line setback of not less than thirty (30) feet is required.

Subd. 7. Protection of Agricultural Operations.

- A. An agricultural operation is not and shall not become, or be deemed a private or public nuisance after two years from its established date of operation if it was not a nuisance on its established date of operation.
- B. An agricultural operation is operating according to generally accepted agricultural practices if it is located in a district zoned for agriculture, and it complies with the provisions of all applicable federal and state statutes and rules, and pursuant to any permits issued to it.
- C. The provisions of this subdivision do not apply to:

1. A condition or injury which results from the negligent operation of an agricultural operation, or from operations contrary to commonly accepted agricultural practices, or in violation of state or local laws, ordinances, rules or permits.
2. An agricultural operation which causes injury or direct threat of injury to the health or safety of any person.
3. The pollution of, or an adverse change in the condition of, the waters of this state, or the overflow of waters upon the lands of another.
4. An animal feedlot facility with a swine capacity of 1,000 or more animal units, as defined by the MPCA, or a cattle capacity of 2,000 animals or more.
5. Any prosecution for a crime of public nuisance under MS § 609.74, or to an action by a public authority to abate a particular condition which is a public nuisance.

NOTICE TO PERSONS PURCHASING LAND ABUTTING OR NEAR AN AGRICULTURAL OPERATION:
Any such land will be subject to the provisions of this section, and may counter and defeat any complaints covered hereby.

SECTION 5. (C-I) COMMERCIAL-INDUSTRIAL DISTRICT

Subd. 1. Purpose. The purpose of the Commercial-Industrial District is to provide for accommodations and services to the traveling public, related retail service activities, and light industrial uses which can maintain high standards of appearance and limited external effects and do not require public water and sewer services, and residences.

Subd. 1a: District Boundaries: The Commercial/Industrial Area is located along Highway 65 from the north Township line to the East Township line and 660 feet on each side of the highway; and along Highway 70 from the junction of Highway 65 east to Mahogany Street and 660 feet on each side of the highway. Exception to 660 feet is an existing lot of record prior to November 9, 1987.

Subd. 2. Permitted Uses.

- A. Single family dwellings. Single family dwellings subject to the following provisions:
 1. As of November 9, 1987, no more that three (3) dwellings shall be allowed per quarter of a quarter section of land, and shall only be permitted if the lot or parcel of land upon which the dwelling is located fronts an existing public road. Any existing lots of record shall be considered buildable irregardless of this density requirement.
 2. Dwelling units shall not be permitted in areas classified as wetlands, flood plain, peat and muck areas, areas of poor drainage, and areas where the water table depth is less than three (3) feet.
 3. Dwelling units which would require a new public dedicated road shall not be permitted.
- B. Agricultural implements, distribution, display, repair, sales.
- C. Automobile and truck sales, repair, parts.
- D. Bait sales.
- E. Bicycle, snowmobile and motorcycle repair and sales.
- F. Building materials, sales and storage.
- G. Cabinet, wood working establishments.
- H. Cafe, restaurant, supper club.
- I. Curiosity and souvenir shop.
- J. Drive-in, restaurant.
- K. Filling or gasoline service station.
- L. Government buildings.
- M. Grocery Store
- N. Manufactured home sales.
- O. Motel.
- P. Professional Offices.

- Q. Service businesses.
- R. Warehousing, wholesaling and distribution operations.
- S. Barber/Beauty salon.
- T. Greenhouse / nursery and related sales.
- U. Commercial storage buildings
- V. Common area storage building
- W. Welding Shops

Subd. 3. Conditional Use and Interim Uses. The following uses may be permitted:

- A. Two-family dwellings.
- B. Freight terminals.
- C. Other manufacturing, production, servicing, processing, storage, or commercial uses determined by the Planning Commission to be the same general character as the permitted, conditional, or interim uses and conform with the purpose and performance standards set forth in this district.
- D. Salvage yard, provided that they occur on parcels of not less than ten (10) acres in size. Tire salvage yards and other salvage yards which in the opinion of the Town Board has the potential of being hazardous to the health of residents or environment shall provide a one million (1,000,000) dollar performance bond.
- E. Welding shop.
- F. Open and outdoor storage provided that:
 - 1. The area is fenced and screened from view of neighboring residential uses and districts in compliance with this Ordinance.
 - 2. Storage is screened from view from the public right-of-way in compliance with this Ordinance.
 - 3. Storage area is grassed or surfaced to control dust.
 - 4. All lighting shall be hooded and so directed that the light source shall not be visible from the public right-of-way or from neighboring residences.
 - 5. The use does not take up parking space as required for conformity to this Ordinance.
- G. Open or outdoor service, sale and rental as a principal or accessory use and including sales in or from motorized vehicles, trailers, or wagons provided that:
 - 1. Outside services, sales and equipment rental connected with the principal use is limited to thirty (30) percent of the gross floor area of the principal use.
 - 2. Outside sales areas are fenced or screened from view of neighboring residential uses or districts in compliance with this Ordinance.
 - 3. All lighting shall be hooded and so directed that the light source shall not be visible from the public right-of-way or from neighboring residences.
 - 4. Sales area is grassed or surfaced to control dust.

5. Sales area does not take up parking space as required for conformity to this Ordinance.

Subd. 4. Accessory Uses. The following are permitted accessory uses:

- A. Commercial or business buildings and structures for a use accessory to the principal use.
- B. Off-street parking as regulated by this Ordinance.
- C. Off-street loading as regulated by this Ordinance.
- D. Fencing, screening and landscaping as permitted and regulated.
- E. Residential apartments if unit is in the same building as commercial structure as a use accessory to the principal use, and as long as off street parking requirements are met.

Subd. 5. Lot Area Requirements.

- A. Lot Area. A lot of not less than two (2) acres is required of which an area of at least one (1) acre is determined to be buildable.
- B. Lot Width. A lot width of not less than three hundred, ten (310) feet at the building line and front lot line is required.
- C. Lot Depth. A lot depth of not less than two hundred, fifty (250) feet is required.

Subd. 6. Building and Structure Setback Requirements.

- A. Front Setback. A setback from the fronting road of not less than one hundred, ten (110) feet from the centerline is required.
- B. Side Lot Line Setback. A setback from each side lot line is required, each not less than thirty (30) feet.
- C. Rear Lot Line Setback. A rear lot line setback of not less than thirty (30) feet is required.

Subd. 7. Regulations on Screening. Any unenclosed uses, including storage, manufacturing and assembly, occurring within fifty (50) feet of the "A-R" District shall be screened and buffered from such district by a separation of open space which shall have a minimum depth of thirty (30) feet and a required fence or vegetative screening of not less than seven (7) feet in height above the level of the "A-R" District property at the district boundary. Walls, fences or planting screens of lesser heights may be permitted by the Board of Adjustment and Appeals if there is a finding that the nature or extent of the use of being screened is such that a lesser degree of screen will as adequately promote and protect the use and enjoyment of the properties within the adjacent district, or there is a finding that a screening of the type required by this Ordinance would interfere with the provision of adequate amounts of light and air to same said properties. All required screening devices shall be designed so that they are architecturally harmonious with the principal structures on the site and they shall be properly maintained so as not to become unsightly, hazardous, or less opaque than when originally constructed.

Subd. 10. Access Roads.

Any new commercial or industrial development shall provide a service road between the highway and thoroughfare and the business establishment. No service roads shall have access to local residential streets nor shall commercial or industrial business oriented traffic be routed on or directed to local residential streets. Each service road shall have thirty (30) feet of right-of-way; be twenty-four (24) feet wide, and be surfaced and have curbs. No parking is allowed and access shall be limited to one (1) every five hundred (500) feet. Maintenance of these service roads shall be the obligation of serviced businesses.

SECTION 6. (S) SHORELAND DISTRICT

Subd. 1. Purpose. The (S) Shoreland District is hereby established to regulate the development of shorelands of public waters within the Town pursuant to Laws of Minnesota 1969, Chapter 777.

Subd. 2. All requirements of the Kanabec County ordinance for the management of shoreland areas shall apply to the Shoreland District of Brunswick Township and shall be administered by Kanabec County.

SECTION 7. BUILDING REQUIREMENTS

Subd. 1. Purpose. The purpose of this Section is to establish building requirements and standards which apply to all districts within the zoning jurisdiction of the Town to assure compatible land uses; to prevent blight and deterioration; and to enhance the health, safety and general welfare of the Town.

Subd. 2. Building Standards.

- A. Dwelling Size. All dwellings shall have a minimum ground floor area of at least seven hundred, twenty (720) square feet.
- B. Frost Free Footings. All dwellings, including manufactured homes, must be placed on frost free footings, foundations, reinforced floating slab or pillars and must be anchored.
- C. Manufactured Homes. Any manufactured home placed on a lot shall be a U.S. Department of Housing and Urban Development certified unit as evidenced by the 1976 HUD certification seal affixed to the unit or meet the Minnesota Mobile Home Code, July 1, 1972.
 - 1. The owner shall cause the uncovered bottom portion of any manufactured home on any tract to be covered with materials of equal identity and quality as the other material of such manufactured home within six (6) months after placement of said building.
- D. Maximum Building Height. No buildings shall exceed two and one-half (2 1/2) stories or thirty-five (35) feet in height, except such height requirements shall not apply to agricultural buildings and structures, belfries, cupolas, domes, spires, monuments, airway beacons, radio or television towers, flag poles, chimneys, or flues, nor to elevators, watertanks, poles, towers and other structures for essential services; nor to similar structures extending above the roof of any building and not occupying more than twenty-five (25%) percent of the area of such roof.
- E. Design Standards. The architectural appearance and function of any building and site shall not be so dissimilar to the existing buildings or area as to constitute a blighting influence. Earth sheltered buildings are allowed if in compliance with all other zoning provisions promulgated pursuant to this Ordinance.

- F. All buildings shall be so placed so that they will not obstruct future roads which may be constructed by the Town in conformity with existing roads and according to the system and standards employed by the Town.
- G. Not more than one (1) principal dwelling shall be located on a lot, except in cases described herein. In case of doubt or on any question or interpretation, the decision of the Zoning Administrator shall be final, subject to the right of appeal to the Board of Adjustment and Appeals.
1. Accessory Residences. Interim use permit may be issued for an accessory residence to be placed or constructed on the same lot as an existing principal in the following cases:
 - a. Temporary Accessory Residence During Construction of Permanent Dwelling.
In all districts, a twelve (12) month permit, renewable for one additional twelve (12) month period, may be issued to allow a temporary residence to be placed and occupied on the same site as the permanent dwelling is being constructed, provided:
 - (1) The land use permit for the permanent dwelling has been issued.
 - (2) An approved sewer system has been installed on the site to serve the temporary manufactured home.
 - b. Temporary Accessory Residence for Health Care Reasons. A twelve (12) month, renewable permit may be issued to allow a temporary residence to be placed and occupied on the same lot as the principal residence when the person (s) occupying the accessory residence or principal residence requires close supervision due to health reasons, yet are capable of independent living, provided that adequate sewage facilities exist on the site to accommodate the additional structure. Dwelling size not subject to minimum square footage requirement.
 - c. Accessory Residence for Farm Employees. A conditional use permit or interim use permit may be issued to allow an accessory residence to be placed or constructed and occupied on a farm to provide housing for a person(s) or family which is actively engaged in the operation of the farm provided:
 - (1) The major portion of the livelihood of the person(s) or family residing is derived from the farm.
 - (2) Adequate sewage facilities exist on the site to accommodate the additional structure.
 - (3) The accessory residence shall not be subsequently divided from the farm unless all lot and setback provisions of this Ordinance are met.
 2. When issuing a conditional use permit or interim use permit for an accessory residence, the Town Board may place additional, reasonable conditions on the permit to further the purpose and intent of this Ordinance. The failure to comply with these conditions may result in the revocation of said permit.
 3. When conditions change, whereby the purpose and conditions of this section are no longer met, the temporary accessory residence may remain and be occupied through the term of the permit, however, the accessory residence shall be removed from the lot within ninety (90) days of the expiration date of the permit.

SECTION 8. SETBACK AND LOT AREA REQUIREMENTS

- Subd. 1. Purpose. The purpose of this Section is to determine building and structure setback and lot area requirements to be applied to all zoning districts under the jurisdiction of the Town.
- Subd. 2. Building and Structure Setbacks. The minimum setback distances from the appropriate lot line are set forth within the district provisions of this Ordinance.
- A. Corner Lots. Where a lot is located at the intersection of two (2) or more streets, the setback along the side street shall not be less than seventy-five (75) feet.
 - B. Through Lots. On a lot fronting on two (2) parallel streets, both street lines shall be front lot lines for applying the setback regulations of this Ordinance.
 - C. Earth Sheltered Buildings. Computations for yard requirements shall be based upon measurements from the exposed exterior surface of the building.
 - D. Exceptions. The following shall not be considered as encroachment into the required setback area.
 - 1. Architectural projects including chimneys, flues, leaders, sills, pilasters, lintels, ornamental features, mechanical devices, cornices, eaves, gutters, and the like, provided they do not extend more than three (3) feet.
 - 2. Yard lights and signs provided they are located three (3) feet or more from all lot lines. Lights for illuminated parking or loading areas or yards for safety and security purposed may be installed where necessary provided that glare is not visible from public right of way or adjacent residential property.
 - 3. Off-street parking spaces except as hereinafter regulated.
 - 4. Fencing not exceeding eight (8) feet, or screening materials as hereinafter regulated.
 - 5. In rear setback areas: recreational and laundry drying equipment, picnic tables, open arbors and trellises, balconies, breezeways, porches, detached outdoor living rooms and decks, and outdoor eating facilities, are allowed, provided these are not less than ten (10) feet from any lot line.
- Subd. 3. Lot Area Requirements. The minimum lot area requirements are set forth within the district provisions of this Ordinance.
- A. Lot Area Exception. A lot of record existing upon the effective date of this Ordinance which does not meet the area or width requirements of this Ordinance may be utilized provided that the following conditions are met:
 - 1. The combining of adjacent lots to meet the requirements of this Ordinance is not possible.
 - 2. All sanitary sewer standards of the County are met.
 - B. Variance Required. When a conforming lot of record does not allow for the building and structure setback requirements established for the district to be met, a variance must be obtained.

SECTION 9. GENERAL PROVISIONS

Subd. 1. Purpose. The purpose of this section is to establish general development and performance standards to assure compatible developments, and land uses, to prevent blight and deterioration, and to enhance the health, safety and general welfare of the Town.

Subd. 2. Home Occupations. It is the purpose of this subdivision to provide for the use of the home as a place for the operation of a business or profession either as a conditional or interim use or permitted accessory use.

A. Permitted Home Occupations. Home occupations which do not generate a noticeable increase in traffic shall be permitted. Such home occupations as architects, artists, clergymen, clothing alterations, barbershops, beauty salons, repair shops, daycare, general contractors, sub contractors, truckers, welding shops, domestic crafts making and similar uses are permitted.

1. Business owner must reside on property to be considered a home occupation.
2. Home Occupations operations involving 5 or less employees not residing in the home but working out of this location.
3. Accessory buildings and or outside storage must be less than 4,000 square feet
4. Licensed business related vehicles and trailers are limited to 10 units.

B. Home Occupations Requiring a Conditional or Interim Use Permit. Home occupations which have the potential for generating a noticeable increase in traffic, requires additional parking, involves six (6) or more employees not residing in the home shall require a Conditional or Interim Use Permit. Such home occupations, such as barber shops, beauty salons, repair shops, clothing shops, bed-and-breakfast inns, museums, retreat center, general contractors, sub contractors, truckers, welding shops, animal hospitals and kennels, schools, and similar uses shall require a Conditional or Interim Use Permit.

1. Such home based businesses must be located on not less than 5 acres.
2. Business owner must reside on property to be considered a home occupation.
3. Home Occupations operations involving 6 or more employees not residing in the home but working out of this location.
4. Accessory buildings and or outside storage must be less than 4,000 square feet
5. Licensed business related vehicles and trailers are limited to 10 units.

C. Performance Standards. All home occupations shall conform to the following standards:

1. Conduct of the home occupation does not require alterations to the exterior of the residence which substantially alters the appearance of the dwelling as a residence.
2. The home occupation shall not generate sewage of a nature or type that cannot be treated by a standard on-site sewage system, or hazardous wastes without an approved plan for off site disposal.

D. Review by Planning Commission. When deemed appropriate, the Zoning Administrator may bring a proposal or existing home occupation to the attention of the Planning Commission at which time the Planning Commission may permit the use or hold such public hearings, request such information, or require such conditions as deemed necessary to ensure compliance with the performance standards and intent of this Ordinance.

Subd. 3. Land Reclamation. Under this Ordinance land reclamation is the reclaiming of land by the deposition of materials so as to elevate the grade. All land reclamation shall be controlled under the provisions of the Zoning Ordinance and shall meet the following minimum standards:

- A. The smallest amount of bare ground is exposed for as short a time as feasible.

- B. Temporary ground cover is used and permanent ground cover, such as sod, is planted.
- C. Methods to prevent erosion and trap sediment are employed.
- D. Fill is stabilized to accepted engineering standards.
- E. Final Slopes for cut slopes should be a maximum of 1:1, or 100%; fill slope 3:1, or 30%, and grade or construction slope 5:1, or 20%.

Subd. 4. Commercial Mining. The extraction of sand, gravel, or other material from the land in the total amount of four hundred (400) cubic yards or more for sale and removal thereof from the site shall be defined as commercial mining. In all districts the conduct of commercial mining shall be permitted only upon issuance of a conditional use or interim use permit. As of April 15, 1988 all existing commercial mining activities shall require a conditional use or interim use permit. The following requirements shall apply to commercial mining operations:

- A. In addition to the requirements of Section 13, the following information shall accompany the conditional use or interim use permit application in writing with necessary maps.

1. Site Plan

- a. Area of site
- b. Proximity of site to lot lines, adjacent structures
- c. Existing drainage and permanent or temporary ponding areas

2. Operational Plan

- a. Placement of structures and equipment
- b. Location and amount of materials to be removed
- c. Location and height of materials to be stock piled
- d. Altered drainage and ponding areas
- e. Erosion and sediment controls to be used
- f. Dust, noise, and smoke control
- g. Duration of mining operation
- h. Other activities occurring related to mining activity

3. End Use Plan

- a. Final grade of site
- b. Vegetative cover
- c. Use of site

4. Other information as may be requested by the Planning Commission or Town Board.

- B. The Planning Commission and Town Board may require updated operational plans on an annual basis. The approval of the operational plan shall be a condition of the use permit. There will be no fee charge for a renewal of the operational plan, provided that there are no changes in the plan.
- C. Any use beyond the extraction and stockpiling of materials such as crushing, washing, or processing of materials; the production of architectural or structural stone; or the manufacture of asphalt, concrete or concrete building blocks shall be considered a separate use and may be allowed by issuance of a conditional use or interim use permit.

- D. No materials shall be deposited, temporarily or permanently, without the issuance of a conditional use or interim use permit allowing such deposition.
- E. The Planning Commission or Town Board may place conditions upon the issuance of the permit in addition to those described in Section 13. These conditions may include:
1. Maintenance standards of site - including weed control, storage and parking of vehicles and equipment.
 2. Drainage and sediment control.
 3. Fencing and screening.
 4. Location and maintenance of access roads and hauling routes.
 5. Dust, noise, and smoke control.
 6. Setbacks from property lines.
 7. Hours of operation. Crushing hours 7 AM to 7 PM
 8. Rehabilitation of land and vegetation.
 9. Posting of performance bond to reimburse the Town for any costs which may be incurred for the following:
 - a. Costs of bringing the operation into compliance with the conditional use or interim use permit requirements.
 - b. Costs of reclamation should the permittee fail to execute any part of a reclamation plan as required within this ordinance or as a condition of the permit.
 - c. Extraordinary costs of repairing roads due to the special burden resulting from the hauling of materials and traffic associated with the operation. The amount of such cost shall be determined by the County Engineer.
- Subd. 5. Vision Clearance at Corners, Crossings, and Access Points. Notwithstanding any part of this Ordinance or any permit or variance granted, no structure, vehicle, vegetation, fence, sign, building, or any obstacle, or any portion thereof shall be placed or retained in such manner to constitute a traffic hazard or obstruct the vision clearance of corners, crossings, or access points.
- Subd. 6. Protected Water Alteration. Any alteration which will change or diminish the course, current or cross section of a public water shall be approved by the Commissioner of the Minnesota Department of Natural Resources, in accordance with the procedures of Minnesota Statue 1974, Section 105.42 as amended. This alteration includes construction of channels and ditches; lagooning; dredging of lake or stream bottoms for removal of muck, silt or weeds; and filling in the lake or stream bed.
- Subd. 7. Off-Road Parking and Loading. All applications for a building permit should include off-road parking and loading areas adequate to serve the proposed development.
- Subd. 8. Parking on Township Roads. No parking shall be allowed on township roads except in the case of an emergency.
- Subd. 9. Exterior Storage. All materials and equipment shall be stored within a building or be fully screened by buildings or natural vegetation as to not be visible from a public road or adjacent residence. Exceptions to those requirements are as follows:

- A. Agricultural equipment and materials intended to be used on the premises.
- B. Construction materials and equipment currently being used on the premises.
- C. Off street parking of passenger vehicles.
- D. Recreational equipment for use of residents of principal structure.
- E. Laundry drying equipment.
- F. Merchandise being displayed for sale.

Subd. 10. Storage and Disposal of Items, Materials, and Waste. The following standards shall apply to storing, handling and disposal of any items, materials or wastes:

- A. No use shall be so operated that the storage and or disposal of materials or wastes results in any discharges of matter across the boundaries of the lot wherein such use is located or into the atmosphere or subsoil in such concentration as to endanger the public health, safety, comfort, or welfare, or cause injury or damage to property or business. No storage of hazardous wastes shall be allowed. The storage or disposal of materials including tires, which in the opinion of the Town Board has the potential of being hazardous to the health of residents or environment, shall provide a one million (\$ 1,000,000) dollar performance bond.
- B. The pollution of any well, stream, lake, or body of water by sewage, industrial waste, or other substances is prohibited.
- C. All carcasses of animals shall be buried or destroyed or otherwise disposed of within forty-eight (48) hours after death.
- D. The ownership, possession or control of any unused appliances or other containers with doors which fasten automatically when closed and of sufficient size to retain any person, that are exposed and accessible to the public without the removal of the doors, lids, hinges or latches or the locking thereof to prevent access by the public, is prohibited.
- E. No person in charge or control of any property shall allow any, unlicensed, partially dismantled, inoperative, wrecked or junked vehicle to remain on the property longer than sixty (60) days where said vehicle is visible from a public road or adjacent residence. Such vehicles may be kept on the property, unenclosed, provided that said vehicles are not visible from a public road or adjacent residences. Vehicles shall be screened by buildings or natural vegetation.
- F. All structures, landscaping and fencing shall be reasonably maintained so as to avoid health or safety hazards and prevent a degradation in the value of adjacent property.

Subd. 11. Nuisances. Any visual appearance, noise, odors, heat, dust, vibration, smoke, air pollution, glare, electrical interferences, or other such objectionable influences, or the storage of refuse or disposable of wastes that construed by the Town Board to be a menace or nuisance to the public health, safety, or general welfare of the Town, or to have a depressing influence upon property values in the area shall be prohibited.

Subd. 12. Administrative Standards. Whenever in the course of administration and enforcement of this Ordinance it is necessary or desirable to make any administrative decision, unless other standards are provided within this Ordinance, the decisions shall be made so that the result will be consistent with the intent and purpose of the Ordinance as described in Section 1, Subd. 2 of this Ordinance.

SECTION 10. SIGN REQUIREMENTS

Subd. 1. Sign Placement.

- A. No advertising sign or device shall be erected except within an area zoned commercial, except on the owner's property.
- B. No sign shall be erected adjacent to a highway within five hundred (500) feet of any existing off-premise sign, on the same side of the highway, facing in the same direction; unless separated therefrom by a building, structure, obstruction, highway or roadway.
- C. No sign shall be erected within three hundred (300) feet of any residence without the written consent of the owner and occupant of such residence accompanying the application for a permit therefore.
- D. No sign shall be erected or maintained in such a location as to prevent the driver from having an effective view of any sign applicable to him or an effective view of approaching, merging or intersecting traffic within five hundred (500) feet of such sign.
- E. For the purposes of the spacing provision aforesaid, double faced, back-to-back, and V-type signs shall be considered as a single sign.

Subd. 2. Maximum Sign Area.

- A. The maximum area of a sign face, whether a single sign face or each face of a back-to-back or V-type signs, shall be one thousand (1000) square feet including border and trim, but not supports.
- B. In the cases of two signs in a single facing, side-by-side or one above the other, the maximum area of both faces together shall not exceed one thousand (1000) square feet, computed as aforesaid.

Subd. 3. Sign Lighting.

- A. No revolving, flashing, occulting, occluding, or rotating lighting shall be permitted.
- B. External lighting shall be permitted, provided that it is shielded so as to prevent the direction of rays of light to any part of the main traveled way.
- C. No lighting shall interfere with the effectiveness of any official traffic control device or official warning sign.

Subd. 4. Sign Permit Required.

- A. No signs shall be erected or maintained except upon application to and permit granted by the Zoning Administrator. All permits issued shall be void if the erection of the advertising device is not completed within 120 days after granting the permit. No refund will be given in the event of the permit so becoming void.
- B. All permits issued for the erecting of a new advertising device are null and void if the erection of the device is not completed within 120 calendar days after the permit has been issued. If a permit is void because of no erection, there will be no refunds.
- C. Any sign or advertising device erected or maintained in violation of this Ordinance may, at the option of the governing body after notice to the owner of the sign and owner of the land on which it is located, and hearing, be removed by the Town.

SECTION 11. NONCONFORMING BUILDINGS, STRUCTURES AND USES

- Subd. 1. Purpose. It is the purpose of this Section to provide for the regulation of nonconforming buildings, structures, and uses and to specify those requirements, circumstances, and conditions under which nonconforming buildings, structures, and uses will be operated and maintained. The Zoning Ordinance establishes separate districts, each of which is an appropriate area for the location of uses which are permitted in that district. It is necessary and consistent with the establishment of these districts that nonconforming buildings, structures, and uses not be permitted to continue without restriction. Furthermore, it is the intent of this Section that all nonconforming uses shall be eventually brought into conformity.
- Subd. 2. Any structure or use lawfully existing upon the effective date of this Ordinance shall not be enlarged, but may be continued at the size and in the manner of operation existing upon such date except as hereinafter specified or, subsequently amended.
- Subd. 3. Nothing in this Ordinance shall prevent the placing of a structure in safe condition when said structure is declared unsafe by the Zoning Administration providing the necessary repairs shall not constitute more than fifty (50) percent of fair market value of such structure. Said value shall be determined by the County Assessor.
- Subd. 4. No nonconforming building, structure or use shall be moved to another lot or to any other part of the parcel, or lot upon which the same was constructed or was conducted at the time of this Ordinance adoption, unless such movement shall bring the nonconformance into compliance with the requirements of this Ordinance.
- Subd. 5. When any lawful nonconforming use of any structure or land in any district has been changed to a conforming use, it shall not thereafter be changed to any nonconforming use.
- Subd. 6. A lawful nonconforming use of a structure or parcel of land may be changed to lessen the nonconformity of use. Once a nonconforming structure or parcel of land has been changed, it shall not thereafter be so altered to increase the nonconformity.
- Subd. 7. If at any time a nonconforming building, structure, or use shall be destroyed to the extent of more than fifty (50) percent of its fair market value, said value to be determined by the County Assessor, then without further action by the Board, the building and the land on which such building was located or maintained shall, from and after the date of said destruction, shall be subject to all the regulations specified by these zoning regulations for the district in which such land and buildings are located. Any building which is damaged to an extent or less than fifty (50) percent of its value may be restored to its former extent. Estimate of the extent of damage or destruction shall be made by the Zoning Administrator.
- Subd. 8. Whenever a lawful nonconforming use of a structure or land is discontinued for a period of twelve (12) months, any future use of said structure or land shall be made to conform with the provisions of this Ordinance.
- Subd. 9. Normal maintenance of a building or other lawful nonconforming use is permitted, including necessary non-structural repairs and incidental alterations which do not physically extend or intensify the nonconforming use.
- Subd. 10. Alterations may be made to a building or other lawful nonconforming residential units when they will improve the livability thereof, provided they will not increase the number of dwelling units or size or volume of the building.

SECTION 12. ADMINISTRATION AND ENFORCEMENT

Subd. 1. Administrating Officer. This Ordinance shall be administered and enforced by the Zoning Administrator who shall be appointed by the Town Board.

Subd. 2. Duties of the Zoning Administrator. The Zoning Administrator shall enforce the provisions of this Ordinance and shall perform the following duties:

- A. Determine that all land use permits comply with the terms of this Ordinance.
- B. Maintain permanent and current records of this Ordinance, including but not limited to, all maps, amendments, conditional uses, interim uses, variances, appeals and applications thereof.
- C. Receive, file and forward all applications for appeal, variances, conditional uses, interim uses, amendments, and other matters to the designated official bodies.
- D. Upon direction of the Town Board, institute in the name of the Town, any appropriate actions or proceedings against a violator as provided by law.

Subd. 3. Land Use Permit Required.

- A. Scope. From and after the effective date of this Ordinance, it shall be unlawful to proceed with the construction, placement, or enlargement of the exterior dimension of any building or structure when the cost of said activity is five thousand dollars (\$ 5,000.) or more, or changes of use of any building or structure without first obtaining a land use permit. Nothing in this provision shall be construed as a waiving of required building and structure setbacks.
- B. Application. Request for a land use permit be filed with the Zoning Administrator on an official application form. Each application for a permit shall be accompanied by a site and floor plan drawn showing the dimensions of the lot to be built upon, the size and location of all principal and accessory buildings, set backs, sewer locations, and parking areas, and such additional information deemed necessary for the proper review and enforcement of this Ordinance and any other applicable building codes.
- C. Issuance of a Land Use Permit. The Zoning Administrator shall issue the land use permit only when the plans comply with this Ordinance and other applicable Town Ordinances.

Subd. 4. On-Site Sewer Permit Required. An on-site sewer permit shall be issued prior to the installation or alteration of any system for the collection, treatment, and dispersion of sewage. Permits will be issued by the Kanabec County Zoning Administrator for the area of Brunswick Township not included in the Shoreland District established and administered by Kanabec County.

Subd. 5. Fees.

- A. Fee for land use permits, conditional use permits, interim use permits, amendments, variances, and appeals to be determined by Town Board of Supervisors and reviewed annually.
- B. To defray administrative costs of processing requests for conditional uses, interim uses, amendments, variances, and appeals, a base fee per application shall be paid by all applicants, in accordance with the official fee schedule of the Township, hereby made part of this Ordinance.
- C. In order to defray any additional cost of processing applications (amendment, conditional use, interim use, variance, appeal) for developments, all applicants shall pay the total cost of staff and/or consulting time spent exclusively in producing materials for the applicant's request, and all materials for said request.

1. "Materials" shall include, but not be limited to maps, graphs, charts, drawings, etc., and all printing or reproduction of same.
 2. "Staff and/or consulting time" shall include any time spent in either researching for or actual production of materials.
 3. The hourly rate for "staff and/or consulting time" shall be established and made available to the applicant by the Zoning Administrator prior to production of any materials and the applicant shall be given a reasonable estimate of project time and/or material costs.
- D. Fees shall be payable at the time applications are filed with the Zoning Administrator and are not refundable unless application is withdrawn prior to referral to the Planning Commission. A deposit to cover staff or consulting time and special materials will be established and required by the Zoning Administrator at the time the base fee is paid.
- Subd. 6. Adult Use. All requirements of the Kanabec County Ordinance #24 dated April 5, 2007 and any further or future amendments enacted thereto for the regulation of adult use businesses shall apply to Brunswick Township and shall be administered by Kanabec County.
- Subd. 7. Administration. Kanabec County shall be responsible for the administration of all applicable County ordinances and regulations, including those addressing adult use, shorelands and on-site sewage treatment systems within the Kanabec County Shoreland District.

SECTION 13. AMENDMENTS, CONDITIONAL USE PERMITS AND INTERIM USE PERMITS

Subd. 1. Procedure.

A. Requests for amendments, conditional use permits, interim use permits or amendments to conditional use permits, amendments to interim use permits, as provided within this Ordinance, shall be filed with the Zoning Administrator on an official application form. Such application shall also be accompanied by complimentary copies of detailed written and graphic materials fully explaining the proposed change, development, or use. Time Deadline for Agency Action as outlined by Minnesota Statutes § 15.99 shall apply. It reads as follows:
(current as of November, 2007)

15.99 TIME DEADLINE FOR AGENCY ACTION.

Subdivision 1. Definitions.

- (a) *For purposes of this section, the following terms shall have the meanings given.*
- (b) *"Agency" means a department, agency, board, commission, or other group in the executive branch of state government; a statutory or home rule charter city, county, town, or school district; any metropolitan agency or regional entity; and any other political subdivision of the state.*
- (c) *"Request" means a written application related to zoning, septic systems, watershed district review, soil and water conservation district review, or the expansion of the metropolitan urban service area, for a permit, license, or other governmental approval of an action. A request must be submitted in writing to the agency on an application form provided by the agency, if one exists. The agency may reject as incomplete a request not on a form of the agency if the request does not include information required by the agency. A request not on a form of the agency must clearly identify on the first page the specific permit, license, or other governmental approval being sought. No request shall be deemed made if not in compliance with this paragraph.*
- (d) *"Applicant" means a person submitting a request under this section. An applicant may designate a person to act on the applicant's behalf regarding a request under this section and any action taken by or notice given to the applicant's designee related to the request shall be deemed taken by or given to the applicant.*

Subd. 2. *Deadline for response.* (a) Except as otherwise provided in this section, section 462.358, subdivision 3b, or 473.175, or chapter 505, and notwithstanding any other law to the contrary, an agency must approve or deny within 60 days a written request relating to zoning, septic systems, watershed district review, soil and water conservation district review, or expansion of the metropolitan urban service area for a permit, license, or other governmental approval of an action. Failure of an agency to deny a request within 60 days is approval of the request. If an agency denies the request, it must state in writing the reasons for the denial at the time that it denies the request.

(b) When a vote on a resolution or properly made motion to approve a request fails for any reason, the failure shall constitute a denial of the request provided that those voting against the motion state on the record the reasons why they oppose the request. A denial of a request because of a failure to approve a resolution or motion does not preclude an immediate submission of a same or similar request.

(c) Except as provided in paragraph (b), if an agency, other than a multimember governing body, denies the request, it must state in writing the reasons for the denial at the time that it denies the request. If a multimember governing body denies a request, it must state the reasons for denial on the record and provide the applicant in writing a statement of the reasons for the denial. If the written statement is not adopted at the same time as the denial, it must be adopted at the next meeting following the denial of the request but before the expiration of the time allowed for making a decision under this section. The written statement must be consistent with the reasons stated in the record at the time of the denial. The written statement must be provided to the applicant upon adoption.

Subd. 3. *Application; extensions.* (a) The time limit in subdivision 2 begins upon the agency's receipt of a written request containing all information required by law or by a previously adopted rule, ordinance, or policy of the agency, including the applicable application fee. If an agency receives a written request that does not contain all required information, the 60-day limit starts over only if the agency sends written notice within 15 business days of receipt of the request telling the requester what information is missing.

(b) If a request relating to zoning, septic systems, watershed district review, soil and water conservation district review, or expansion of the metropolitan urban service area requires the approval of more than one state agency in the executive branch, the 60-day period in subdivision 2 begins to run for all executive branch agencies on the day a request containing all required information is received by one state agency. The agency receiving the request must forward copies to other state agencies whose approval is required.

(c) An agency response, including an approval with conditions, meets the 60-day time limit if the agency can document that the response was sent within 60 days of receipt of the written request. Failure to satisfy the conditions, if any, may be a basis to revoke or rescind the approval by the agency and will not give rise to a claim that the 60-day limit was not met.

(d) The time limit in subdivision 2 is extended if a state statute, federal law, or court order requires a process to occur before the agency acts on the request, and the time periods prescribed in the state statute, federal law, or court order make it impossible to act on the request within 60 days. In cases described in this paragraph, the deadline is extended to 60 days after completion of the last process required in the applicable statute, law, or order. Final approval of an agency receiving a request is not considered a process for purposes of this paragraph.

(e) The time limit in subdivision 2 is extended if: (1) a request submitted to a state agency requires prior approval of a federal agency; or (2) an application submitted to a city, county, town, school district, metropolitan or regional entity, or other political subdivision requires prior approval of a state or federal agency. In cases described in this paragraph, the deadline for agency action is extended to 60 days after the required prior approval is granted.

(f) An agency may extend the time limit in subdivision 2 before the end of the initial 60-day period by providing written notice of the extension to the applicant. The notification must state the reasons for the extension and its anticipated length, which may not exceed 60 days unless approved by the applicant.

(g) An applicant may by written notice to the agency request an extension of the time limit under this section.

- B. The Zoning Administrator on behalf of the Planning Commission, shall set a date for a public hearing. A notice of the time, place, and purpose of the hearing shall be published in the official newspaper of the Town at least ten (10) days prior to the date of the hearing. A similar notice shall also be mailed not less than ten (10) days to all property owners of record according to the county assessment records, within one quarter (1/4) mile or the ten (10) properties nearest property to which the request relates, whichever would provide notice to the greatest number of owners. A copy of the notice and a list of the property owners and addresses to which the notices was sent shall be attested to by the Zoning Administrator or Town Clerk and made part of official record. The failure to give mailed notice to individual property owners, or defects in the notice shall not invalidate the proceedings, provided a bona fide attempt to comply with this subdivision has been made.
- C. The Planning Commission shall consider the request and hold a public hearing at its next regular meeting unless the filing date falls within fifteen (15) days of said meeting, in which case the request would be placed on the agenda and considered at the regular meeting following the next regular meeting. The Zoning Administrator shall refer said application, along with all related information, to the Town Planning Commission for consideration. The applicant or a representative thereof shall appear before the Planning Commission in order to answer questions concerning the proposed amendment, conditional use, interim use, amendment to a conditional use or amendment to an interim use.
- D. The Planning Commission and Town staff shall have the authority to request additional information from the applicant concerning planned use of the property, operational factors or to retain expert testimony with the consent and at the expense of the applicant concerning operational factors, if information is declared necessary to establish performance conditions in relation to all pertinent sections of this Ordinance.
- E. The Planning Commission shall make a finding of fact and recommend such actions or conditions relating to the request to the Town Board.
 - 1. The Planning Commission shall consider possible adverse affects of the proposed amendment, conditional use, interim use, amendment to a conditional use or amendment to an interim use. Its judgment shall be based upon (but not limited to) the following general factors.
 - 2. In considering conditional use or amendments to a conditional use or interim use request, the Planning Commission shall evaluate the use, utilizing from the requirements below, those which are specific to the designated uses as indicated in "3" below.
 - a. Relationship to the Town's Comprehensive Plan and Policies.
 - b. The use will not create an excessive demand on public services and facilities.
 - (1) The use will be sufficiently compatible or separated by distance or screening from adjacent development or land so that existing development will not be depreciated in value and there will be no deterrence to development of vacant land.
 - (2) The structure and site shall have an appearance that will not have an adverse effect upon adjacent properties.
 - (3) The use in the opinion of the Town is reasonably related to the overall needs of the Town and to the existing land use.

(4) The use is consistent with the purposes of the zoning ordinance and the purposes of the zoning district in which the applicant intends to locate the proposed use.

(5) The use will not cause traffic hazard or congestion.

2. In considering conditional use requests, the Planning Commission shall evaluate the use, utilizing from the requirements below, those which are specific to the designated uses as indicated in "3" below.

- a. The land area and setback requirements of the property containing such a use or activity shall be the minimum established for the district.
- b. When abutting a residential use in a district permitting residences, the property shall be appropriately screened and landscaped.
- c. Where applicable, all Town, County, State and federal laws, regulations and ordinances shall be complied with and all necessary permits secured.
- d. All signs shall not adversely impact adjoining or surrounding residential uses.
- e. Adequate off-road parking and loading shall be provided. Such parking and loading shall be screened and landscaped from abutting residential uses.
- f. The road serving the use or activity is of sufficient design to accommodate the proposed use or activity, and such use or activity shall not generate such traffic to create a nuisance or hazard to existing traffic or to surrounding land uses; or result in the need for excessive road improvements or maintenance.
- g. All access roads, driveways, parking areas, and outside storage, service, or sales areas shall be surfaced to control dust.
- h. All open and outdoor storage, sales and service areas shall be screened from view from abutting residential uses or districts.
- i. All lighting shall be designed as to have no direct source of light visible from adjacent residential areas or from the public streets.
- j. The use or activity shall be properly drained to control surface water runoff and prevent erosion.
- k. The architectural appearance and functional plan of the building and site shall not be so dissimilar to the existing buildings or area as to cause impairment in property values or constitute a blighting influence.
- l. Where structures combine residential and nonresidential uses, such uses shall be separated and provided with individual outside access, and the uses shall not conflict in any manner.
- m. The site is adequate for the keeping of animals, waste or noise will not impact adjacent properties, no pollution of waters will occur, and the provisions of Section 9, Subd. 10, A., B., C., and Subd. 11 is met.
- n. Communication Tower – Lessee or buyer needs to lease or purchase enough land for the height of the tower plus 200 feet.

3. The conditional use and interim use application shall comply with the minimum specific requirements pertaining to each designated conditional use or interim use as stated below.

<u>Conditional Use or Interim Use</u>	<u>Requirements</u>
Home occupations, aircraft landing fields, agricultural commercial businesses, feedlots, kennels, freight terminals, salvage yards, welding shops, commercial recreational parks, campgrounds	a, b, c, d, e, f, g, h, i, j, k, l
Churches, government buildings, hospitals, and schools.	a, c, e, f, g, k, l
Organized group camps.	a, b, c, d, e, f, g, k, l
Extraction of sand, gravel, minerals, or rock	a, b, c, d, e, f, g, j,
Two-family residences.	a, c, e, f, g, j, k
Raising of animals on less than two (two) acre lots.	a, b, c, j, m

4. The Township may impose such additional restrictions or conditions as deemed necessary to protect the public interest. When appropriate, restrictive covenants may be entered into regarding such matters. These conditions, in addition to those specific requirements set forth in paragraph E, 2 and 3 of Subdivision 1 of this Section, may include, but are not limited to the following:

- a. Matters relating to the architecture or appearance.
- b. Establishing hours of operation.
- c. Increasing the required lot size or yard dimension.
- d. Limiting the height, size or location of buildings.
- e. Controlling the location and number of vehicle access points.
- f. Increasing the street width.
- g. Increasing the number of required off-street parking spaces.
- h. Limiting the number, size, location or lighting of signs.
- i. Requiring diking, fencing, screening, landscaping or other facilities to protect adjacent or nearby property.
- j. Designating sites for open spaces.

All conditions pertaining to a specific site are subject to change when the Planning Commission or Town Board, upon investigation, finds that the community safety, health, welfare and public betterment can be served as well or better by modifying the conditions.

G. Upon receiving the report and recommendation of the Planning Commission, the Town Board shall either:

1. Approve or disapprove the request as recommended by the Planning Commission, based upon whether the application meets the requirements stated in the Ordinance.
2. Approve or disapprove the recommendation of the Planning Commission with modifications, alterations, or differing conditions. Such modifications, alterations or differing conditions shall be in writing and made part of the Board's records, or
3. Refer the recommendation back to the Planning Commission for future consideration. This procedure shall be followed only one time on a singular action.

Approval of a request shall require passage by two-thirds (2/3) vote of the full Town Board. The Zoning Administrator or Town Clerk shall notify the applicant of the Board's action.

H. The recommendation of the Planning Commission shall be advisory to the Town Board. The decision of the Town Board shall be final subject to judicial review.

I. A certified copy of any conditional use permit or interim use permit shall be filed with the County Recorder.

Subd. 2. Amendments - Initiation. The Town Board or Planning Commission may, upon their own motion, initiate a request to amend the text or the district boundaries of this Ordinance. Any person owning real estate within the Town may initiate a request to amend the district boundaries or text of this Ordinance so as to affect the said real estate. All amendment requests must first be reviewed by the Planning Commission. Zoning Ordinance amendments are to be recorded at County Recorders Office.

Subd. 3. Lapse of Conditional Use Permit or Interim Use Permit by Non-Use. Whenever within one (1) year after granting a conditional use permit or interim use permit, the work as permitted by the permit shall not have been completed, then such permit shall become null and void unless a petition for extension of time in which to complete the work has been granted by the Town Board. Such extension shall be requested in writing and filed with the Zoning Administrator or Town Clerk at least thirty (30) days before the expiration of the original conditional use permit or interim use permit. There shall be no charge for the filing of such petition. The request for extension shall state facts showing a good faith attempt to complete the work permitted in the conditional use permit or interim use permit. Such petition shall be presented to the Planning Commission for a recommendation and to the Town Board for a decision and shall be requested only one time on a singular action.

Subd. 4. Performance Bond. The Planning Commission and Town Board shall have the authority to require a performance bond or other security when it is deemed necessary and appropriate.

- A. Except in the case of non-income producing residential property, upon approval of a conditional use permit or interim use permit, the Town may be provided with a surety bond, cash escrow, certificate of deposit, securities, or cash deposit prior to the issuing of building permits or initiation of work on the proposed improvements or development. Said security shall guarantee conformance and compliance with the conditions of the conditional use or interim use permit and the ordinances of the Town.
- B. The security may be in the amount of the Town Board's estimated costs of labor and materials for the proposed improvements or development. Said project can be handled in stages upon the discretion of the Town Board.
- C. The Town may hold the security until completion of the proposed improvements or development and a certificate of occupancy indicating compliance with the variance or appeal and ordinances of the Town has been issued by the Town Zoning Administrator.

- D. Failure to comply with the conditions of the conditional use permit, interim use permit and/or ordinances of the Town may result in forfeiture of the security.

SECTION 14. VARIANCES AND APPEALS

Subd. 1. Board of Adjustment and Appeals. The Board of Adjustment and Appeals shall have the following powers:

- A. To hear and decide appeals where it is alleged that there is an error in any order, requirement, decision, or determination made by an administrative official in the enforcement of the Zoning Ordinance.
- B. To hear requests for variances from the literal provisions of this Ordinance in instances where their strict enforcement would cause undue hardship because of circumstances unique to the individual property under consideration, and to grant such variances only when it is demonstrated that such actions will be in keeping with the spirit and intent of the ordinance. "Undue hardship" as used in connection with the granting of a variance means the property in question cannot be put to a reasonable use if used under conditions allowed by the official controls, the plight of the landowner is due to circumstances unique to the property not created by the landowner, and the variance, if granted, will not alter the essential character of the locality. Economic considerations alone shall not constitute an undue hardship if reasonable use for the property exists under the terms of the ordinance. Undue hardship also includes, but is not limited to, inadequate access to direct sunlight for solar energy systems. Variances shall be granted for earth sheltered construction as defined in section 216c.06, subdivision 14, when in harmony with the ordinance. The Board of Appeals and Adjustments or the governing body as the case may be, may not permit as a variance any use that is not permitted under the ordinance for property in the zone where the affected person's land is located. The board or governing body as the case may be, may permit as a variance the temporary use of a one family dwelling as a two family dwelling. The board or governing body as the case may be may impose conditions in the granting of variances to insure compliance and to protect adjacent properties.

Subd. 2. Procedures.

- A. Requests for variances or appeals shall be filed with the Zoning Administrator on an official application form. Such application shall also be accompanied by complimentary copies of detail written or graphic materials fully explaining the proposed request. The Zoning Administrator shall refer said application, along with all related information to the Board of Appeals, for consideration.
- B. The Board of Adjustment and Appeals, shall consider the request at its next regular meeting unless the filing date falls within fifteen (15) days of said meeting, in which case the request would be placed on the agenda and considered at the regular meeting following the next regular meeting. The applicant or a representative thereof shall appear before the Board of Adjustment and Appeal in order to answer questions concerning the variance request.
- C. The Board of Adjustment and Appeals and Town staff shall have the authority to request additional information from the applicant or to retain expert testimony with the consent and at the expense of the applicant when said information is declared necessary.
- D. The Board of Adjustment and Appeals shall hold a public hearing for variance requests. Written notice of said hearing shall be sent to property owners within five hundred (500) feet of the proposed action.
- E. The Board of Adjustment and Appeals shall make a finding of fact. Such findings shall be entered in and made a part of the written record of the Board of Adjustment and Appeals' meeting.
1. In considering requests for variances, the Board of Adjustment shall make a finding of fact as to whether the request meets all of the following cases.

- a. The proposed action will be in keeping with the spirit and intent of the comprehensive plan and ordinance.
- b. The property in question cannot be put to a reasonable use if used under conditions allowed by this Ordinance.
- c. The plight of the landowner is due to circumstances unique to his property and not created by the landowner.
- d. The variance, if granted, will not alter the essential character of the locality or adversely impact the environment.
- e. The variance requested is the minimum variance which would alleviate the hardship.

If the variance request meets all of the conditions of items (a) through (e) above, the variance may be granted. Economic considerations alone shall not constitute an undue hardship if reasonable use of the property exists under the terms of the Ordinance. Access to direct sunlight in cases of solar energy systems shall constitute grounds for granting a variance. The Board of Adjustment and Appeals may not permit as a variance any use which is not permitted within the zone that the property is located.

F. Approval of variances or appeals shall require passage by two-thirds (2/3) vote of the Board of Adjustment and Appeals. The Zoning Administrator or Town Clerk shall notify the applicant of the Board's action. The decisions of the Board shall be final subject to judicial review.

G. A certified copy of every variance shall be filed with the County Recorder.

Subd. 3. Lapse of Variances of Appeal. Whenever within one (1) year after granting a variance or appeal the work as permitted by the variance or appeal shall not have been completed, then such variance or appeal shall become null and void unless a petition for extension of time in which to complete the work has been granted by the Board of Adjustment and Appeals. Such extension shall be requested in writing and filed with the Zoning Administrator at least thirty (30) days before the expiration of the original variance or appeal. There shall be no charge for the filing of such petition. The request for extension shall state facts showing a good faith attempt to complete the work permitted in the variance or appeal. Such petition shall be presented to the Board of Adjustment and Appeals for a decision, and shall be requested only one time on a singular action.

Subd. 4. Performance Bond. The Planning Commission shall have the authority to require a performance bond or other securities when it is deemed necessary and appropriate.

- A. Except in the case of non-income producing residential property, upon approval of a variance or appeal the Town has the authority to require a surety bond, cash escrow certificate of deposit, securities or cash deposit prior to the issuing of land use permits or initiation of work on the proposed improvements or development. Said security shall guarantee conformance and compliance with the conditions of the variance or appeal and the ordinances of the Town.
- B. The security may be in the amount of the Town Board's estimated costs of labor and materials for the proposed improvements or developments.
- C. The Town may hold the security until completion of the proposed improvements or development and a certificate of occupancy indicating compliance with the variance or appeal and ordinances of the Town has been issued by the Town Zoning Administrator.
- D. Failure to comply with the conditions of the variance or appeal and/or ordinances of the Town may result in forfeiture of the security.

SECTION 15. ENVIRONMENTAL REVIEW PROGRAM

Subd. 1. Purpose. The purpose of the Environmental Review Program Section is to provide for the preparation and review of Environmental Assessment Worksheets (EAW), Environmental Impact Statements (EIS), and other environmental documents required under Minnesota Statute 116D.04, Subd. 2 a, and Minnesota Statute 116D.01 as amended, to implement the Environmental Review Program in accordance with 6MCAR 3.021 to 3.047.

SECTION 16. PENALTIES AND VIOLATIONS

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

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

- A. Recovery of Costs. The owner of the land shall be personally liable for the costs to the township for remediation, correction, abatement or other action necessitated by the violation including legal and administrative costs. As soon as the work has been completed and the costs determined, the township shall prepare a bill for the cost and mail it to the owner. The amount shall be immediately due and payable at the town hall.
- B. Assessment. If the township is not fully reimbursed for all its reasonable costs incurred, it may be assessed in the manner of a special assessment under Minnesota Statutes Chapter 429 against the lot or property to which the costs, charges, and fees are attributed. The Town Board shall certify the assessment to the County Auditor for collection along with the real estate taxes for the following year or in annual installments, not exceeding three (3) years, as the Town Board may determine in each case.

SECTION 17. DATE OF EFFECT

Subd. 1. Date of Effect

Original Effective Date of Brunswick Zoning Ordinance - November 9, 1987

Amendments made to the Zoning Ordinance on the following dates:

- September, 1988
- August, 2002
- March, 2003
- July, 2004
- November, 2007

This Ordinance shall be in full force and effect from and after its passage and approval as provided by law.

Passed and approved this 19 day of November, 2007.
(Summary of amendments published on November 29, 2007 in the Kanabec County Times, Mora, MN)

Rich Kowalek, Chairman

Attest: Shady Nelson, Town Clerk

Fee Schedule

Fee Schedule for the below listed permits shall be set by the Brunswick Board of Supervisors at the last Township Board Meeting of the calendar year, with the new permit fees taking effect January 1 of the following year.

Land Use Permit Fee – Dwelling new to the property: \$TBD

Land Use Permit Fee – All structures other than dwelling new to property: \$TBD

Conditional Use Permit Application Fee \$TBD

Interim Use Permit Application Fee \$TBD

Variances and Appeal Fee \$TBD

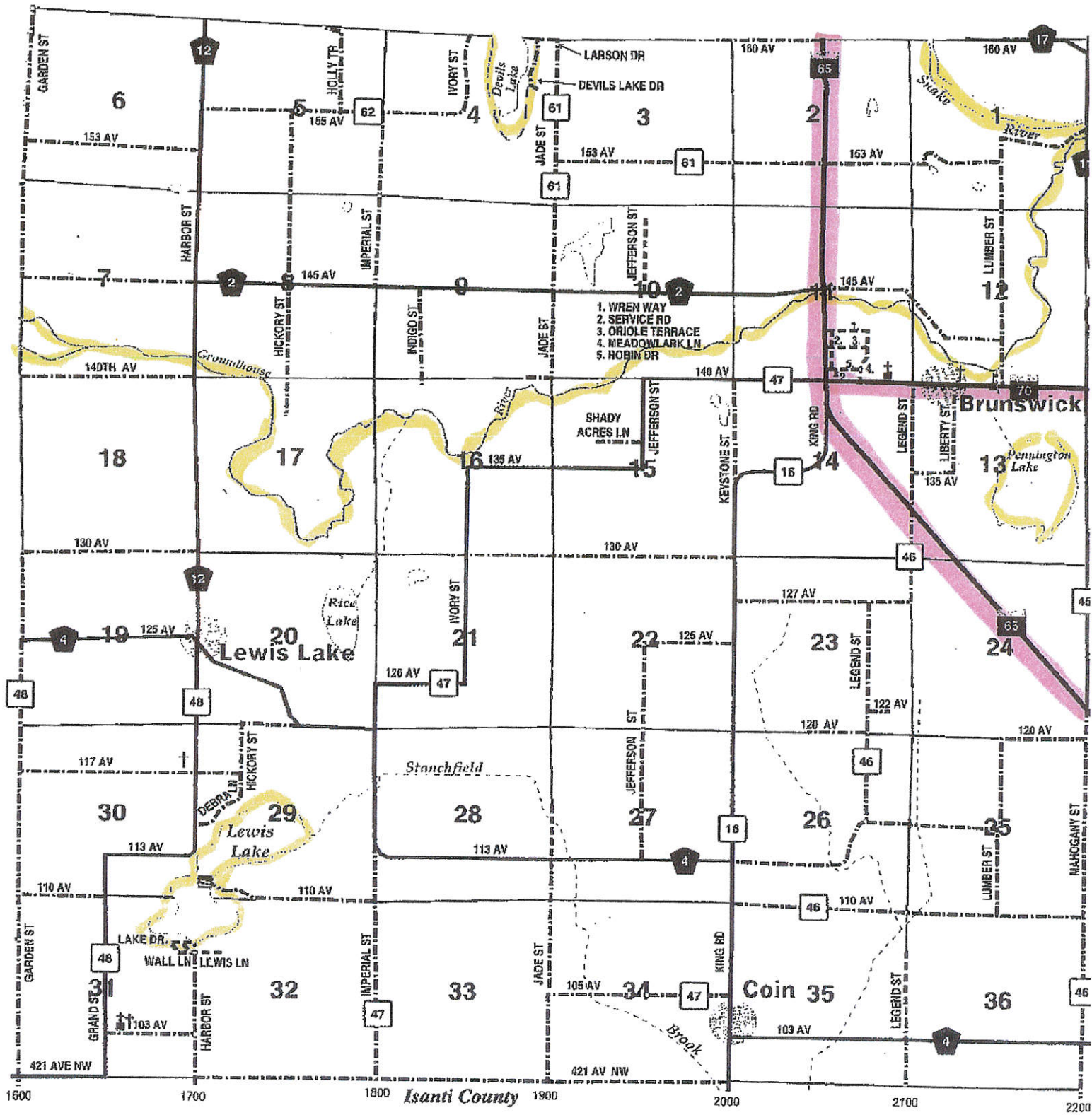
Conditional Use Permit Amendment Fee Minimum fee: \$ TBD

--Applicant pays all applicable costs and fees related to the amendment of a conditional use permit including but not limited to legal notice publication, legal review, staff time, postage, supplies, and costs for special meetings. A minimum charge shall be levied on all Conditional Use Permit Amendment Applications.

Interim Use Permit Amendment Fee Minimum fee: \$ TBD

--Applicant pays all applicable costs and fees related to the amendment of an interim use permit including but not limited to legal notice publication, legal review, staff time, postage, supplies, and costs for special meetings. A minimum charge shall be levied on all Interim Use Permit Amendment Applications.

ZONING MAP OF THE TOWN OF BRUNSWICK



CODE: WHITE = AGRICULTURAL - RESIDENTIAL
 PINK = COMMERCIAL - INDUSTRIAL
 YELLOW = SHORELANDS

