

TEN LAKE TOWNSHIP
BELTRAMI COUNTY, MINNESOTA
Ordinance No. _____

AN ORDINANCE AMENDING THE TEN LAKE TOWNSHIP LAND
USE AND SUBDIVISION & PLANNED UNIT DEVELOPMENT CODE

The Board of Supervisors of the Town of Ten Lake ordains:

1. TLT Sept. 2011 Ordinances, p. 18: Article I of the Ten Lake Township Land Use and Subdivision & Planned Unit Development Code is amended by adding a new Section 110 as follows:

SECTION 110. PROCESSING REQUESTS

All requests submitted to the Township pursuant to this Ordinance must be made on the Township's application form and no such application will be considered complete unless it is accompanied by the applicable application fee and, if required, an escrow. Complete applications shall be processed in accordance with the provisions of this Ordinance and a decision made on the application within the timelines established in Minnesota Statutes section 15.99 and 462.358, subdivision 3b, to the extent those sections are applicable to the request. Nothing in this Ordinance is intended to, or shall be construed as, limiting the period of time allowed the Township under law to process or decide a request made under this Ordinance.

2. Article VIII, Section 804, Paragraph A p. 67 of the Ten Lake 2011 Township Land Use and Subdivision & Planned Unit Development Code is amended by deleting the ~~stricken~~ material and adding the underlined material as follows:

A. All planned unit developments shall meet or exceed the standards as required by this Ordinance, with respect to Residential Planned Unit Developments (RPUD) and Commercial Planned Unit Developments (CPUD), collectively Planned Unit Developments (PUD). When reviewing a PUD application, or an amendment to a PUD, the Town Board may consider granting flexibility from the planned unit development requirements and standards that are set forth in this Ordinance. Any requested flexibility must be related to the promotion of a desirable living environment and not be contrary to the general standards for development in the district as determined by the Town Board. The flexibility granted by the Town Board may include, but is not limited to, lot sizes, density, right-of-way widths, setbacks, height restrictions, and impervious surface limits. Flexibility will be granted at the discretion of the Town Board and only upon a finding that granting such flexibility under the particular circumstances will not be contrary to the purpose of the Ordinance or of the Comprehensive Plan. Any flexibility granted shall expressly be made part of the conditional use permit, or amended conditional use permit, issued for the PUD and is subject to all conditions and requirements contained in the permit and the development agreement executed for the PUD.

3. Article VII, 2011 Ordinances, p. 48, Section 712, paragraph E of the Ten Lake Township Land Use and Subdivision & Planned Unit Development Code are amended by deleting the ~~stricken~~ material and adding the underlined material as follows:

The Zoning Administrator shall approve or deny the sign permit in an expedited manner ~~no more than 30 days from~~ after the receipt of the complete application, including applicable fee. ~~All permits not approved or denied within 30 days shall be deemed approved.~~ If the permit is denied, the Zoning Administrator shall prepare a written notice of denial within 10 days its decision, describing the applicant's appeal rights under Section 1107 of this Ordinance and send it by first class mail to the applicant.

4. Article VIII, 2011 Ordinances, p. 79, Section 805, paragraph E, provision 1 of the Ten Lake Township Land Use and Subdivision & Planned Unit Development Code are amended by deleting the ~~stricken~~ material and adding the underlined material as follows:

- (1.) The Ten Lake Township Planning Commission shall review the preliminary plat and shall conduct a public hearing on the proposed plat ~~within sixty (60) days of~~ after the Township's receipt of an acceptable preliminary plat from the subdivider, ~~unless they provide for an extension.~~ The Zoning Administrator shall forward a copy of the plat to the Department of Natural Resources ~~at least twenty (20) days~~ before the hearing.

5. Article VIII, 2011 Ordinances, p. 81, Section 805, paragraph G, provisions 2 and 3 of the Ten Lake Township Land Use and Subdivision & Planned Unit Development Code are amended by deleting the ~~stricken~~ material and adding the underlined material as follows:

- (2.) ~~Within thirty (30) days a~~ After submission of the final plat and the subdivider's compliance with all requirements and conditions expressly required to be satisfied in order for the final plat to be considered, the Planning Commission shall review the final plat and either recommend approval or denial of the final plat to the Board of Supervisors. The Zoning Administrator shall notify the subdivider of the recommendation made by the Planning Commission to the Board of Supervisors.
 - a. If the Planning Commission recommends denial of the final plat, the subdivider may withdraw the plat before it is considered by the Board of Supervisors and resubmit said plat to the Planning Commission for reconsideration after appropriate changes have been made.
- (3.) The Board of Supervisors shall take final action to either approve or deny the final plat, based upon the recommendation of the Planning Commission and any other information it deems appropriate, ~~within sixty (60) days of the submission of the final plat and~~ including compliance by the subdivider with all conditions and requirements upon which the preliminary approval was expressly conditioned either through performance or the execution of appropriate agreements assuring performance.

6. Article XI, 2011 Ordinances, p. 116, Section 1100, paragraphs C and F of the Ten Lake Township Land Use and Subdivision & Planned Unit Development Code is amended by deleting the ~~stricken~~ material and adding the underlined material as follows:

- C. All land use permit applications shall be approved or denied ~~within thirty (30) days of receipt of a complete application, subject to~~ in accordance with the timelines set out in the provisions of Minn. Stat. § 15.99. Evaluation of the application may include an on-site inspection by the Zoning Administrator.
- F. An appeal of an administrative decision made by the Zoning Administrator in administration or enforcement of this Ordinance may be made by a writing filed with the Township Clerk within 20 days after the date of the decision appealed from, together with such filing fee as the Board of Supervisors may establish by Ordinance from time to time. Such appeal shall be heard and a recommendation made by the Board of Adjustment Committee ~~within sixty (60) days of the date that such appeal is filed with the Township Clerk,~~ and such Board of Adjustment Committee recommendation shall then be considered by the Board of Supervisors, sitting as the Board of Appeals and Adjustments. An appeal may be taken from the decision of the Board of Supervisors on the appeal to the District Court in and for the County of Beltrami, State of Minnesota, if such appeal is lawfully noticed and pleaded within thirty (30) days of the date of the decision by the Board of Supervisors.

7. Article XI. 2011 Ordinances, p. 123, Section 1107, paragraph F of the Ten Lake Township Land Use and Subdivision & Planned Unit Development Code is amended by deleting the ~~stricken~~ material and adding the underlined material as follows:

- F. An Appeal of an administrative decision, made in the enforcement of this Ordinance, may be made by filling out and submitting an Application for Appeal (which is available from the Township Clerk) to the Zoning Administrator. Such appeal shall be heard by the Board of Adjustment Committee with a final decision being made by the Town Board sitting as the Board of Appeals and Adjustments ~~within sixty (60) days of the date that such application is submitted.~~

8. Article XI. 2011 Ordinances o, 125, Section 1109, paragraph A, provisions 4 and 6 of the Ten Lake Township Land Use and Subdivision & Planned Unit Development Code is amended by deleting the ~~stricken~~ material and adding the underlined material as follows:

- (4.) A public hearing on a proposed amendment request shall be conducted by the Planning Commission ~~within sixty (60) days of receipt of the requested amendment;~~
- (6.) The Board of Supervisors shall consider the recommendation of the Planning Commission ~~within thirty (30) days~~ after the public hearing is conducted;

9. Article III. 2011 Ordinances, p. 28, Table III-B, setbacks for Sensitive Area and Special Protection Lakes in the Ten Lake Township Land Use and Subdivision & Planned Unit Development Code is amended by deleting the ~~stricken~~ material and adding the underlined material as follows:

Minimum Structure Setback from the following:	Side-lot line	Top of Bluff	Unplatted cemetery	Road Right-of-ways Public/Private	Sewage Treatment System from OHWL	Structures
Sensitive Area and Special Protection Lakes	15 feet	30 feet	50 feet	50/20 feet	300 feet 150 feet	300 <u>150</u> feet

Article X. Article I, Section 101 of the Ten Lake Township Land Use and Subdivision & Planned Unit Development Code is amended by deleting the ~~stricken~~ material and adding the underlined material as follows:

BOARD OF SUPERVISORS (TOWNSHIP BOARD or TOWN BOARD). The duly elected and serving board of supervisors of Ten Lake Township, in Beltrami County, Minnesota, having those powers accorded to such board by law and by this Ordinance.

Article XI. Effective Date. This ordinance shall be effective upon the first day of publication after adoption.

Adopted on the ____ day of _____, 2012.

BY THE TOWN BOARD

Dave Fallis, Chairperson

Attest: _____
Barbara D’Orazio, Clerk