

MANTRAP TOWNSHIP LAND USE ORDINANCE

ARTICLE I – GENERAL REGULATIONS

Section 100-010 Intent and Purpose

This ordinance, known hereafter as Mantrap Township Land Use Ordinance (Ordinance), is an ordinance regulating the use of land in the Township of Mantrap by the use of districts which include regulations concerning the location, size, and use of buildings, and the placement and density of buildings on lots. Further, this Ordinance has been adopted pursuant to the provisions of the Minnesota Statutes Annotated, Chapter 462.351 to 462.364 and 365.10, subdivision 17.

This Ordinance is intended to serve the following purposes:

1. To protect the public health, safety, and general welfare of the Township;
2. To promote a balanced growth between conservation and development by minimizing the conflicts among the uses of land and buildings;
3. To assist the future growth and development of the Township in accordance with the Land Use Plan adopted by the Township Board;
4. To provide for adequate air and light, privacy, and safety from fire and other dangers associated with overcrowding and undue congestion;
5. To protect and preserve the value of land and buildings throughout the Township, while preserving the environmental quality and natural beauty of the lakes and woods.

Section 100-020 Rules

The language contained in the text of this Ordinance shall be interpreted in accordance with the following rules of construction:

1. The singular number includes the plural and the plural the singular.
2. The present tense includes the past and future tenses, and the future the present.
3. The word “shall” is mandatory, and the word “may” is permissive.
4. The masculine gender includes the feminine and neuter genders.
5. Whenever a word or term defined hereinafter appears in the text of this Ordinance, its meaning shall be construed as set forth in such definition.
6. All measured distances expressed in feet shall be to the nearest tenth of a foot.
7. In the event of conflicting provisions, the more restrictive provisions shall apply.

Section 100-030 Relation to Land Use Plan

It is the policy of the Township of Mantrap that the enforcement, amendment, and administration of this Ordinance be accomplished with due consideration of the recommendations contained in the Land Use Plan as developed and amended from time to time by the Planning Commission and Town Board. The Town Board recognizes the Land Use Plan as the policy for regulating land use and development in accordance with the policies and purposes herein set forth.

Section 100-040 Standard Requirements

The following standards shall apply to all land use districts and property, unless otherwise noted in this Ordinance.

- 1) More Restrictive Provisions to Govern: Where the conditions imposed by any provisions of this Ordinance are either more restrictive or less restrictive than comparable conditions imposed by any other law, ordinance, code, statute, resolution or regulation, the regulations which are more restrictive or impose higher standards or requirements shall prevail.
- 2) Interpretation: In their interpretation and application, the provision of this Ordinance shall be held to be the minimum requirements for the promotion of the public health, safety and general welfare.
- 3) Conformity with this Ordinance: No building or structure shall be erected, converted, enlarged, constructed, reconstructed, moved or altered, and no building, structure or land shall be used for any purpose or in any manner, which is not in conformity with the provision of this Ordinance.
- 4) Building Occupancy: Except as herein provided, no building, structure or premises shall hereafter be used or occupied and no building permit shall be granted that does not conform to the requirements of this Ordinance.
- 5) Land Reduction: 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.
- 6) Abrogation and Regulation: These regulations shall not abrogate any easement, covenant, or any other private agreement where such is legally enforceable, provided that where the regulations of this Ordinance are more restrictive, or impose higher standards or requirements than such easements, covenants, or other private agreements, the requirements of this Ordinance shall be controlling.

Section 100-050 Uses Not Provided For Within Land Use Districts

Whenever in any land use district a use is neither specifically permitted nor denied, the use shall be considered prohibited. The Town Board or the Planning Commission, on their own initiative or upon request by property owner, may conduct a study to determine if a particular use is acceptable and if so what land use district would be most appropriate; and to determine what standards or conditions may relate to development of the use.

The Town Board, Planning Commission or property owner, may, upon completion of the study, initiate an amendment to this Ordinance to provide for a particular use under consideration or shall find that a particular use is not compatible for development within the Township.

Section 100-060 Separability

It is hereby declared to be the intention of the Township that the several provisions of this Ordinance are separable in accordance with the following:

- 1) If any court of competent jurisdiction shall adjudge any provision of this Ordinance invalid, such judgment shall not affect any other provisions of this Ordinance not specifically included in said judgment.
- 2) If any court of competent jurisdiction shall adjudge invalid the application of any provision of

this Ordinance to a particular property, building, or other structure, such judgment shall not affect the application of said provision to any other property, building, or structure not specifically included in said judgment.

SECTION 200 DEFINITIONS

The following words and terms, whenever they occur in this Ordinance, are defined as follows:

Accessory Structure or Use: The term applied to a building, structure or use which is clearly incidental or subordinate to, and customary in connection with, the principal building, structure or use, which is located on the same plot with the principal building. Any accessory building or structure attached to a principal building or structure is deemed to be part of such principal building or structure in complying with lot coverage. Examples of such buildings, structures and uses include, but are not limited to: off-street parking, loading-unloading areas, swimming pools, tennis courts, solar collectors, satellite dishes, transmitters and receivers, detached garages and storage buildings.

Administrator: The administrator of the Mantrap Land Use Ordinance or its authorized agent or representative. May also be known as Zoning Administrator.

Antenna: any structure or device used for the purpose of collecting or radiating electromagnetic waves including, but not limited to, directional antennas such as panels, microwave dishes, satellite dishes and omnidirectional antennas such as whip antennas.

Agricultural Building or Structure: Any building or structure, existing or erected, which is used principally for agricultural purposes, with the exception of dwelling units.

Agricultural Use: The use of land for the growing and /or production of field crops, tree farms, and animals.

Apartment: A room or suite of rooms which is designed for a residence by a single family, or a group of individuals living together as a single family unit, or an individual, and is equipped with cooking facilities. Includes dwelling unit and efficiency unit. This includes any unit in buildings with more than two (2) dwelling units.

Automobile Body Shop: A building or any portion thereof designed primarily for major reconditioning of worn or damaged motor vehicles or trailers; collision service including body, frame, or fender straightening or repair; and overall painting of vehicles.

Automobile Service Station: A building or any portion thereof designed primarily for the supplying of motor fuel, oil, lubrication and accessories to motor vehicles.

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

Bed and Breakfast: A single family dwelling in which six or fewer transient guest rooms are rented on a nightly basis for period of less than a week and where at least one meal is offered in connection with the provision of sleeping accommodations only.

Board of Adjustment and Appeals: The Mantrap Township Board of Adjustment and Appeals as appointed by the Mantrap Township Board.

Boarding (Lodging) House: A building other than a hotel or motel where, for compensation and by

prearrangement for definite periods, meals, or lodging and meals, are provided to three (3) or more persons, but not to exceed ten (10) persons.

Boulevard: The portion of the street right-of-way between the curb line and the property line.

Building: Any structure having a roof or other covering, built for the support, shelter or enclosure of persons, animals, chattel or movable property of any kind, and includes any structure.

Building Height: The vertical distance measured from the average grade of a building line to the top, to the cornice of a flat roof, to the deck line of a mansard roof, to a point on the roof directly above the highest wall of a shed roof, to the uppermost point on a round or other arch type roof, to the mean distance of the highest gable on pitched or hip roof.

Building Line: A line parallel to a lot line at the required setback, at any story level of a building and representing the minimum distance beyond which all or any part of the building may not extend.

Campground: An area or parcel of land on which accommodations for temporary occupancy are located or may be placed, including cabins, tents, and major recreational equipment, and which is primarily used for recreational purposes and retains an open air or natural character.

Church: A building, together with its accessory buildings and uses, where persons regularly assemble for religious worship and which building and accessory uses, is maintained and controlled by a religious body organized to sustain public worship.

Clear Cutting: The removal of an entire stand of trees.

Clinic: A place where medical, dental, optometric, chiropractic, psychiatric, or nursing care is furnished to persons on an out-patient basis by one or more licensed professionals.

Club or Lodge: An association of persons who are bona fide members, and whose use of the premises is restricted to members and their guests.

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

Commercial wireless telecommunication services: all commercial wireless telecommunications services including cellular, personal communications services, specialized mobilized radio, enhanced specialized mobilized radio, paging and similar services that are marketed to the general public.

Commission: The Mantrap Planning Commission, advisory body to Mantrap Town Board.

Commissioner: The Commissioner of the Minnesota Department of Natural Resources.

Conditional Use: A land use or development as defined by an ordinance that may be allowed but only after an in-depth review procedure has been conducted, and with appropriate restrictions or conditions as provided by the applicable ordinance upon a finding that standards and criteria stated in the ordinance will be satisfied. A conditional use must conform to the comprehensive land use plan, if one exists, and be compatible with the existing neighborhood.

Condominium: A multiple dwelling or development containing individually owned dwelling units and jointly owned and shared areas and facilities, which dwelling or development is subject to the provisions of the Minnesota Condominium Law, Minnesota Statutes, and Section 515.A.1-101 TO 515.A.4-118.

Conservation District: Consists of all areas of publicly-owned land located within the township that is in fact administered by either the State of Minnesota through the Department of Natural Resources (DNR) or County Administered Lands (CAL) through Hubbard County, and generally held in perpetuity.

Conservation Transition District: Consists of all privately-owned land located within the Conservation District.

Contour Map: A map on which irregularities of land surface are shown by lines connecting points of equal elevations. Contour interval is the vertical height between contour lines.

Day Care Facility: A facility licensed by the State Department of Human Services or other governing body, public or private, which for gain or otherwise regularly provides one or more persons, as defined by the State Human Services Licensing Act, with care, training, supervision, habilitation, rehabilitation or developmental guidance on a regular basis, for periods of less than 24 hours per day, in a place other than the person's own home. Day care facilities include, but are not limited to: family day care homes, group family day care homes, day care centers, day nurseries, nursery schools, developmental achievement centers for children, day training and rehabilitation services for adults, day treatment programs, adult day care centers, and day services.

Deck: A horizontal, unenclosed platform with or without attached railings, seats, trellises or other features, attached or functionally related to a principal use, structure or site, and at any point extending more than three feet above ground. A deck is considered a structure.

Duplex, Triplex and Quad: Dwelling structures on a single lot having two, three and four units respectively, being attached by common walls and each unit having separate sleeping, cooking, eating, living and sanitation facilities.

Dwelling: Any structure, or portion of a structure, used exclusively for residential purposes, including one-family, two-family and multiple family dwellings, but not including rental or timeshare accommodations such as motel, hotel and resort rooms, and resort cabins.

Dwelling Unit: A room or group of rooms located within a dwelling to create an independent housekeeping establishment for occupancy by one family with separate toilets and facilities for cooking and sleeping.

Easement: A grant by a property owner for a specified use of land by a corporation, the public or specified persons.

Environmental Assessment Worksheet (EAW): A brief document, in worksheet format, that helps local governments determine if a proposed action is a major action with a potential for significant environmental effects, but also to consider alternatives and to institute methods for reducing environmental effects.

Extractive Use: The use of land for surface or subsurface removal of 400 cubic yards or more in a year of sand, topsoil, gravel, rock, industrial materials, peat and non-metallic minerals not regulated under Minnesota Statutes, section 93.44 through 93.51. An extractive use shall include borrow pits, the pit area, stockpiles, haul roads, entrance roads, scales, crusher, and all related facilities. An extractive use shall not include an excavation for a structure for which a building permit has been obtained, excavations in the right-of-way by a state, county, city or township authority in connection with construction or maintenance of public improvements, excavations for agricultural purposes and excavations for public utility purposes.

Family: An individual or two or more persons related by blood, marriage or adoption, living together as a single housekeeping unit in a dwelling unit; or a group of not more than four (4) persons who need not be related by blood, marriage, or adoption, living together as a single housekeeping unit in a dwelling unit. In addition, Mantrap Township recognizes the provisions of State Statute Section 462-357 subd. 7: Permitted Single-family Use.

Final Plat: The final map, drawing or chart on which the developer's plan of subdivision is presented for approval and which, if approved, will be submitted to the county register of deeds. The plat must conform to the requirements of law.

Floor Area: Total gross area of all floors as measured to the outside surfaces of exterior walls, excluding crawl spaces, garages, carports, breezeways, attics without floors, and open porches, balconies, decks and terraces.

Floor Area Percentage: The total floor area divided by the total lot area.

Footprint: The leading edge of the structure projected vertically onto the ground.

Garage: A fully enclosed building designed or used for the storage of motor vehicles not including buildings in which fuel is sold or in which repair or other services are performed.

Ground Coverage Percentage: The percentage of lot area included within the outside lines of exterior walls of all buildings located on the lot including: porches, decks, patios, breezeways, balconies, and bay windows. In shoreland areas, all permeable surfaces are included in computing ground coverage percentages.

Group Family Daycare: (See Daycare Facility)

Guest Cottage: A structure used as a dwelling unit that may contain sleeping spaces and kitchen and bathroom facilities in addition to those provided in the primary dwelling unit on a lot, in shoreland districts.

Hardship: As defined in M.S. Chapter 462, a hardship exists when the property in question cannot be put to reasonable use under the strict interpretation of the official controls; the plight of the landowner is due to circumstances unique to his property and was not created by the landowner; and the variance, if granted, would not alter the essential character of the locality. Economic considerations alone shall not constitute a hardship if a reasonable use for the property exists under the terms of the official controls.

Home Occupation: The following types of uses which are clearly secondary and incidental to residential occupancy, and which do not change the character thereof.

1. Type I. An occupation conducted on a non-shore land property in which no evidence of nonresidential activity is evident off of the premises, no increase in traffic results from the business activity, and no employees other than household members work on the premises. Type I home occupations are allowed in all non-shore land districts and do not require a permit, and specifically include: artists, illustrators, writers, photographers, editors, drafters, publishers, consultants, private investigators, music and educational instructors that instruct one student at a time and other similar activities where work of the business consists of activities such as research, word processing, and record-keeping. All such uses shall be subject to all other provisions of this ordinance.

2. **Type II.** An occupation conducted in a non-shore land district that does not meet the requirements of a Type I home occupation for one or more reasons, but is not identified as a Type III home occupation. Specifically excluded are any activities that result in the alteration of a building, window display, construction features, equipment, machinery or outdoor storage, any of which is visible from outside of the lot on which such use is located. Type II home occupations are permitted uses in all non-shore land districts with the issuance of a conditional use permit, and specifically include: licensed daycares serving 12 or fewer persons, state licensed residential facility registered under Chapter 144D serving 6 or fewer persons, group family daycare facilities licensed under MN Rules, Parts 9502.0314 to 9502.0445 to serve 14 or fewer children, commercial contractor storage, or similar uses which may result in the need for multiple trips or visits to the home business. All such uses shall be subject to all other provisions of this ordinance.
3. **Type III.** Home occupations that have the potential to adversely affect the functioning of individual sewage treatment systems or those uses that have an increased potential to create a nuisance, environmental contamination, inappropriate off-street parking, or any other inappropriate residential activities which may significantly disrupt the reasonable right to use and occupancy of surrounding residential uses in the immediate neighborhood. Type III home occupations may include uses such as: licensed daycare serving 13-16 persons, state licensed residential facility registered under Chapter 144D serving 7-16 persons, greenhouses, automobile sales and repair operations, lumber mills, welding shops, appliance repair, small engine repair, and all other similar uses as determined by the Planning Commission. Type III home occupations are interim uses in all non-shore land districts.

Hotel/Motel: Any building or portion thereof where lodging is offered to transient guests for compensation and in which there are more than three (3) sleeping rooms, with no cooking facilities in an individual room or apartment. Hotels and motels within the shoreland overlay district are commercial planned unit developments.

Improved Lot: A lot that contains a single family dwelling ready for immediate use, which is served by a sewage disposal system and water supply.

Individual Sewage Treatment System: A sewage treatment system (ISTS), other than a public or community system, which receives sewage from an individual establishment. Unless otherwise indicated, the word "system", as it appears in this Ordinance, means an individual sewage treatment system, as further defined by Hubbard County *Individual Sewage Treatment System Standard Ordinance* as amended January 1, 1999 and by the current edition of the Minnesota Rules, Chapter 7080.

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

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

Interim Use: A temporary use of property until a particular date, until a particular event, or until zoning regulations no longer permit it. Interim use permits are not recorded, and all interim uses shall conform at a minimum to the performance standards listed in section 1400-065 item A.

Kennel: Any lot or premises on which five or more dogs aged six months or older are kept, either owned or boarded, either permanently or temporarily.

Lot: A parcel of land designated by plat, metes and bounds, registered land survey, county auditor's plat or other accepted means and separated from other parcels or portions by said description for the purpose of sale, lease or separation.

Lot Area: The area of land within the boundaries of a lot, excluding that portion of a lot that is below the ordinary high water level.

Lot Line: A line marking a boundary of a lot except that where any portion of a lot extends in to the public right-of-way, the lot line shall be deemed to be the boundary of said public right-of-way.

Lot Line – Front: For a riparian lot, the front lot line is that line indicating the ordinary high water level. For a non-riparian lot, a front lot line is a line dividing a lot from any public roadway, except a limited or controlled access highway to which the lot has no access.

Lot Line – Rear: The lot line not intersecting a front lot line that is most distant from and most closely parallel to the front lot line. A lot bounded by only three lot lines will not have a rear lot line. For any lot that abuts on an alley, the rear setback may be measured from the centerline of such alley right-of-way.

Lot Line – Side: Any lot line which meets the end of a front lot line and any other lot line within thirty degrees of being parallel to such a line, except a front lot line.

Lot of Record: Any lot which is one (1) unit of a recorded plat designated by auditor's plat, subdivision plat, or other accepted means and separated from other parcels or portions of said description for the purpose of sale, lease or separation thereof that has been recorded in the Office of the County Recorder prior to the effective date of this Ordinance.

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

Multi-family dwelling: A building or portion thereof used for occupancy by three or more families living independently of each other and containing three or more dwelling units, including what is commonly known as an apartment building.

Nonconformity: Any legal use, structure or parcel of land already in existence, recorded, or authorized before the adoption of official controls or amendments thereto that would not have been permitted to become established under the terms of the official controls as now written, if the official controls had been in effect prior to the date it was established, recorded or authorized.

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

Permanent Foundation: A foundation meeting Minnesota State Building Codes and consisting of approved footings, crawl space, or a basement that has an exterior trim, suitable to the exterior of the structure, that extends to the ground level/grade level.

Planned Unit Development: A type of development characterized by a united site design for a number of dwelling units or dwelling sites on a parcel, whether for sale, rent, or lease, and also usually involving clustering of these units or sites to provide areas of common open space, density increases, and a mix of structure types and land uses. These developments may be organized and operated as condominiums, time-share condominiums, cooperative housing, full fee ownership, commercial enterprises, or any combination of these, or as cluster subdivisions of dwelling units, residential condominiums, townhouses, apartment buildings, campgrounds, recreational vehicle parks, mobile home parks, resorts, hotels, motels, and conversions of existing structures and land uses to these uses.

Planned Unit Development – Commercial: Uses that provide transient, short-term lodging spaces, rooms or parcels with primarily service-oriented operations. Hotel/motel accommodations, bed and breakfast accommodations, resorts, recreational vehicle and camping parks, and other primarily service-oriented activities are examples of commercial planned unit developments.

Planned Unit Development – Residential: A use where the nature of residency is non-transient and the major or primary focus of the development is not service-oriented. For example: single family residences; duplexes; triplexes; residential apartments; mobile home parks; condominiums; time share condominiums; townhouses; cooperatives; and conversions of structures and land uses to these uses. To qualify as a residential planned unit development, a development must contain at least five dwelling units or sites.

Plat: A map or drawing that graphically delineates the boundary of land parcels for the purpose of identification and record of title. The plat is a recorded legal document and must conform to the law.

Platform: A horizontal unenclosed platform without railings, seats, trellises, or other features attached or functionally related to a principal use or site at ground level or at any point extending above ground level but less than three (3) feet above the ground. Platforms with railings, seats, trellises or other features shall be regulated as decks regardless of height above ground level.

Preliminary Plat: The preliminary map, drawing or chart indicating the proposed layout of a subdivision.

Principal Structure: A structure in which a principal use of the lot on which the structure is located and conducted.

Principal Use: The main use of land or structures as distinguished from an accessory use.

Protective Covenants: Contracts entered into between private parties constituting a restriction on the use of all private property within a subdivision for the benefit of property owners, and to provide mutual protection against undesirable aspects of development that would tend to impair stability of values.

Public Uses: Uses owned or operated by municipal, school districts, county, state or other governmental units.

Public utility: persons, corporations or governments supplying gas, electric, transportation, water, sewer or land line telephone services to the general public. For the purpose of the Ordinance, commercial wireless telecommunications services shall not be considered a public utility use and are defined separately.

Public Waters: Any waters as defined in Minnesota Statutes, Section 103G.005, subdivision 15-18. However, no lake, pond, or flowage of less than 10 acres in size will be regulated for purposes of these parts. A body of water created by a private user where there was no previous shoreland shall be exempt

from the provisions of this ordinance. Exclusively the Commissioner shall make the official determination of the size of public water basins and the physical limits of drainage areas of rivers and streams.

Recreational Vehicle: Any vehicle or vehicular portable structure built on a chassis designed to be used as a temporary dwelling for travel, recreation or other vacation use.

Recreational Vehicle Campground: Any area, whether privately or publicly owned, used on a daily, nightly, weekly or longer basis for the accommodation of five or more tents or recreational vehicles, either free of charge or for compensation. Recreational Vehicle Campgrounds shall be considered commercial planned unit developments.

Resort: A private commercial recreational development that includes multiple units intended for habitation on a temporary basis for relaxation or recreational purposes. Resorts shall be considered commercial planned unit developments.

Riparian Lot: Any lot that is bounded on one or more sides by public waters frontage.

Search Ring: The area for coverage requested by a wireless service provider.

Semi-public Uses: Uses owned by private or private non-profit organizations which are open to some, but not all, of the public such as denominational cemeteries, private schools, clubs, lodges, recreation facilities, churches, etc.

Septic Tank: Any water tight, covered receptacle designed and constructed to receive the discharge of sewage from a building's sewer, to separate solids from liquids, digest organic matters, and store liquids for a period of detention, and allow the liquids to discharge to a soil treatment system.

Setback: The minimum horizontal distance between a structure, sewage treatment system, or other facilities and an ordinary high water level, sewage treatment system, top of a bluff, road, highway, property line, or other facility.

Sewage Treatment System: A system which uses subsurface soil treatment and disposal whereby septic tank effluent is treated and disposed of below the ground surface by filtration and percolation through the soil and includes those systems commonly known as: seepage beds; disposal field; and mounds. All private sewage treatment systems must meet or exceed the Hubbard County Environmental Services Department provisions in the *Standard Ordinance* and the current edition of the Minnesota Rules, Chapter 7080.

Sewer System: Pipelines, conduits, pumping stations, force main and all other construction, devices appliances, or appurtenances used for conducting sewage or industrial or other wastes to a point of ultimate disposal.

Shore Impact Zone: Land located between the ordinary high water level of a public water and a line parallel to it at a setback of 50 percent of the structure setback.

Shoreland: Land located within the following distances from public waters: 1,000 feet from the ordinary high water level of a lake, pond or flowage; and 300 feet from a river or stream, or the landward extent of a flood plain designated by ordinance on a river or stream, whichever is greater.

Single-family dwelling: A structure designated or used for residential occupancy by one family.

Structure: That which is built or constructed, an edifice or building or appurtenance thereto, or any piece of work artificially built up, or composed of parts joined together in some definable manner, except aerial or underground utility lines such as: sewer, electric, telephone, telegraph, gas lines, towers, poles, and other supporting appurtenances.

Subdivision: The division of a parcel of land into two or more lots or parcels, any of which resultant parcel is less than five acres in area or 300 feet in width, for the purpose of transfer of ownership or building or development or, if a new street is involved, any division of a parcel of land; the term includes re-subdivision and, when appropriate to the context, relates to the process of subdividing or to the land subdivided.

Temporary Structure: Any structure which has been erected or moved on to a lot in order to be utilized for any purpose for a period not to exceed six (6) months. Any structure that is not a temporary structure is considered a permanent structure and must comply with all provisions of this Ordinance.

Township Board: The Town Board, governing body, of Mantrap Township.

Tower: A structure situated on a site that is intended for transmitting or receiving television, radio, telephone, cellular or wireless communications.

1. **Communication tower, freestanding, self-supporting**—a ground mounted tower consisting of a pole, spire, structure or combination thereof constructed without guy wires and anchors.
2. **Communication tower, guyed**—a tower that is supported in whole or part by guy wires and ground anchors.
3. **Communication tower, monopole**—a ground mounted tower consisting of a single pole constructed without guy wires and anchors.
4. **Tower height**—determined by measuring the vertical distance from the point of contact with the ground to the highest point of the tower including all antenna or other attachments.

Variance: The relief from or waiver of certain provisions of this Ordinance, when due to the particular physical surroundings, shape or topographical condition of the property, compliance would result in a hardship upon the property owner. A variance shall not be used to permit a use in a district where it is not allowed under the terms of this Ordinance. Variances shall only be granted in compliance with Minn. Stat. § 462.357, subd. 6.

Wetland: A surface water feature classified as a wetland in the United States Fish and Wildlife Service Circular No. 39 (1971 Edition).

Zoning Administrator: See Administrator.