

Pelican Township Zoning Ordinance

Otter Tail County, Minnesota

April 2001

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Article 1 – GENERAL PROVISIONS

SECTION 1.01 TITLE

This Ordinance shall be known, cited, and referred to as the Pelican Township Zoning Ordinance. The Pelican Township Zoning Ordinance and all subsequent amendments may be referred to in this document as “this Ordinance.”

SECTION 1.02 PURPOSE

The purpose of this Ordinance is to:

1. Protect the health, safety, comfort, and welfare of Pelican Township residents.
2. Conserve, protect, and manage the use of natural resources within Pelican Township.
3. Exercise any or all of the powers granted to Pelican Township by Minnesota Statutes.

SECTION 1.03 LEGAL AUTHORITY

This Ordinance is enacted pursuant to authority granted in Minnesota Statutes, Sections 462.351 – 462.364; and all subsequent Laws or amended Laws as provided for in State Statutes.

SECTION 1.04 SEPARABILITY

Every section, provision, or part of this Ordinance or any permit issued pursuant to this Ordinance is declared separable from every other section, provision, or part thereof to the extent that if any section, provision or part of this Ordinance or any permit issued pursuant to this Ordinance shall be held invalid by a court of competent jurisdiction, it shall not invalidate any other section, provision, or part thereof.

SECTION 1.05 RULES

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

1. The singular includes the plural, and the plural includes the singular.
2. The present tense includes the past and future tenses, and the future includes the present tense.
3. The word “shall” is mandatory, and the word “may” is permissive.
4. The masculine gender includes the feminine and neuter genders.
5. The word “person” includes individuals, firms, corporations, associations, trusts, and any other similar entities.
6. Whenever a word or term defined hereafter appears in the text of this Ordinance, its meaning shall be construed as defined in the Definitions (SECTION 1.06) of this Ordinance. When no definition is provided, a word or term shall be construed

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as defined by the Township Board of Supervisors after consultation with a current unabridged English language dictionary.

7. All measured distances expressed in feet shall be measured to the nearest inch.
8. In the event this Ordinance may contain conflicting provisions, the more restrictive shall apply.
9. The applicable boundaries of the jurisdiction of this Ordinance shall include all unincorporated territory within Pelican Township, Otter Tail County, Minnesota, that is not part of the Shoreland Management District of Otter Tail County. This Ordinance also excludes any land lying inside the incorporated limits of the City of Pelican Rapids. If a question of the location of this boundary arises, the detailed plat maps showing the boundaries of the jurisdictions as on file at the Otter Tail County Recorder's office shall be the correct and official boundaries.

SECTION 1.06

DEFINITIONS

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

Acre - Forty-three thousand, five hundred sixty (43,560) square feet.

Addition - Any walled and roofed expansion to the perimeter of a building in which the addition is connected by a common load bearing wall other than a firewall. Any walled and roofed addition, which is connected by a firewall or is separated by independent perimeter load bearing walls is new construction.

Administrative Officer – The official appointed by the Township Board whose responsibility it is to ensure this Ordinance is enforced.

Agricultural Use – The use of land for agricultural or farming purposes, including grain farming, dairying, pasturage, horticulture, floriculture, and animal and poultry husbandry and the necessary accessory uses for packing, treating or storing of produce; provided that the operation of any such accessory uses shall be secondary to that of the normal agricultural activities.

Airport – Any area of land or water which is used or intended for use for the landing and taking off of aircraft; and any accessory areas which are used or intended for use for airport buildings or other airport facilities or right-of-ways, together with all airport buildings and facilities located thereon.

Animal Unit - A measure which represents a common denominator for the purposes of defining a farm. The animal unit accounts for the carrying capacity of one acre of land and is related to the amount of feed various species consume, and the amount of waste they produce. The following table indicates the number of common farm species, which comprise a single animal unit.

Source: The Stockman's Handbook

Type of Livestock	No. Animals/Animal Unit
Horse (2 yrs. or older)	1
Colt (under 2 yrs.)	2
Cattle (2 yrs or older)	1
Cattle (1 to 2 yrs.)	2
Calves (under 1 yr.)	4
Brood Sow or Boar	2.5
Hogs (up to 220 lbs.)	5
Sheep	7
Lambs	14
Chickens	200
Other Poultry	200

Antenna. Shall mean any exterior apparatus designed for telephone, radio, or television communications through the sending and/or receiving of electromagnetic waves

Apartment. A dwelling unit contained in a building comprised of three (3) or more dwelling units, each of which has an entrance to a hallway or balcony in common with at least one (1) other dwelling unit.

Apartment, Accessory.* A dwelling unit that has been added onto, or created within, a single-family house.

Apartment, Commercial. An apartment located in a commercial building.

Ash Sludge – Any slurry, liquid and suspended solid, or other materials containing ash. Also see incinerator ash sludge.

Automobile Wrecking Yard – Any area of land where two or more motor vehicles, not in running condition, or parts thereof, are stored in the open and are not being restored to operation; or any land, building or structures used for the wrecking or storing of such motor vehicles or parts thereof, not in running condition. (See also junk yard.)

Auxiliary Sign. A sign which provides special information such as direction, price, sales information, hours of operation, or warning, and which does not include names, brand names, or information regarding product lines or services. Examples of such signs include directories of tenants in buildings, "no trespassing" signs, and signs which list prices of gasoline.

Basement – A portion of a building location partly underground but having half or more of its floor to ceiling height below the average grade of the adjoining ground.

Bed & Breakfast/Boardinghouse (Rooming or Lodging House) – A building other than a motel or hotel where, for compensation and by prearrangement for definite periods, meals or lodging are provided for one or more persons, but not to exceed twenty persons. This does not include group homes.

Buffer yard. A unit of land, together with a specified type and amount of planting thereon, and any structures, which may be required between land uses to eliminate or minimize conflicts between them.

Building. A structure built, maintained, or intended for use for the shelter or enclosure of persons, animals, or property of any kind. The term is inclusive of any part thereof. Where independent units with separate entrances are divided by party walls, each unit is a building.

Building Line. A line on a lot, generally parallel to a lot line or road right-of-way line, located a sufficient distance there from to provide the minimum yards required by this Ordinance. The building line determines the area in which buildings are permitted subject to all applicable provisions of this Ordinance. This is also referred to as a "setback".

Caretaker's Residence. A dwelling unit which is used exclusively by either the owner, manager, or operator of a principal permitted use and which is located on the same parcel as the principal use.

Carport – An automobile shelter having one or more sides open.

Commercial Vehicle. Any motor vehicle used for business or institutional purposes or having painted thereon or affixed thereto a sign identifying a business or institution or a principal product or service of a business or institution. Agricultural equipment used as part of a permitted agricultural principal use shall not be considered as a commercial vehicle.

Communication Towers. A communication tower is any structure that is designed and constructed primarily for the purpose of supporting one or more antennas, including self-supporting lattice towers, guy towers, or monopole towers. The term includes radio and television transmission towers, microwave towers, common-carrier towers, cellular telephone towers, alternative tower structures, and the like.

Community Water and Sewer System – Utilities systems serving a group of buildings, lots, or any area of the community with the design and construction of such utility systems as approved by the Town and State of Minnesota.

Comprehensive Plan - The Pelican Township Comprehensive Plan text and all accompanying maps, charts, and explanatory material adopted by the Township on March 15, 2000, and all amendments thereto related to the goals, policy statements, standards, and programs for guiding the physical, social and economic development, both public and private, of the Town and its environs.

Day Care Center. Any place operated by a person, society, agency, corporation or institution, or any other group wherein are received for pay thirteen (13) or more children under seventeen (17) years of age for group care for less than twenty-four (24) and more than five (5) hours per day without transfer of custody.

Developer. The legal or beneficial owner(s) of a lot or parcel of any land proposed for inclusion in a development, including an optionee or contract purchaser.

Development. The division of a parcel of land into two (2) or more parcels; the construction, reconstruction, conversion, structural alteration, relocation, or enlargement of any buildings; any use or change in use of any buildings or land; any extension of any use of land; or any clearing, grading, or other movement of land, for which permission may be required pursuant to this Ordinance.

Dwelling. Any building or portion thereof which is designated or used for residential purposes.

Dwelling, Attached – A dwelling which is physically joined to another dwelling.

Dwelling, Detached – A dwelling which is entirely surrounded by open space on the same lot.

Dwelling, Farm – A single family dwelling located on a farm which is used or intended for use by the farm's owner, or person employed thereon.

Dwelling, Non-Farm – A single family dwelling located on a farm or otherwise which is not a farm dwelling.

Dwelling, Single Family – A free standing mobile or permanent structure used or intended for habitation by just one family.

Dwelling, Transient Labor – A free standing mobile or permanent structure used or intended for habitation by transient agricultural labor.

Dwelling, Two Family – A (detached) permanent structure designed for habitation by human beings and designed for and occupied by two separate families.

Dwelling Unit – A residential building or portion thereof intended for occupancy by a single person, household or family but not including hotels, motels, boarding or rooming houses, and tourist homes.

Essential Services – Underground or overhead gas, electrical, steam, water, television, telephone, sanitary, or storm sewer distribution systems, including poles, wires, pipes, conduits, cables, and accessory equipment in conjunction therewith, except buildings as are required for the protection of the public health, safety, and general welfare.

Exterior Storage (Includes Open Storage) – The storage of goods, materials, equipment, manufactured products and similar items not fully enclosed by a building.

Family – One or more persons related by blood, marriage, adoption, or guardianship (including foster care), or not more than five persons not so related, occupying a dwelling unit and living as a single housekeeping unit.

Farms – A parcel of land meeting either of the following conditions:

- a parcel of land equal to or exceeding twenty (20) acres in size and used for residential and agricultural purposes
- a parcel of land equal to or exceeding five (5) acres in size and less than twenty (20) acres in size and meeting the following conditions: the parcel must be used for residential and agricultural purposes including farming, dairying, pasturing, agriculture, horticulture, floriculture, viticulture, animal and poultry husbandry, and the necessary accessory uses for packing, treating, or storing the produce; provided however, that the operation of any such accessory uses shall be secondary to that of normal agricultural activities, and provided further that the above uses shall not include the raising of more than two (2) animal units per acre.

Farm Stand - A temporary structure or vehicle used in the sale of farm products such as fruits, vegetables and juices.

Feedlot – An enclosure, whether indoors or outdoors, for the purpose of feeding livestock, poultry, mink and other fur bearing animals which are being held for eventual sale in which animal waste may accumulate.

Flood Plain – The areas adjoining a watercourse, which has been, or hereafter may be, covered by the regional flood.

Floor Area – The sum of the gross horizontal areas of the several floors of a building or portion thereof devoted to a particular use, including accessory storage areas located within selling or working space and including any basement floors area devoted to retailing activities, to the production or processing of goods, or to business or professional offices. However, the floor areas shall not include: basement floor area

other than that devoted to retailing activities, the production or processing of goods, or to business or professional offices.

Garage, Private – An accessory building or accessory portion of the principal building which is intended for and used to store the private passenger or recreational vehicles of the family or families resident upon the premises.

Garage, Public – Any premises, except those described as a private garage, used for the storage or care of power driven vehicles, or where any such vehicles are equipped for operation, or repair or area kept for remuneration, hire, or sale.

Group Homes – Any residence which is utilized for the care and supervision of any group of non-family residents which is licensed as a group home by the Minnesota Department of Human Services and serves ten or less clients or residents.

Historic Site – Structure or area of land or water of historic, archeological, paleontological, or architectural content or value which has been designated as an historic site in the Federal Register of Historical Landmarks, the Minnesota Historical Society or by resolution of a local governmental unit.

Home Occupation – A business, profession, occupation, or trade conducted for gain or support, employing no more than one employee other than the resident of the home, and located entirely within a residential building, secondary to the use of the building for dwelling purposes, and does not change the essential residential character or appearance of such building.

Hotel. A building or group of buildings containing individual rooms or suites of rooms, each having a private bathroom, for the purpose of providing overnight lodging facilities to the general public, for periods not to exceed thirty (30) days, for compensation with or without meals, and which has common facilities for reservations and cleaning services and on-site management.

Horticulture – The use of land for the growing or production for sale of fruits, including apples, grapes, berries, vegetables, flowers, nursery stock, including ornamental shrubs, trees, and cultured sod.

Inoperative Vehicle. Any motor vehicle which is not legal for road use and/or is not mechanically functioning.

Junk – Used articles or used pieces of iron; scrap metal; automobile bodies; parts of machinery; junked or discarded machinery; used lumber; ashes; garbage; industrial byproducts or waste; empty cans, food containers, or bottles; crockery; utensils of all kind; boxes; barrels; and all other articles customarily considered trash or junk that are not housed in a building.

Junkyard – An open area where waste, used, or second hand materials are bought, sold, exchanged, stored, baled, packed, disassembled or handled, including but not limited to scrap iron and other metals, paper, rags, rubber, tires, and bottles. A junkyard includes an automobile wrecking yard and uses established entirely within enclosed buildings.

kennel. Any place in or at which any number of dogs or cats are kept for the purpose of sale or in connection with boarding care or breeding, for which any fee is charged.

Lot – A parcel of land, subdivided or otherwise, capable of legal description, and having a principal frontage along a public road.

Lot Area. The area contained within the boundary lines of a lot.

Lot Corner. A lot abutting two (2) or more streets at their intersection.

Lot Frontage. Lot width measured at the street lot line. When a lot has more than one (1) street lot line, lot width shall be measured, and the minimum lot width required by this Ordinance shall be provided at each such line.

Lot Line. A line bounding a lot which divides one lot from another or from a street or any other public or private space.

Lot Line, Front. That boundary of a lot which abuts an existing or dedicated public street, and in the case of a corner lot, the shortest dimension on a public street which meets town specifications. If the dimensions of a corner lot are equal, the front lot line shall be designated by the owner.

Lot Line, Rear. In the case of rectangular or most trapezoidal shaped lots, that lot line which is parallel to and most distant from the front lot line of the lot. In the case of an irregular, triangular, or gore-shaped lot, a line twenty (20) feet in length, entirely within the lot, parallel to and at the maximum possible distance from the front line shall be considered to be the rear lot line. In the case of lots which have frontage on more than one road or street, the rear lot line shall be opposite the lot line along which the lot takes access to a street.

Lot Line, Side. Any lot line other than a front or rear lot line.

Lot of Record. Any validly recorded lot which at the time of its recordation complied with all applicable laws, ordinances, and regulations.

Lot, Substandard – A lot or parcel of land for which a deed has been recorded in the office of the Otter Tail County Recorder upon or prior to the effective date of this Ordinance which does not meet the minimum lot area, structure setbacks or other dimensional standards of this ordinance.

Lot Width. The mean horizontal distance between the side lot lines measured at right angles to those side lot lines at the building line. Where there is only one (1) side lot line, lot width shall be measured between such lot line and the opposite lot line or future right-of-way line.

Maintenance and Minor Repair – Includes re-roofing, residing, new or repair of windows, doors, floors, and eave troughs, repainting and stuccoing of exterior, interior redecorating, foundation or basement repair, new electrical, new heating, air conditioning and plumbing equipment or repair of present equipment; each of which may be done in

total, or in part, except the structure shall not be extended in any way nor shall the repair lead to a change of use of the property or structure unless a zoning certificate is obtained.

Mini-Warehouse. A building or group of buildings in a controlled-access and fenced compound that contains varying sizes of individual, compartmentalized, and controlled-access stalls or lockers for the dead storage of a customer's goods or wares. At least one toilet facility shall be available to customers. No sales, service, or repair activities other than the rental of dead storage units are permitted on the premises. Outdoor storage or the storage of junk, explosives, or flammable materials, and other noxious or dangerous materials are specifically prohibited.

Mobile Home – A dwelling unit designed for transportation after fabrication on streets and highways on its own wheels or on flatbed or other trailers, and arriving at the site where it is to be occupied as a dwelling complete and ready for occupancy, except for minor and incidental unpacking and assembly operations, location on jacks or permanent foundation, connections to utilities and the like.

Modular Home – A non-mobile housing unit that is basically fabricated at a central factory and transported to a building site where final installations are made, permanently affixing the module to the site.

Motel – A building or group of detached, semi-detached, or attached buildings containing guest rooms or dwellings, with garage or parking space conveniently located to each unit, and which is designated, used or intended to be used primarily for the accommodation of motor vehicle transients.

Nonconforming Structure. Any building or structure, other than a sign, legally established prior to the effective date of this Ordinance or subsequent amendment to it, which does not fully comply with the standards imposed by the individual sections of this Ordinance.

Nonconforming Use. An activity using land, buildings, signs, and/or structures which were legally established prior to the effective date of this Ordinance or subsequent amendment to it and which would not be permitted to be established as a new use in a zone in which it is located by the regulations of this Ordinance.

Open Sales Lot – Any land used or occupied for the purpose of buying and selling and goods, materials, or merchandise and for the storing of the same under the open sky prior to the sale.

Parking Area – An area of one or more parking spaces located on the same property as the building, structure, or premises it is intended to serve, or on adjoining or nearby property other than the public right-of-way, and of such shape and nature as to be appropriate and usable for the parking or storage, loading and unloading, of motor vehicles.

Parking Space – a Class V Gravel or better surfaced and permanently maintained area on privately owned property either within or outside of a building or sufficient size to store one standard automobile.

Performance Guarantee. A financial guarantee to ensure that all improvements, facilities, or work required by this Ordinance will be completed in compliance with the Ordinance, regulations, and the approved plans and specifications of a development.

Poultry Facility – A confined area or structure used intensively for raising, feeding, breeding or holding chickens, turkeys, and other poultry for eventual sale or for the production of eggs.

Prefabricated Home – A non-mobile housing unit, the walls, floors and ceilings of which are constructed at a central factory and transported to a building site where final construction is completed permanently affixing the unit to the site.

Recreation Area – A parcel which may include water bodies and incidental buildings – thereto maintained for active or passive recreation, including but not limited to parks, playground, golf courses, hunting preserves, polo grounds, nature trails, bridle paths, beaches, campsites, ski and snowmobile trails and canoe routes; but not including stadiums, arenas, bowling alleys, and public swimming pools.

Restaurant, Fast Food. An establishment whose principal business is the sale of food and/or beverages in a ready-to-consume state. The products sold are usually served in containers that are either edible or made of paper, plastic, or other disposable material. Consumption of the products may be within the restaurant building, a motor vehicle that is parked on the premises, or off the premises, in car or home or other locations as carry-out services.

Restaurant, Standard. An establishment whose principal business is the sale of food and/or beverages to customers in a ready-to-consume state, and whose principal method of operation includes one (1) or both of the following characteristics:

A. customers, normally provided with an individual menu, are served their foods and beverages by a restaurant employee at the same table or counter at which food and beverages are consumed, or

B. a cafeteria-type operation where food and beverages generally are consumed within the restaurant building.

Road – A public thoroughfare 20 feet or more in which supporting access by pedestrians and motor vehicles to abutting properties, including without limitation streets, highways, freeways, parkways, thoroughfares, roads, avenues, boulevards, lanes or place, however described: however, not including privately owned driveways.

Rooming House. A dwelling where lodging is provided, for compensation, for from four (4) to ten (10) persons who are not members of a family occupying that dwelling unit and who do not occupy the dwelling as a simple housekeeping unit.

Sanitary Landfill – An area of land which is or could be used for the disposal of solid waste in a manner that minimizes environmental hazards by utilizing the principles of engineering to confine the solid waste to the smallest practical volume, and applying

cover material at the conclusion of each days operation or at intervals as may be necessary.

Service Station - A place where minor motor vehicle repair is conducted and where gasoline, diesel fuel, kerosene, propane, or any other motor fuel or lubricating oil or grease for operating motor vehicles is offered for sale to the public and deliveries are made directly into motor vehicles, including greasing and oiling and the sale of automotive accessories on the premises.

Setback. The minimum distance a structure must be built from a lot line or road right-of-way.

Sign- Any object, device, display, structure, or part thereof, situated outdoors or indoors, which is used to advertise, identify, display, direct or attract attention to an object, person, institution, organization, business, religious group, product, service, event, or location by any means, including words, letters, figures, designs, symbols, fixtures, colors, illumination, or projected images. Signs do not include: the flag or emblem of any nation, organization of nations, state, city, religious, fraternal, or civic organization; merchandise and pictures or models of products or services incorporated in a window display; works of art which in no way identify a product; or scoreboards located on athletic fields. Products or equipment displayed or stored in a manner in which they are normally used and consistent with approved site plan do not constitute a sign. All signs that can be read or understood from the property line will count as part of the sign square footage allowed for that parcel. Any sign authorized in this ordinance is allowed to contain non-commercial copy in-lieu-of other copy.

Site Plan. A graphic depiction of features on a site such as existing and proposed structures, paved areas, ingress/egress points, and landscaped areas along with certain information as required by the Administrative Officer.

Site Permit – An official Town document signed by the Administrative Officer certifying that a named applicant has received approval to initiate a specific use, or construction of a structure, or development of land for a specific use or uses, on a specific site according to Town rules and regulations.

Start of Construction – The first placement of permanent construction on a site, such as the pouring of slabs, or footings or any work beyond the stage of excavation. For a structure without a basement or poured footings, the start of construction includes the first permanent framing or assemble of the structure or any part thereof on its pilings or foundation, or the affixing of any prefabricated structure or mobile home to its permanent site. Permanent construction does not include land preparation, land clearing, grading or filling, excavation for basement, footings, piers, or foundations; installation of sewer, gas, and water pipes, or electric or other service lines from the street or existence on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not a part of the main structure.

Subdivision – The platting of land in accordance with Chapter 505 of Minnesota Statutes and all subsequent amendments thereof.

Structural Alteration – Any change, other than maintenance and minor repairs, which would prolong the life of the supporting members of a building, such as bearing walls, columns, beams, girders or foundations.

Structure – Anything constructed, the use of which requires permanent location of the ground or is attached to something having permanent location on the ground.

Township Board – Pelican Township Board of Supervisors, also referred to herein as the Board or Town Board.

Use – Any purpose for which a building, structure, or tract of land may be designed, arranged, intended, maintained or occupied.

Use, Accessory – A use or structure subordinate to the principal use of the building on the same lot and serving a purpose customarily incidental thereto.

Use, Conditional – Any building, structure, or use which would not generally be compatible without meeting conditions throughout the zoning district but which, if such conditions are met can be compatible with the zoning district and would promote the health, safety, or general welfare.

Use, Non-conforming – A use of land, building or structures lawfully existing at the time of adoption of this Ordinance or amendment thereof which does not comply with all the provisions of this Ordinance.

Use, Permitted – Any building, structure or use which complies with the applicable regulations of this Ordinance governing Permitted Uses in the zoning districts in which such buildings, structure or use is located.

Use, Principal – The main or primary purpose for which a building, other structure, and/or lot is designed, arranged, or intended, or for which they may be used, occupied or maintained under this Ordinance. The use of any other building, other structure and/or land on the same lot and incidental or supplementary thereto and permitted under this Ordinance shall be considered an accessory use.

Use, Special – Any use except a permitted use. Special uses require issuance of a special use permit. After due consideration, in each case, of the impact of such use upon neighboring land and of the public desirability for the particular use at the particular locations, a special use permit may or may not be granted. If granted, the Town Board may attach conditions and guarantees upon the permit deemed necessary for the protection of the public interest.

Variance – A modification or variation of the provision of this Ordinance where it is determined that by reason of special and unusual circumstances relating to a specific lot, that strict application of the Ordinance would be unreasonable, impractical or unfeasible under the circumstances, not including a use not permitted in the applicable district.

Yard – An open space on a lot, unoccupied and unobstructed from the ground upward, except as otherwise provided in this Ordinance.

Yard, Front – A yard extending along the full width of the front line between side lot lines and extending from the abutting street right-of-way line to depth required in the setback regulations for the zoning district on which such lot is located.

Yard, Rear – A space extending between the rear line of the main building and the rear line of the lot and extending the full width of the lot. In the case of through lots and reversed frontage corner lots, there will be no rear yard. In the case of corner lots with normal frontage, the rear yard shall extend from the inner side yard line of the side yard adjacent to the interior lot at the rear building line to the rear line of the half-depth front yard. Depth of required rear yards shall be measured at right angles to a straight line joining the rearmost points of the side lot lines. The forward rear yard line (rear building line) of a required rear yard shall be parallel to the straight line so established.

Yard, Side – A space between the building and the side line of the lot and extending from the front lot line to the rear yard. In the case of through lots, side yards shall extend from the rear lines of the front yards required. In the case of corner lots with normal frontage, there will be only one side yard, adjacent to the interior lot. In the case of corner lots with reversed frontage, the yards remaining after the full and half-depth front yards have been established shall be considered to be side yards.

Zoning Amendment – A change authorized by the governing body either in the allowed use within a district or in the boundaries of a district.

Zoning Certificate – A certificate issued by the Administrative Officer certifying compliance with the applicable provisions of this Ordinance, including but not limited to, site permits, conditional uses, special uses, and variances.

SECTION 1.07 JURISDICTION, SCOPE, INTERPRETATION

Subdivision 1. The jurisdiction of this Ordinance shall include all unincorporated territory within Pelican Township, Otter Tail County, Minnesota, that is not part of the Shoreland Management District of Otter Tail County. This Ordinance also excludes any land lying inside the incorporated limits of the City of Pelican Rapids.

Subdivision 2. Beginning with the effective date of this Ordinance and subsequent amendments, all development of land in Pelican Township shall be in conformance with this Ordinance. Any development not in conformity with these regulations shall be regarded as nonconforming, but may be continued subject to the regulations provided in Section 1.08, Subdivision 3.

Subdivision 3. Except as otherwise provided, “development” means the performance of any building or mining operation, the making of a change in the use or appearance of any structure or land, the parceling of land into one or more lots, and the creation or termination of rights of access or riparian rights. “Development” includes all other activities customarily associated with it unless otherwise specified. Activities which may result in development as defined herein include erection, construction, demolition, intensification of use, or other changes in use which are regulated by this Ordinance. “Development” refers to the act of developing or to the result of development. Reference to any specific part of other operations or activities is not development. Reference to particular operations is not intended to limit the generality of Subdivision (4) of this Section.

Subdivision 4. The following activities or uses shall be considered development as defined in this Section:

- (1) a change in the use of a structure or land or a change from one class of use to a use in another class
- (2) a reconstruction, alteration of the size or structural alteration of a building or structure
- (3) increase in the intensity of use of land such as an increase in the number of businesses, manufacturing establishments, office or dwelling units in a structure or on land.
- (4) Commencement of mining or excavation on a parcel of land
- (5) Deposit of refuse or soils to fill a parcel of land
- (6) Re-establishment of a use which has been abandoned for one year
- (7) Departure from the normal use for which development permission has been granted or failure to comply with the conditions of this Ordinance or order

granting the development permission under which the development was commenced or is continued

(8) Residential subdivisions

Subdivision 5. The following operations or uses do not constitute development for the purposes of this Ordinance.

- (1) The maintenance or improvement of a public road, public trail or railroad track not involving engineering redesign if the work is carried out on land within the boundaries of the right-of-way.
- (2) Work by any utility not involving engineering redesign for the purpose of inspection, repair, renewal or construction on established rights-of-way of any sewer, mains, pipes, cables, utility tunnels, power lines, towers, poles, tracks, or the like.
- (3) Work for the maintenance, renewal or alteration of any structure if the work affects only the interior or the color of the structure or decoration of the exterior of the structure (but does not otherwise result in a structural alteration)
- (4) A transfer of title to land not involving the division of land into parcels
- (5) The creation of lease agreements or other agreements of possession for existing parcels of land.
- (6) The creation or termination of easements, covenants concerning development of land or other rights in land not otherwise involving development.

SECTION 1.08 SUB-STANDARD OR NON-CONFORMING LOTS AND USES

Subdivision 1. Substandard Lots: A substandard lot or parcel of land for which a deed has been recorded in the office of the Otter Tail County Recorder on or prior to the effective date of this Ordinance shall be a lot upon which a structure may be built provided:

- (1) It has frontage on a public right-of-way
- (2) It was under separate ownership from abutting lands upon or prior to the effective date of this Ordinance.
- (3) Its area and dimensional measurements are not less than 75 percent of the requirements of this Ordinance.
- (4) Its development will not violate the general intent and purposes of this Ordinance

- (5) It permits a method of sewage disposal and water supply that meets Otter Tail County and State of Minnesota minimum requirements.

However, if a substandard lot has a structure or structures on it which are in conformance with the other provisions of this Ordinance, said lot shall be exempt from the area and dimensional requirements specified in (3) above, but all future development shall only be allowed as a conditional use.

Subdivision 2. Ownership of Adjoining Lot. If the owner of a substandard lot owns adjoining land, said owner may be required to join all or a part of said adjoining land to the substandard lot to bring said lot into compliance with this ordinance.

Subdivision 3. Non-Conforming Uses and Structures. Any structure or use existing upon the effective date of the adoption of this Ordinance and which does not conform to the provisions of the Ordinance may be continued for certain period of time subject to the following conditions:

- (1) No such use shall be expanded or enlarged except in conformity with the provisions of this Ordinance.
- (2) If a non-conforming use is discontinued (including destruction to an extent exceeding 50 percent of its fair market value) for a period of not less than two years, further use of the structures or property shall conform to this Ordinance.
- (3) A non-conforming use of a structure and/or land, may as a conditional use be changed to another non-conforming use provided that the Township Board of Supervisors shall find that the proposed use is equally or more appropriate to the district than the existing or previous non-conforming use. In permitting such change, the Board may require appropriate conditions and safeguards in accordance with the provisions of this Ordinance.
- (4) Any non-conforming use of land without a structure thereon may be continued for a period of three years after the effective date of this Ordinance, after which time such non-conforming use of the land or structure shall cease.
- (5) Any non-conforming use of a structure of with a county assessor estimated fair market value of less than One Thousand Dollars (\$1000), may be continued for a period of three years after the effective date of this Ordinance, after which time such non-conforming use of the land or structure shall cease.
- (6) Nothing in this Ordinance shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by an official charge with protecting the public safety, upon order of such official.

SECTION 1.09 EFFECTIVE DATE

This Ordinance and all subsequent amendments shall be in full force and effect upon due passage and publication in the manner provided by law.

ARTICLE 2 – ZONING PROVISIONS

SECTION 2.01 CLASSIFICATION OF DISTRICTS

The following zoning districts are hereby established as part of the Pelican Township Zoning Ordinance:

- (1) Agricultural Preservation District (AgP)
- (2) Shoreland Management District (SM)
- (3) Residential District (RD)

SECTION 2.02 AGRICULTURAL PRESERVATION DISTRICT

Subdivision 1. The Agricultural Preservation District is intended to apply to the entire land and water area under the jurisdiction of Pelican Township Board of Supervisors, excluding only those portions of the Township which are within the jurisdiction of the Otter Tail County Shoreland Management Ordinances and those portions which are designated by the Township as a Residential District or Commercial District.

Subdivision 2. The following uses are permitted within the Agricultural Preservation District:

- (1) Agricultural uses
- (2) Farm buildings and farm dwellings, provided that the number of farm dwellings shall be limited to two.
- (3) Farm drainage and irrigation systems
- (4) Home Occupations in accordance with performance standards as defined in Section 3.03.
- (5) Private garages, storage buildings and shed used for private storage only and not for commercial purposes.
- (6) Single-family dwellings used for residential purposes.

Subdivision 3. The following uses shall be conditional upon such rules and requirements as the Township Planning Agency or Board of Supervisors may demand:

- (1) Outdoor recreational areas, churches, schools, and other public accommodations or facilities.
- (2) Cemeteries.
- (3) Local government buildings and facilities
- (4) Feedlots and associated waste handling facilities
- (5) Commercial enterprises such as private professional services, resorts, motels, hotels, bed and breakfasts, restaurants, service stations, public garages or recreational services in accordance with performance standards as defined in Sections 3.02, 04, 06-10.
- (6) General purpose retail establishments such as grocery stores, laundry facilities, hardware.
- (7) Temporary uses.
- (8) Essential services in accordance with performance standards as defined in Sections 3.02, 04, 06-10.
- (9) Recreationally related manufacturing enterprises, commercial storage facilities, and other related enterprises.
- (10) Kennels
- (11) Disposal of municipal sludge, incinerator ash, and contaminated solids
- (12) Rifle or gunnery ranges
- (13) Outdoor salvage or wrecking yards, sanitary landfills, and any other refuse or second hand/material-handling facilities.
- (14) All other uses related to the above listed permitted and conditional uses, which are consistent with the Pelican Township Comprehensive Plan.

Subdivision 4. The following uses shall be prohibited in Pelican Township:

- (1) Any use, which may create public hazards or add known environmental hazards to the surface, subsurface soils or water, surface coverage, or air in the township.

Subdivision 5. The minimum lot size for all permitted uses and conditional uses, including individual mobile homes outside mobile home parks, within the Agricultural Preservation District shall be 5 acres of which at least 30,000 square feet shall not be subject to flooding or be within 100 feet of wetlands, ditches, or any identified aquifer recharge area.

The minimum lot width at the front setback line shall be 200 feet.

Subdivision 6. The yard requirements for all permitted uses shall be as follows:

- (1) Front yard setbacks shall be measured from the near side of any public right of way and be applied according to the following schedule:
 - a. State Road 60 feet
 - b. Country Road 40 feet
 - c. Township Road 20 feet
- (2) Side yard setbacks shall be the same as those required for front yards when applicable because the lot is adjacent to two roadways.
- (3) Rear yard setbacks shall be 24 feet for all structures, except for non attached accessory buildings which may have a minimum rear yard setback of 12 feet.

SECTION 2.03 SHORELAND MANAGEMENT DISTRICT

The Shoreland Management District includes all, and only, the land and water areas within Pelican Township which have been defined as under the jurisdiction of the Otter Tail County Shoreland Management Ordinances. This district is not under the jurisdiction of the Pelican Township Zoning Ordinance.

SECTION 2.04 RESIDENTIAL DISTRICT

Subdivision 1. The Residential District is intended to apply to those areas designated by the Pelican Town Board of Supervisors as land allowed for residential subdivisions, which are consistent with the Comprehensive Plan, and excluding all those portions of the Township which are within the jurisdiction of Otter Tail County Shoreland Management or the City of Pelican Rapids.

Subdivision 2. The following uses are permitted within the Residential District:

- (1) Agricultural uses (define setback or neutral zone)
- (2) Farm Buildings and farm dwellings provided that the number of farm dwellings shall be limited to 2.
- (3) Non-farm single family dwellings within subdivisions each located on its own lot, provided the subdivision and each dwelling meets all applicable performance standards.
- (4) Home occupations

Subdivision 3. The following uses shall be conditional upon such rules and requirements as the Township Planning Board or Board of Supervisors may demand;

- (1) Outdoor recreational areas, churches, schools, and other public accommodations or facilities.
- (2) Cemeteries
- (3) Local Government buildings and facilities.
- (4) Essential services in accordance with performance standards as defined in Sections 3.02, 04, 06-10.
- (5) All other uses related to the above listed permitted and conditional uses which are consistent with the Pelican Township Comprehensive Plan.

Subdivision 4. The following uses shall be prohibited in the Residential District:

- (1) Any use, which may create hazards or add known environmental hazards to the surface or subsurface soils or water, groundwater, surface coverage, or air in the township.
- (2) Mobile Homes.

Subdivision 5. The minimum lot size for all permitted uses and conditional uses within the residential district that are not part of a platted subdivision shall be 2.5 acres, of which 30,000 square feet shall not be subject to flooding or be within 100 feet of wetlands, ditches, or any identified aquifer recharge area.

Subdivision 6. The yard requirements for all permitted uses shall be as follows:

- (1) Front yard setbacks shall be measured from the near side of any public right of way and be applied according to the following schedule:
 - a. State Road 60 feet
 - b. Country Road 40 feet
 - c. Township Road 20 feet

Side yard setbacks shall be the same as those required for front yards when applicable because the lot is adjacent to two roadways. Otherwise, the side yard setback shall be 12 feet.

Rear yard setbacks shall be 24 feet for all structures except for non attached accessory buildings which may have minimum rear yard setbacks of 12 feet.

SECTION 2.05 OFFICIAL ZONING MAP

Pelican Township is divided into zones or districts as shown on the Official Zoning Map. This map, together with explanatory matter thereon, is hereby adopted by reference and

declared to be a part of this Ordinance. The official Zoning map shall be identified by the notarized signature of the Township Board Chairperson.

ARTICLE 3 PERFORMANCE STANDARDS

SECTION 3.01 INTENT

Subdivision 1. These performance standards are designed to prevent and eliminate those conditions that are hazardous and endanger people, private and public property and the natural environment. The performance standards established in this article shall apply to all future structures and land uses in the residential and agricultural districts. The standards also apply to existing development where so stated.

Subdivision 2. Before any zoning certificate is approved, the Administrative Officer or where applicable the Town Board, shall determine whether the proposed use will conform to the performance standards. The petitioner, developer, owner or applicant shall supply data necessary to demonstrate conformance with these standards at the request of the Town Board or Administrative Officer. It may be necessary for such person to employ specialized consultants to demonstrate that a given use will not exceed the performance standards. All costs of providing such data shall be borne by such person.

SECTION 3.02 NUISANCE CHARACTERISTICS

Subdivision 1 General Provisions No noise, odors, vibration, smoke, air pollution, liquid or solid wastes, heat, glare, dust or other such adverse influences shall be permitted in any district that will in any way have an adverse effect on the public health, safety and welfare. All wastes in all districts shall be disposed of in a manner that is not dangerous to public health and safety nor will damage public waste transmission or disposal facilities.

SECTION 3.03 HOME OCCUPATIONS

Subdivision 1. No more than one person other than members of the household residing on the premises shall be engaged in a home occupation.

Subdivision 2. The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and not more than 25% of the main floor area of the dwelling unit shall be permanently set aside to be used in conduct of the home occupation.

Subdivision 3. There shall be no change to the outside appearance of the premises that would reflect the presence of a home occupation other than one sign, not to exceed 12 square feet, non illuminated..

Subdivision 4. No equipment shall be used in such home occupation, which creates undue noise, vibration, glare, fumes, or odors Subdivision 5. No home occupation shall

be permitted that creates the need for parking which frequently infringes upon on-street parking.

SECTION 3.04 ROADWAY ACCESS

All new roadway accesses shall be prior approved by the Town Board of Supervisors.

SECTION 3.05 SIGNS

Subdivision 1. The purpose of this section is to protect, insure, and maintain the natural and scenic beauty and attractiveness of the roadsides throughout Pelican Township. By the construction of public roads, the public has created views to which the public retains a right-of-view and it is the intent of these standards to prevent the taking of that right. Signs are recognized as accessory uses and are permitted in all districts subject to the regulations of this ordinance.

Subdivision 2. No sign shall be allowed that is a hazard to the public health, safety, convenience, welfare, or that prevents ingress or egress, from any door, window or fire escape; that tends to accumulate debris as a fire hazard or that is attached to a standpipe or fire escape.

Subdivision 3. No sign may be erected that, by reason of position, shape movement, color or any other characteristic, interferes with the proper functioning of a traffic sign or signal or otherwise constitutes a traffic hazard. No signs shall be permitted which would interfere with traffic control.

Subdivision 4. Signs are prohibited within the public right-of-way of any street or easement.

Subdivision 5. Advertising Signs (Bill Boards).

1. Advertising signs shall not be located within 500 feet of local parks, historical sites and public picnics or rest areas or within 500 feet of a Church or School.
2. Advertising signs shall not be located closer than 800 feet from any other advertising sign on the same side of any other public road or highway.
3. Advertising signs shall not exceed 10 feet in height above the average ground level at the base of the sign.
4. Every outdoor advertising sign erected under the provisions of this Ordinance shall be plainly marked with the name of the person or firm erecting such sign.

Subdivision 6. Sign Maintenance.

1. Painting. The owner of any sign shall be required to have such sign properly painted at least once every two years, if needed, including all parts and supports of the sign, unless such parts or supports are galvanized or otherwise treated to prevent rust.

2. Area Around Sign. The owner, or lessee of any sign or the owner of the land on which the sign is located shall keep the grass, weeds or other growth cut and the area free from refuse between the sign and the street and also for a distance of six feet behind and at the end of said sign.

Subdivision 7. Any sign which no longer advertises a bona fide business conducted or a product sold shall be taken down and removed by the owner, agent or person having the beneficial use of the building, or land upon which the sign may be found within 30 days after written notice from the Town Board.

Subdivision 8. Any sign which becomes structurally unsafe or endangers the safety of a building or premises or endangers the public safety shall be taken down and removed by the owner, agent, or person having the beneficial use of the building, or land upon which the sign may be found within ten days after written notice from the Town Board.

SECTION 3.06 MOBILE HOME PARKS and MOBILE HOME LOTS

The following minimum requirements apply to mobile home parks.

Subdivision 1 General

- (1) The minimum area for a mobile home park shall be 10 acres.
- (2) The minimum number of spaces completed and ready for occupancy prior to the first occupancy is permitted shall be 10.
- (3) No space shall be rented for a period of less than 30 days.
- (4) A community sanitary sewer and water system shall be installed. Each mobile home stand shall be equipped with a telephone outlet and an electrical outlet. All utilities supplied to the mobile home park shall be placed underground. The sewer and water systems shall be designed so as to be efficiently connected to public sewer and water if required by the Town Board.
- (5) A mobile home stand shall be used for parking not more than one mobile home.
- (6) Mobile home stands shall be at such elevation, distance, and position relative to the street or driveway, that placement and removal of the mobile home with a tractor, tow truck, or other customary moving equipment is practical. The stand shall be compacted and surfaced with a material which will prevent the growth of vegetation, while supporting the maximum anticipated load during all seasons. Stands shall be of sufficient size to accommodate the entire length and width of the mobile home unit.
- (7) A community garbage pickup site shall be installed with adequate size to prevent the piling of garbage within the community.

- (8) A designated space for recreation shall be provided within the Mobile Home park for resident usage.

Subdivision 2. Mobile home lots

Each mobile home lot within a mobile home park shall have:

- (1) At least 7200 square feet of land area for the exclusive use of residents of the mobile home located on the lot with a minimum width of 60 feet at the setback line and a minimum depth of 120 feet.
- (2) The mobile home stand and mobile home unit including accessory structures shall not cover more than 50% pf the mobile home lot.

Subdivison 3 Setbacks

- (1) All mobile homes within mobile parks shall comply with the following setback requirements.
- (2) No mobile home shall be parked closer than ten feet to the side lot lines, nor closer than 15 feet to the front line nor closer than 15 feet to the rear line.
- (3) Accessory structures such as an awning, cabana, storage shed, carport, windbreak or entry way shall be at least ten feet from the nearest adjoining mobile home.

Subdivision 4 Parking

The following are minimum requirements for mobile home parks:

- (1) Each mobile home park shall have a durable surfaced off street parking space for two automobiles.

Subdivision 5 Utilities

The following minimum requirements with regard to utilities shall be maintained for all mobile home parks, recreational campgrounds, and resorts.

- (1) All utility lines shall be underground; there shall be no overhead wires or supporting poles except those essential for street or other lighting purposes set forth herein.
- (2) Garbage, waste and trash disposal must be approved by the Town Board and must conform to all state and local health and pollution control regulations.

Subdivision 6 Internal Roads and Streets

All internal roads and streets meet the following minimum requirements for all mobile home parks, recreational campgrounds and resorts:

- (1) Roads and streets shall be surfaced in such a manner as approved by the Town Board
- (2) All roads shall have a curb and gutter if required by the Town Board.
- (3) All roads and streets shall be developed with a roadbed of not less than 30 feet.

Subdivision 7 Landscaping

All areas for mobile home parks, recreational campgrounds, and resorts shall be landscaped in accordance with a landscaping plan submitted by the developer and approved by the Town Board.

Subdivision 8 Skirting

All mobile home units inside or outside mobile home parks shall be skirted around the entire mobile home with permanent skirting.

Subdivision 9 Site Plan

At the time of application for a conditional use for a mobile home park, recreational campground or resort that applicant must submit a site plan to the Town Board. The site plan shall contain the following:

- (1) The name and address of all owners and developers of the proposed development.
- (2) The legal description and lot size in acres of the proposed development.
- (3) The location and size of all mobile home lots or campground or cabin lots, convenience establishments, recreation facilities and areas, landscaping, existing tree growth, water areas, roadways, and parking sites.
- (4) Detailed landscaping and grading plans and specifications.
- (5) Plans for sanitary sewer disposal, surface drainage, water systems, electrical services, gas services.
- (6) Preliminary road construction plans, access and specifications
- (7) Description and method of disposing of garbage and refuse.
- (8) Staging and timing of construction program regardless of whether the entire area will be developed at one time or in stages.
- (9) The scale for all drawings shall be one inch to 100 feet.

SECTION 3.07 SCREENING AND FENCING

Subdivision 1. Screening

Where any new business use is adjacent to property developed for residential use, that business shall be required to provide screening along the boundary of the residential property, and shall require approval by the Town Board.

Subdivision 2. Residential Fences

1. All residential fences shall be placed within the property being fenced.
2. Fences along side property lines shall not be more than eight feet in height

SECTION 3.08 LAND APPLICATION OF MUNICIPAL SLUDGE, INCINERATOR ASH, AND CONTAMINATED SOILS.

Subdivision 1. Requirements.

1. All Federal, State, County, and Minnesota Pollution Control Agency rules and permits must be met.

SECTION 3.09 CAMPGROUNDS

Subdivision 1. Purpose. The purpose of this section is to provide for areas to be used for recreational camping which will not detract from surrounding land uses or natural resources, and provide for the health and safety of the public using these areas.

Subdivision 2. License Required. No person, corporation, partnership, firm or other entity shall operate a recreational campground area unless a valid license issued by the Minnesota Department of Health for the current year has been obtained and is in the possession of the operator and posted in a conspicuous place in the office of the operator.

Subdivision 3. Conditional Permit Required. A conditional use permit shall be required for the construction or operation of a recreational camping area.

A. Each conditional use application shall include the submission of a site plan drawn to scale and when construction costs exceed \$25,000, they must be prepared by a registered engineer, architect or land surveyor. The site plan shall include the following:

- (1) The full name and address of the applicant or applicants; or names and addresses of the partners, if the applicant is a partnership; or the names and addresses of the officers, if the applicant is a corporation. The name and address of the project developer must also be indicated.
- (2) A legal description of the site, lot, field, or tract of land upon which it is proposed to operate and maintain a recreational camping area.
- (3) The proposed and existing sanitary facilities on and about said site, lot, field, or tract of land and the proposed construction or alteration of sanitary facilities including toilets, urinals, sinks, wash basins, slop sinks, and showers, drains, laundry facilities; source water supply and sewage, garbage, and waste removal. A detailed description of maintenance procedures, grounds supervision, and method of fire protection shall also be submitted.
- (4) The proposed method of lighting structures and site, lot, or tract of land upon which said recreational camping area is to be located.
- (5) Location and size of all streets or roads abutting the site and all driveways from such streets and roads to the recreational camping area. Road construction plans and specifications.
- (6) Location, size, and characteristics of each lot or camping area.
- (7) Designate the calendar months of the year which applicant will operate said recreational camping area. Details as to whether all of the area will be developed at once or whether it will be developed a portion at a time.
- (8) Plans and drawings for new construction or alteration, including buildings, water systems, wells, plumbing, and sewage disposal systems, surface drainage, electrical service and gas service.

Subdivision 4 Camping Spacing Requirements.

- A. In recreational camping areas, recreational camping vehicles shall be separated from each other and from other structures by at least ten (10) feet. Any accessory structure such as attached awnings, carports, or individual storage facilities, shall, for the purpose of this separation requirement, be considered to be part of the recreational camping vehicle.
- B. A minimum site size of 1,000 square feet shall be provided for each recreational vehicle in camping areas.
- C. All recreational camping vehicles shall be located at least ten (10) feet from all park property boundary areas.

Subdivision 5. Utilities. All utilities shall be underground and there shall be no overhead wires or supporting poles except those essential for street or other lighting purposes.

Subdivision 6. Water Supply. The proposed recreational camping area shall meet all Otter Tail County and Minnesota Health Department Standards.

Subdivision 7. Sewage Disposal. All sewage and other water carried wastes in recreational camping areas shall be discharged into a municipal sewage system, which is being operated under a permit issued by the Minnesota Pollution Control Agency, whenever such a system is available. When such a system is not available, a sewage disposal system acceptable to the State Board of Health and the Minnesota Pollution Control Agency shall be provided. All systems utilizing soil absorption for final disposal of effluent shall comply with all applicable Otter Tail County and/or State regulations.

Subdivision 8. Toilet, Bathing, and Laundry Facilities. Camping areas which harbor recreational camping vehicles which are not equipped with toilet and bathing facilities, must have one or more central buildings provided with such facilities.

Subdivision 9. Plumbing. All systems of plumbing shall be installed in accordance with the State Board of Health regulations and the provisions of the Minnesota Plumbing Code.

Subdivision 10. Lighting. A street light shall be required within 300 feet of any campsite. All public buildings such as toilets, showers, or laundry buildings, served with electricity shall be lighted at all times.

Subdivision 11. Garbage and Refuse – Handling and Disposal. The storage, collection and disposal of refuse and garbage for recreational camping areas shall be so conducted as to create no health hazards, rodent harborage, insect breeding areas, accident or fire hazards or air pollution. All refuse and garbage shall be stored in watertight, rodent-proof containers.

- A. In recreational camping areas, garbage and refuse containers shall be provided on the ratio of at least one for every four sites, or dumpsters provided with the capacity of two cubic yards per 50 sites. Refuse and garbage collection shall be made as often as necessary to prevent nuisance conditions. Final disposal of refuse and garbage shall be made as often as necessary to prevent nuisance conditions. Final disposal of refuse and garbage shall be accomplished in accordance with the criteria and standards established by the Minnesota Pollution Control Agency.
- B. Recreational camping areas shall be maintained free of accumulations of debris which may provide rodent harborage or other nuisances. Storage areas shall be maintained as to prevent harborage. Lumber, pipe, and other building materials shall be stored at least one foot above ground. Areas shall be so maintained as to prevent the growth of ragweed, poison ivy, poison oak, poison sumac, and other noxious weeds considered detrimental to health.

Subdivision 12. Caretaker/Operator Duties. A responsible attendant or caretaker shall be in charge of every recreational camping area and the duty of said attendant or caretaker shall be to maintain the park, its facilities, maintain records of the park, and keep the facilities and the equipment in a clean, orderly, and sanitary condition.

SECTION 3.10 SANITARY LANDFILLS AND DEMOLITION DEBRIS LANDFILLS

The following minimum requirements apply to sanitary landfills, demolition debris, and incinerator ash.

Subdivision 1. General.

- (1) All applications must first meet all Federal, State, County, and Minnesota Pollution Control Rules and regulations.

SECTION 3.11 RESIDENTIAL SUBDIVISION STANDARDS

Subdivision 1. Purpose: The purpose of this section is to provide for areas to be used for residential subdivisions in a manner which will promote good land use planning

practices, assist and protect the Township's tax base, develop areas with a strong residential character, and provide for the health and safety of the residents.

Subdivision 2. Township Subdivision Signature Required. No person, corporation, partnership, firm or other entity proposing to develop a subdivision in Pelican Township shall obtain a Township signature on a subdivision plat until said subdivision plat has been reviewed by the Township and found to be consistent with all applicable zoning regulations.

Subdivision 3. Specific Standards Required. A residential subdivision shall be required to meet the following standards:

1. A minimum primary building size of 1000 square feet shall be required.
2. No unlicensed vehicles shall be located on the premises unless stored in a garage or other walled enclosure.
3. All lots shall have a minimum lot size of 1.0 acres for all subdivisions.
4. A buffer zone shall be maintained between the lots within the subdivision and agricultural farmland as approved by the Town Board.

ARTICLE 4 – ADMINISTRATION AND ENFORCEMENT

SECTION 4.01 ADMINISTRATIVE OFFICER

Subdivision 1. Appointment and Duties: This Ordinance shall be administered by the Township Administrative Officer. The Town Board shall appoint the Township Administrative Officer and shall charge him/her with the enforcement of this Ordinance and the performance of the following duties:

1. Issue site permits or Zoning Certificates and maintain records thereof.
2. Conduct inspections of buildings and use of land as necessary to determine compliance with the terms of this Ordinance.
3. Receive, file and forward all applications for appeals, variances, zoning amendments, conditional uses or other matters to the designated official bodies.
4. Conduct such other transactions, correspondence, and business as may be necessary on behalf of the designated official bodies for the enactment of this Ordinance.

Subdivision 2. Maintenance of Records: The Town Board of Pelican Township shall instruct the Town Administrative Officer to perform the following duty:

1. Maintain permanent and current records of this Ordinance, including but not limited to, all maps, amendments, conditional uses, variances, appeals and applications therefore.

SECTION 4.02 SITE PERMITS AND ZONING CERTIFICATES

Subdivision 1. Applicability. For the purpose of enforcing this Ordinance for construction other than maintenance and minor repair, prior to the start of construction: the moving of any structure, change of the use of land or structure, or change of the means of property egress and ingress, a zoning certificate or site permit shall be required of all persons. No zoning certificate or site permit shall be issued by the Township Administrative Officer except in conformity with this Ordinance, unless he receives a written order from the Town Board or Board of Adjustment in the form of a zoning amendment, administrative review, conditional temporary use, or variance as provided by this Ordinance.

Subdivision 2. Procedure.

1. Persons requesting a zoning certificate or site permit shall fill out an application available from the Township Administrative Officer.
2. Applications for zoning certificates or site permits shall be made to the Administrative Officer and shall be accompanied by plans drawn to scale showing the actual dimensions and shape of the lot to be built upon or used; the location and dimensions of the proposed building or alteration of land use, and the detailed location and size of all required off-street parking and loading areas. The

application shall also include such other information as may be required by the Administrative Officer.

3. The Administrative Officer within 30 days must take action to approve, reject or (in cases involving prior action or discussion by the Town Board) refer the application for a zoning certificate or site permit to the appropriate body for additional information or clarification.
4. Before a zoning certificate or site permit is issued, all applicable terms of this Ordinance shall be met.
5. If the construction described in any zoning certificate or site permit has not begun within six months from the date of issuance thereof, said permit shall expire. If the construction described in any zoning certificate or site permit has not been substantially completed within one year of the date of issuance thereof, said certificate shall expire and be cancelled by the Administrative Officer. Written notice thereof shall be given to the persons affected, together with notice that further work as described in the cancelled certificate shall not proceed unless a new certificate has been obtained.
6. If reasonable diligent construction could not complete a proposed structure within one year of the issuance of a site permit or zoning certificate, an extension may be granted for the period of one year. Such extension shall not be granted unless a County or Township approved water supply and sewage treatment system is installed and operating if occupancy is planned at completion.
7. Zoning certificates or site permits issued on the basis of approved plans and applications, or as a written order in the form of a conditional or temporary use, administrative review, or variance shall authorize only the use, arrangement or construction. Any use, arrangement or construction different from that authorized or required shall be deemed a violation of this Ordinance.
8. Failure to obtain a zoning certificate or site permit shall be a violation of this Ordinance which shall give rise to any and all legal and equitable remedies.

SECTION 4.03 CONDITIONAL USES

Subdivision 1. General Provisions. In granting a conditional use, the Town Board shall consider the effect of the proposed use upon the health, safety, and general welfare of occupants of surrounding lands, existing and anticipated traffic conditions including parking facilities on adjacent streets and land, and the effect on agricultural usage and values of property and scenic views in the surrounding area, and the effect of the proposed use on existing comprehensive plans.

Subdivision 2. Applicability. The Town Board may grant a conditional use only for those uses which are not prohibited, either explicitly or implicitly by this Ordinance.

Subdivision 3. Criteria for Granting Conditional Uses.

The Town board shall make the following findings, among others, where applicable:

1. The use will not create an excessive burden on parks, schools, streets, water supply, sanitary sewers and storm sewers and other public facilities and utilities, which serve or are proposed to serve the area.
2. The use will be sufficiently compatible or separated by a buffer distance or screening from adjacent agriculturally zoned or used land so that existing homes, buildings, and property will not be depreciated in value and there will be no deterrence to agricultural use of said land.
3. The structure and site shall have an appearance that will not have an adverse effect upon adjacent residential properties.
4. The use, in the opinion of the Town Board, is reasonably related to the overall needs of the Township and to the existing land use.
5. The use is consistent with the purposes of the zoning code and the purposes of the zoning district in which the applicant intends to locate the proposed use.
6. The use is not in conflict with the comprehensive plan of the Township.
7. The use will not cause traffic hazards or congestion.
8. Existing businesses nearby will not be adversely affected because of curtailment of customer trade brought about by intrusion of noise, glare, or general unsightliness.

SECTION 4.04 TEMPORARY USES

Subdivision 1. General Provisions. In granting a conditional use, the Town Board shall consider the effect of the proposed use upon the health, safety, and general welfare of occupants of surrounding lands, existing and anticipated traffic conditions including parking facilities on adjacent streets and land, and the effect on agricultural usage and values of property and scenic views in the surrounding area, and the effect of the proposed use on existing comprehensive plans.

Subdivision 2. Applicability. The Town Board may grant a temporary use only for those uses which are not prohibited, either explicitly or implicitly by this Ordinance.

Subdivision 3. Criteria for Granting Temporary Uses.

The Town Board shall make the following findings, among others, where applicable:

1. Adjacent vacant land will not be developed during the existence of the use or will not be adversely affected by the proposed use.
2. Adjacent developed land will not be adversely affected by the proposed use.
3. There is adequate assurance, guaranteed by performance bond or letter of credit where deemed necessary by the Town Board, that the property will be left in suitable conditions after the use is terminated.
4. Promotional displays and activities such as children's rides, carnivals, fairs, not otherwise prohibited by Ordinances, street dances, concerts, live entertainment, and promotional and sidewalk sales for the purposes of promoting a use or uses regularly and lawfully in operation on the land may be permitted in open areas.

SECTION 4.05 CONDITIONS ATTACHABLE TO CONDITIONAL AND TEMPORARY USES

Subdivision 1. Conditions. In permitting a new conditional use, temporary use or alteration of a conditional use or temporary use, the Town Board may impose, in addition to these standards and requirements expressly specified by this Ordinance, additional conditions which they consider necessary to protect the best interest of the surrounding area or the township as a whole. These conditions may include, but are not limited to, the following:

1. Increasing the required lot size or yard dimension
2. Limiting the height, size of location of buildings.
3. Controlling the location and number of vehicle access points.
4. Increasing the street or roadway width.
5. Increasing the number of required off-street parking spaces.
6. Limiting the number, size, location, or light of signs.
7. Requiring dikes, fencing, screening, landscaping, or other facilities to protect adjacent or nearby property.
8. Designating sites for open space.

SECTION 4.06 VARIANCES

Subdivision 1. General Provisions. In granting a variance, the Town Board shall consider the effect of the proposed use upon the health, safety, and general welfare of occupants of surrounding lands, existing and anticipated traffic conditions including parking facilities on adjacent streets and land, and the effect on agricultural usage and values of property and scenic views in the surrounding area, and the effect of the proposed use on existing comprehensive plans.

Subdivision 2. Applicability. The Town Board may grant a variance only for those uses which are not prohibited, either explicitly or implicitly by this Ordinance.

Subdivision 3. Criteria for Granting Variances. A variance may be granted only in the event that all of the following circumstances exist:

1. Exceptional or extraordinary circumstances apply to the property which do not apply generally to other properties in the same zone or vicinity, and result from lot size or shape, topography, or other circumstances over which the owner of the property since enactment of this Ordinance has had no control.
2. That literal interpretation of the provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this Ordinance.
3. That the special conditions or circumstances do not result from the actions of the applicant.
4. The variance will not allow any use that is not permitted under the Ordinance for a property in the zone where the affected applicant's land is located.

SECTION 4.07 ZONING ADMENDMENTS

Subdivision 1. General Provisions. In amending any provision of this zoning ordinance, the Town Board shall consider the effect of the proposed amendment upon the health, safety, and general welfare of occupants of surrounding lands, existing and anticipated traffic conditions including parking facilities on adjacent streets and land, and the effect on agricultural usage and values of properties and scenic views in the surrounding area, and the effect of the proposed amendment on the existing comprehensive plan.

Subdivision 2. Applicability. The Town board may amend this Ordinance in accordance with the Statutes of the State of Minnesota and the bylaws of this Township, and the applicable provisions of this Ordinance.

Subdivision 3. Criteria for Amending Provisions of this Ordinance. A zoning amendment may be made only in the event that at least one of the three following circumstances exist:

1. The Pelican Township Comprehensive Plan has been updated and reflects the need for the proposed amendment.
2. The proposed amendment has been recommended by the Planning Commission upon the closing of a duly published public hearing on the matter.
3. The Township Board may amend any part of this Ordinance in accordance with Minnesota Statutes.

SECTION 4.08 PROCEDURE FOR ZONING AMENDMENTS, ADMINISTRATIVE REVIEW, CONDITIONAL OR TEMPORARY USES, AND VARIANCES.

Subdivision 1. An application shall be filled out and submitted to the Administrative Officer with a fee established by the Town Board. This application shall include the following where appropriate:

1. For a zoning map amendment, the description of the proposed change plus a petition of at least 50% of the owners of the lands proposed for the change.
2. For administrative review, variances, or temporary uses, all pertinent information under which the action is requested.
3. For conditional uses:
 - a. An indication of the section of this Ordinance under which the conditional use is sought and stating the reason(s) for which it is required.
 - b. A plot plan showing:
 - i. Legal dimension of the tract to be used.
 - ii. Location of all structures and all existing and proposed improvements and their proposed uses.
 - iii. Building setback from all property lines.
 - iv. Location and type of planting, screening and walls.
 - c. A timing schedule indicating anticipated starting and completion dates.

4. The applicant shall supply proof of ownership of the property for which the rezoning is requested consisting of a Abstract of Title, Registered Property Abstract, or option to buy, certified currently, together with an unrecorded document hereby the petitioners acquire legal or equitable ownership interest.
5. The required form shall be accompanied by a licensed abstracter's certificate showing the record owners addresses of all the property located within one mile of the property for which the conditional permit is requested.

Subdivision 2. A public hearing is held by the Town Board in accordance with Section 4.10 of this Ordinance and any applicable Township bylaws.

Subdivision 3. The Town Board shall take action on the application within 60 days after the public hearing is closed. The Town Board may approve, deny, modify, or impose conditions (including time limits) it considers necessary to protect the public health, safety, and welfare.

Subdivision 4. No application shall be considered by the Town Board within a one year period following a denial of such request, except the Town Board may permit a new application, if in its opinion, new evidence or a change of circumstances warrant it.

Subdivision 5. Any changes or alterations other than those authorized or required as conditions shall require an amendment therefore. All procedures shall apply as if a new zoning certificate or site permit were being issued.

SECTION 4.08 ZONING COMMISSION

Subdivision 1. Appointment and Duties. The Pelican Town Board shall appoint members to the Pelican Township Planning Commission in accordance with its charter and all ordinances previously adopted. The duties of the Planning Commission shall include, but may not be limited to the following:

1. Hear and advise the Town Board regarding the allowance of the temporary use of a building or premises in any district for a purpose or use that does not conform to the conditions prescribed by the Ordinance, provided that such use be of a truly temporary nature and does not involve the erection of substantial buildings.
2. Hear and advise the Town Board on any variance from the terms of the Ordinance.
3. Hear and advise the Town Board regarding the allowance of requests for conditional uses.
4. Hear and advise the Town Board regarding the allowance of proposed rezoning district, or text amendments or repeal any part of this Ordinance.

SECTION 4.09 TOWN BOARD

Subdivision 1. Duties.

The Town Board shall have jurisdiction in all matters permitted by law and shall have the specific and general powers provided in this Ordinance, among others, including those as follows:

1. Have the power to allow the temporary use of a building or premises in any district for a purpose or use that does not conform to conditions prescribed by the Ordinance.
2. Consider, adopt or reject proposed zoning district or text amendments, or repeal any part of this Ordinance.
3. Act upon requests for conditional uses.
4. Appoint an Administrative Officer.

SECTION 4.10 BOARD OF ADJUSTMENT

Subdivision 1. Appointment and Duties. The Town Board shall, by a majority approval of a resolution, appoint all members of the Planning Commission and all members of the Town Board to serve as the Board of Adjustment. The Board of Adjustment shall be charged with the following duties:

1. Hear and decide appeals where it is alleged that there is an error in any order, decision or determination made by the Township Administrative Officer in the enforcement of this Ordinance.
2. Hear appeals regarding requests for variances from the literal provisions of this Ordinance.
3. Hear such other appeals as are granted to boards of adjustment under Minnesota Statutes, Section 462.359, Subdivision 4.
4. Hear appeals on decisions of the Town Board regarding conditional uses, temporary uses, and zoning amendments.

Subdivision 2. Finality. All matters heard by the Board of Adjustment shall have no other recourse but to the appropriate offices of the Courts upon a decision of the Board of Adjustment on the matter.

SECTION 4.11 PROCEDURES: NOTICES, HEARINGS, and APPEALS

Subdivision 1. Notices.

Notices for all meetings and hearings shall be in accordance with town body bylaws and in accordance with the provision of this Ordinance.

Subdivision 2. Public Hearings.

1. For administrative review, temporary and conditional uses, variances, or zoning text amendments, notice of the time, place and purpose of the hearing shall be published in the newspaper of general circulation in the Township at least ten

days prior to the hearing. For zoning district changes, 30 days prior notice of the hearing shall be given. Property owners within ½ mile of the property in question shall be notified although failure of any property owner to receive such notification shall not invalidate the proceedings. Notification shall be by certificate of mailing mail, postmarked at least ten days before the hearing. The petitioner or applicant shall be responsible for this mailing.

2. The petitioner or appointed representative shall appear before the appropriate township body in order to answer questions concerning the proposal.
3. The appropriate township body may continue the hearing or postpone a decision to a later date.
4. If a time limit or period review is included as a condition for approval, notice of the review shall be in accordance with Section 4.10, Subdivision 1. The owner of the land shall not be required to pay a fee for said review.

Subdivision 3. Appeals.

Appeals regarding all township-zoning decisions shall be made to the appropriate town bodies as follows:

1. The Planning Commission shall hear all requests for variances with final appeal resting with the Board of Adjustment.
2. The Planning Commission shall hear all requests for conditional uses, temporary uses, zoning amendments, and administrative appeals, and shall make recommendations to the Town Board regarding said requests. The Town Board shall hear and act on all requests for conditional uses, temporary uses, zoning amendments, and administrative appeals, after receiving recommendations from the Planning Commission, with final appeal resting with the Board of Adjustment.

SECTION 4.12 SCHEDULES FOR FEES, CHARGES, AND EXPENSES

Subdivision 1. Zoning Certificate and Site Permit Fees. The Town Board shall be charged with the duty of setting all fees and charges for zoning certificates and site permits.

Subdivision 2. Conditional Use Fees and Any Other Charges Related to the Administration and Enforcement of This Ordinance. The Town Board shall set a schedule for all conditional use fees, fines for violations of this Ordinance, and other charges related to the administration and enforcement of this Ordinance as it deems necessary, upon closing of a public hearing regarding all such proposed schedules.

Subdivision 3. Fee Schedule. The following fees are established in accordance with Subdivisions 1 and 2 of Section 4.12

TYPE	Amount
Site Permit	\$5.00
Conditional Use	\$50.00
Variance	\$50.00
After the fact fee	\$50.00
Zoning Map Amendments	\$50.00