

BOIS FORTE BAND OF CHIPPEWA

M I N N E S O T A

ZONING

ORDINANCE



2010

CONTENTS

ARTICLE I: GENERAL STANDARDS AND ADMINISTRATION	4
Section 1 Title.....	4
Section 2 Authority.....	4
ARTICLE II: GENERAL PROVISIONS	6
Section 1 Application and Interpretation	6
Section 2 Environmental Review	6
Section 3 Land Use Map	7
Section 4 Definitions.....	7
ARTICLE III: LAND USE CONTROLS.....	20
Section 1 Land Classifications.....	20
Section 2 Zone District Establishment.....	21
Section 3 Land Use District Titles	21
Section 4 Use Classification	22
Section 5 Light Imprint Design Standards.....	24
Section 6 LAND USE DISTRICTS.....	25
ARTICLE IV: ARTICLE IV: PERFORMANCE AND ADMINISTRATIVE STANDARDS.....	46
Section 1 General.....	46
Section 2 Earth Tone Colors.....	46
Section 3 Screening (when required as a condition).....	46
Section 4 Residential.....	47
Section 5 Intensive Vegetation Removal "V"	48
Section 6 Recreational Vehicles on Lots	49
Section 7 Home Business	49
Section 8 Wetlands "V"	49
Section 9 Other Structures.....	51
Section 10 Placement and Design of Roads, Driveways, and Parking Areas in Shoreland Areas "V"	52
Section 11 Houseboat Standards.....	53
Section 12 Rural Industry and Forest Product Processing "C"	53

ARTICLE V: ARTICLE V: DIMENSIONAL STANDARDS	54
Section 1 Dimensional Standards and River Corridor Width.....	54
Section 2 Shore Setback and Shore Impact Zone Requirements.....	54
Section 3 Sanitary System Setbacks and Standards.....	54
Section 4 Road Right-of-Way Setbacks.....	55
Section 5 Significant Historic Sites	55
Section 6 Placement and Design of Roads, Driveways, and Parking Areas.....	55
Section 7 Riparian and Non-riparian Property within Shoreland Area.....	56
Section 8 Storage of Structures.....	56
ARTICLE VI: NONCONFORMITIES	57
Section 1 General.....	57
Section 2 Nonconforming Uses	57
Section 3 Nonconforming Structures	57
Section 4 Decks-Attached.....	59
Section 5 Section Natural Disaster	60
ARTICLE VII: ADMINISTRATION, ENFORCEMENT AND APPLICATION REVIEW	61
Section 1 General.....	61
Section 2 Enforcement.....	62
Section 3 Conditional Uses	63
Section 4 Appeals From Decisions.....	65
Section 5 Variances.....	65
Section 6 Amendments	67

How to use this Ordinance:



1. Locate site on the zoning map.

- 2.
- Single Family Residential (SF)
 - Multifamily Residential (MF)
 - Commercial (COM)
 - Bois Forte Development District (BFDD)
 - Public Works and Utilities (PWU)
 - Governmental and Administrative (GA)
 - Elder Housing (EH)
 - Industrial (IND)

2. Determine which zone district the site is in.



Section 6 Land Use Districts 6.1: Single Family Residential (SF)

A. Description

1. Areas designated for the enjoyment of the Bois Forte Tribe and visitors.

B. Objectives

1. Encourage conservation design to preserve natural resources and open spaces.
2. Encourage "low-impact" development.
3. Where possible, in-fill development shall occur prior to the approval of new subdivisions.
4. The promotion of trails shall be incorporated into new subdivisions.

C. Primary Uses

1. Single family residential lots intended by lease or home ownership for single families. This classification includes recreational, seasonal and permanent, low-density housing.

D. Setback Requirements

3.

LAND USE DISTRICT	RESIDENTIAL	COMMERCIAL	INDUSTRIAL	GOVERNMENTAL AND ADMINISTRATIVE	PUBLIC WORKS AND UTILITIES	ELDER HOUSING	BOIS FORTÉ DEVELOPMENT DISTRICT
Single Family Residential (SF)	P						
Multifamily Residential (MF)		P					
Commercial (COM)			P				
Bois Forte Development District (BFDD)				P			
Public Works and Utilities (PWU)					P		
Governmental and Administrative (GA)						P	
Elder Housing (EH)							P
Industrial (IND)							

P = Permitted
C = Conditional

4.

4. Reference Table X (page X): Zoning Form and Function Table to determine uses which are permitted on the site.

Table X-X Single Family Residential District Setback Requirements

SETBACK	STANDARDS	CONDITIONS
Front Yard	20 feet minimum	
Side Yard	10 feet minimum	
Rear Yard	25 feet minimum	Accessory structures 5 feet minimum
Lot Area	10,000 square feet	
Height	30 feet	25 feet within shoreline areas
Impervious Surface	35 percent	25 percent within shoreline areas
Light Inprint Standards	See Section X	

5.

5. Reference zone district table (i.e. page X) to determine setbacks requirements.

2.3: Severability

If any section, provision, or portion of this Ordinance is determined to be unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby.

2.4: Sovereign Immunity

The Bois Forte Reservation Tribal Council, by adoption of this Ordinance, does not waive or limit its sovereign immunity in any respect. Neither the Bois Forte Band, nor any of its officers, agencies or employees may be held liable for damages that may occur as a result of reliance upon or conformance with this Ordinance.

ARTICLE II: GENERAL PROVISIONS

Section 1 Application and Interpretation

1.1: Permit required

No structure or part thereof shall hereafter be erected, constructed, reconstructed, moved or structurally altered (including the addition of basements) and no land shall change in use until the Band has approved and issued a land use permit.

1.2: Dimensional Standards Set

- A. In each land use district, each structure or use hereafter erected, altered or established, shall be provided with the yards and setbacks specified, and shall not exceed the percent of maximum total building coverage of its lot as specified in this Ordinance. No open space, lot, off-street parking, or loading space required for a building or structure shall be included as part of the lot, open space, off street parking, or loading space for another building structure.
- B. The minimum lot width, lot area, and setback requirements established herein shall be maintained for the placement of all structures and additions unless otherwise provided. Greater lot area per unit may be required if necessary to provide for proper sewage disposal. Any structure in any land use district may have an extended roof line which encroaches upon the minimum side and rear yard (shoreline) setbacks, provided such extension does not encroach more than three feet into the required setback and does not interfere with the adjacent property's solar access or create a drainage problem.

1.3: Construction Must Commence

Construction of a building or commencement of a use shall be substantially begun within 12 months of the date a permit is issued, or said permit shall become void. Permit extensions may be granted by the Band, provided that the proposal meets Ordinance requirements.

1.4: Transfers of Land

No lot shall be created that does not meet the requirements of this Ordinance; transfers to adjoining parcels or uses of nonconforming parcels are allowed provided such a transfer do not adversely affect the conformity of the remaining lot as it relates to zoning and sanitary standards.

Section 2 Environmental Review

The Bois Forte DNR Commissioner (Commissioner) shall review and act upon all environmental review petitions, worksheets and impact statements that involve conditional uses, land use plats, or other development proposals. It shall be the responsibility of the applicant to supply all required information and to pay all fees. The Commissioner, on any development proposal, may require the applicant to provide information regarding the environmental affects of a proposal either through a discretionary environmental assessment (EA) or as part of the permit review process. The Commissioner shall review all EA's and Environmental Impact Statements (EIS) for accuracy and completeness. The Commissioner, upon certification, may submit the report to the appropriate review agencies in accordance with Tribal regulations. The Commissioner may hold a public hearing on the draft environmental review. After holding a public hearing, it shall be the responsibility of the Commissioner to make the final declaration regarding the environmental review.

Section 3 Land Use Map

3.1: District Boundaries Established

Land use district boundaries are established as shown on the official land use map for the Bois Forte Reservation, which is approved and on file in the Bois Forte Leasing Coordinator office. The land use maps are attached as an addendum to this Zoning Ordinance.

3.2: Map incorporated into Ordinance

The map and all notations, references, and other information shown thereon shall have the same force and effect as if fully set forth herein and are hereby made a part of this Ordinance by reference and incorporated herein as fully as if set forth herein at length.

3.3: District boundary locations

District boundaries are intended to follow right-of-way lines, street centerline or property lines unless a boundary line is otherwise indicated. The Commissioner shall make interpretations of boundaries when the line is not clear.

Section 4 Definitions

ACCESSORY USE OR STRUCTURE: A use or structure on the same lot width, and customarily incidental and subordinate to, a principal use or structure.

ACCESSORY DWELLING: Living quarters within an accessory building.

AGRIBUSINESS: An establishment primarily engaged in supplying agricultural services, crop services, farm labor and management services.

AIRPORT: Any locality, either on land or water, that is regularly used or intended to be used for the landing and take-off, storage, or servicing of one or more aircraft.

APARTMENT: A structure containing three or more dwelling units.

AUDITORIUM: A building that consists of a theater or concert hall where an audience sits.

BASEMENT: A space having over 25 percent of its floor to ceiling height below the average adjoining ground level and with a floor-to-ceiling height of not less than 7.5 feet.

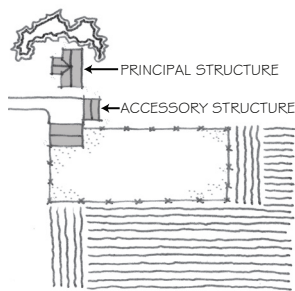
BED AND BREAKFAST: Overnight accommodations offering no more than six sleeping rooms offering a morning meal and operated by an on-site owner or manager.

BERM: A mound of earth or the act of pushing earth into a mound.

BLUFF: A topographic feature such as a hill, cliff, or embankment.

BOIS FORTE TRIBAL GOVERNMENT: The Bois Forte Reservation Tribal Council, the duly elected governing body of the Bois Forte Band of Chippewa, organized under the Revised Constitution and Bylaws of the Minnesota Chippewa Tribe, Minnesota, pursuant to Section 16 of the Act of June 18, 1934 (48 Stat. 984), as amended.

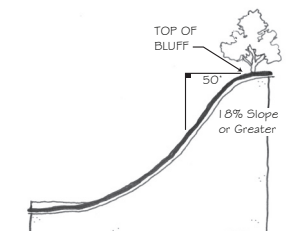
BOATHOUSE: A structure designed and used solely for the storage of boats or boating equipment.



Accessory Structure diagram



Berm Diagram



Bluff Diagram

General Provisions

BORROW PIT: A land use involving the excavation or digging of material for use as fill at another site. Borrow pits used for the private use of a land owner and pits used to construct roads for forest management purposes shall not be considered borrow pits. Pits used for public road and other public work purposes shall be considered borrow pits.

BOX (LARGE): A freestanding building with a commercial function with a floor area greater than 35,000 square feet.

BOX (MEDIUM): A freestanding building with a commercial function with a floor area between 5,001 and 34,999 square feet.

BOX (SMALL): A free standing building with a commercial function with a floor area not exceeding 5,000 square feet.

BUFFER: The use of land topography, spaces, and screening, to separate uses or structures from other uses or structures.

BUILDING LINE: A line parallel to a lot line or the ordinary high water level at the required setback beyond where a structure may not extend.

CAMPGROUND: An open-air recreation area where temporary shelters, such as tents and recreational vehicles, are intended to provide short-term occupancy.

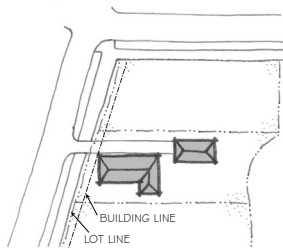
CEMETERY: Land used or intended to be used for the burial of human or animal remains and dedicated for cemetery purposes, including crematories, mausoleums and mortuaries, if operated in connection with and within the boundaries of such cemetery for which perpetual care and maintenance is provided.

CLINIC: A building or portion thereof, the principal use of which is for medical or dental study and/or treatment, and in which the services of professionals in the medical, veterinary or dental fields of practice are provided.

COLLEGE: An educational institution authorized by the State of Minnesota to award associate, bachelor or higher degrees.

COMMERCIAL COMMUNICATION TOWERS: A facility that transmits and/or receives electromagnetic signals. It includes antennas, microwave dishes, horns, and other types of equipment for the transmission or receipt of such signals, telecommunication towers or similar structures supporting said equipment, equipment buildings, parking areas and other accessory development. The facility provides licensed commercial wireless telecommunication services, including cellular, personal communication services (PCS), specialized mobilized radio (SMR), enhanced specialized mobilized radio (ESMR), paging, and similar services that are marketed to the general public.

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



Building Line Diagram

General Provisions

COMMUNITY CENTER FACILITY: A building, group of buildings, or use of land intended to serve a community's educational, recreational, cultural, and service activities, typically containing space for a meeting hall, town garage, post office, or fire hall.

COMMUNITY GARDEN: An area of land designated for small plot gardening or local food production.

CONDITIONAL USE: A land use or development which would not generally be appropriate without restriction throughout the land use district but which, if controlled as to number, area, size, location, or relation to neighborhood, and as to compatibility with official Bois Forte plans, would not be injurious to the public health, safety, order, comfort, appearance, prosperity or general welfare.

CONTRACTOR SHOP: A small-scale building for the purpose of conducting building and grounds construction, maintenance and repair related services, typically containing areas for office, material, equipment and vehicle storage.

CONVENTION CENTER: An exhibition hall or conference center that is designed to hold large public gatherings, public or private meetings or to display exhibits.

CORNER OFFICE: A freestanding building with over 50 percent of the ground floor, not exceeding 1,200 square feet, serving an office function for the primary purpose of serving neighborhood residents within a quarter mile radius, typically sited on a corner lot.

CORNER STORE: A freestanding building with over 50 percent of the ground floor, not exceeding 1,200 square feet, serving a retail function for the primary purpose of serving neighborhood residents within a quarter mile radius, typically sited on a corner lot. A corner store may include café and take out food services.

CREMATORIUM: A mortuary where corpses are cremated.

DAYCARE: A licensed establishment which is intended to provide for the care, supervision and protection of children.

DECK (ATTACHED): A horizontal, unenclosed platform that is attached, or functionally related to a structure. An attached deck shall have no roof, extended soffit, nor walls, but may have railings, seats, or other related features.

DECK (DETACHED): A horizontal, unenclosed platform that is freestanding, greater than 18 inches in height at any point, and is not attached nor functionally related to a structure. A detached deck shall have no roof, extended soffit, nor walls, but may have railings, seats or other related features.

DEPARTMENT OF NATURAL RESOURCES COMMISSIONER: The person designated by the Bois Forte Board of Commissioners to administer the Zoning Ordinance and other land use official controls, or the authorized representative of such person.

DRIVE-THROUGH ESTABLISHMENT: An establishment which offers merchandise, service or entertainment to persons in motor vehicles.

General Provisions

DUPLEX, TRIPLEX, AND QUAD: A dwelling structure on a single lot, having two, three, and four units, that is attached by common walls where each unit is equipped with separate sleeping, cooking, eating, living, and sanitation facilities.

DWELLING, MULTIPLE-FAMILY: A residence designed for or occupied by three or more families, including a mobile home, with separate housekeeping and cooking facilities for each with an approved sewage disposal system.

DWELLING, SEASONAL (CABIN): A residence occupied on a part-time basis, not to exceed eight months of the calendar year, and not requiring public services such as school bus transportation or snow plowing of roads by a governmental unit.

DWELLING, SINGLE-FAMILY: A detached residence, including a mobile home, designed for one family only and having an approved sewage disposal system.

DWELLING, TWO-FAMILY: A residence designed for or occupied by two families, including a mobile home, with separate housekeeping and cooking facilities for each with an approved sewage disposal system.

DWELLING UNIT: Any structure or portion of a structure, or other shelter designed as short or long-term living quarters for one or more persons, including rental or timeshare accommodations such as motel, hotel, and resort rooms and cabins.

EARTH TONE: Soft, neutral or weathered colors typically associated with forest vegetation, soil, bark or rock; principally blacks, browns, greens, and greys.

ELDER HOUSING: Multifamily housing designed for older people.

EXTRACTIVE USE: The use of land for surface or subsurface removal of sand, gravel, rock, industrial minerals, other nonmetallic minerals, and peat.

FAIRGROUNDS: Public or privately owned land used for public fairs, events, concerts and public gatherings.

FARM: An area comprising 10 or more acres, which is used for the growing of the usual farm products such as vegetables, fruits and grain, and their storage on the area, as well as for the raising thereon of the usual farm poultry and farm animals, such as horses, cattle, sheep and swine.

FIRE DEPARTMENT: A public or private organization that provides fire protection for a certain jurisdiction, which typically is a municipality, county or fire protection district. A fire department usually contains one or more fire stations within its boundaries and may be staffed by career firefighters, volunteers or combination thereof.

FOUNDATION: Permanent footings and walls for a structure which extend to the frostline or ledgerock and is intended to carry the weight of the structure and it is made of masonry, concrete or treated wood.

FOREST LAND CONVERSION: The clear cutting of forested lands to prepare for a new land use other than reestablishment of a subsequent forest stand.

General Provisions

FREESTANDING HOUSE: A one-family dwelling unit, unattached to any other dwelling unit, which is considered the principal building with either an attached or detached garage.

FUNERAL HOME: A building used for the preparation of the deceased for burial and the display of the deceased and rituals connected therewith before burial or cremation.

GAS/CONVENIENCE: A gasoline station and/or convenience store planned, operated and maintained for the purpose of selling gas and convenience items.

GOLF COURSE: A tract of land laid out for at least nine holes for playing the game of golf that may include a clubhouse, pro shop and practice facilities.

GRAVEL PIT: See Borrow pit.

GRAIN STORAGE: A facility, such as a bin or silo, for the temporary storage of grain.

GREENHOUSE: A building whose roof and sides are made largely of glass or other transparent or translucent material, and in which the temperature and humidity can be regulated for the cultivation of plants.

GROUP DWELLING: A group home for the sheltered care of persons with special needs which, in addition to providing food and shelter, may also provide some combination of personal care, social or counseling services and transportation.

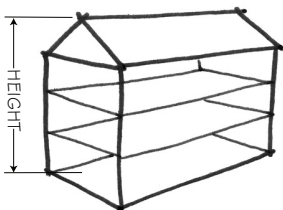
HARDSHIP: The same as that term is defined in Article VII, Section 5.4, A(2) of this Ordinance.

HEIGHT, OF BUILDING: The vertical distance between the highest point on the roof and the lowest at the ground level where the building foundation meets the ground.

HISTORIC SITE, SIGNIFICANT: Any archaeological site, standing structure, or other property that meets the criteria for eligibility to the National Register of Historic Places or is listed in the Bois Forte Land Use Plan. A historic site meets these criteria if it is presently listed after review by the Bois Forte Tribal Historical Preservation Officer. All unplatted cemeteries are automatically considered to be significant historic sites.

HOME BUSINESS: A commercial or minor industrial business use conducted on the same property on which the owner's home is situated, which may employ no more than five persons who are not residents of the owner's home, which is of a type or character consistent with rural residential lifestyle, and which is established and operated under such conditions that the use may not be a nuisance to or otherwise incompatible with the surrounding area and is not considered a planned unit development, highway commercial, neighborhood commercial, rural industry or waterfront commercial use.

HOME OCCUPATION: A use of non-residential nature conducted entirely within the dwelling or accessory buildings and carried on only by the inhabitants thereof, which use is clearly incidental and secondary to the use of the dwelling for residential purposes, and which does not include an operational activity that is or may be a nuisance to or otherwise incompatible with the surrounding area.



Building Height Diagram

General Provisions

HORIZONTAL DISTANCE: A distance measured along a plane which is perpendicular to an axis running through the center of the earth at the point of measurement.

HOSPITAL: An institution providing primary health services and medical or surgical care to persons, primarily inpatients, suffering from illness, disease, injury and other abnormal physical or mental conditions and including, as an integral part of the institution, related facilities, such as laboratories, outpatient facilities, training facilities, medical offices and staff residences.

HOTEL: A multi-story facility of more than 16 sleeping rooms providing accommodations to the general public, which may include additional facilities and services, such as restaurants, meeting rooms, swimming pools, entertainment and personal services.

IMPROVED PUBLIC ROAD: Any constructed road maintained by a unit of government as an official portion of that government's road system.

INDOOR RECREATION: Recreational activities (such as bowling, roller skating, paintball, etc.) that are housed indoors.

INDUSTRY (OPEN): Development consisting of large, relatively self-contained and isolated facilities whose potential nuisance or hazard generation from the processing, manufacturing, assembly, storage and distribution of materials and products is moderately high.

INDUSTRY (RESTRICTED): Development consisting of facilities whose manufacturing, assembly, storage and distribution activities do not create appreciable nuisances or hazards, or that require a pleasant, hazard and nuisance-free environment. It is intended that the permitted forms and functions be compatible and not detrimental to adjacent properties.

INN: A building with no more than 15 sleeping rooms, which may include a restaurant.

INOPERABLE VEHICLE: An inoperable vehicle is a vehicle that is extensively damaged, with the damage including such things as broken or missing wheels, motor, drive train, or transmission.

INTENSIVE VEGETATION CLEARING: The removal of trees, shrubs or plants in a contiguous patch, strip, row, or block.

KENNEL: Any building or portion thereof where more than four dogs, cats, or other household domestic animals over four months of age are kept, or where more than two such animals are maintained, boarded, bred, or cared for, in return for remuneration, or are kept for the purpose of sale.

LAW ENFORCEMENT: A public or private organization that provides law enforcement or police protection for a certain jurisdiction, which typically is a municipality or county.

General Provisions

The department may contain one or more departments and may be staffed by career law enforcement officers, volunteers and professional staff or a combination thereof.

LIBRARY: A place in which literary and other media materials, such as books, periodicals, newspapers, pamphlets and multi-media, are kept for reference or lending.

LIVESTOCK: Animals such as horses, cows, sheep, goats, poultry, dogs, cats, etc., kept for use or profit, excluding poultry and rabbits kept as pets or raised for personal use. (See Article VI, Section 15).

LIVE/WORK BUILDING: A building comprised of mixed-use units consisting of residential, commercial, office or artisanal functions. Nonresidential functions may be located anywhere in the unit. It is intended that the building be occupied by a business operator who lives in the same building that contains the non-residential function.

LOT: A parcel of land in contiguous ownership designated by plat, metes and bounds, registered land survey, auditors plat, or other accepted means and separated from other parcels or portions by said description for the purpose of sale, lease, or separation.

LOT COVERAGE: The percentage of the lot covered by all the building area.

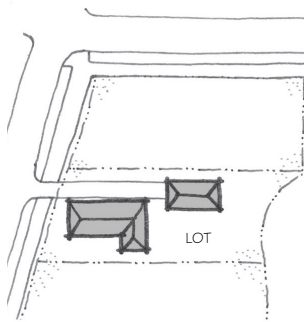
LOT, FRONTAGE: The front of a lot shall be the portion bordering the street or a body of water if the lot has water frontage. For the purpose of determining yard requirements on corner lots and through lots (through lots are lots running from street to street), all portions of a lot adjacent to streets shall be considered frontage, and yards shall be provided as indicated under "Yards" in this Section.

LOT OF RECORD: A lot which is part of a subdivision recorded in the office of the Bois Forte Land Leasing Department or filed with the Bureau of Indian Affairs, or a lot or parcel described by metes and bounds, the description of which has been lawfully created and recorded prior to the date of enactment of this Ordinance, or amendments thereto provided that a lot on federal, state, tax forfeited lands that have been leased out prior to the date of enactment of this Ordinance shall be considered a lot of record even though that lot has not been individually recorded in the office of the Bois Forte Land Leasing Department or the Bureau of Indian Affairs.

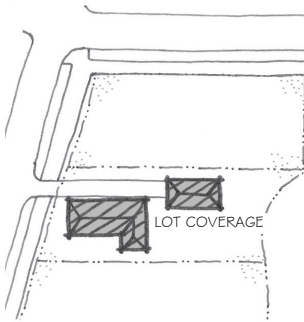
LOT WATER FRONTAGE: Shall be the minimum distance between the points of intersection of the side lot lines and the ordinary high water level.

LOT WIDTH: Shall be the distance between the side lot lines measured at the building line. The building line for parcels with shore frontage shall be the minimum principal structure setback distance as required for each river and lake classification and the location of the on-site sewage treatment system and expansion area. Lot width for parcels that do not have shore frontage shall be the location in which the building and on-site sewage system is located.

LOW IMPACT DEVELOPMENT: An approach to land development that uses various land planning and design practices and technologies to simultaneously conserve and protect natural resource systems and reduce infrastructure costs.



Lot diagram



Lot coverage diagram

MINERAL EXPLORATION: Exploratory drilling not to exceed four test borings per 40 acre parcel.

MOBILE HOME: A manufactured home as defined in Minn. Stat. 327.31. The definition states that it is a structure transportable in one or more sections, which in the traveling mode, is eight body feet or more in width or 40 body feet or more in length or when erected on site is 320 or more in square feet and which is built on a permanent chassis and designed to be used as a dwelling when connected to the required utilities and meets the other standards of the code.

MOBILE HOME PARK: A lot which has been planned and improved for the placement of, or which contains, three or more mobile or manufactured homes as defined in Minnesota Statutes.

MOVIE THEATER: A building where indoor movies are shown with incidental food and beverage service.

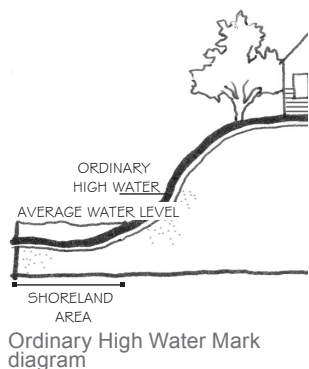
MUSEUM: A building for collecting and displaying objects having scientific, historical or artistic value.

NONCONFORMITY: Any legal use, structure or parcel of land already in existence, recorded or authorized prior to the adoption of this Ordinance or amendments hereto which would not have been permitted to become established under the terms of this Ordinance as adopted or amended, if this Ordinance had been in effect as of the date the use, structure or parcel was established, recorded or authorized.

OFFICE BUILDING: A building used primarily for conducting the affairs of a business, profession, service, industry, or government or like activity; it may include subsidiary services for office workers, such as a restaurant, coffee shop, newspaper stand and child-care facilities.

OPEN AIR MARKET: A public marketplace conducted outdoors where food and merchandise are sold.

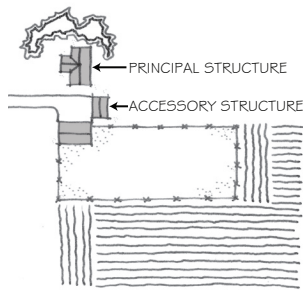
ORDINARY HIGH WATER LEVEL: The boundary of public waters and wetlands, and shall be an elevation delineating the highest water level which has been maintained for a sufficient period of time to leave evidence upon the landscape, commonly that point where the natural vegetation changes from predominantly aquatic to predominantly terrestrial. For watercourses, the ordinary high water level shall be the elevation of the top of the bank of the channel. For reservoirs and flowages, the ordinary high water level shall be the operating elevation of the normal summer pool.



OUTDOOR STORAGE: The location of any goods, wares, merchandise, commodities or any other item outside of a completely enclosed building for a continuous period longer than 24 hours.

PLATFORM (DETACHED): A horizontal surface, without rails, seats, or other elevated features, that is no greater than 18 inches in height.

PRESCHOOL: A facility licensed by the State of Minnesota which is intended to provide for the education, care, supervision and protection of children.



Principal Structure diagram

PRINCIPAL USE OR STRUCTURE: A structure or use that is the primary or predominant focus of activity on a parcel. Principal uses include such uses as a single-family home, cabin, guest cottage, resort lodge and cabins, salvage facility storage areas, offices, and businesses.

PUBLIC WORKS GARAGE: A public building used exclusively for governmental maintenance vehicles.

RECREATIONAL CAMPING VEHICLE: Means:

- Any vehicular, portable structure built on a chassis, designed to be used as a temporary dwelling for travel, recreation, and vacation use.
- Any structure designed to be mounted on a truck chassis for use as a temporary dwelling for travel, recreation, and vacation.
- Any portable, temporary dwelling to be used for travel, recreation, and vacation constructed as an integral part of a self-propelled vehicle.
- Any folding structure mounted on wheels and designed for travel, recreation, and vacation use.

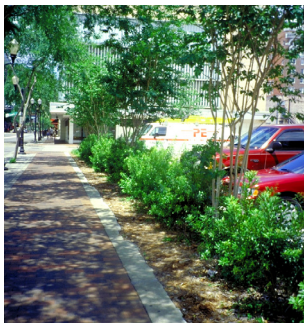
RELIGIOUS ASSEMBLY: A building or place in which worship, ceremonies, rituals and education pertaining to a particular system of beliefs are held.

RESTAURANT: A building where food and drink are prepared, served or consumed, mostly within the principal building.

RURAL INDUSTRY: Small industrial uses in low development density areas where, through site design and performance standards, a detrimental social, economic or environmental impact on the area will be reduced or eliminated. Permanent wood processing activities may be considered as a Rural Industry.

SCHOOL:

- K-8: a school that is licensed by the State of Minnesota and meets the State requirements for K-8 education.
- 9-12: A school that is licensed by the State of Minnesota and meets the State requirements for 9-12 education.



Screening diagram

SCREENING: The use of fences, vegetation, berms, or other methods that reduce visual impact of a structure or use upon adjacent structures or uses.

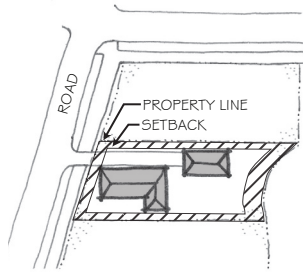
SEASONAL SALES/DISPLAY: A sale or display of merchandise that is temporarily displayed for a period not to exceed four months.

SELF STORAGE: A private, small to medium box facility, whose function is to allow for storage of residential and household items.

SENSITIVE RESOURCE MANAGEMENT: The preservation and management of areas unsuitable for development in their natural state due to constraints such as shallow soils over groundwater or bedrock, highly erosive or expansive soils, steep slopes, susceptibility to flooding, or occurrence of flora or fauna in need of special protection.

SETBACK: The minimum horizontal distance between where a structure or principal use may be placed and the ordinary high water level, road, front, side, sewage system, well, bluff or rear lot lines.

SEWAGE TREATMENT SYSTEM: A septic tank and soil absorption system or other individual or cluster type sewage treatment system as described and regulated by Bois Forte Reservation.



Setback diagram

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

SHORE IMPACT ZONE: Land located between the ordinary high water level of a public water body, and a line parallel to it, at a setback of 50 percent of the structure setback, except on General Development Lakes where the minimum impact zone shall be 50 feet.

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 the ordinary high water level of a river or stream, or the landward extent of a flood plain designated by ordinance on a river or stream, whichever is greater. The limits of shorelands may be reduced whenever the waters involved are bounded by topographic divides that extend landward from waters for lesser distances, and when approved by the commissioner.

SHORELINE: The shoreline is at the Ordinary Highwater Level.

SHOPPING MALL: A building or set of buildings that contain retail units, with interconnecting walkways enabling visitors to easily walk from unit to unit.

SHOPPING STRIP: A building consisting of multi-tenants typically under 25,000 square feet.

SIGN: Any device designed to inform or attract the attention of persons not on the premises on which the device is located, including any structure erected primarily for use in connection with the display of such device and all lighting or other attachments used in connection therewith.

SIGN, OFF-SITE: A sign other than an on-site sign.

SIGN, ON-SITE: A sign where the subject matter relates only to the premises on which it is located, or to products, services, accommodations, or activities on the premises.

SINGLE ROOM OCCUPANCY: Multiple tenant building that houses one or two people in individual rooms or to the single room dwelling itself.

SMALL WIND EQUIPMENT: Building mounted or pole-mounted small wind turbines (10 kW to 100 kW) and their associated equipment required to generate and store electricity, primarily for use on-site.

STRUCTURAL DIMENSIONS: Are measured as the horizontal distance between the exterior walls of a structure.

STRUCTURE: Anything more than 30 inches high placed, constructed, or erected with a fixed location on the ground, including portable buildings, mobile homes, signs, earth sheltered homes, and swimming pools. Fences, utility poles, lawn lights, non-commercial communication towers not containing dish antennas, non-commercial wind generating towers and related minor equipment shall not be considered structures. Unattached decks regardless of height shall be considered a structure if within the shore setback area for principal structures.

SURFACE WATER-ORIENTED COMMERCIAL USE: The use of land for commercial purposes, where access to and use of a surface water feature is an integral part of the normal conductance of business. Marinas, resorts, and restaurants with transient docking facilities are examples of such use.

TOWNHOUSE: A one-family dwelling unit in a row of at least three such units in which each unit has its own front and rear access to the outside, no unit is located over another unit, and each unit is separated from any other unit by one or more vertical common fire-resistant walls.

TRADE/VOCATIONAL SCHOOL: Teaching and training directed toward specific vocations.

TRANSFER STATION: A facility in which solid waste from collection vehicles is concentrated for subsequent transport. A transfer station may be fixed or mobile.

VARIANCE: Any modification, or relief from, a Bois Forte Reservation land use ordinance where it is determined by the Bois Forte Tribal Government that, by reason of exceptional circumstances, the strict enforcement of the provisions of such ordinance would cause unnecessary hardship as defined herein.

VEHICLE: Means a motor vehicle propelled or designed to be propelled by a motor which must be licensed for use on public roads or trails, including but not limited to cars, trucks, buses, all-terrain vehicles, semi trailer/tractors, and motorcycles. Farm machinery, farm equipment, farm implements, logging equipment, and utility vehicles not intended for use on public roads shall not be considered a vehicle.

VEHICLE REPAIR: A building or portion thereof operated for the purpose of repairing vehicles, small trucks, motorcycles, scooters and small engines. Vehicle repair operations shall include areas for the temporary storage of vehicles awaiting repair.

VEHICLE SALES/RENTAL: A privately owned and operated facility used for the purpose of displaying, selling, leasing or renting vehicles (new or used, including recreational vehicles) in operable condition and where service and repair work is accessory to principal use.

WATER-ORIENTED ACCESSORY STRUCTURE OR FACILITY: A small, above-ground building or other improvement, except stairways, fences, docks, and retaining walls, which, because of the relationship of its use to a surface water feature, reasonably needs to be located closer to public waters than the normal structure setback. Examples of such structures and facilities include boathouses, gazebos, screen houses, fish houses, pump houses, and detached decks.

WAREHOUSING: A commercial building for storage of goods. Warehouses are used by manufacturers, importers, exporters, wholesalers, transport businesses, customs, etc.

WASTE TRANSFER: Techniques primarily to reduce weight, volume and packaging which include but are not limited to:

- **Recycling:** The process by which materials otherwise destined for disposal are retrieved and re-manufactured into new products.
- **Collection Center:** A limited industry facility for collecting secondary materials, usually from the public, and reselling to brokers, processing centers or manufacturers. Collection centers may or may not buy material; can be permanent or mobile; do no processing of materials for resale.
- **Composting:** The controlled decay of organic matter, producing a nutrient-rich mulch or organic soil, is utilized for yard debris, thus removing part of the waste going to landfills and incinerators.
- **Incineration:** A process technology which provides the benefit of reducing the amount (particularly by volume) of wastes; the residues of which must then be managed and disposed of properly.
- **Landfill, Sanitary:** An engineering project for refuse disposal in which the waste is dumped in accordance with a preconceived plan, compacted and covered during and at the end of each day.
- **Processing Center:** An open industry facility that buys secondary material, usually from brokers, collection centers and various post consumer waste facilities, to use for the re-manufacturing of products.
- **Transfer Station:** An intermediate facility where collected refuse is deposited for transfer to the final disposal site.

WATER TREATMENT: A water supply system which is constructed, installed, maintained, operated and owned by a municipality or taxing district established for that purpose.

WATERFRONT COMMERCIAL USES: Those uses which by their nature customarily relate to or service recreational water activities, such as marinas, fishing and boating resorts, canoe outfitters, campgrounds, boat sales if part of a permitted marina, restaurants and supper clubs, if part of a permitted resort, which uses do not include operational activities or development characteristics that are or may be a nuisance to or otherwise incompatible with the existing or intended development pattern of the area.

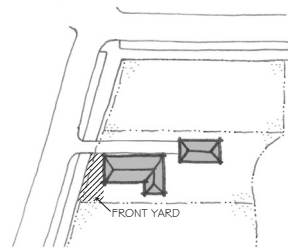


Wetland in Minnesota

WETLAND: A site is considered a wetland when all three of the following wetland characteristics are met: 1) the presence of hydric soils (which develop under wet conditions), 2) the presence of groundwater hydrology (meaning the soil is inundated or saturated with water to within 12 inches of the surface for at least five percent of the growing season) 3) the presence of hydrophytic vegetation (plants that are capable of living in or near water where oxygen can be limited or absent in the soil for extended periods of time) as determined by the Bois Forte Department of Natural Resources.

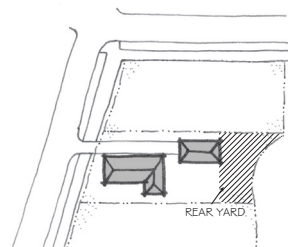
WOOD PROCESSING ACTIVITIES: A use involving mechanical equipment for the purpose of altering timber and timber by-products, such as debarking, chipping, and/or milling.

YARD: A required open space unoccupied and unobstructed by any structure.



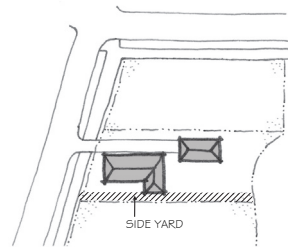
Front Yard diagram

YARD, FRONT: A yard extending across a lot between the side yard setback lines and lying between the right-of-way line of a road and the road setback or, in the case of water frontage only, lying between the ordinary high water level and the shoreline setback.



Rear Yard diagram

YARD, REAR: A yard extending across a lot between the inner side yard lines, and extending from the rear lot line or shoreline to the minimum rear yard or shoreline setback.













Side Yard diagram

YARD, SIDE: A yard extending from the front lot line to the rear lot line, and extending from the side lot line a distance equal to the minimum side yard setback for accessory structures.

ARTICLE III: LAND USE CONTROLS

Section 1 Land Classifications

The Zone Districts are guided by the following land use classifications.

Land Classifications of Bois Forte				
Category	Objectives	Principle Uses	Design or Performance Standards	Illustration
SF	<p>Single Family Residential (SF) Areas for the development or redevelopment of single-family uses</p>	<ul style="list-style-type: none"> Encourage conservation design to preserve natural resources and open spaces Encourage low-impact development Where possible, in-fill development shall occur prior to the approval of new subdivisions The promotion of trails shall be incorporated into new subdivisions 	<p>Single family residential lots intended by lease or home ownership for single families. This classification includes recreational, seasonal and permanent, low-density housing</p>	<p>Contextual design standards may be considered to avoid out-of-scale development</p> 
MF	<p>Multifamily Residential (MF) Higher-density housing that is located near tribal service and community centers</p>	<ul style="list-style-type: none"> Encourage conservation design to preserve natural resources and open spaces Encourage low-impact development Where possible, in-fill development shall occur prior to the approval of new subdivisions The promotion of trails shall be incorporated into new subdivisions 	<p>Residential uses that include tribal elder housing, duplexes, condos, single-room occupancies, and apartment complexes</p>	<p>Contextual design standards may be considered to avoid out-of-scale development</p> 
EH	<p>Elder Housing (EH) Areas specifically designated for tribal Elders. Elder housing should be located in close proximity to tribal service and community centers</p>	<ul style="list-style-type: none"> Concentrate Elder Housing near commercial, community and service centers The promotion of trails shall be incorporated into new subdivisions 	<p>Multifamily housing specifically designated for tribal elders</p>	<p>Contextual design standards may be considered to avoid out-of-scale development</p> 
COM	<p>Commercial (COM) To provide land specifically for commercial opportunities</p>	<ul style="list-style-type: none"> Locate non-residential areas adjacent to transportation corridors Encourage "low-impact" development Where feasible, link pedestrian trails to nearby residential areas Examine potential design standards to improve aesthetics and vehicular and pedestrian access 	<p>Retail, restaurants, cafes and services associated with commercial uses</p>	<p>Examine potential design standards to improve aesthetics and vehicular and pedestrian access</p> 
B added	<p>Bois Forte Development District (BFDD) The Bois Forte Development District (BFDD) is specifically designated for the Fortune Bay Resort Area</p>	<ul style="list-style-type: none"> Further development within the BFDD shall require a master plan Where possible, light-imprint standards shall be incorporated 	<p>Resort and casino district. Mix of lodging, commercial, retail and recreational uses</p>	<p>Contextual design standards may be considered to avoid out-of-scale development</p> 
IND	<p>Industrial (IND) To provide land specifically for industrial opportunities</p>	<ul style="list-style-type: none"> Locate non-residential areas adjacent to transportation corridors Encourage "low-impact" development Where feasible, link pedestrian trails to nearby residential areas Examine potential design standards to improve aesthetics and vehicular and pedestrian access 	<p>Production and warehousing facilities and manufacturing</p>	<p>Review and updated performance standards for environmental protection</p> 
PWU	<p>Public Works and Utilities (PWU) Areas designated for the long-term infrastructure needs of Bois Forte</p>	<ul style="list-style-type: none"> Where possible, public works buildings should be properly screened with native landscaping 	<p>Pump houses, pump fields, surface water treatment fields, telecommunication tower</p>	<p>Review and updated performance standards for environmental protection</p> 
GA	<p>Governmental and Administrative (GA) Specific uses that are owned or operated by the Bois Forte Tribe</p>	<ul style="list-style-type: none"> Governmental buildings should be constructed in close proximity to residential uses "Low-impact" and light-imprint standards should be utilized Where possible, alternative energy-sources should be utilized to reduce long-term energy costs 	<p>Tribal buildings, schools, and tribal-owned or operated lands.</p>	<p>Examine potential design standards to improve aesthetics and vehicular and pedestrian access</p> 
NR	<p>Natural Resources (NR) Development shall be limited or prohibited due to significant historical, natural or environmental issues Where development is allowed, a master plan will be required</p>	<ul style="list-style-type: none"> Preserve land within this sensitive land area 	<p>Lands that are intended to be preserved due to sensitive, historical, cultural or environmental elements</p>	<p>Performance standards differ depending upon the specific natural resource</p> 
RU	<p>Recreational Use (RU) Areas designated for the enjoyment of the Bois Forte Tribe and visitors.</p>	<ul style="list-style-type: none"> Encourage trail connections to recreational areas within Bois Forte Encourage "low-impact" development 	<p>Beaches, public access, picnic areas, playgrounds, ball fields and skate parks</p>	<p>Vegetative buffers and clearance requirements in order to preserve and enhance key areas</p> 

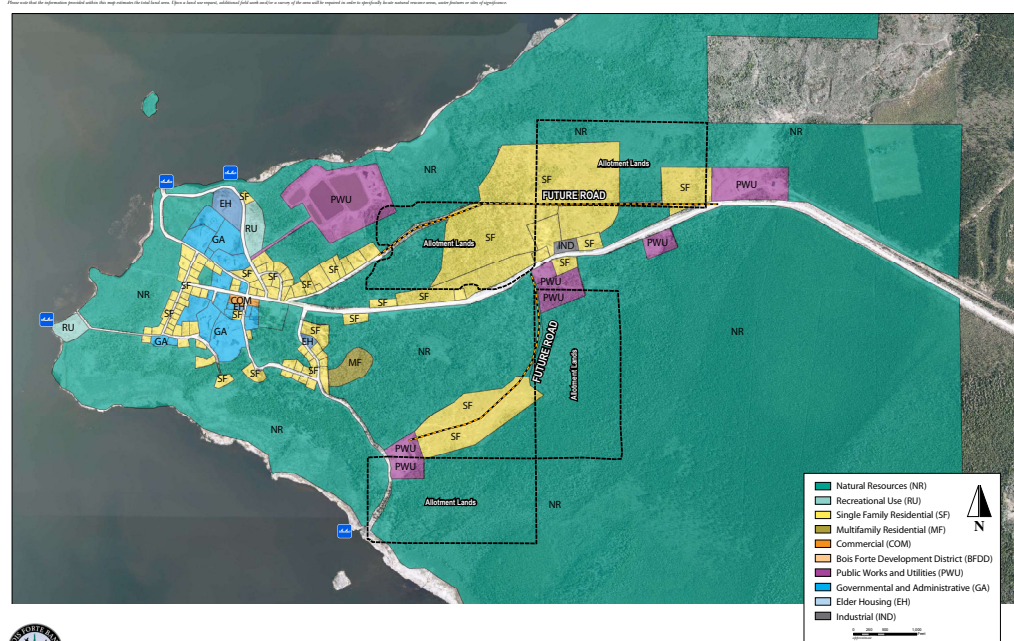
Section 2 Zone District Establishment

All Zone Districts within Bois Forte Reservation shall have a Dimensional Standard from Article V and a land use district set forth in this Article. The land use and dimensional districts are based on the Bois Forte Land Use Plan and the purpose statement of each land use district. The Dimensional Standards will be identified by a number on the Zoning Map in accordance with the District number found in Article V. The Land Use District will be identified by an abbreviation.

Section 3 Land Use District Titles

The following shall be the titles of the Land Use Districts used within the Bois Forte Reservation and the abbreviation for the District which will be found on the Zoning Map:

- Single-family Residential (SF)
- Multifamily Residential (MF)
- Elder Housing (EH)
- Commercial (COM)
- Bois Forte Development District (BFDD)
- Industrial (IND)
- Public Works and Utilities (PWU)
- Governmental and Administrative (GA)
- Natural Resources (NR)
- Recreational Use (RU)



Section 4 Use Classification

Each land use district is divided into a description, objectives, primary uses, setback requirements, conditional uses, design standards, and development review. Each section has the following purposes:

4.1: Description

Provides guidance on the use of the zone district. The district shall not be used contrary to the purpose of the district or in conflict with Tribal law, regulations or adopted plans.

4.2: Objectives

Each land use district has a set of primary objectives as outlined within the Zoning Ordinance and Comprehensive Plan. These objectives are intended to serve as overarching goals and policies for development, redevelopment, and preservation within Bois Forte.

4.3: Primary Uses

These uses are allowed with a permit from the Bois Forte Reservation provided all standards found in this Ordinance are being followed. Additional uses may be permitted if similar to the listed permitted uses and consistent with the purpose statement of that district.

4.4: Conditional Uses

These uses require approval by the Commissioner in accordance with the criteria set forth in this Ordinance. Uses other than those listed, may be permitted through the conditional use process if similar to the uses listed under the performance standard or conditional use standard of that zone district, and consistent with the purpose of that district.

4.5: Setback Requirements

Within each land use classification are specific setback requirements. In most cases, setback requirements are shown as minimum requirements. In other cases, maximum setback requirements are necessary to ensure that the integrity of the existing land use is preserved.

4.6: Design Standards

Section 5 outlines the specific design standards for each land use. Light imprint design standards are broken down into required (mandatory) categories and encouraged categories.

4.7: Development Review

Section 5.1 outlines the review process for the Cultural Review. The intent of this review committee is to ensure that cultural, historical and/or environmental areas are preserved to the fullest extent possible.

LAND CLASSIFICATIONS
 SINGLE FAMILY RESIDENTIAL
 MULTIFAMILY RESIDENTIAL
 ELDER HOUSING
 COMMERCIAL
 BOIS FORTE DEVELOPMENT DISTRICT
 INDUSTRIAL
 PUBLIC WORKS & UTILITIES
 GOVERNMENTAL & ADMINISTRATIVE
 NATURAL RESOURCES
 RECREATIONAL USES

a. RESIDENTIAL

Accessory Dwelling	P	P	P	P	P	P	P	P	C	P
Townhouse and Duplex	C	P	P		C					
Freestanding House	P	P	P		C					
Group Dwelling	C		P					C		
Apartment		P	P					P		
Single Room Occupancy		P								

b. LODGING

Bed & Breakfast	C	C			P					
Hotel				C	P					
Inn				C	P					

c. OFFICE

Corner Office	C	C	C	P	P				C	
Live-Work Building	C	C	C	C	C				C	
Office Building				P	C					

d. COMMERCIAL/RETAIL/SERVICE

Box (Large)				C						
Box (Medium)				P	C					
Box (Small)				P	C					
Corner Store	C			P	P					
Open Air Market	C									
Restaurant	C			C	C			P		
Outdoor Storage	C			P	P	P	P	P		
Shopping Mall				P	C					
Shopping Strip				P	C					

e. CIVIC

Auditorium					C				P	
Convention Center					C				P	
Golf Course	C				C					
Indoor & Outdoor Recreation	C				C				P	
Library					C				P	
Movie Theater				P	C				P	
Museum					C				P	
Religious Assembly	C	C	C		C				C	

P = Permitted
 C = Conditional

LAND CLASSIFICATIONS
 SINGLE FAMILY RESIDENTIAL
 MULTIFAMILY RESIDENTIAL
 ELDER HOUSING
 COMMERCIAL
 BOIS FORTE DEVELOPMENT DISTRICT
 INDUSTRIAL
 PUBLIC WORKS & UTILITIES
 GOVERNMENTAL & ADMINISTRATIVE
 NATURAL RESOURCES
 RECREATIONAL USES

f. CIVIC SUPPORT

Cemetery									C	C
Clinic									P	
Cultural and Ceremonial Areas							P		P	
Fire Department	P	P	P	P	P	P	P	P	P	P
Law Enforcement	P	P	P	P	P	P	P	P	P	P
Public Works Garage								P	P	

g. EDUCATION

9-12/High School									P	
College									P	
Daycare	C	C	C						P	
K-8									P	
Preschool									P	
Trade School									P	

h. AUTOMOTIVE

Gas/Convenience					P	C				
Vehicle Repair					P	C				
Vehicle Sales/Rental					P	C				

i. AGRICULTURE

Community Garden	P	P	P	P	P	P			P	P
Rice & Grain Storage						P	P		P	
Greenhouse							P			
Kennel						P	P		P	

j. INDUSTRIAL

Agribusiness							P			
Industry, Open							P			
Industry, Restricted							P			
Warehousing							P			
Waste Transfer							P			
Water Treatment							P			

k. ACCESSORY USES

Drive-Through					C				P	
Home Occupations	C	C	C							
Small Wind Equipment				C	C			C	C	C
Dispersed Wind Equipment				C	C			C	C	C
Solar & Geothermal	P	P	P	P	P	P	P	P	P	P

P = Permitted
 C = Conditional

Section 5 Light Imprint Design Standards

STANDARDS	SF	MF	EH	COM	BFDD	IND	PWU	GA	NR	RU
Cultural Review	R	R	R		R			R		R
Sign Master Plan				R	R	R				
Wayfinding Requirements					R			R		
Stormwater Management	R	R	R	R	R	R	R	R	R	R
Trail Connections	R	R	R	R	R	R				R
Master Plan Required		R	R	R					R	
Lighting Plan					R	R				
Exterior Color Requirements	R	R	R	R	R				R	R
Cul-de-Sac Requirements <i>*within shoreland areas only</i>	R	R	R							
Landscape Review		R	R	R	R	R				
Steep Slope Protection	R	R	R	R	R	R	R	R	R	R
Conservation Design	R	R	R	R	R	R	R	R	R	R
Parking Maximum Standards	R	R	R	R	R	R				R
Impervious Service Standards	R	R	R	R	R	R			R	R

R = Required

- SF = Single Family Residential
- MF = Multifamily Residential
- EH = Elder Housing
- COM = Commercial
- BFDD = Bois Forte Development District
- IND = Industrial
- GA = Governmental and Administrative
- NR = Natural Resources
- RU = Recreational Use

5.1: Design Standards – Definitions

- A. CULTURAL REVIEW AND REPORT: The purpose of this review is to ensure that the development does not impact or disturb any significant cultural, historical or environmentally significant land area. An approval process will be required prior to any construction.
- B. TRAIL CONNECTION: As a condition of approval, a trail easement or permit shall be required as a condition of approval.
- C. SIGN MASTER PLAN: As a condition of approval, a sign master plan will be required showing the specific dimensions of signs, lighting and type of signage. The type and style of all signs shall conform to the design standards of Bois Forte.
- D. WAYFINDING REQUIREMENT: As a condition of approval, sign kiosks and wayfinding improvements will be required.
- E. STORMWATER MANAGEMENT: Alternative stormwater treatments including natural swale systems, rain gardens, and soakaway trench systems will be required.
- F. MASTER PLAN REQUIREMENT: A formal master plan will be required. The master plan will include color renderings, site plan, landscaping plan, and photometric lighting plan.
- G. LIGHTING PLAN: A photometric lighting plan will be required as a condition of approval.
- H. EXTERIOR PAINT REQUIREMENT: Exterior paint colors must be earth tone.
- I. LANDSCAPING PLAN: A landscaping plan, signed by a registered landscape architect, will be a condition of approval.

- J. CUL-DE-SAC REQUIREMENTS: Cul-de-sacs will be prohibited within this development unless required because of topography. In such a case, the length of the cul-de-sac shall not exceed more than 1,000 lineal feet.
- K. STEEP SLOPE PROTECTION: Development will be restricted within slopes greater than 18 percent.
- L. OPEN SPACE REQUIREMENTS: At least 70 percent of the total development area shall be dedicated as open space.
- M. CONSERVATION DESIGN STANDARDS: At least 70 percent of the total development area shall be dedicated as open space. To protect natural resources, a site plan, approved by the Cultural Review Committee, will be required.
- N. PARKING MAXIMUM STANDARDS: To reduce the need for unused parking, the following maximum requirements will be implemented:
1. Residential: No more than two stalls per unit
 2. Commercial: One space per 300 square feet of commercial space. No more than 60 stalls.
 3. Industrial: One space per 400 square feet of industrial space. No more than 40 stalls.
 4. All other uses: No more than 40 stalls.
 - a. Additional parking will be allowed if pervious pavement is incorporated into the site plan.
- O. IMPERVIOUS SURFACE STANDARDS: Impervious surface coverage shall not exceed 25 percent.

Section 6 LAND USE DISTRICTS

6.1: Single-family Residential (SF)

A. Description

1. Areas designated for the enjoyment of the Bois Forte Tribe and visitors.

B. Objectives

1. Encourage conservation design to preserve natural resources and open spaces.
2. Encourage “low-impact” development.
3. Where possible, in-fill development shall occur prior to the approval of new subdivisions.
4. The promotion of trails shall be incorporated into new subdivisions.

C. Primary Uses

Single-family residential lots intended by lease or home ownership for single families. This classification includes recreational, seasonal and permanent, low-density housing.

D. Setback Requirements

Table 6-1 Single-family Residential District Setback Requirements



SETBACK	STANDARDS	CONDITIONS
Front Yard	20 feet minimum	
Side Yard	10 feet minimum	
Rear Yard	25 feet minimum	Accessory structures 5 feet minimum
Lot Area	10,000 square feet	
Height	30 feet	25 feet within shoreland areas
Impervious Surface	35 percent	25 percent within shoreland areas
Light Imprint Standards	See Section X	

E. Permitted and Conditional Uses

a. RESIDENTIAL		SF
Accessory Dwelling	P	
Townhouse and Duplex	C	
Freestanding House	P	
Group Dwelling	C	
Apartment		
Single Room Occupancy		

b. LODGING		
Bed & Breakfast	C	
Hotel		
Inn		

c. OFFICE		
Corner Office	C	
Live-Work Building	C	
Office Building		

d. COMMERCIAL/RETAIL/SERVICE		
Box (Large)		
Box (Medium)		
Box (Small)		
Corner Store	C	
Open Air Market	C	
Restaurant	C	
Outdoor Storage	C	
Shopping Mall		
Shopping Strip		

e. CIVIC		
Auditorium		
Convention Center		
Golf Course	C	
Indoor & Outdoor Recreation	C	
Library		
Movie Theater		
Museum		
Religious Assembly	C	
Religious Assembly	C	

f. CIVIC SUPPORT		SF
Cemetery		
Clinic		
Cultural and Ceremonial Areas		
Fire Department	P	
Law Enforcement	P	
Public Works Garage		

g. EDUCATION		
9-12/High School		
College		
Daycare	C	
K-8		
Preschool		
Trade School		

h. AUTOMOTIVE		
Gas/Convenience		
Vehicle Repair		
Vehicle Sales/Rental		

i. AGRICULTURE		
Community Garden	P	
Rice & Grain Storage		
Greenhouse		
Kenel		

j. INDUSTRIAL		
Agribusiness		
Industry, Open		
Industry, Restricted		
Warehousing		
Waste Transfer		
Water Treatment		

k. ACCESSORY USES		
Drive-Through		
Home Occupations	C	
Small Wind Equipment		
Dispersed Wind Equipment		
Solar & Geothermal	P	
Active Solar Equipment		
Home Occupations	C	
Outdoor Storage		
Seasonal Sales/Display		
Small Wind Equipment		
Dispersed Wind Equipment		

P = Permitted
C = Conditional

F. Design Standards and Development Review

STANDARDS	SF
Cultural Review	R
Sign Master Plan	
Wayfinding Requirements	
Stormwater Management	R
Trail Connections	R
Master Plan Required	
Lighting Plan	
Exterior Color Requirements	R
Cul-de-Sac Requirements <i>*within shoreland areas only</i>	R
Landscape Review	
Steep Slope Protection	R
Conservation Design	R
Parking Maximum Standards	R
Impervious Service Standards	R
Impervious Service Standards	R

R = Required



6.2: Multifamily Residential (MF)

A. Description

Higher-density housing that is located near Tribal service and community centers.

B. Objectives

1. Encourage conservation design to preserve natural resources and open spaces.
2. Encourage “low-impact” development.
3. Where possible, in-fill development shall occur prior to the approval of new subdivisions.
4. The promotion of trails shall be incorporated into new subdivisions.

C. Primary Uses

Residential uses that include Tribal elder housing, duplexes, condominiums, single room occupancies and apartment complexes.

D. Setback Requirements

Table 6-2 Multifamily Residential District Setback Requirements

SETBACK	STANDARDS	CONDITIONS
Front Yard	20 feet minimum	
Side Yard	10 feet minimum	
Rear Yard	25 feet minimum	Accessory structures 5 feet minimum
Lot Area	10,000 square feet	
Height	30 feet	25 feet within shoreland areas
Impervious Surface	35 percent	25 percent within shoreland areas
Parking	1 stall per unit	
Light Imprint Standards	See Section X	

E. Permitted and Conditional Uses

		MF
a. RESIDENTIAL		
Accessory Dwelling	P	
Townhouse and Duplex	P	
Freestanding House	P	
Group Dwelling		
Apartment	P	
Single Room Occupancy	P	
b. LODGING		
Bed & Breakfast	C	
Hotel		
Inn		
c. OFFICE		
Corner Office	C	
Live-Work Building	C	
Office Building		
d. COMMERCIAL/RETAIL/SERVICE		
Box (Large)		
Box (Medium)		
Box (Small)		
Corner Store		
Open Air Market		
Restaurant		
Outdoor Storage		
Shopping Mall		
Shopping Strip		
e. CIVIC		
Auditorium		
Convention Center		
Golf Course		
Indoor & Outdoor Recreation		
Library		
Movie Theater		
Museum		
Religious Assembly	C	
Religious Assembly	C	
f. CIVIC SUPPORT		
Cemetery		
Clinic		
Cultural and Ceremonial Areas		
Fire Department	P	
Law Enforcement	P	
Public Works Garage		
g. EDUCATION		
9-12/High School		
College		
Daycare	C	
K-8		
Preschool		
Trade School		
h. AUTOMOTIVE		
Gas/Convenience		
Vehicle Repair		
Vehicle Sales/Rental		
i. AGRICULTURE		
Community Garden	P	
Rice & Grain Storage		
Greenhouse		
Kennel		
j. INDUSTRIAL		
Agribusiness		
Industry, Open		
Industry, Restricted		
Warehousing		
Waste Transfer		
Water Treatment		
k. ACCESSORY USES		
Drive-Through		
Home Occupations	C	
Small Wind Equipment		
Dispersed Wind Equipment		
Solar & Geothermal	P	
Active Solar Equipment		
Home Occupations	C	
Outdoor Storage		
Seasonal Sales/Display		
Small Wind Equipment		
Dispersed Wind Equipment		

P = Permitted
C = Conditional

F. Design Standards and Development Review

STANDARDS	MF
Cultural Review	R
Sign Master Plan	
Wayfinding Requirements	
Stormwater Management	R
Trail Connections	R
Master Plan Required	R
Lighting Plan	R
Exterior Color Requirements	R
Cul-de-Sac Requirements <i>*within shoreland areas only</i>	R
Landscape Review	R
Steep Slope Protection	R
Conservation Design	R
Parking Maximum Standards	R
Impervious Service Standards	R

R = Required



6.3: Elder Housing (EH)

A. Description

Areas specifically designated for Tribal elders. Elder housing should be located in close proximity to Tribal service and community centers.

B. Objectives

1. Concentrate Elder housing near commercial, community and service centers.
2. The promotion of trails shall be incorporated into new subdivisions.

C. Primary Uses

Multifamily housing specifically designated for Tribal elders.

D. Setback Requirements

Table 6-3 Elder Housing District Setback Requirements

SETBACK	STANDARDS	CONDITIONS
Front Yard	20 feet minimum	
Side Yard	10 feet minimum	
Rear Yard	25 feet minimum	Accessory structures 5 feet minimum
Lot Area	10,000 square feet	
Height	30 feet	25 feet within shoreland areas
Impervious Surface	35 percent	25 percent within shoreland areas
Parking	1 stall per unit	
Light Imprint Standards	See Section X	

E. Permitted and Conditional Uses

		EH
a. RESIDENTIAL		
Accessory Dwelling	P	
Townhouse and Duplex	P	
Freestanding House	P	
Group Dwelling	P	
Apartment	P	
Single Room Occupancy		

b. LODGING		
Bed & Breakfast		
Hotel		
Inn		

c. OFFICE		
Corner Office	C	
Live-Work Building	C	
Office Building		

d. COMMERCIAL/RETAIL/SERVICE		
Box (Large)		
Box (Medium)		
Box (Small)		
Corner Store		
Open Air Market		
Restaurant		
Outdoor Storage		
Shopping Mall		
Shopping Strip		

e. CIVIC		
Auditorium		
Convention Center		
Golf Course		
Indoor & Outdoor Recreation		
Library		
Movie Theater		
Museum		
Religious Assembly	C	
Religious Assembly	C	

P = Permitted
C = Conditional

		EH
f. CIVIC SUPPORT		
Cemetery		
Clinic		
Cultural and Ceremonial Areas		
Fire Department	P	
Law Enforcement	P	
Public Works Garage		

g. EDUCATION		
9-12/High School		
College		
Daycare	C	
K-8		
Preschool		
Trade School		

h. AUTOMOTIVE		
Gas/Convenience		
Vehicle Repair		
Vehicle Sales/Rental		

i. AGRICULTURE		
Community Garden	P	
Rice & Grain Storage		
Greenhouse		
Kenel		

j. INDUSTRIAL		
Agribusiness		
Industry, Open		
Industry, Restricted		
Warehousing		
Waste Transfer		
Water Treatment		

k. ACCESSORY USES		
Drive-Through		
Home Occupations	C	
Small Wind Equipment		
Dispersed Wind Equipment		
Solar & Geothermal	P	
Active Solar Equipment		
Home Occupations	C	
Outdoor Storage		
Seasonal Sales/Display		
Small Wind Equipment		
Dispersed Wind Equipment		

F. Design Standards and Development Review

STANDARDS	EH
Cultural Review	R
Sign Master Plan	
Wayfinding Requirements	
Stormwater Management	R
Trail Connections	R
Master Plan Required	R
Lighting Plan	
Exterior Color Requirements	R
Cul-de-Sac Requirements <i>*within shoreland areas only</i>	R
Landscape Review	R
Steep Slope Protection	R
Conservation Design	R
Parking Maximum Standards	R
Impervious Service Standards	R
Impervious Service Standards	R

R = Required



6.4: Commercial (COM)

A. Description

To provide land specifically for commercial opportunities.

B. Objectives

1. Locate non-residential areas adjacent to transportation corridors.
2. Encourage “low-impact” development.
3. Where feasible, link pedestrian trails to nearby residential areas;
4. Examine potential design standards to improve aesthetics and vehicular and pedestrian access.

C. Primary Uses

Retail, restaurants, cafes and services associated with commercial uses.

D. Setback Requirements

Table 6-4 Commercial District Setback Requirements

SETBACK	STANDARDS	CONDITIONS
Front Yard	40 feet minimum	
Side Yard	30 feet minimum	
Rear Yard	50 feet minimum	Accessory structures 5 feet minimum
Lot Area	30,000 square feet	Commercial uses under 30,000 require cultural review
Height	30 feet	
Impervious Surface	25 percent	
Parking	1 space per 200 square feet	Maximum 80 stalls
Light Imprint Standards	See Section X	

E. Permitted and Conditional Uses

a. RESIDENTIAL		COM
Accessory Dwelling	P	
Townhouse and Duplex		
Freestanding House		
Group Dwelling		
Apartment		
Single Room Occupancy		

b. LODGING		
Bed & Breakfast		
Hotel	C	
Inn	C	

c. OFFICE		
Corner Office	P	
Live-Work Building	C	
Office Building	P	

d. COMMERCIAL/RETAIL/SERVICE		
Box (Large)	C	
Box (Medium)	P	
Box (Small)	P	
Corner Store	P	
Open Air Market		
Restaurant	C	
Outdoor Storage	P	
Shopping Mall	P	
Shopping Strip	P	

e. CIVIC		
Auditorium		
Convention Center		
Golf Course		
Indoor & Outdoor Recreation		
Library		
Movie Theater	P	
Museum		
Religious Assembly		
Religious Assembly		

P = Permitted
C = Conditional

f. CIVIC SUPPORT		COM
Cemetery		
Clinic		
Cultural and Ceremonial Areas		
Fire Department	P	
Law Enforcement	P	
Public Works Garage		

g. EDUCATION		
9-12/High School		
College		
Daycare		
K-8		
Preschool		
Trade School		

h. AUTOMOTIVE		
Gas/Convenience	P	
Vehicle Repair	P	
Vehicle Sales/Rental	P	

i. AGRICULTURE		
Community Garden	P	
Rice & Grain Storage		
Greenhouse		
Kennel		

j. INDUSTRIAL		
Agribusiness		
Industry, Open		
Industry, Restricted		
Warehousing		
Waste Transfer		
Water Treatment		

k. ACCESSORY USES		
Drive-Through	C	
Home Occupations		
Small Wind Equipment	C	
Dispersed Wind Equipment	C	
Solar & Geothermal	P	
Active Solar Equipment	C	
Home Occupations		
Outdoor Storage	C	
Seasonal Sales/Display	C	
Small Wind Equipment	C	
Dispersed Wind Equipment	C	

F. Design Standards and Development Review

STANDARDS	COM
Cultural Review	
Sign Master Plan	R
Wayfinding Requirements	
Stormwater Management	R
Trail Connections	R
Master Plan Required	R
Lighting Plan	R
Exterior Color Requirements	R
Cul-de-Sac Requirements <i>*within shoreland areas only</i>	
Landscape Review	R
Steep Slope Protection	R
Conservation Design	R
Parking Maximum Standards	R
Impervious Service Standards	R
Impervious Service Standards	R

R = Required



6.5: Bois Forte Development District (BFDD)

A. Description

The Bois Forte Development District is specifically designated for the Fortune Bay Resort area.

B. Objectives

1. Further develop within the BFDD shall require a master plan.
2. Where possible, light-imprint standards shall be incorporated.

C. Primary Uses

Resort and casino district. Mix of lodging, commercial retail and recreational uses

D. Setback Requirements

Table 6-5 Bois Forte Development District Setback Requirements

SETBACK	STANDARDS	CONDITIONS
Front Yard	Established through Master Plan	Requires cultural review
Side Yard	Established through Master Plan	Requires cultural review
Rear Yard	Established through Master Plan	Requires cultural review
Lot Area	Established through Master Plan	Requires cultural review
Height	30 feet	Requires cultural review
Impervious Surface	25 percent	
Parking	1 space per 400 square feet	Requires cultural review
Light Imprint Standards	See Section X	

E. Permitted and Conditional Uses

	BFDD
a. RESIDENTIAL	
Accessory Dwelling	P
Townhouse and Duplex	C
Freestanding House	C
Group Dwelling	
Apartment	
Single Room Occupancy	

b. LODGING	
Bed & Breakfast	P
Hotel	P
Inn	P

c. OFFICE	
Corner Office	P
Live-Work Building	C
Office Building	C

d. COMMERCIAL/RETAIL/SERVICE	
Box (Large)	
Box (Medium)	C
Box (Small)	C
Corner Store	P
Open Air Market	
Restaurant	C
Outdoor Storage	P
Shopping Mall	C
Shopping Strip	C

e. CIVIC	
Auditorium	C
Convention Center	C
Golf Course	C
Indoor & Outdoor Recreation	C
Library	C
Movie Theater	C
Museum	C
Religious Assembly	C
Religious Assembly	C

P = Permitted
C = Conditional

	BFDD
f. CIVIC SUPPORT	
Cemetery	
Clinic	
Cultural and Ceremonial Areas	P
Fire Department	P
Law Enforcement	P
Public Works Garage	

g. EDUCATION	
9-12/High School	
College	
Daycare	
K-8	
Preschool	
Trade School	

h. AUTOMOTIVE	
Gas/Convenience	C
Vehicle Repair	C
Vehicle Sales/Rental	C

i. AGRICULTURE	
Community Garden	P
Rice & Grain Storage	P
Greenhouse	
Kennel	P

j. INDUSTRIAL	
Agribusiness	
Industry, Open	
Industry, Restricted	
Warehousing	
Waste Transfer	
Water Treatment	

k. ACCESSORY USES	
Drive-Through	
Home Occupations	
Small Wind Equipment	C
Dispersed Wind Equipment	C
Solar & Geothermal	P
Active Solar Equipment	
Home Occupations	
Outdoor Storage	C
Seasonal Sales/Display	C
Small Wind Equipment	C
Dispersed Wind Equipment	C

F. Design Standards and Development Review

STANDARDS	BFDD
Cultural Review	R
Sign Master Plan	R
Wayfinding Requirements	R
Stormwater Management	R
Trail Connections	R
Master Plan Required	
Lighting Plan	R
Exterior Color Requirements	R
Cul-de-Sac Requirements <i>*within shoreland areas only</i>	
Landscape Review	R
Steep Slope Protection	R
Conservation Design	R
Parking Maximum Standards	R
Impervious Service Standards	R

R = Required



6.6: Industrial (IND)

A. Description

To provide land specifically for industrial opportunities.

B. Objectives

1. Locate non-residential areas adjacent to transportation corridors.
2. Encourage “low-impact” development.
3. Where feasible, link pedestrian trails to nearby residential areas.
4. Examine potential design standards to improve aesthetics and vehicular and pedestrian access.

C. Primary Uses

Production and warehousing facilities and manufacturing.

D. Setback Requirements

Table 6-6 Industrial District Setback Requirements

SETBACK	STANDARDS	CONDITIONS
Front Yard	40 feet minimum	
Side Yard	30 feet minimum	
Rear Yard	50 feet minimum	Accessory structures 5 feet minimum
Lot Area	30,000 square feet	Requires cultural review
Height	30 feet	
Impervious Surface	25 percent	
Parking	1 space per 400 square feet	Maximum 80 stalls
Light Imprint Standards	See Section X	

E. Permitted and Conditional Uses

a. RESIDENTIAL		IND
Accessory Dwelling	P	
Townhouse and Duplex		
Freestanding House		
Group Dwelling		
Apartment		
Single Room Occupancy		

b. LODGING		
Bed & Breakfast		
Hotel		
Inn		

c. OFFICE		
Corner Office		
Live-Work Building		
Office Building		

d. COMMERCIAL/RETAIL/SERVICE		
Box (Large)		
Box (Medium)		
Box (Small)		
Corner Store		
Open Air Market		
Restaurant		
Outdoor Storage	P	
Shopping Mall		
Shopping Strip		

e. CIVIC		
Auditorium		
Convention Center		
Golf Course		
Indoor & Outdoor Recreation		
Library		
Movie Theater		
Museum		
Religious Assembly		
Religious Assembly		

P = Permitted
C = Conditional

f. CIVIC SUPPORT		IND
Cemetery		
Clinic		
Cultural and Ceremonial Areas		
Fire Department	P	
Law Enforcement	P	
Public Works Garage		

g. EDUCATION		
9-12/High School		
College		
Daycare		
K-8		
Preschool		
Trade School		

h. AUTOMOTIVE		
Gas/Convenience		
Vehicle Repair		
Vehicle Sales/Rental		

i. AGRICULTURE		
Community Garden	P	
Rice & Grain Storage	P	
Greenhouse	P	
Kenel	P	

j. INDUSTRIAL		
Agribusiness	P	
Industry, Open	P	
Industry, Restricted	P	
Warehousing	P	
Waste Transfer	P	
Water Treatment	P	

k. ACCESSORY USES		
Drive-Through		
Home Occupations		
Small Wind Equipment		
Dispersed Wind Equipment		
Solar & Geothermal	P	
Active Solar Equipment		
Home Occupations		
Outdoor Storage	C	
Seasonal Sales/Display	C	
Small Wind Equipment		
Dispersed Wind Equipment		

F. Design Standards and Development Review

STANDARDS	IND
Cultural Review	
Sign Master Plan	R
Wayfinding Requirements	
Stormwater Management	R
Trail Connections	R
Master Plan Required	
Lighting Plan	R
Exterior Color Requirements	
Cul-de-Sac Requirements <i>*within shoreland areas only</i>	
Landscape Review	R
Steep Slope Protection	R
Conservation Design	R
Parking Maximum Standards	R
Impervious Service Standards	R
Impervious Service Standards	R

R = Required



6.7: Public Works and Utilities (PWU)

A. Description

Areas designated for the long-term infrastructure needs of Bois Forte.

B. Objectives

Where possible, public works buildings should be properly screened with native landscaping.

C. Primary Uses

Pump houses, pump fields, surface water treatment fields, telecommunication towers.

D. Setback Requirements

Table 6-7 Public Works and Utilities District Setback Requirements

SETBACK	STANDARDS	CONDITIONS
Front Yard	25 feet	Requires cultural review
Side Yard	10 feet	Requires cultural review
Rear Yard	30 feet	Requires cultural review
Lot Area		Requires cultural review
Height		Requires cultural review
Impervious Surface	25 percent	
Parking		Requires cultural review
Light Imprint Standards	See Section X	

E. Permitted and Conditional Uses

	PWU
a. RESIDENTIAL	
Accessory Dwelling	P
Townhouse and Duplex	
Freestanding House	
Group Dwelling	
Apartment	
Single Room Occupancy	

b. LODGING	
Bed & Breakfast	
Hotel	
Inn	

c. OFFICE	
Corner Office	
Live-Work Building	
Office Building	

d. COMMERCIAL/RETAIL/SERVICE	
Box (Large)	
Box (Medium)	
Box (Small)	
Corner Store	
Open Air Market	
Restaurant	
Outdoor Storage	P
Shopping Mall	
Shopping Strip	

e. CIVIC	
Auditorium	
Convention Center	
Golf Course	
Indoor & Outdoor Recreation	
Library	
Movie Theater	
Museum	
Religious Assembly	
Religious Assembly	

P = Permitted
C = Conditional

	PWU
f. CIVIC SUPPORT	
Cemetery	
Clinic	
Cultural and Ceremonial Areas	
Fire Department	P
Law Enforcement	P
Public Works Garage	P

g. EDUCATION	
9-12/High School	
College	
Daycare	
K-8	
Preschool	
Trade School	

h. AUTOMOTIVE	
Gas/Convenience	
Vehicle Repair	
Vehicle Sales/Rental	

i. AGRICULTURE	
Community Garden	
Rice & Grain Storage	
Greenhouse	
Kenel	

j. INDUSTRIAL	
Agribusiness	
Industry, Open	
Industry, Restricted	
Warehousing	
Waste Transfer	
Water Treatment	

k. ACCESSORY USES	
Drive-Through	
Home Occupations	
Small Wind Equipment	C
Dispersed Wind Equipment	C
Solar & Geothermal	P
Active Solar Equipment	
Home Occupations	
Outdoor Storage	
Seasonal Sales/Display	
Small Wind Equipment	C
Dispersed Wind Equipment	C

F. Design Standards and Development Review

STANDARDS	PWU
Cultural Review	
Sign Master Plan	
Wayfinding Requirements	
Stormwater Management	R
Trail Connections	
Master Plan Required	
Lighting Plan	
Exterior Color Requirements	
Cul-de-Sac Requirements <i>*within shoreland areas only</i>	
Landscape Review	
Steep Slope Protection	R
Conservation Design	R
Parking Maximum Standards	
Impervious Service Standards	
Impervious Service Standards	E

R = Required



6.8: Governmental and Administrative (GA)

A. Description

Specific areas that are owned or operated by the Bois Forte Band.

B. Objectives

1. Governmental buildings should be constructed in close proximity to residential uses.
2. “Low-impact” and “light-imprint” standards should be utilized.
3. Where possible, alternative energy sources should be utilized to reduce long-term energy costs.

C. Primary Uses

Tribal buildings, schools and Tribal-owned or operated lands.

D. Setback Requirements

Table 6-8 Governmental and Administrative District Setback Requirements

SETBACK	STANDARDS	CONDITIONS
Front Yard	25 feet	Requires cultural review
Side Yard	10 feet	Requires cultural review
Rear Yard	30 feet	Requires cultural review
Lot Area	Established through Master Plan	Requires cultural review
Height	Established through Master Plan	Requires cultural review
Impervious Surface	25 percent	
Parking	1 space per 400 square feet	Requires cultural review
Light Imprint Standards	See Section X	

E. Conditional Uses

		GA
a. RESIDENTIAL		
Accessory Dwelling	P	
Townhouse and Duplex		
Freestanding House		
Group Dwelling	C	
Apartment	P	
Single Room Occupancy		

b. LODGING		
Bed & Breakfast		
Hotel		
Inn		

c. OFFICE		
Corner Office	C	
Live-Work Building	C	
Office Building		

d. COMMERCIAL/RETAIL/SERVICE		
Box (Large)		
Box (Medium)		
Box (Small)		
Corner Store		
Open Air Market		
Restaurant	P	
Outdoor Storage	P	
Shopping Mall		
Shopping Strip		

e. CIVIC		
Auditorium	P	
Convention Center	P	
Golf Course		
Indoor & Outdoor Recreation	P	
Library	P	
Movie Theater	P	
Museum	P	
Religious Assembly	C	
Religious Assembly	C	

P = Permitted
C = Conditional

		GA
f. CIVIC SUPPORT		
Cemetery	C	
Clinic	P	
Cultural and Ceremonial Areas	P	
Fire Department	P	
Law Enforcement	P	
Public Works Garage	P	

g. EDUCATION		
9-12/High School	P	
College	P	
Daycare	P	
K-8	P	
Preschool	P	
Trade School	P	

h. AUTOMOTIVE		
Gas/Convenience		
Vehicle Repair		
Vehicle Sales/Rental		

i. AGRICULTURE		
Community Garden	P	
Rice & Grain Storage	P	
Greenhouse		
Kenel	P	

j. INDUSTRIAL		
Agribusiness		
Industry, Open		
Industry, Restricted		
Warehousing		
Waste Transfer		
Water Treatment		

k. ACCESSORY USES		
Drive-Through	P	
Home Occupations		
Small Wind Equipment	C	
Dispersed Wind Equipment	C	
Solar & Geothermal	P	
Active Solar Equipment		
Home Occupations		
Outdoor Storage		
Seasonal Sales/Display		
Small Wind Equipment	C	
Dispersed Wind Equipment	C	

F. Design Standards and Development Review

STANDARDS	GA
Cultural Review	R
Sign Master Plan	
Wayfinding Requirements	R
Stormwater Management	R
Trail Connections	
Master Plan Required	
Lighting Plan	
Exterior Color Requirements	
Cul-de-Sac Requirements <i>*within shoreland areas only</i>	
Landscape Review	
Steep Slope Protection	R
Conservation Design	R
Parking Maximum Standards	
Impervious Service Standards	
Impervious Service Standards	E

R = Required



6.9: Natural Resources (NR)

A. Description

Development shall be limited or prohibited due to significant historical, natural or environmental issues. Where development is allowed, a master plan will be required.

B. Objectives

Preserve land within this sensitive land area.

C. Primary Uses

Lands that are intended to be preserved due to sensitive, historical, cultural or environmental elements.

D. Setback Requirements

Table 6-9 Natural Resources District Setback Requirements

SETBACK	STANDARDS	CONDITIONS
Front Yard	25 feet	Requires cultural review
Side Yard	10 feet	Requires cultural review
Rear Yard	30 feet	Requires cultural review
Lot Area		Requires cultural review
Height		Requires cultural review
Impervious Surface	25 percent	
Parking		Requires cultural review
Light Imprint Standards	See Section X	

E. Conditional Uses

	NR
a. RESIDENTIAL	
Accessory Dwelling	C
Townhouse and Duplex	
Freestanding House	
Group Dwelling	
Apartment	
Single Room Occupancy	
b. LODGING	
Bed & Breakfast	
Hotel	
Inn	
c. OFFICE	
Corner Office	
Live-Work Building	
Office Building	
d. COMMERCIAL/RETAIL/SERVICE	
Box (Large)	
Box (Medium)	
Box (Small)	
Corner Store	
Open Air Market	
Restaurant	
Outdoor Storage	
Shopping Mall	
Shopping Strip	
e. CIVIC	
Auditorium	
Convention Center	
Golf Course	
Indoor & Outdoor Recreation	
Library	
Movie Theater	
Museum	
Religious Assembly	
Religious Assembly	

P = Permitted
C = Conditional

	NR
f. CIVIC SUPPORT	
Cemetery	C
Clinic	
Cultural and Ceremonial Areas	
Fire Department	P
Law Enforcement	P
Public Works Garage	
g. EDUCATION	
9-12/High School	
College	
Daycare	
K-8	
Preschool	
Trade School	
h. AUTOMOTIVE	
Gas/Convenience	
Vehicle Repair	
Vehicle Sales/Rental	
i. AGRICULTURE	
Community Garden	P
Rice & Grain Storage	
Greenhouse	
Kenel	
j. INDUSTRIAL	
Agribusiness	
Industry, Open	
Industry, Restricted	
Warehousing	
Waste Transfer	
Water Treatment	
k. ACCESSORY USES	
Drive-Through	
Home Occupations	
Small Wind Equipment	C
Dispersed Wind Equipment	C
Solar & Geothermal	P
Active Solar Equipment	
Home Occupations	
Outdoor Storage	
Seasonal Sales/Display	
Small Wind Equipment	C
Dispersed Wind Equipment	C

F. Design Standards and Development Review

STANDARDS	NR
Cultural Review	
Sign Master Plan	
Wayfinding Requirements	
Stormwater Management	R
Trail Connections	
Master Plan Required	R
Lighting Plan	
Exterior Color Requirements	R
Cul-de-Sac Requirements <i>*within shoreland areas only</i>	
Landscape Review	
Steep Slope Protection	R
Conservation Design	R
Parking Maximum Standards	R
Impervious Service Standards	R
Impervious Service Standards	R

R = Required



6.10: Recreational Use (RU)

A. Description

Areas designated for the enjoyment of the Bois Forte Band and visitors.

B. Objectives

1. Encourage trail connections to recreational areas within Bois Forte.
2. Encourage “low-impact” development.

C. Primary Uses

Beaches, public access, picnic areas, playgrounds, ball fields and skate parks.

D. Setback Requirements

Table 6-10 Recreational Use

SETBACK	STANDARDS	CONDITIONS
Front Yard	25 feet	Requires cultural review
Side Yard	10 feet	Requires cultural review
Rear Yard	30 feet	Requires cultural review
Lot Area		Requires cultural review
Height		Requires cultural review
Impervious Surface	25 percent	
Parking		Requires cultural review
Light Imprint Standards	See Section X	

E. Permitted and Conditional Uses

	RU
a. RESIDENTIAL	
Accessory Dwelling	P
Townhouse and Duplex	
Freestanding House	
Group Dwelling	
Apartment	
Single Room Occupancy	
b. LODGING	
Bed & Breakfast	
Hotel	
Inn	
c. OFFICE	
Corner Office	
Live-Work Building	
Office Building	
d. COMMERCIAL/RETAIL/SERVICE	
Box (Large)	
Box (Medium)	
Box (Small)	
Corner Store	
Open Air Market	
Restaurant	
Outdoor Storage	
Shopping Mall	
Shopping Strip	
e. CIVIC	
Auditorium	
Convention Center	
Golf Course	
Indoor & Outdoor Recreation	
Library	
Movie Theater	
Museum	
Religious Assembly	
Religious Assembly	
f. CIVIC SUPPORT	
Cemetery	
Clinic	
Cultural and Ceremonial Areas	
Fire Department	P
Law Enforcement	P
Public Works Garage	
g. EDUCATION	
9-12/High School	
College	
Daycare	
K-8	
Preschool	
Trade School	
h. AUTOMOTIVE	
Gas/Convenience	
Vehicle Repair	
Vehicle Sales/Rental	
i. AGRICULTURE	
Community Garden	
Rice & Grain Storage	
Greenhouse	
Kenel	
j. INDUSTRIAL	
Agribusiness	
Industry, Open	
Industry, Restricted	
Warehousing	
Waste Transfer	
Water Treatment	
k. ACCESSORY USES	
Drive-Through	
Home Occupations	
Small Wind Equipment	
Dispersed Wind Equipment	
Solar & Geothermal	P
Active Solar Equipment	
Home Occupations	
Outdoor Storage	
Seasonal Sales/Display	
Small Wind Equipment	
Dispersed Wind Equipment	

P = Permitted
C = Conditional

F. Design Standards and Development Review

STANDARDS	RU
Cultural Review	R
Sign Master Plan	
Wayfinding Requirements	
Stormwater Management	R
Trail Connections	R
Master Plan Required	R
Lighting Plan	
Exterior Color Requirements	R
Cul-de-Sac Requirements <i>*within shoreland areas only</i>	
Landscape Review	
Steep Slope Protection	R
Conservation Design	R
Parking Maximum Standards	R
Impervious Service Standards	R
Impervious Service Standards	R

R = Required

ARTICLE IV: ARTICLE IV: PERFORMANCE AND ADMINISTRATIVE STANDARDS

Section 1 General

1.1: The following shall apply for all standards addressed in this Article:

- A. If a use requiring performance standards cannot meet the standards contained in this Article, or the applicant does not wish to follow those standards, the use may then be reviewed as a conditional use or variance and subject to additional or alternative conditions, or denial, in accordance with the criteria found in this Ordinance. The Ordinance states what permit is needed by identifying, at the end of a section, a “C” or “V”. A “C” means that an applicant shall apply for a conditional use from the Commissioner, and a “V” means the applicant shall apply for a variance if a particular standard cannot be followed.
- B. Every land use permit issued with performance standards shall be conditioned upon the proposed development being in full compliance with the terms of the specified standards. Failure to comply with the terms shall result in the revocation of the permit.
- C. Uses that are listed as a conditional use in the zone district, and where standards are found in this Section, shall utilize the standards in this Section as minimum standards and the Commissioner may require additional standards as part of the review process.
- D. Uses that are listed as performance standards that are heard as a conditional use, as stated in “A” above, will have the standards contained in this Section as a guide to the Commissioner, and if the Commission does not specifically alter the particular performance standard, it shall be considered as a condition of the permit.
- E. All land use districts permit accessory structures related to the principal structure, but in designated circumstances, performance standards or a conditional use permit may be required.
- F. All land use districts allow mineral evaluation and exploration as a conditional use, except industrial.
- G. All land use districts allow other uses similar to those listed and in keeping with the intent of the district.

Section 2 Earth Tone Colors

Earth tone colors, where required, shall extend to window and door casings, other outside trim and roof coverings.



Example of earth tone colors

Section 3 Screening (when required as a condition)

The following standards for screening shall be followed when screening is required as a performance standard, conditional use or variance.

3.1: General

Screening may consist of walls, fences, land forms or natural or planted landscape materials, and shall effectively screen the use or structure from roads or adjacent residential parcels. Screening must be on the same parcel as the structure or use being screened, and shall be the responsibility of the owner to maintain the screening. The order of preference for screening is as follows:

- A. Maintaining existing vegetation and using natural topography

Performance and Administrative Standards

- B. Planting native vegetation that is a minimum of four feet high at the time of planting, and is planted and maintained in accordance with accepted silvicultural practices;
- C. Construction of a berm, which must be seeded and have side slopes, not to exceed a 2:1 ratio. The planting of vegetation shall meet applicable technical standards;
- D. Construction of a solid wood fence;
- E. Construction of a chain link fence.

3.2: Required Screening Plans

The following uses shall submit a screening plan with the permit application:

Borrow pits, salvage facilities, solid waste disposal facilities, building material storage yards, contractor yards, rural industry, and other similar uses.

3.3: Established Uses without Screening

Established uses listed above without effective screening from residential uses shall adhere to the following:

- A. Shall maintain a 50 foot setback from all property lines adjacent to residential uses;
- B. Maintain the parcel in a neat and orderly fashion;
- C. Shall not expand without a conditional use review regardless of the zone district it is in;
- D. Salvage facilities and borrow pits shall also follow the appropriate site design standards found in this Ordinance.

Section 4 Residential

4.1: Private Drives

Each lot where a structure is to be erected, altered in its exterior dimensions, or moved, shall have frontage on and access to an improved public road, except as follows:

- A. Lots to be used for a seasonal or recreational cabin may have alternate means of access, which shall be either by a private drive, easement of record, permission to cross, or public water. "V"
- B. Year round occupied homes must meet the following criteria: "V"
 - 1. The lot owner or occupant shall present to the Commissioner proof that permanent access to the property from an improved public road, except for year round homes with water access only.
 - 2. The lot owner or occupant shall sign before a notary public and record with the Land/Leasing Office, an affidavit, agreeing to the following:
 - a. The lot owner or occupant shall agree to maintain a private access to the lot, within the easement, at his or her own expense, that allows the reasonable access of emergency vehicles.

- b. The lot owner or occupant will not demand public road maintenance.
- c. School bus service shall be made solely at the discretion of the local school district.
- d. The lot owner or occupant will comply with all other Bois Forte Reservation Official Controls including subdivision, zoning, sanitary, and rural addressing ordinance.

Section 5 Intensive Vegetation Removal “V”

The following standards shall apply within the Shore and Bluff Impact Zone on all lakes and rivers.

5.1: Limits to Removal of Vegetation

The removal of natural vegetation (i.e. trees, shrubs, and plants) within the shore and bluff impact zones is restricted and limited to the following:

- A. The removal of dead, diseased, dangerous, and storm or fire damaged trees, shrubs, and plants.
- B. The trimming and pruning of trees, shrubs and plants.
- C. The removal of 25 percent of trees (greater than two inches in diameter at breast height), shrubs and plants. Note: This means that no more than 25 percent of the trees may be removed between the principal structure and the water body within the impact zone, and 25 percent vegetative removal standard throughout the shore impact zone.
- D. Authorized removal of trees, shrubs and plants shall be accomplished through human means (i.e. hands, ax, saw, etc.), and shall not be done by heavy equipment.

5.2: Exemption to Vegetative Removal Standards

Removal in excess of 25 percent of existing vegetation is allowed under the following conditions:

- A. The vegetation removed is replaced with trees, shrubs and plants that have similar, or more, beneficial ecological, erosion preventive, and screening values than previously existed.
- B. Forest Management activity where the intent is to have an ongoing timber producing area and not to convert the area to residential, commercial, recreational, or other more intensive use will use Best Management Practices as developed by the Bois Forte Forestry.
- C. The removal of more than 25 percent of trees is permitted when the trees were planted as part of a plantation and thinning is needed to insure continued viability of the plantation.

Section 6 Recreational Vehicles on Lots

Recreational vehicles and other camping is permitted on parcels without a permit provided the following standards are followed: "C"

- A. No more than one recreational vehicle per parcel.
- B. The recreational vehicle shall have a current motor vehicle license.
- C. All setbacks including bluff setbacks, vegetative removal, and shoreland alteration standards are observed.
- D. Privies shall be the only sanitary facility.
- E. No structures including decks shall be placed on the property.

If the above standards are not met, the applicant shall apply for the appropriate permits from the Bois Forte Reservation.

Section 7 Home Business

Home businesses may be permitted without a conditional use permit if the following standards are met: "C"

- A. No outside storage of material or equipment.
- B. All waste be disposed of in accordance with Bois Forte Reservation.
- C. Local road authority whose road provides access to the parcel determines that the road may be utilized by the home business without adversely impacting the public safety or ability of the road to support the additional traffic.
- D. The Bois Forte Reservation's on-site sewage treatment regulations be adhered to.
- E. The local fire department approve the design and placement of structures and the storage of materials. The fire department must be made aware of any hazardous, toxic, or flammable material kept on the property.
- F. The home business shall not be a rural industry, salvage facility, or other use that is Industrial in character.

Section 8 Wetlands "V"

8.1: Conformance with Federal Wetland Standards

All development shall conform with Federal Wetland regulations and it shall be the responsibility of the applicant to demonstrate conformance with the appropriate regulations.

8.2: Bois Forte Reservation Tribal Government to Develop Additional Policies

The Bois Forte Reservation Tribal Council will develop policies which implement the Bois Forte Reservation's responsibility in wetland regulation implementation and all applicants shall conform to said policies.

8.3: Storage Buildings and Fish Cleaning Houses “V”

May be allowed at a reduced setback with the following performance standards:

- A. The building shall be set back a minimum of 30 feet from the ordinary high water level.
- B. The building shall be limited in size to 200 square feet of floor area and 12 feet in height.
- C. The building may not be constructed on slopes exceeding 20 percent.
- D. The building shall not be used for human habitation.
- E. The building shall not have an attached deck.
- F. There shall be no other accessory structures or satellite dishes located within the shore impact zone.
- G. Waste from fish cleaning houses must be disposed of in a manner that conforms with Bois Forte Reservation regulations and policies regarding waste disposal.
- H. The building shall be painted or stained in unobtrusive colors.
- I. The building shall be substantially screened from the lake by natural means

8.4: Boathouses “V”

Boathouses may be allowed solely on General Development and Recreational Development classified lakes with the following performance standards:

- A. Boathouses shall be designed and constructed solely for the storage of boats and related equipment and shall not be used for human habitation.
- B. The closest point of a boathouse to the ordinary high water level shall be no less than 10 feet, or more than 25 feet.
- C. Boathouses shall be limited in floor area to 400 square feet on lakes less than 5000 acres in size, and 520 square feet in floor area on lakes greater than 5000 acres in size.
- D. Boathouses shall be limited to 20 feet wide on the side most parallel to the shoreline, and 26 feet deep on the side most perpendicular to the shoreline, and also shall adhere to the square foot limitations in C above.
- E. Boathouses shall not exceed one-story, or 14 feet in height.
- F. Boathouses shall not have decks on the roof, to the side, or to the front.
- G. Boathouses shall not be constructed on slopes greater than 20 percent.
- H. Boathouses shall have a garage type door, that is large enough to fit a boat, facing the water.
- I. There may be no other accessory structures or satellite dishes located within the shore impact zone.
- J. Boathouses shall be painted or stained in unobtrusive colors.

8.5: Gazebos And Screen Houses “V”

- A. The building shall be limited to 150 square feet in size.
- B. The building shall be limited to one story and 12 feet in height.
- C. The building shall not have pressurized water, nor kitchen or sanitary facilities.
- D. The building shall be setback from the ordinary high water level a minimum of 30 feet.
- E. The building shall not have decks.
- F. There may be no other accessory structures or satellite dishes located within the shore impact zone.
- G. The structure shall be painted or stained an unobtrusive color.
- H. The structure shall be substantially screened from the lake by natural means.

8.6: Detached Decks “V”

Detached decks are permitted with the following conditions:

- A. Decks shall be limited to 150 square feet in size.
- B. Decks shall be limited to 12 feet in height.
- C. Decks shall be set back from the ordinary high water level a minimum of 30 feet.
- D. There shall be no other accessory structures or satellite dishes located within the shore impact zone.
- E. The deck shall be painted or stained an unobtrusive color.
- F. The deck shall be substantially screened from the lake by natural means.

Section 9 Other Structures

9.1: Principal Structures on Riparian Lots: “V”

Structure width facing (the water) shall not exceed 40 percent of lot width.

9.2: Detached Garages And Pole Buildings: “V”

The following shall apply to garages and pole buildings over 800 square feet in size located on riparian lake lots:

- A. The minimum setback from the ordinary high water level shall be the following: 125 feet on general development lakes, 150 feet on recreational development lakes, and 200 feet on natural environment lakes and all river classes.
- B. The building setback from the side yard lot line shall be a minimum of 20 feet.
- C. The structure shall be painted or stained in an unobtrusive color.

Performance and Administrative Standards

9.3: Bunkhouses The following minimum standards shall apply to bunkhouses: “V”

A. Bunkhouses shall be reviewed as added living and bedroom space, and the septic treatment system of the principal structure shall be sized to take into account the added water use.

B. Bunkhouses located on riparian lake lots shall not exceed 260 square feet in ground floor area and 14 feet in height unless the following performance standard is met:

They shall be located on lots that have two times the minimum lot area and width requirements.

9.4: Detached Platforms “V”

A detached platform is a deck without rails or seats and may be allowed without a building permit, and shall not be considered as a water oriented accessory structure, if the standards listed below are met: “V”

A. It shall be no larger than 120 square feet in size.

B. The highest point shall not exceed 18 inches.

C. It shall be set back from the ordinary high water level a minimum of 10 feet.

D. It shall not be located in the bluff impact zone.

Section 10 Placement and Design of Roads, Driveways, and Parking Areas in Shoreland Areas “V”

The following design criteria shall apply to all such facilities located in the shoreland area:

A. Public and private roads, driveways, and parking areas must be designed to take advantage of natural vegetation and topography to achieve maximum screening from view from public waters. They must be designed and constructed to minimize and control erosion to public waters consistent with applicable technical standards.

B. Roads, driveways, and parking areas must meet structure setbacks and must not be placed within bluff and shore impact zones, when other reasonable and feasible placement alternatives exist. If no alternatives exist, they may be placed within these areas, and must be designed to minimize adverse impacts.

C. Public and private watercraft access ramps, approach roads, and access-related parking areas may be placed within shore impact zones provided the vegetative screening and erosion control conditions of this subpart are met. For private facilities, the grading and filling provisions of Article ___, Section ___ of this Ordinance must be met.

Section 11 Houseboat Standards

All commercial houseboat operations shall meet the following standards. New houseboat operations shall be reviewed as a conditional use. "C"

- A. All new operations shall be reviewed as a conditional use permit. Existing operations may continue without a conditional use but may not expand over the number of existing boats and all replacement boats shall comply with these standards.
- B. No greywater may be discharged into the water. Existing boats that contain all greywater shall continue to contain all such waste and the Commissioner shall require, for new operations, boats that contain all greywater.
- C. All boats shall have up-to-date navigational information along with an explanation of such information. Maps should also designate areas where overnight parking is permitted. Platted areas around lakes should be discouraged as parking areas.
- D. Sufficient area shall exist on the boat for storage of solid waste, and disposal must be in accordance with Bois Forte Reservation Solid Waste Regulations.

Section 12 Rural Industry and Forest Product Processing "C"

12.1: Minimum Standards

All new rural industries require a conditional use and, in addition to the criteria established for granting a conditional use permit, the following requirements shall apply:

- A. Transportation facilities shall be able to handle proposed increases.
- B. To the extent expressly adopted by the Bois Forte Reservation Tribal Council, current Minnesota Pollution Control Agency standards on noise shall apply.
- C. Lighting shall not be directed upon nearby or adjacent properties.
- D. All solid and hazardous waste shall be stored and disposed of in accordance with Bois Forte Reservation and Federal Regulations.
- E. Local fire department shall receive information on all material stored on the property, particularly hazardous, highly combustible or toxic material.

ARTICLE V: ARTICLE V: DIMENSIONAL STANDARDS

Section 1 Dimensional Standards and River Corridor Width

All corridor widths in effect in the Bois Forte Reservation will be determined using commonly accepted standards.

Section 2 Shore Setback and Shore Impact Zone Requirements

Unless indicated elsewhere in this Ordinance, the following setbacks shall apply from protected waters or waters designated through Bois Forte Reservation adopted land use plans:

Table 2-1 Shore Setback and Shore Impact Zone Requirements

DISTRICT NUMBER	SETBACK	SHORE IMPACT ZONE
Natural Environment Lakes	150 feet	75 feet
Recreation Development Lakes	100 feet	50 feet
General Development Lakes	75 feet	50 feet
Forest Rivers	150 feet	75 feet
Recreation	150 feet	75 feet
All Other Protected Lakes And Rivers	100 feet	75 feet

Section 3 Sanitary System Setbacks and Standards

3.1: 3.1 On-site System Limiting Factors

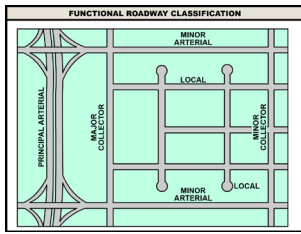
The Bois Forte Reservation Individual Sewage Treatment Construction Standards relating to lot area, setback and width standards shall also be complied with. These standards may result in lot area and widths larger than required by the specific dimensional standards listed in the above table. In those situations where the sanitary system limiting factors result in a larger lot size, those standards shall be the applicable standards.

3.2: Structure Setback from Sanitary System

All occupied structures, including bunkhouses shall be set back 20 feet from an on-site sewage treatment system drainfield and all accessory structures shall have a minimum setback of 10 feet from the system drainfield.

3.3: Sanitary Checkoff

All land use permits issued within the shoreland area and parcels of less than 2.5 acres outside the shoreland area shall have the sanitary system reviewed to determine if the system is failing or if the proposed land use permit would adversely impact the existing sewage system or the expansion area for the sewage system. No land use permit will be issued if there is such an adverse impact or the system is failing unless the sanitary system is upgraded according to Bois Forte Reservation standards with approval given to the system by the Bois Forte Reservation. The Bois Forte Reservation shall develop administrative guidelines relating to the implementation of this procedure including provisions for not undertaking the checkoff when a system has been recently approved or reviewed by the Bois Forte Reservation.



Section 4 Road Right-of-Way Setbacks

Road right-of-way setbacks shall be 35 feet, or the following road centerline setbacks, whichever is greater, with the exception noted for accessory structures. Accessory structures on local roads that are privately maintained or are on publicly maintained roads that serve 10 principal uses or less shall have a setback of 15 feet from right-of-way or 48 feet from road centerline, whichever is greater. This provision shall be interpreted by the potential for vehicles coming from parcels on the same road to normally travel past the parcel under consideration.

The Commissioner may permit a structure located adjacent to road right-of-way where such right-of-way is not improved and it is apparent that other access is provided and that the unimproved road right-of-way will not be opened.

Table 3-1 Road Right-of-Way Setbacks

ROAD	SETBACK
Principal And Major Arterial For All Buildings	110 feet
Major Collectors	85 feet
Minor Collectors And Local Roads	68 feet

Section 5 Significant Historic Sites

No structure or use may be established within 50 feet of a platted or unplatted cemetery unless approved by the Bois Forte Tribal Historical Preservation Officer. No structure or use may be placed on a significant historic site that affects the values of the site unless adequate information about the site has been removed and documented and such removal is approved by Bois Forte Reservation Tribal Government.

Section 6 Placement and Design of Roads, Driveways, and Parking Areas

All public or private roads, driveways, and parking areas must be designed to take advantage of natural vegetation to achieve maximum screening from view from public waters. They must also meet the following standards:

- A. Designed and constructed to minimize erosion and runoff.
- B. Have area available for snow storage that will not result in rapid runoff into the surface water. The snow storage area must be outside the structure setback area.
- C. All lots of over 100 spaces shall have a plan prepared to control runoff using Soil and Water Conservation District guidelines.
- D. Unless intended for a water access ramp, all roads, driveways, and parking areas shall be no closer than the principal structure setback. Water access ramps shall have vegetative screening and erosion control measures taken.
- E. All roads, driveways, and parking lots in bluff and steep slope areas shall be reviewed according to the land alteration standards of this Ordinance.

Section 7 Riparian and Non-riparian Property within Shoreland Area

Shoreland lot area requirements shall not be less than the standards for the lake classification as developed by the Department of Natural Resources. Non-riparian property within the Shoreland area shall be twice the lot size and width for the district designated on the official zoning map unless the zoning map designates an alternative standard or that the lot is solely used for accessory structures or for on-site sewage treatment. Riparian property is a parcel with shore frontage. Non-riparian property is a parcel without shore frontage, but is within a shoreland district.

Section 8 Storage of Structures

Structures that are being stored on a parcel, but are not utilized for any purpose, may be kept at that parcel without a permit, providing all setback standards, and lot conformity standards are met.

ARTICLE VI: NONCONFORMITIES

Section 1 General

Where the districts established by this Ordinance, and amendments thereto, contain structures, uses or lots of record that were legally established or created prior to the enactment of this Ordinance, and amendments thereto, which structures, uses or lots of record would be prohibited under the provisions of this Ordinance, said structures, uses or lots of record may be continued subject to the provisions herein described.

Section 2 Nonconforming Uses

2.1: General Standards

A nonconforming use is a use that is not permitted within the particular land use district where it is found, or a use that is permitted through the conditional use process, but has been in existence prior to the adoption of a zoning ordinance allowing it as a conditional use. The uses which would be allowed through the conditional use process may obtain a conditional use permit from the Tribal Board. Uses which are not allowed in the zone district may not receive a conditional use or a variance.

2.2: Specific Standards for Nonconforming Uses

Nonconforming uses shall follow these standards:

- A. Nonconforming uses shall not be enlarged, increased, moved or extended to occupy a greater area of land than was occupied at the effective date of this Ordinance and amendments thereto, except to bring the use into conformity with the provisions of this Ordinance.
- B. Nonconforming uses shall not be changed to another nonconforming use.
- C. Nonconforming uses shall not be re-established if voluntarily discontinued for a continuous 12 month period.
- D. Nonconforming uses may add an accessory structure, provided the structure does not increase the nonconformity.

Section 3 Nonconforming Structures

3.1: General Standards

Expansion of structures that are located in a manner that does not conform with the dimensional standards of this Ordinance ordinarily requires a variance approved by the Bois Forte Tribal Government unless the expansion falls within the standards found in this Section. The general standards are as follows:

- A. Nonconforming principal structures may be allowed one addition in accordance with the standards found in this Article, provided it does not increase the nonconformity. This provision pertains to additions to existing structures only. Remodeling as defined in this Ordinance is exempt from these provisions.

- B. If any nonconforming structure is destroyed by fire or other peril to the extent of 50 percent or more of its market value, any subsequent rebuilding or replacing of the structure shall conform to the terms of this Ordinance.
- C. Should a nonconforming principal structure be moved for any distance whatsoever, it shall be done in such a manner as to conform to the regulations of the district where it is relocated. However, if physical features such as wetlands or bedrock prevent full conformance, the structure shall be placed to minimize the nonconformity to the greatest extent and must meet all Health Department separation distances and under this situation a land use permit is required but no variance is required.
- D. Nonconforming structures may remodel as defined in this Ordinance.
- E. Nonconforming accessory structures in waterfront zone districts may be moved away from the shoreline, provided the structure is moved outside the bluff and shore impact zones, and provided that no replacement or additions to the structure are made. A standard land use permit is required, but no variance is required.
- F. No additions shall be allowed to nonconforming accessory structures except as permitted in Section 3.2 of this Article.
- G. Any grandfathered nonconforming structure or deck that is altered, replaced or partially replaced beyond what is allowed for remodeling shall no longer be considered grandfathered, and shall meet all standards of this Ordinance.
- H. Vegetative standards found in Article ___, Section ___ must be implemented.
- I. Land Alteration standards found in Article ___, Section ___ must be implemented.
- J. Principal structures at a nonconforming shoreline setback may square off the area of the structure closest to the shoreline going no closer to the shore than the existing structure and not exceeding 120 square feet.

3.2: Nonconforming principal structures located within the shore impact zone may expand without a variance if the following standards are met:

- A. The principal structure meets or exceeds a ground floor area of 400 square feet.
- B. The existing principal structure does not encroach upon a side or local road setback.
- C. The existing principal structure (including deck) is setback from the shoreline a minimum of 25 feet or 25 percent of required shoreline, whichever is greater.
- D. The height of the proposed addition, or completed principal structure, shall not exceed the height of the existing structure by more than two feet.
- E. No additions (barring a deck) have been added to the principal structure since the implementation date of the appropriate setback standard, and the original structure existed before setback requirements were established. The appropriate dates are found in the Appendix.
- F. The addition will not encroach upon the septic treatment system or expansion area.
- G. The maximum allowable addition shall be determined by the following formula to be applied only once:

1. Divide the existing setback by the required setback for the zone district.
2. Multiply the above figure by 800 if the addition is to the rear, and 300 if the addition is to the side, 500 feet for "L" shaped additions.
3. In no event shall an addition to the rear exceed 50 percent of original ground floor area, or an addition to the side exceed 25 percent of the original ground floor area.
4. For "L" shaped additions, the addition shall not exceed 35 percent if the majority of the addition is to the rear, and 25 percent if the majority of the addition is to the side.

Section 4 Decks-Attached

4.1: Deck Additions Principal Structures Toward Shoreline

Deck additions extending toward the water body may be allowed to nonconforming primary structures with the following performance standards. An evaluation of the property must reveal that no reasonable location for a deck exists except towards the shore.

- A. The deck shall have neither side walls, nor roof, but may contain railings for safety purposes.
- B. The deck shall not exceed 12 feet in depth.
- C. The closest point of the deck from the nearest ordinary high water level shall be no closer than 50 percent of the required setback of the zone district.
- D. Stairs and landings shall be included as part of the deck.

4.2: Deck Additions to Side of Principal Structures Not Extending Closer to Shoreline

Deck additions to the side of nonconforming principal structures, (not encroaching toward the water body), shall be permitted as per the following:

- A. Shall be limited to 12 feet in width if located within the shore impact zone.
- B. Shall be limited to 16 feet in width if located outside the shore impact zone.
- C. The design standards in Section ___ shall be followed.

4.3: Deck Additions to rear of principal structure:

Deck additions to the rear of nonconforming principal structures shall be permitted as per the following:

- A. Limited to 16 feet in width if located within the shore impact zone.
- B. No restrictions as to width outside the shore impact zone, but may not be enclosed or have a roof.

Section 5 Natural Disaster

The following standards shall be in effect for the reconstruction of structures damaged in a natural disaster including floods, storms, or fires:

5.1: Structures that do not meet lot area, lot width, shore, side, rear, or road setback may be replaced without a variance if the following standards are met:

- A. Efforts shall be made to bring the new structure into compliance with the zoning standards.
- B. Building does not increase the nonconformity greater than what existed prior to the natural disaster.
- C. Effective erosion control measures that limit runoff into adjacent waters or properties are in effect.
- D. A plan for re-vegetation of the shore impact zone is developed and implemented.
- E. Unused wells are sealed.
- F. On-site sewage treatment regulations are followed.
- G. The rebuilt structure must be in compliance with the floodplain regulations to ensure building at the appropriate elevation.
- H. Structures may utilize the formula for building expansion found in Section ___ of Article ___ if a building footprint larger than the original structure is proposed. The use of the formula shall constitute the one time standard found in Section ___ of Article ___.

5.2: Determination of Natural Disaster

This Section shall be in effect by Natural Disaster declaration by the Governor or President. The Bois Forte Reservation Tribal Council may by resolution define the geographic area.

5.3: Application Process

A person using this provision shall obtain a land use permit from the Bois Forte Reservation; and they shall have 18 months from the date of the determination to make application for a permit. A permit issued under this provision shall be in effect for two years, during which time substantial construction must begin, with the Commissioner being permitted to grant extensions.

5.4: Variance Process

Nothing in this Section shall prohibit a person from making an application for a variance.

ARTICLE VII: ADMINISTRATION, ENFORCEMENT AND APPLICATION REVIEW

Section 1 General

1.1: Division of Natural Resources Commissioner's Responsibilities.

This Ordinance shall be administered by the Bois Forte Reservation Division of Natural Resources Commissioner, who shall provide assistance to an applicant in preparing his application; advise the applicant as to the provisions of this Ordinance; and conduct an inspection program. The Commissioner shall also serve as Bois Forte Reservation Wetland Coordinator and be responsible for coordinating the analysis and mitigation of wetland impacts with the federal agencies with jurisdiction.

1.2: Voiding of Permits Issued in Error

Any permit issued on the basis of an application which is in error, whether the error is intentional or not, shall be null and void. No such permit may be construed as permission to build or begin a land use.

The Commissioner shall immediately notify the applicant upon discovery of an erroneous application.

1.3: Administrative Determinations

Administrative determinations are to be made by the Land/Leasing Manager as questions arise. Should a question or problem arise concerning an approved variance, conditional use permit, land use permit, or an existing use or structure, any interested person may request a review of the matter by the Land/Leasing Manager. Requests must be in writing and must provide sufficient information to identify the problem and location of the subject property, if applicable.

- A. The Land/Leasing Manager shall investigate the matter and report back to the party making the request within a reasonable period of time (not to exceed forty-five (45) days) and take any action required or permitted by this Ordinance.
- B. An interested party may appeal the Land/Leasing Manager's determination to the Commissioner.

1.4: Notification to the Division of Natural Resources

The Division of Natural Resources must be notified at least thirty (30) days prior to the commencement of any construction activities, including but not limited to clearing of land, removal of trees, or surveying a building site.

Section 2 Enforcement

2.1: The Commissioner shall investigate all violations of this Ordinance, notify the owners or occupants of violations and direct the property owner to correct violations within a reasonable period of time, and, if compliance is not obtained within a reasonable period of time shall report such violations to the Attorney, who shall take appropriate and immediate action on the matter.

The Bois Forte Reservation Tribal Council, upon notification from the Commissioner, may authorize or direct action to prevent, restrain, correct or abate violations or threatened violations.

2.2: Civil Penalty

Any person or entity who violates or fails to comply with any of the provisions of this Ordinance or any lawful order issued pursuant to this Ordinance, shall be subject to a civil penalty and shall be fined in an amount of up to \$500.00. Each day that a violation continues to exist shall constitute a separate violation.

2.3: Refusal to Comply

In the event that an applicant or his authorized representative violates, neglects or refuses to comply with the conditions, performance standards or dimensional requirements imposed upon the proposed or established use or structure as a condition or granting the permit for said use or structure, he shall be notified by the Land/Leasing Manager in writing by mail or in person of those requirements that have not been complied with, in which it shall be stated that:

- A. He shall have no more than thirty (30) days from the date of the notice to satisfy requirements or be subject to the revocation of the permit; or
- B. He shall have no more than thirty (30) days from the date of the notice to seek reconsideration of the notice of non-compliance.

2.4: Notice of Violation

The Bois Forte Division of Natural Resources may issue Notices of Violation of this Ordinance.

A. Notices shall contain the following information:

1. The name and address of the person charged with a violation or the owner or person in charge of the premises at which the violation occurs.
2. The date and place of the violation.
3. A short description of the violation followed by the section of the Ordinance violated.

Administration, Enforcement and Application Review

4. The date and place at which the person receiving the Notice of Violation shall appear and a notice that if such person does not respond, a default judgment may be entered.
- B. The Notice of Violation shall be issued to the person charged with the violation, or in the case of an entity other than a natural person or a unit of government, to any officer or agent authorized to accept such issuance.

2.5: Inspections

All persons involved in land development activity shall allow free access to authorized representatives of the Bois Forte Reservation at any reasonable time for the purpose of making such inspections as may be necessary to determine compliance with this Ordinance. Failure of such persons to allow an inspection shall be considered a violation of this Ordinance and the Commissioner shall have the authority to take appropriate legal actions, or to suspend review of a permit, or to revoke a permit.

Section 3 Conditional Uses

3.1: Land-Leasing Manager/Cultural Review Must Approve

Any use listed in this Ordinance as a conditional use may be permitted only after an application for a conditional use permit has been reviewed and approved by the Commissioner and the Tribal Historic Preservation Officer.

3.2: Application, Hearings, Decisions, and Conditions

A. Applications

1. An application shall be filed with the Division of Natural Resources on a form provided for that purpose.
2. The application shall be complete and shall be accompanied by detailed plans, drawn to scale, showing all details of the land area and proposed use, as well as any other information required to make clear the nature of the request and proposed use.
3. The application shall be accompanied by the required fee.
4. The Land/Leasing Manager shall complete an initial review for completeness within twenty (20) days of receipt of an application and shall reject any application not accompanied by the required fee or by other material and information as required by this Ordinance. Notification of rejection, along with the reason for such action, shall be given the applicant within five (5) days of the decision.

3.3: Public Hearing Required

- A. The Division of Natural Resources shall conduct a public hearing on each application upon a determination that the proposed use will have a significant impact on Band lands, resources, or the surrounding community.
- B. Such public hearings shall be conducted at a time and place and with sufficient notice that will allow members of the community an opportunity to participate.

3.4: Decisions

- A. Decisions of the Division of Natural Resources on applications shall be made according to the general requirements and criteria for such permits as listed in Section 3.6 of this Article, and to any special requirements and criteria applicable to the particular application.
- B. The Division of Natural Resources shall render its decisions in writing within thirty (30) days of the receipt of a complete application or the close of any public hearing.
- C. After a Conditional Use Permit is granted, a certified copy of the decision shall be retained in the records of the Division of Natural Resources.

3.5: Conditions

- A. The Division of Natural Resources may impose such conditions or restrictions as it deems necessary to protect the public interest including, but not limited to, matters relating to appearance, lighting, hours or operation, and performance characteristics.
- B. When appropriate, conditions or restrictions may be incorporated into any lease or by an addendum to a lease.
- C. A Conditional Use Permit shall remain in effect for so long as the conditions agreed upon are observed. However, in the sole discretion of the Division of Natural Resources, a time limitation or review requirement may be placed as a condition on any permit, provided that the limitation or requirement is reasonably necessary to protect Band lands and natural resources.

3.6: General Criteria and Requirements

- A. Conditional Use Permit may be approved only upon a showing by the applicant that the standards and criteria of this Section will be satisfied. Since by definition a conditional use is a special use not generally appropriate within the zone district, the applicant bears the burden of demonstrating a right to the permit by making such showing.
- B. A Conditional Use Permit may be granted only upon finding all of the following:
 - 1. The use conforms to the land use or comprehensive plan of the Bois Forte Reservation, if any.
 - 2. The use is compatible with the existing neighborhood.
 - 3. The use will not impede the normal and orderly development and improvement in the surrounding area of uses permitted by right in the zone district.
 - 4. The location and character of the proposed use is considered to be consistent with a desirable pattern of development for the area.

Administration, Enforcement and Application Review

C. When in the opinion of the Division of Natural Resources, a Conditional Use Permit may result in a material adverse effect on the environment, the applicant may be requested by the Division of Natural Resources to demonstrate the nature and extent of the effect and the steps the applicant will take to mitigate the effects.

Section 4 Appeals From Decisions

4.1: Appeals from Division of Natural Resources decisions may be made as follows:

A. Decisions made by the Land/Leasing Manager may be appealed to the Commissioner.

Decisions of the Commissioner are not appealable, but a dissatisfied applicant may seek reconsideration by filing a petition stating with specificity how the decision violated this Ordinance or was arbitrary or capricious.

B. Appeals of decisions of the Land/Leasing Manager shall be written and filed with the Commissioner within forty-five (45) days of the date of the order, requirement, decision, or determination being appealed.

C. A timely appeal stays all proceedings in furtherance of the action appealed from unless the Commissioner determines in writing that a stay would cause imminent threat to life or property.

Section 5 Variances

5.1: Variance Applications

A. An application for a variance from the terms of this Ordinance shall be filed with the Commissioner on a form provided for that purpose.

B. An application shall be complete, and shall clearly specify the grounds for the requested variance. Where required by the nature of the request, the application shall be accompanied by detailed plans, drawn to scale, showing all details of the land area and the nature of the circumstances surrounding the request.

C. The application shall be accompanied by the required fee.

D. The Commissioner shall reject any application not accompanied by the required fee or by other materials and information as required by this Ordinance.

5.2: Hearings

A. The Commissioner shall conduct a public hearing on a request for a variance if granting the variance will have a significant impact on Band lands, resources, or the surrounding community.

B. Such hearings shall be conducted at a time and place and with sufficient notice that will allow members of the community an opportunity to participate.

5.3: Decisions

- A. Decisions of the Division of Natural Resources shall be made within thirty (30) days of the receipt of a complete application or the close of any public hearing.
- B. The Division of Natural Resources shall render its decisions in writing stating its reasons in sufficient detail so that the rationale and basis for the decision can be determined, and that it was made according to the criteria contained in this Ordinance.
- C. A certified copy of any order granting or denying a variance shall be retained in the records of the Division of Natural Resources.

5.4: Criteria for Decisions

A. Variances

1. A variance from the terms of this Ordinance must not be contrary to public interest, and will be authorized where owing to special conditions a practical difficulty or particular hardship would be created by carrying out the strict letter of the Ordinance, and when the terms of the variance are consistent with the spirit and intent of this Ordinance and with the Bois Forte Reservation's land use or comprehensive plan, if any.
2. "Hardship" as used in connection with the granting of a variance means that the property in question cannot be put to a reasonable use under the conditions allowed by this Ordinance; the plight of the landowner or lessee is due to circumstances unique to his property not created by the landowner or the lessee, and the variance, if granted, will 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 this Ordinance. No variance may be granted that would allow any use that is prohibited in the zoning district in which the subject property is located.
3. When in the opinion of the Division of Natural Resources a variance may result in a material adverse effect on the environment, the applicant may be required by the Division of Natural Resources to demonstrate the nature and extent of the effect.
4. It shall be the burden of the applicant to demonstrate sufficient hardship to sustain the need for a variance. Absent a showing of hardship as provided in this Ordinance, the Commissioner shall not approve any variance.
5. The Bois Forte Government may impose conditions in the granting of variances to insure compliance and to protect adjacent properties and the public interest.

5.5: Appeals from Bois Forte Tribal Government Decisions

All decisions by the Bois Forte Tribal Government in granting variances or in hearing appeals from any administrative order, requirement, decision or determination shall be final except that any aggrieved person or persons may appeal as provided in Section 4, above.

Section 6 Amendments

6.1: General

A. This Ordinance, and the Zoning Map, may be amended whenever the public health, safety, and general welfare would best be served by such amendment, in accord with the Bois Forte Reservation's comprehensive or land use plan, if any, by the procedures set forth in this Article.

6.2: Zoning Ordinance Text

A. An amendment to this Ordinance text may be initiated by any Division of Bois Forte Tribal Government. Any proposed amendment shall be referred to the Division of Natural Resources for consideration and the Commissioner shall report to the Bois Forte Reservation Tribal Council in writing along with the recommendation of the Division.

B. The Bois Forte Reservation Tribal Council may in its discretion seek public comment of a proposed amendment.

The Bois Forte Reservation Tribal Council shall determine whether to adopt the amendment or any portion thereof as it deems advisable.

6.3: Zoning Ordinance or Land Use Map

A. An amendment to the Zoning Map may be initiated by the Division of Natural Resources or by the owner or lawful occupant of land located within the area subject to the Map.

B. The Division of Natural Resources shall give the public notice and an opportunity for comment on all proposed Zoning Map amendments. The Division shall conduct a public hearing in the event persons or entities who may be affected by the proposed change object in writing. The Division shall report to the Bois Forte Reservation Tribal Council in writing within twenty (20) days of the comment period or, if applicable, the close of the hearing.

Administration, Enforcement and Application Review

- C. Upon the filing of a report by the Division of Natural Resources or upon expiration of the twenty (20) day period, the Bois Forte Reservation Tribal Council may by resolution adopt the amendment of any portion thereof as it deems advisable.
- D. Once an amendment has been acted upon by the Bois Forte Reservation Tribal Council, the matter shall not be reconsidered, nor shall any additional amendments involving the same parcel of property be heard or considered for at least twelve (12) months.
- E. Criteria for Zoning Map Amendments
1. Amendments to the Zoning Map shall be recommended for approval only upon the finding by the Division of Natural Resources that all of the following conditions exist:
 - a. The proposed zoning shall be consistent with the comprehensive or land use plan adopted for the Bois Forte Reservation.
 - b. The proposed zoning shall not be “spot” zoning (which is zoning to discriminate in favor of one lot or parcel out of harmony with surrounding lots or parcels and the comprehensive or land use plan), without benefit to the community.
 - c. There must be a clear public need for and benefit from additional zoning of the type proposed, which shall be above and beyond any benefit or convenience to the land owner or occupant.
 - d. In addition to a public need being evident, there shall be a showing that the public interest would be best served by rezoning the property in question rather than other property in the community.
 - e. In the case of “down” zoning (which is the changing of a zone district from a higher or more intensive use to a lower or less intensive use), the proposed zoning shall allow the property owner or occupant a reasonable use of his property under the terms of this Ordinance, as well as serve the public interest.