

**OGEMA TOWNSHIP  
ZONING ORDINANCE  
OGEMA TOWNSHIP  
PINE COUNTY, MINNESOTA  
Ordinance No. 2020 - 1**

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# OGEMA TOWNSHIP ZONING ORDINANCE 2020-1

The board of supervisors of the Town of Ogema ordains:

1. **Authority.** The Town Board of Ogema Township (the “Township”) hereby adopts this ordinance, which shall be known as the “Ogema Township Zoning Ordinance No. 2020 - 1” (this “Ordinance”), pursuant to its authority under Minnesota Statutes, Sections 462.351 to 462.364, and such other laws as may apply. This Ordinance does not rely on the authority provided in Minnesota Statutes, sections 366.10 to 366.181, and the procedures and requirements of those sections do not apply to this Ordinance. The Township has not adopted and does not administer or enforce the state building code. This Ordinance replaces in its entirety, Ogema Ordinance 2017-1, which was adopted July 13, 2017.
  
2. **Intent and Purpose.** This ordinance is adopted with the following intent and for the following purposes:
  - a. Protect and promote the public health, safety, welfare, and morals.
  - b. Provide for the orderly development of the Township consistent with the regulations and standards set out in this Ordinance.
  - c. To place all of the land within the Township within a zoning district and to recognize that Pine County regulates aspects of zoning within the Township on matters such as shorelands, floodplains, subdivisions and septic systems.
  - d. To allow and regulate certain uses of land and structures within the Township while prohibiting other uses and structures.
  - e. To regulate structures and buildings within the Township including, but not limited to, the size, location, and requiring a permit.
  - f. Conserving natural and scenic areas of the Township.
  - g. Conserving natural resources and open space.
  - h. The provisions of this Ordinance are intended to be the minimum requirements applicable within the Township and that structures and land uses remain subject to such other laws, rules, regulations and ordinances as may apply. Where the standards, regulations or requirements imposed by any provision of this Ordinance are either more or less restrictive than other comparable standards, regulations or requirements imposed by any other statute, ordinance, rule, or regulation of the Township, County, State, or Federal government, the statute, ordinance, rule, or regulation which imposes the more restrictive condition, standard, regulation or requirement shall prevail.
  - i. To prescribe penalties for violating this Ordinance.
  
3. **County Regulations.** Pine County has adopted Shoreland regulations, Floodplain regulations, Subdivision regulations, and administers Minnesota state regulations related to individual subsurface sewage treatment systems (“ISTS”) or subsurface sewage treatment systems (“SSTS”). This Ordinance does not adopt, nor shall it be construed as adopting, any portion of those regulations and the Township is not assuming any responsibility for the administration or enforcement of those regulations.

- a. Shorelands and Floodplains: Those portions of the Township designated as shoreland or floodplain areas by the County shall be treated as overlay districts for the purposes of this Ordinance and the land within them shall be subject to the regulations of both this Ordinance and of the applicable County ordinances.
  - b. Subdivisions: Those proposing to subdivide property within the Township shall be subject to the County's subdivision regulations, but must also conform to the parcel requirements found in Section 12 of this Ordinance. However, pursuant to Minnesota Statutes, section 505.09, subdivision 1a, the County may not approve the platting of any land within the Township unless the Town Board first approves the plat and the laying of streets and other public ways shown on it. The Town Board may require, as a condition of any such approval, that the owner or developer enter into a development agreement with the Town Board regarding the proposed plat to address such issues as the Town Board may determine are needed in order to adequately protect the public health, safety, & welfare.
  - c. ISTS/ SSTS: The County administers and enforces the Minnesota Rules, Chapters 7080-7083 regulations on ISTS/SSTS in the Township.
4. **Compliance**. No structure or building in the Township shall be erected, moved, or altered unless in conformity with the regulations contained in this Ordinance. No land, structure, or building shall be used or occupied in the Township for any purpose or in any manner that is not in conformity with all the regulations contained in this Ordinance.
5. **Administration**. This Ordinance shall be administered as follows:
- a. Zoning Administrator: The Town Board, or its designees, shall serve as the Zoning Administrator for the purpose of administering and enforcing this Ordinance. The Zoning Administrator shall be the primary contact on matters regulated within this Ordinance and is responsible for receiving and reviewing applications, determining whether applications are complete, assist with public hearings, issuing permits, conducting inspections, maintain records related to the administration and enforcement of this Ordinance, issue written notifications of violations, and reviewing all matters pertaining to the administration and enforcement of the regulations within this Ordinance.
  - b. Planning Commission: The Town Board has, by separate ordinance, established the Ogema Township Planning Commission, which is reaffirmed by this Ordinance. The Planning Commission is advisory to the Town Board and its members serve at the Town Board's pleasure. The Planning Commission shall perform those duties assigned to it by law, the establishing ordinance, this Ordinance, and as the Town Board may otherwise assign.
  - c. Board of Appeals and Adjustments: The Town Board shall serve as the Ogema Board of Appeals and Adjustments. It shall be the duty of the Board of Appeals and Adjustments to hear and act on requests from variances from the literal provisions of this Ordinance and to hear and decide appeals where it is alleged there was an error in any order, requirement, decision, or determination made by the Zoning Administrator in the enforcement of this Ordinance. The decisions of the Town Board and the Board of Appeals and Adjustments are final and are not appealable to the Board of Appeals and Adjustments. No appeal shall be heard unless it is submitted to the Township in writing within 14 days of the date of the order or decision being appealed.

6. **Nonconforming Uses and Structures.** A use or structure lawfully established, built or placed prior to the effective date of this Ordinance that does not conform to these requirements shall be allowed to continue subject to the requirements of this section.

- a. **Regulation of Nonconforming Uses and Structures:** A nonconforming use may not be expanded, enlarged, intensified, structurally changed or relocated except as needed to make it a conforming use under this Ordinance. Prohibited expansion, enlargement or extension shall include anything that increases the intensity of the use including, but not limited to, a change to a more intense nonconforming use, a physical expansion of the existing use that increases the height, volume or area dimensions of the nonconforming use, or an addition or expansion to an existing structure that creates, expands, or increases the nonconforming aspect, feature, or condition of the structure. Nothing in this Ordinance prohibits the regular repair, replacement, restoration, maintenance, or reasonable improvements of an existing structure. When a practical difficulty can be shown, an owner may be allowed to enlarge a nonconforming structure by obtaining a variance, but only if the enlargement does not increase or intensify the aspect of the structure that makes it nonconforming. For example, an owner may be allowed to attach a porch to a home that is nonconforming because it is located too close to a public road, but only when the porch does not make the total structure even closer to the road.
- b. **Discontinuation of Nonconforming Uses and Structures:** A nonconforming use must be discontinued, and any future use of the land must comply with this Ordinance, if any of the following occurs: (1) the use is discontinued for more than one year; (2) the nonconforming structure is removed; or (3) the nonconforming structure is destroyed by no less than 50 percent of the structure's market value as indicated in the records of the County Assessor at the time of damage and no zoning permit has been applied for within 180 days of when the property was damaged.

When a nonconforming structure in a shoreland area as identified by the County with less than 50 percent of the required setback from the water is destroyed by fire or other peril to greater than 50 percent of its estimated market value, as indicated in the records of the County Assessor at the time of damage, the structure setback may be increased by the Township or County, if practical. In that event, conditions will be placed on the zoning permit in order to mitigate created impacts on adjacent properties and the water body.

7. **Substandard Parcels.** A parcel of record established and recorded with the Pine County Recorder prior to the effective date of Ordinance 502 that does not contain sufficient area to be buildable under this Ordinance shall be deemed buildable provided it contains at least one acre, the use is permitted in the applicable zoning district, the applicable setbacks of this Ordinance can be met, and the applicable ISTS/SSTS regulations can be satisfied. The owner of any parcel which has a dwelling on it on the effective date of Ordinance 502, which parcel does not meet the minimum requirements of this Ordinance, will be entitled to rebuild the dwelling if it is destroyed. The new dwelling may exceed the size of the previous dwelling and shall meet the setback requirements in effect at the time of the new construction. The new dwelling must comply with all other codes and requirements in effect at the time of the new construction, including, but not limited to, ISTS/SSTS regulations.

8. **Zoning District.** All land within the Township shall be considered to be within the Open Space District or the Rural Residential District, which are hereby established. To the extent any portion of land is also within the area covered by Pine County's Shoreland ordinance or Floodplain ordinance, the requirements of the applicable ordinance shall be complied with in addition to the requirements of this Ordinance.

9. **Open Space District.** The purpose of the Open Space District is to allow for a "rural life-style" by permitting low-intensity uses such as single-family dwellings, farming, hobby farms, conservation of ecologically significant resources and passive recreational uses.

a. **Permitted Uses:** The following uses are permitted within the Open Space District upon the issuance of a zoning permit by the Township (if required). Buildings and/or structures shall not be permitted in areas classified as wetlands, peat and muck areas, areas of poor drainage, and areas where the water table depth is less than four feet. Zoning permits shall not be issued for properties that are landlocked.

1. Single family dwellings.
2. Agricultural uses.
3. Farm buildings.
4. Class A Home Occupations.
5. Greenhouse or nursery.
6. Public uses.
7. Forestry.
8. Wildlife areas, forest preserves, public parks owned or operated by a government agency or nonprofit organization, and other open space uses.
9. Temporary or seasonal roadside stands for sale of agricultural products.
10. Essential services.
11. Mining operations that do not involve a crusher.
12. Animal feedlots.

b. **Conditional Uses:** The following uses are allowed within the Open Space District upon the issuance of a conditional use permit by the Township:

1. Two-family and multi-family dwellings.
2. Religious institutions.
3. Public buildings.
4. Communication towers.
5. Commercial uses.
6. Resorts.
7. Food, Lodging, & Beverage Establishments, except for Youth Camps.

c. **Interim Uses:** The following uses are allowed within the Open Space District upon issuance of an interim use permit by the Township:

1. Commercial mining with the use of a crusher.
2. Class B Home Occupations.
3. Vacation Home Rentals.
4. Organized group camps, Youth Camps, and Campgrounds.
5. Shooting preserves.
6. Temporary multiple dwellings on a parcel (see Section 15e).

d. Accessory Structures and Uses: The following are permitted accessory structures and uses within the Open Space District upon issuance of a zoning permit by the Township (if required, see Sections 16 and 18)

1. Any structure that is incidental to the permitted principal structure on the property, such as garages, sheds, and other outbuildings.
2. Any use that is incidental to the permitted principal use on the property, such as recreational uses by the residents of the property.
3. Any use involving income that is a minor, temporary, incidental use to the principal use, such as occasionally selling hunting rights on a residential parcel, the renting of ag land to others, or once a year short term events like corn mazes, are not Commercial Use, and do not require a Conditional Use permit.
4. Operation and storage of vehicles, equipment, and machinery that is incidental to the permitted principal use on the property.

10. Rural Residential District. The purpose of the Rural Residential District is to accommodate residential uses as the predominate use and at a greater density than allowed in the Open Space District. The types of uses allowed in this District are more limited than in the Open Space District in order to avoid potential conflicts with the greater potential density of residential development.

a. Permitted Uses: The following uses are permitted within the Rural Residential District upon the issuance of a zoning permit by the Township (if required). Buildings and/or structures shall not be permitted in areas classified as wetlands, peat and muck areas, areas of poor drainage, and areas where the water table depth is less than four feet. Zoning permits shall not be issued for properties that are landlocked.

1. Single family dwellings.
2. Class A Home Occupations.
3. Greenhouse or nursery.
4. Public uses.
5. Temporary or seasonal roadside stands for sale of agricultural products.
6. Essential services.
7. Mining under 800 cubic yards per year (see Section 17a), without a crusher.

b. Conditional Uses: The following uses are allowed within the Rural Residential District upon the issuance of a conditional use permit by the Township:

1. Two-family and multi-family dwellings.
2. Religious institutions.
3. Public buildings.
4. Communication towers.

c. Interim Uses: The following uses are allowed within the Rural Residential District upon issuance of an interim use permit by the Township:

1. Class B Home Occupations.
2. Vacation Home Rentals
3. Mining operations of more than 800 cubic yards per year, but without a crusher.
4. Agricultural uses.
5. Farm buildings.
6. Temporary additional dwellings on a parcel (see Section 15e).

d. Accessory Structures and Uses: The following are permitted accessory structures and uses within the Rural Residential District upon issuance of a zoning permit by the Township (if required, see Sections 16 and 18).

1. Any structure that is incidental to the permitted principal structure on the property, such as garages, sheds, and other outbuildings.
2. Any use that is incidental to the permitted principal use on the property, such as recreational uses by the residents of the property.
3. Any use involving income that is a minor, temporary, incidental use to the principal use, such as occasionally selling hunting rights on a residential parcel, the renting of ag land to others, or once a year short term events like corn mazes, are not Commercial Use, and do not require a Conditional Use permit.
4. Operation and storage of vehicles, equipment, and machinery that is incidental to the permitted principal use on the property.

11. Prohibited Uses. All uses not specifically listed as being permitted, conditional, interim, or accessory use within a zoning district are prohibited in that zoning district. If a use is not allowed, the owner may submit an application as provided in Section 21 to seek an amendment to expressly allow the use.

a. Disallowed Uses: For clarity and emphasis, the following uses are also listed as disallowed uses under this ordinance:

1. Salvage Yards
2. Shooting Ranges
3. Industrial Use
4. Motorized recreational activities such as motocross, mud bogging, racetracks, and 4-wheeler courses, except as an accessory use.

12. Parcel Requirements. No principal structure shall hereafter be erected or placed on a parcel unless the parcel conforms with the following:

a. Open Space District:

1. Minimum Parcel Area. The parcel must contain not less than 10 acres.
2. Minimum Parcel Width. The parcel must have a width of not less than 300 feet at the building line.



b. Rural Residential District:

1. Minimum Parcel Area. The parcel must contain not less than 2.5 acres.
2. Minimum Parcel Width. The parcel must have a width of not less than 200 feet at the building line.

c. Parcel Area Minimums: For the purposes of determining compliance with the minimum parcel area required by this Ordinance to erect or place a principal structure on a parcel, the acreage shall include those portions of the parcel covered by road, driveway, drainage, or utility easements. Furthermore, the Zoning Administrator has the discretion and is authorized, though not required, to grant as part of the zoning permit process for a principal structure, an administrative waiver to the minimum parcel area requirement if the parcel otherwise fully complies with this Ordinance and does not vary by more than 5% from the minimum acreage requirement. For example, an administrative waiver may be granted for a parcel that contains at least 9.8 acres in areas requiring a minimum parcel area of 10 acres. The purpose of the administrative waiver is to recognize and allow for minor errors, corrections, or other deviations in parcel sizes that can occur through no fault of the owner and which may result in a parcel containing slightly less acreage than required by this Ordinance. This process is not intended, and shall not be relied on by owners, to intentionally divide their property into parcels that contain less than the required area in order to take advantage of the potential grant of a waiver.

13. **Setbacks.** Structures erected or placed after the effective date of this Ordinance shall comply with the following setbacks. The entire structure must meet these criteria.

a. Open Space District:

1. Public Road: All structures shall be setback at least 100 feet from the centerline.
2. Side and Rear Yard: All structures shall be setback from the side and rear yards at least 50 feet.

b. Rural Residential District:

1. Public Road: All structures shall be setback at least 100 feet from the centerline.
2. Side and Rear Yard: All structures shall be setback from the side and rear yards at least 10 feet.

14. **Zoning Map.** The locations and boundaries of the primary zoning districts established by this Ordinance are hereby set forth on the zoning map entitled "Zoning Map," which is hereby adopted and incorporated herein by reference. The Zoning Administrator shall maintain a copy of the Zoning Map on file for the Town. The Zoning Map and all of the notations, references and other information shown thereon shall have the same force and effect as if fully set forth herein. The zoning districts shall apply as designated on the Zoning Map or as defined within this Ordinance. All land under the jurisdiction of this Ordinance shall be designated as lying within one, and only one, primary zoning district. Areas designated as being within a shoreland or floodplain by the County ordinance shall be considered overlay districts and the regulations imposed on such areas by the County and other applicable law shall apply in addition to the regulations contained herein for the primary zoning district in which the land is located.

15. **Principal Structure Standards.** No principal structure shall hereafter be erected, placed, or used within the Township except in conformance with the standards of this section. For offsite preconstructed dwellings that are proposed for use, manufactured homes that do not comply with the standards contained and referenced in Minnesota Statutes, sections 327.31 to 327.35 are deemed a public nuisance and shall not be moved into the Township. Park Trailers shall conform to the effective quality standard found in the neighborhood where they are proposed to be installed.
- a. **Minimum area:** All dwellings shall have a minimum of 400 square feet of indoor floor area. The Zoning Administrator has the discretion and is authorized, though not required, to grant as part of the zoning permit process, an administrative waiver to the minimum dwelling area requirement if the dwelling otherwise fully complies with this Ordinance and does not vary by more than 5% from the minimum area requirement.
  - b. **Foundations:** All principal structures shall have a foundation that is constructed using one of the following methods, and placed on undisturbed ground or stabilized fill. All wood within six (6) inches of the ground shall have been treated for rot resistance. Foundations where the ground slopes more than one (1) foot in ten (10) feet shall be level, or stepped, so that both the top and bottom of the foundation is level.
    1. A continuous perimeter footing of at least six (6) inch depth and twenty (20) inch width with at least two (2) one-half inch reinforcing rods laid in it.
    2. Pier foundations at less than frost depth (42 inches), must rest on three (3) foot by three (3) foot mesh reinforced slabs at least four (4) inches thick. The maximum span between piers is twelve (12) feet.
    3. All piers that extend below frost depth (42 inches), must be at least five and one-half (5 1/2) inches in diameter. The maximum span between piers is eight (8) feet. No pad at the base of the pier is required.
    4. Slab foundations shall be a minimum of four (4) inches thick and mesh or rebar reinforced, with a minimum of a six (6) inch wide trench around the perimeter. At least one (1) one-half inch-reinforcing rod shall be used around the perimeter.
    5. An alternative foundation may be proposed, if sufficient detail is provided to evaluate and approve the effectiveness of that alternative.
  - c. **Stabilizing Devices:** All principal structures must be bolted, or otherwise attached to their foundation. In addition, offsite preconstructed dwellings must meet their manufacturer's anchoring guidelines, if any. Offsite preconstructed dwellings that have no manufacturer's guidelines shall have anchoring devices at least every eight (8) feet around the perimeter that are a minimum of eighteen (18) to twenty four (24) inches deep, and are secured by a chain or cable.
  - d. **Dwelling Density:** No more than one principal dwelling and one guest cottage may be located on a parcel except upon the issuance by the Town Board of a conditional use permit for uses such as resorts, or an interim use permit for a temporary dwelling. Examples of temporary dwellings are those needed during the construction of a permanent dwelling, those for part time seasonal farm workers, or those for such other purposes the Town Board determines are consistent with this Ordinance. Any such permit shall specifically indicate the date or event by which the temporary additional dwelling shall be removed from the property. Tents, RV's, and other similar structures cannot be used as a dwelling, and are therefore not addressed under this section.

**16. Commercial Uses and Home Occupations.** Both Commercial Uses and Home Occupations involve activities on a parcel where the production of income for the landowner is involved. Commercial Use is allowed by issuing a Conditional Use permit, Class A Home Occupations require no permit, and Class B Home Occupations require an Interim Use permit. Commercial uses that are permitted cannot depend on any agricultural and/or residential structures for their operation. For both kinds of Home Occupations, homestead-residential use must be the principal use of the property.

Certain specific uses are listed in either Section 9 (for the Open Space District), or Section 10 (for the Rural Residential District). These lists take precedence over uses listed here in Section 16. In Sections 9 and 10, some uses are permitted only through a Conditional Use permit, and other specific uses are permitted only through an Interim Use permit. Section 11 contains a list of activities that are Disallowed throughout the Township. See Section 19 for information about applying for Conditional and Interim Use permits.

a) **Commercial Uses:** Commercial uses are permitted only in the Open Space District. The township's Comprehensive Plan states the goals of "maintaining the rural life style" and promoting "passive recreational activities," so Commercial Uses that are allowed must be compatible with those goals. It would be impossible to create a comprehensive list of every commercial activity that is allowed, so the following is provided as a guideline:

- Retail stores, like grocery, hardware, craft shops, gift shops, McDonalds, and gas stations.
- Light manufacturing like auto & small engine repair, welding, cabinet shops, and sawmills.
- Recreational facilities that do not generate excessive noise, like golf courses, swimming pools, and tennis courts.
- Service sector facilities, like doctor's offices, attorneys, banks, realtors, and beauty salons.

b) **Home Occupations.** All home occupations established on or after the effective date of this Ordinance shall comply with the requirements of this Section. It is the purpose of this Section to provide for the use of the home as a place for the operation of a business or profession provided that the business operation is clearly secondary to the principal use of the dwelling as a home under full-time occupancy.

1. **Class A Home Occupations:** Class A home occupations are those which only employ family members residing within the home, do not require customer parking, do not utilize an accessory structure for the business, and do not generate a noticeable increase in traffic in the area. Home occupations such as architects, artists, clergymen, clothing alterations, domestic crafts making, single-customer hairdresser solons and barber shops, and similar uses are examples of Class A home occupations. Class A home occupations are permitted uses in both the Rural Residential and the Open Space Districts, and do not require a use permit under this Ordinance, except when a large or lighted sign is installed as explained under Performance Standards below.
2. **Class B Home Occupations:** Class B home occupations are those which have the potential for generating a noticeable increase in traffic, requires additional parking, involves employees not residing in the home, or utilizes an accessory structure. Home occupations such as multiple-chair barber shops and beauty salons, repair shops, light manufacturing, clothing shops, certain bed-and-breakfast inns, Ma & Pa Resorts, museums, animal hospitals, kennels, dog care centers, schools, and similar uses

conducted within a dwelling or accessory structure are examples of Class B home occupations. They are permitted in both the Rural Residential District and the Open Space District, and require an interim use permit (except Ma & Pa Resorts are allowed only in the Open Space district). The term of the permit shall not be allowed to extend any longer than the time when the owner either moves from, or sells the property.

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

- i. Conducting the home occupation shall not require alterations to the residence that substantially alters the function or appearance of the dwelling as a residence. The entrance to the space devoted to the home occupation may be inside the dwelling.
- ii. Signage for both Class A and Class B Home Occupations are subject to the same signage regulations that are contained in the interim use and conditional use permits. Lighted signs and signs greater than 32 square feet require a permit (see Section 19b.4).

17. Mining. Mining is a prevalent use within the Township and one the Township intends to allow to continue with the imposition of modest regulations intended to protect adjacent properties from the more intrusive aspect of mining associated with crushing activities.

- a. Mining Operations: Mining operations are allowed as a permitted use within the Open Space District. Mining operations are also allowed as a permitted use within the Rural Residential District provided the total amount of materials removed in a year does not exceed 800 cubic yards. The use of a crusher for any period of time as part of a mining operation is prohibited within the Rural Residential District and shall not occur within the Open Space District except upon receipt of an interim use permit from the Township allowing the mining operation to be converted to a commercial mining operation as provided herein.
- b. Commercial Mining Operations: Commercial mining operations are allowed within the Open Space District upon the issuance of an interim use permit from the Township and compliance with the regulations contained in this Ordinance and all applicable federal, state, and local laws, rules, regulations, and ordinances. A commercial mining operation in existence prior to the effective date of this Ordinance shall be allowed to continue operating provided it does not move or expand into another parcel of land without first obtaining an interim use permit from the Township and complying with this Section.
- c. Permit Requirements: An application for an interim use permit for commercial mining shall include the following information in addition to the application information required for all interim use permits: Fully completed permit applications will be processed as provided in this Ordinance.
  1. The anticipated location of mining activities on the property and the proposed location of the crusher.
  2. The period of time (days, weeks, months) during which the owner anticipates the crusher will be in operation, and the days of the week and hours within each day the owner anticipates the crusher will be in operation over that period.
  3. Description of any other processing equipment the owner anticipates being used as part of the operation.
  4. Such other information as the Township may reasonably determine is necessary to properly understand and evaluate the proposed commercial mining operation.

- d. Setbacks: No crusher may be located within 100 feet of a structure, 150 feet from the centerline of a public road, or 50 feet of a property line.
- e. Changes in Operations: Any proposed change or expansion of the commercial mining operation from the description provided at the time of applying for an interim use permit shall require a new interim use permit, unless the change is to eliminate the use and presence of a crusher on the property. A crusher may be removed and brought back onto the property of a permitted commercial mining operation during the period of the interim use permit unless the permit indicates otherwise.

18. **Zoning Permit**. Subject to the following, from and after the effective date of this Ordinance:

- 1. The construction, placement, or expansion of all principal structures shall require a zoning permit.
  - 2. The construction, placement, or expansion of all accessory structures containing a total area of 500 square feet or more (after any expansions) shall require a zoning permit.
  - 3. All structures placed in a shoreland area also require a shoreland permit from Pine County, regardless of whether a zoning permit is required from Ogema Township.
  - 4. All dwelling applications must show that the applicant has obtained, if required, a valid SSTS permit from Pine County. All expansions of existing dwellings that involve the addition of a bedroom must show a valid SSTS Certificate of Compliance.
- a. Application: Applications for a zoning permit shall be filed with the Zoning Administrator on the Township's official application form. Each application for a permit shall be accompanied by a drawing showing the dimensions of the parcel to be built upon, size and location of all principal and accessory structures and parking areas, and such additional information as the Zoning Administrator may deem necessary for the proper review and enforcement of this Ordinance, and any other applicable requirements.
  - b. Issuance of Permit: The Zoning Administrator is authorized to issue a zoning permit upon receipt of a complete application and plan, submission of the applicable fees, and a determination that the plan complies with this Ordinance. Issuance of a zoning permit does not relieve the applicant from having to obtain such other permits and permissions as may be required, and does not guarantee the safety or adequacy of the building or structure for any particular purpose.

19. **Interim Use Permit (IUP) and Conditional Use Permit (CUP) Procedures**. As of the effective date of this Ordinance, no use classified by this Ordinance as an interim use or a conditional use shall be initiated or expanded except upon issuance of an interim or conditional use permit from the Town Board pursuant to this Section.

- a. Application: An application for an interim use or conditional use permit (hereinafter referred to in this Section as "Permit") shall be on the Township's application form and must contain all of the information required by this Section (if the application is for mining, see also Section 17).

b. Required Information:

1. The legal description of the property, and the name and mailing address of all property owners of record, according to the county assessment records, within one-quarter mile of that property.
2. The name of the applicant and of all owners of the property to which the application relates.
3. A description of the proposed use, including to the extent applicable, hours of operation, parking, anticipated traffic and routes, lighting plans, identification and explanation of any potential sources of significant noise, dust, vibration, or other impacts reasonably anticipated to be generated by the proposed use which could affect surrounding properties.
4. Information regarding the size, placement, lighting, and construction of any signage to be installed. (Unlit signs 32 square feet and smaller do not need a special permit).
5. Provide the current status of any licenses and permits that would be needed from any Federal, State of Minnesota, and Pine County agencies for the proposed use, should the application be approved (e.g., Minnesota Dept Health).

c. Procedure: Requests for interim or conditional use permits must comply with this Section.

1. Zoning Administrator: An application for a permit must be submitted to the Zoning Administrator. The Zoning Administrator shall review the application to determine if it contains all the required information and is otherwise complete. If it is determined there are any difficulties between an application and this ordinance about whether the use should be heard as an interim use or a conditional use, or if an application is not complete, the Zoning Administrator shall, within 15 days of the Township's receipt of the application, provide the applicant written notice of what information is needed in order to make the application complete. The Zoning Administrator shall forward all properly completed permit applications to the Town Board, who shall make arrangements for a public hearing to be held by the Planning Commission.
2. Planning Commission: The Planning Commission shall conduct a public hearing on the proposed permit. At least ten days before the date of the hearing, notice shall be published in the Township's official newspaper and mailed to all property owners of record, according to the county assessment records, within one-quarter mile of the property to which the application relates. If the application involves property located in a Shoreland Area, then a copy of the hearing notice shall also be sent to the Pine County zoning department. The Planning Commission shall conduct the public hearing and develop a Findings of Fact and a list of Conditions of Operation to serve as a recommendation to the Town Board regarding the proposed application. The Conditions of Operation shall include any conditions the Planning Commission determines are appropriate in order to address the anticipated impacts of the proposed use on the public's health, safety, and welfare. Topics of special significance include but are not limited to: 1) licensing and permit requirements from relevant Federal, State, and County agencies, 2) special conditions governing signage, and 3) details about the allowed term of occupancy for dwellings that exceed the Township standard specified in Section 15e. In regard to signage in particular, conditions may be given, but are not required, as long as signs are one single or double-faced unlit sign with a maximum surface area of 32 square feet per side that does not obstruct the operation of traffic on public roads. Conditions for operation are required for lighted signs or a sign greater than 32 square feet.

The Planning Commission shall forward its proposed Findings of Fact and Conditions of Operation to both the Town Board and the applicant, also informing the applicant of the time, date, and location of the Town Board meeting where their application will be considered for final approval.

- i. Criteria for approving both conditional and interim use permits: When considering an application for either a conditional or interim use permit, the following criteria shall be considered to the extent they are applicable to the request:
  - 1) Whether the use conforms to the zoning ordinance and the Comprehensive Plan.
  - 2) In regard to uses such as but not limited to VHR, Campgrounds, Resorts, and Food Lodging & Beverage Establishments, whether the commensurate SSTS requirements for that plan are able to be satisfied.
  - 3) Determine whether the proposed use involves renewable licensure from any Federal, State of Minnesota, or Pine County agency, and if so, require that the CUP or IUP permit holder provide evidence of those licenses, as well as their periodic renewals, to the Township as a condition of operation.
  
- ii. Additional criteria for approving conditional use permits: When considering an application for a conditional use permit, the following additional criteria shall be considered to the extent they are applicable to the request:
  - 1) Whether the use is consistent and compatible with other allowed uses in the neighborhood.
  - 2) Whether the use will unreasonably interfere with or devalue surrounding properties.
  - 3) Whether the use will create an excessive burden on roads or other public infrastructure, or create an unreasonable cost to the public.
  - 4) Whether the use will cause traffic hazards or congestion.
  
- iii. Additional criteria for approving interim use permits: When considering an application for an interim use permit, the following additional criteria shall be considered to the extent they are applicable to the request:
  - 1) That the use will not impose additional costs on the public if it is necessary for the public to take the property in the future.
  - 2) That the date or event that terminates the use can be identified with certainty.
  - 3) That the user agrees to any conditions that the governing body deems appropriate for permission of the use.
  
3. Town Board: The Town Board shall consider the Planning Commission's proposed Findings of Fact and Conditions of Operation, and make a final decision regarding the proposed permit. The Town Board may either accept the Planning Commission's recommendations, or they may add to, delete from, or edit any individual Fact or Condition. The Town may impose such reasonable conditions as it determines are necessary on the permit, including a requirement to provide and maintain with the Township a performance bond or other financial security. Interim use permits shall indicate the date or event on which they shall terminate. Both interim and conditional use permits shall be recorded in the office of the Pine County Recorder.

- d. Expiration and Revocation: A permit shall expire and become void if the use it allows is not substantially started within 12 months from its date of issuance. A substantial start means more than preliminary steps have been taken such that preparations to initiate the use are mostly complete. An interim use permit shall expire as of the date or event identified in the permit, so if the permit holder wants to continue renewed operation without interruption, then an application for a new permit must be made at least 60 days prior to the expiration of the existing permit. The Town Board may revoke a permit if it determines, after notice to the owner and conducting a public hearing, that either any of the conditions imposed on the permit haven been violated, or that use of the permit has ceased for at least 12 contiguous months.
  - e. Changes to existing permits: If the permit holder of an existing conditional use or interim use permit wants to change or amend the terms of a permit, the permit holder shall do so by the filing of a new application, which shall require compliance with all procedures required for a new permit, including a public hearing.
20. Variances. Requests for a variance from the strict application of the requirements of this Ordinance shall comply with this Section.
- a. Procedure: A request for a variance must be made on the Township's application form and must be submitted to the Zoning Administrator. If an application is not complete, the Zoning Administrator shall, within 15 days of the Township's receipt of the application, provide the applicant written notice of what information is needed in order to make the application complete. If the application is complete and the applicable fees paid, the Zoning Administrator shall forward the application to the Board of Appeals and Adjustments. The Board of Appeals and Adjustments shall, after providing at least ten days published notice and mailed notice to the contiguous property owners, hold a public hearing on the proposed variance and determine whether to issue a variance. If the application involves property located in a Shoreland Area, then a copy of the hearing notice shall also be sent to the Pine County zoning department. The Board of Appeals and Adjustments may impose conditions on the variances it issues. The applicant shall be mailed notice of the Board of Appeals and Adjustments decision within 60 days of receipt of a complete application. If the variance is approved, it shall be recorded in the office of the Pine County Recorder.
  - b. Limitations: The Board of Appeals and Adjustments may issue a variance only if the Findings of Fact show that all of the following circumstances exist with respect to the particular request:
    - 1. The strict enforcement of this Ordinance would cause a practical difficulty because of circumstances unique to the individual property under consideration. "Practical difficulties," as used in connection with the granting of a variance, means that the property owner proposes to use the property in a reasonable manner not permitted by the zoning ordinance; 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 do not constitute practical difficulties.
    - 2. Exceptional or extraordinary circumstances apply to the property, which do not apply generally to other properties in the same zone or vicinity, and result from parcel size or shape, topography or other circumstances over which the owners of the property have had no control.



3. Literal interpretation of the provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district.
4. The variance must be consistent with the goals of the Comprehensive Plan.
5. Granting the variance requested will not confer on the applicant any special privilege that is denied by this Ordinance to others of other lands, structures or buildings in the same district.
6. The variance shall not allow any use that is not permitted under the Ordinance for a property in the zoning district where the affected applicant's land is located.
7. If granting the variance would have an adverse impact on any SSTS, then either denying the variance or attaching special conditions shall be considered.

21. **Amendments.** An amendment to the text of this Ordinance may only be initiated and adopted as provided in this Section.

- a. **Who May Initiate:** An amendment to this Ordinance may be initiated by the Town Board, the Planning Commission, or by application of an affected property owner. Any amendment not initiated by the Planning Commission shall be referred to the Planning Commission for review and may not be acted upon by the Town Board until it has received the Planning Commission's recommendations, or until at least 60 days after the proposed amendment was submitted to the Planning Commission.
- b. **Public Hearing and Recommendation:** The Planning Commission shall hold a public hearing on all proposed amendments. The hearing shall be preceded by at least 10 day's published notice. The Planning Commission shall forward its recommendations regarding a proposed amendment to the Town Board for final action.
- c. **Final Decision:** The Town Board shall take action on the proposed amendment at a Town Board meeting. If the amendment was initiated by application of a property owner, the Town shall inform the property owner of the Town Board's decision.
- d. **Format:** Amendments shall be incorporated directly into the main body of the Ordinance, resulting in a new Ordinance that requires a new title.
- e. **Limit on Similar Applications:** No application of a property owner for an amendment to the text of the Ordinance or the Zoning Map shall be considered by the Planning Commission within the one-year period following a denial of such request, except the Planning Commission may permit a new application if, in the opinion of the Planning Commission, there is new evidence or a change of circumstances that warrants another consideration.

22. **Applications and Fees.**

- a. **Application Fee:** Applicants shall be required to pay an application fee when submitting an application under this Ordinance. Application fees shall be in the amount determined by the Town Board in order to defray the administrative costs of processing requests.
- b. **Escrow:** In order to defray additional costs the Township may incur to process a request made under this Ordinance, applicants may also be required to reimburse the Township for all consulting costs it incurs related to the particular request. Consulting costs include, without limitation, all attorney, planner, and engineering fees incurred related to the request. An applicant may be required to escrow with the Township cash in the amount determined by the Zoning Administrator from which the Township will reimburse itself for

the consulting costs it incurs. The applicant remains responsible for all such costs and shall promptly escrow additional funds if the Zoning Administrator determines the existing escrowed amount will not be sufficient to fully reimburse the Township for its costs. Failure to promptly provide additional funds or to otherwise fully reimburse the Township for its consulting cost shall be a sufficient basis on which to deny a request.

- c. Applications: All applications must be on forms approved by the Town Board. Any requests not submitted on an approved Township form shall not be considered an application for the purposes of this Ordinance or Minnesota Statutes 15.99.
- d. Submission: An application shall be immediately rejected if the required application fee does not accompany it. If an escrow is required, the application shall submit the required amount for escrow with the Township within 15 days of the submission of the application or the application shall be deemed incomplete and will not be processed.
- e. Reimbursement in Full Required: Application fees are not refundable. Upon the termination of the application, by an approval, denial, withdrawal, or any other means, all costs incurred by the Town shall be immediately payable by the applicant. Any deposit in excess of the Town's costs shall be refunded to the applicant. No permits shall be issued, no construction or development shall commence, and no use of the property shall be made until all fees and costs are paid in full. In the event that payment of costs is not made within a reasonable time after demand, the Town Board or Zoning Administrator may take such steps as are available to the Town under law to collect the unreimbursed amounts, including collection costs. The steps the Town may take to recover its costs include, but are not limited to, placing the amount on the person's property as a service charge pursuant to Minnesota Statutes 366.012, filing a lien upon the subject property or other property of the applicant pursuant to Minnesota Statutes 514.67, or taking such other action as may be deemed appropriate to obtain full reimbursement for the Township for all costs it incurs related to the application.

### 23. Enforcement.

- a. Enforcement Actions: Any person, firm or corporation who violates any of the provisions of this Ordinance, or who fails, neglects or refuses to comply with the provisions of this Ordinance (including violations of conditions and safeguards established in connection with the granting of variances and conditional and interim use permits or failures to comply with corrective orders), or who knowingly makes any false statement in any document required to be submitted under the provisions hereof, shall be guilty of a misdemeanor and upon conviction thereof, shall be punished by a fine not to exceed \$1,000 or by imprisonment not to exceed 90 days or both. Each day that a violation continues shall constitute a separate offense. In the event of a violation or a threatened violation of this Ordinance, the Town Board, in addition to other remedies, may institute appropriate civil actions or proceedings to prevent, prosecute, restore, restrain, correct or abate such violations or threatened violations. In either case, the costs of prosecution may be added pursuant to Minnesota Statutes 366.01, subdivision 10.
- b. Zoning Administrator: After consulting with the Town Board, the Zoning Administrator is authorized to enforce this Ordinance, including issuing violation notices, cease and desist orders, corrective orders, and to work with the Township attorney as needed to undertake such other actions as may be necessary to enforce this Ordinance.

24. **Definitions.** For the purposes of this Ordinance, the following terms shall have the meaning given them in this Section.

- a. **Accessory Structure:** A subordinate building or structure which is located on the same parcel where the principal structure is situated and is reasonably necessary and incidental to the principal use of the principal structure.
- b. **Accessory Use:** An occasional, minor, and incidental use on the same parcel where the principal use has been established.
- c. **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.
- d. **Animal Feedlot:** Has the meaning given it in Minnesota Rules, part 7020.0300, subpart 3.
- e. **Building:** Any structure used or intended for supporting any use or occupancy.
- f. **Building Setback:** The minimum horizontal distance between the building and specified parcel line as prescribed in this Ordinance.
- g. **Campground:** A recreational business operation that is regulated by means of an interim use permit, that is either publicly or privately owned, operated for a profit or not, open seasonally or all year long, that contains multiple campsites, any combination of which may or may not be occupied at any particular moment. A campground may be operated on an hourly, daily, nightly, weekly, or any other time period, and may be either open to the public, or operated on a private or membership basis. A campground may also have principal structures and other accessory structures in addition to campsites, such as pavilions, swimming pools, tennis courts, campfire sites, equipment sheds, and so forth.
- h. **Campsite:** A unit area of land that is available to one recreational camping vehicle, a motor home, a tent, a travel trailer, or any other such temporary device or structure used for the purposes of camping. The availability or lack of water, sewer, electricity, or other such amenities does not alter the interpretation of what is, or is not, a campsite.
- i. **Commercial Mining:** A mining operation that utilizes a crusher on the same property.
- j. **Commercial Use:** exists when the principal proposed activity on a parcel is for the production of income for the landowner, and does not depend on any agricultural and/or residential structures for their operation.
- k. **Communication Tower:** A tower or structure built or erected to support equipment used to transmit communication signals for commercial purposes. This term does not include communication towers erected as an accessory structure to the dwelling unit located on the same property
- l. **Conditional Use:** A use, which because of special problems of control requires reasonable, but special, and extra-ordinary limitations peculiar to the use for the protection of the public's welfare and the integrity of the township's comprehensive plan.

- m. Dwelling: Any structure or building or portion thereof used for human occupancy, including one-family, two-family, and multiple family dwellings, and guest cottages, for either full time or occasional occupancy, including offsite preconstructed dwellings, but not including hotels, motels, and boarding houses.
- n. Dwelling, Multifamily: A building containing multiple dwelling units, with each unit designed for occupation by one (1) family living independently from families in the other units. This term does not include hotels or motels.
- o. Dwelling, Principal: The dwelling occupied the most consistently on a parcel.
- p. Dwelling, Single Family: A detached dwelling unit designed for occupancy of one (1) family.
- q. Dwelling, Two Family: A dwelling designed exclusively for occupancy by two (2) families living independently of each other.
- r. 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.
- s. Floodplain: The areas adjoining a watercourse or water basin that have been or may be covered by a regional flood as designated by Pine County.
- t. Food Lodging & Beverage Establishment: Any Minnesota Department of Health regulated use defined under Minnesota Statute 157.15 or successor statutes, such as but not limited to, boarding establishments, food and beverage service establishments, hotels, motels, lodging establishments, restaurants, and youth camps, except for the specific use "resort", which is defined elsewhere in this ordinance.
- u. Forestry: The management, including logging, of a forest, woodland, or plantation, and related research and educational activities, including the construction, alteration or maintenance of wood roads, skid roads, landings, and fences.
- v. Greenhouse: A business that grows flowers, vegetables, or other plants within, during at least some stage in the growing process, a structure that allows light to pass through to the plants and which offers the plants or vegetables for sale.
- w. Guest cottage: A dwelling subsequent to the Principal Dwelling, used for occasional occupancy.
- x. Home Occupation: Any occupation or profession carried on by a member(s) of the family residing on the premises, provided that the use is clearly incidental and secondary to the main use of the premises for dwelling purposes and does not change the character thereof.
- y. Home Occupation, Class A: Has the meaning given it in Section 16.b of this Ordinance.
- z. Home Occupation, Class B: Has the meaning given it in Section 16.c of this Ordinance,

- aa. Industrial Use: The use of land or buildings when the use potentially involves harmful environmental effects from chemicals, materials, and byproducts, such as for the production, manufacture, warehousing, storage, or transfer of goods, products, commodities, or other wholesale items.
- bb. Interim Use: A use allowed within a particular district upon the issuance of an interim use permit and subject to such conditions as the Township may impose on the permit to address anticipated impacts from the use. Interim use permits expire on the date or upon the happening of an event specified in the permit.
- cc. Ma and Pa Resort: A resort devoted to temporary and seasonal residential occupancy of recreational purposes and includes a portion used as a homestead by the owner.
- dd. Manufactured Home: Has the meaning given it in Minn Statutes 327.31, subdivision 6, including the 3 letter / 6 digit identification label.
- ee. Mining Operation: The removal of sand, gravel, or dirt for personal or commercial purposes that does not utilize a crusher on the property.
- ff. Nonconforming 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.
- gg. Nursery: A business of growing and selling trees, flowering, or decorative plants and shrubs, and which may or may not be conducted, in whole or in part, within a structure.
- hh. Offsite preconstructed dwelling: Any structure designed and built for use as a home, cabin, or dwelling that is pre-assembled prior to installation on the final dwelling site. Examples include but are not limited to mobile homes, manufactured homes, modular homes, prefabricated homes, and Park Trailers. Refurbished shipping containers, tents, recreational camping vehicles (RV), motor homes, and other similar structures are not examples of dwellings.
- ii. Open Space District: Allows for a “rural life-style” by permitting low-intensity uses such as single-family dwellings, farming, hobby farms, conservation of ecologically significant resources and passive recreational uses.
- jj. Organized Group Camp: Any land, including any building thereon, used for any assembly of persons for what is commonly understood to be for “camp” or “camping” purposes, whether or not conducted for profit and whether or not occupied by adult or by children, either as individuals, families, or groups. This term also includes dude ranches and similar facilities.
- kk. 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.

- ll. Parcel 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 township as a parcel 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 structures 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.
- mm. Parcel: Land occupied or to be occupied by one (1) principal building or use and its accessory structures, together with such open spaces as are required under the provisions of this Ordinance, having not less than the minimum area in the district in which such parcel is situated and having its principal frontage on a street, or a proposed street approve by the Town Board.
- nn. Parcel Area: The area of a horizontal plane within the parcel lines.
- oo. Planning Commission: The Ogema Township Planning Commission established by the Town Board to serve as the planning agency for the Township.
- pp. Principal Structure: The structure that determines or defines the principal use of a property.
- qq. Principal Use: The principal or main use of land or buildings as distinguished from subordinate, incidental or accessory uses.
- rr. Public Building: A building owned or leased by a political subdivision of the state and used to conduct public business. This term includes buildings owned or leased by a tribal government located on property held in fee simple. This term also includes buildings owned or leased by the state or federal government, but any permits required by this Ordinance applicable to such buildings shall only be required if consented to and applied for by the state or federal government.
- ss. Public Road: For the purpose of this Ordinance, public roads shall include only those roads that are owned by the township, county, state, or federal government. For the purposes of determining setbacks, this term shall also include roads that are a part of the Indian Reservation Roads Program as provided in 25 CRF Part 170.
- tt. Public Uses: Uses owned or operated by a municipality, school districts, townships,
- uu. Rear Yard: An unoccupied open space between the rear lines of a structure on a parcel and the rear parcel line of the parcel, for the full width of the parcel.
- vv. Religious Institution: A building, together with its accessory structures and uses, where persons regularly assemble for religious worship and which building, together with its accessory structures and uses, is maintained and controlled by a religious body organized to sustain public worship.

- ww. Resort: A recreational business operation regulated by means of a conditional use permit, publicly or privately owned, operated for a profit or not, open seasonally or all year long, that contains multiple dwellings that are rented for occupation on a daily, nightly, weekly, or any other time period, whether open to the public, or operated on a private or membership basis. A resort may also have other principal structures, as well as accessory structures in addition to dwellings, such as pavilions, swimming pools, tennis courts, campfire only sites, equipment sheds, and so forth.
- xx. Rural Residential District: A district that accommodates residential uses as the predominant use and at a greater density than allowed in the Open Space District. The types of uses allowed in this district are more limited than in the Open Space District, to avoid potential conflicts with the greater potential density of residential development.
- yy. Salvage Yard: The commercial use of land or buildings where waste, discarded or salvaged materials are bought, sold, exchanged, stored, cleaned, packed, disassembled, or handled, which materials include but are not limited to appliances, scrap metal, rags, paper, glass products, lumber products, machinery, and products resulting from the wrecking of automobiles or other vehicles.
- zz. Setback: The minimum horizontal distance between a building or structure and a road or highway right-of-way, or centerline thereof, or property parcel line as indicated in the Ordinance.
- aaa. Shooting Preserve: Means a public or private shooting preserve requiring a license under Minnesota Statutes 97A.115.
- bbb. Shooting Range: A business operation that offers outdoor target practice, trap & skeet shooting, or any other type of activity that is offered for the purpose of discharging firearms, and does not involve hunting as a part of that activity.
- ccc. Shoreland: Land located within the following distances from the ordinary high water elevation of public waters: (1) land within 1,000 feet from the normal high watermark of a lake, pond, or flowage; and (2) land within 300 feet of a river or stream or the landward side of a floodplain on the river or stream, whichever is greater.
- ddd. Side Yard: An unoccupied open space between the sidelines of a structure on a parcel and the side parcel line of the parcel and extending from the front line to the back yard.
- eee. Stabilizing Device: Means all of the components of the anchoring and support system of structures, such as bolts, ties, anchoring bars, ground anchors, and any other such equipment that prevents the structure from moving on its foundation from strong winds.
- fff. Structure: Anything that 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, except that fences, gates, and signs are not considered structures.
- ggg. Town Board: The board of supervisors of Ogema Township, Pine County, Minnesota.
- hhh. Township: Ogema Township, Pine County, Minnesota.

iii. 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.

jjj. Vacation Home Rental (VHR) means any home, cabin, condominium, guest house, RV, or similar building, that is advertised or held out to the public as a place where sleeping accommodations are furnished to the public on a nightly or weekly basis and is not a bed and breakfast, campground, resort, hotel, or motel.

kkk. Variance: The waiving action of the literal provisions of the zoning ordinance in instances where their strict enforcement would cause practical difficulty because of physical circumstances unique to the individual property under consideration.

III. Zoning Administrator. A person appointed by the Town Board to administer and enforce the zoning ordinance.

25. **Severability**. It is hereby declared to be the intention of the Town Board that the several provisions of this Ordinance are separable. Should any Section, Subdivision, clause, or other provision of this Ordinance be held invalid in any court of competent jurisdiction, such decision shall not affect the validity of the Ordinance as a whole, or any part thereof, other than the part held invalid.

26. **Effective Date**. This Ordinance shall be effective and be in full force upon its date of publication.

<b>Supervisor</b>	<b>Yes</b>	<b>No</b>	<b>Abstain</b>	<b>Absent</b>
Charles Kramer				
Ronald Meehan				
Anne M. Haas				

Adopted by Town Board of Supervisors on this 6th day of February, 2020.

**BY THE TOWN BOARD:**

\_\_\_\_\_  
Town Chairperson

Attest: \_\_\_\_\_  
Town Clerk