

Clitherall Township

Land Use and Subdivision Ordinance

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SECTION I - TITLE

This Ordinance shall be referred to and cited as the Clitherall Township Land Use, Land Use and Subdivision Ordinance, except herein where it shall be cited as the "Ordinance".

SECTION II - INTENT AND PURPOSE

This Ordinance is established pursuant to the authority granted by Minnesota Statutes, in particular the Municipal Planning Act, Minnesota Statutes Chapters 462, 505, 515, 515A and 515B, and any Amendments thereto. This Ordinance hereby repeals all previous versions of Clitherall Township Zoning or Subdivision ordinances.

2.1 Purpose

1. Protecting the public health, safety, comfort, convenience and general welfare.
2. Inaugurating and effectuating the goals of the Comprehensive Plan.
3. Promoting order in development by dividing the area of the Township into zones and regulating therein the location, construction, reconstruction, alteration and use of the structures and land.
4. Conserving the natural and scenic beauty and attractiveness of the Township, for the health and welfare of the public.
5. Providing for adequate light, air and access to property by regulating the use of the land and buildings and the bulk of structures in relation to surrounding properties.
6. Providing for the administration of the provisions of the ordinance and defining the authority and duties of the Administrator, Planning Commission, Board of Adjustment, and Town Board under this ordinance.
7. Providing standards and criteria for shorelands to preserve and enhance the quality of surface waters, conserve the economic and natural environment values of shorelands and provide for the wise use of water and related land resources for the Township.
8. Promoting the economic well being of the community by providing an attractive, stable and viable venue for new businesses.

2.2 Relation to Land Use Plan

It is the policy of the Clitherall Township that the enforcement, amendment, and administration of this Ordinance be accomplished with due consideration of the recommendations contained in the Clitherall Township Comprehensive Plan as developed and amended from time to time by the Planning Commission and Town Board as well as any other Township land use and development plans enacted from time to time. The Town Board recognizes the Comprehensive Plan as the policy for regulating land use and development.

SECTION III - RULES AND DEFINITIONS

3.1 **RULES**

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

1. The word person includes a firm, association, organization, partnership, trust, company or corporation as well as an individual.
2. The masculine gender includes the feminine gender and the neuter gender.
3. The singular includes the plural and the plural includes the singular.
4. The present tense includes the past and future tenses and the future includes the present.
5. The word "may" is permissive. The word "shall" is mandatory. Mandatory compliance with the Ordinance shall allow for variances thereto.
6. All horizontal and vertical measured distances shall be expressed to the nearest tenth of a foot and its metric equivalent, unless specifically stated otherwise.
7. The words "lot," "plot," "piece" and "parcel" of land are interchangeable.
8. The words "used for," shall include the phrases "arranged for," "designed for," "intended for," "improved for," "maintained for," and "occupied for."

3.2 **DEFINITIONS**

The following words shall be defined as follows for the purpose of this Ordinance:

1. **Abandoned Building.** A building as defined hereinafter on public or private property, which no longer serves a practical use and, due to its location or structural condition, is considered a safety hazard in the opinion of the Zoning Administrator.
2. **Abandoned Motor Vehicle.** A motor vehicle as defined in Minnesota Statutes Chapter 169.01 that (a) has remained on public property in an inoperable condition for more than 48 hours, or (b) has remained on private property for more than 48 hours without the permission of the owner, or (c) has remained on private property for more than thirty days and is inoperable or is unlicensed unless kept in a garage or other storage structure.
3. **Abutting.** Making direct contact with or immediately bordering.
4. **Accessory Structure:** A building or other structure that is supportive, secondary and subordinate in use and/or size to the principle structure on the same parcel or lot which, because of the nature of its use, can reasonably be located at or greater than minimum structure setbacks. Includes all structures not considered the principle structure including, but not limited to, T.V. towers antennas, dish antennas, outdoor swimming pools, outdoor hot-tubs, detached garages, sheds, guest quarters and boathouses.
5. **Accessory Use.** A use naturally and normally incident and subordinate to the main use of the premises.
6. **Adjacent.** In close proximity to or neighboring, not necessarily abutting.
7. **Adult Book and/or Media Store.** An establishment which has a substantial portion (25% of utilized floor area) of its stock in trade or stock on display books, magazines, films, videotapes, or other media which are characterized by their emphasis on matter depicting, describing, or relating to Specified Sexual Activities or Specified Anatomical Areas.
8. **Adult Cabaret.** An establishment which provides dancing or other live entertainment, and if such dancing or other live entertainment is distinguished or characterized by an emphasis on the performance, depiction or description of Specified Sexual Activities or Specified Anatomical Areas.
9. **Adult Hotel or Motel.** Adult Hotel or Motel means a hotel or motel wherein material is presented which is distinguished or characterized by an emphasis on matter depicting, describing, or relating to Specified Sexual Activities or Specified Anatomical Areas.
10. **Adult Mini-Motion Picture Theater.**
 - A. A theater in an enclosed building, with a capacity for less than 50 persons used for presenting motion pictures, including but not limited to film and videotape, having as a

dominant theme material distinguished or characterized by an emphasis on matter depicting, describing, or relating to Specified Sexual Activities or Specified Anatomical Areas.

- B. Any business which presents motion pictures, including films and videotapes, having as a dominant theme material distinguished or characterized by an emphasis on matter depicting, describing, or relating to Specified Sexual Activities or Specified Anatomical Areas, for viewing on the premises, including but not limited to private booths, viewing by means of coin operated or other mechanical devices, and the viewing of excerpt of motion pictures offered for sale or rent.
11. **Adult Modeling Studio.** An establishment whose business is the provision to customers of figure models who are provided with the intent of giving sexual stimulation or sexual gratification to customers and who engage in Specified Sexual Activities" or display Specified Anatomical Areas while being observed, painted, painted upon, sketched, drawn, sculptured, photographed, or otherwise depicted by such customers.
 12. **Adult Motion Picture Arcade.** Any place wherein coin or token operated or electronically, electrically, or mechanically controlled or operated still or motor picture machines, projectors, or other image producing devices are maintained to show images to five or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by an emphasis on depicting or describing Specified Sexual Activities or Specified Anatomical Areas.
 13. **Adult Motion Picture Theater.** A theater in an enclosed building with a capacity of 50 or more persons used regularly and routinely for presenting live entertainment or motion pictures, including but not limited to film and videotapes, having as a dominant theme material distinguished or characterized by an emphasis on matter depicting, describing, or relating to Specified Sexual Activities or Specified Anatomical Areas for observation by patrons therein.
 14. **Adult Novelty Business.** A business which sells, offers to sell, or displays devices which stimulate human genitals or devices which are designed for sexual stimulation.
 15. **Adult-Oriented Business.** Any business which offers its patrons services, entertainment, or the sale of merchandise characterized by an emphasis on matter depicting, exposing, describing, discussing, or relating to Specified Sexual Activities or Specified Anatomical Areas. Specifically included in the term, but without limitation, are adult book and media stores, adult cabarets, adult hotels or motels, adult mini-motion picture theaters, adult modeling studios, adult motion picture arcades, adult motion picture theaters, adult novelty businesses, and other adult-oriented businesses.
 16. **Agent.** Any person acting on behalf of a landowner in dealing with activities under the jurisdiction of the Ordinance, including but not limited to realtors, contractors or attorneys.
 17. **Agricultural Use.** The use of land for agricultural purposes including farming, dairying, pasturage, agriculture, horticulture, floriculture, viticulture and animal and poultry husbandry and the necessary accessory uses used for packing, treating or storing the product, provided, however, that the operation of any such accessory uses shall be secondary to that of the normal agricultural activities.
 18. **Airport.** Any premises used or intended for use for the landing and taking off of aircraft including any structures used or intended for use for aircraft services.
 19. **Alteration.** A change or rearrangement in the structural parts or in the existing facilities, or an enlargement, whether by extending on a side or by increasing in height, or by moving from one location to another, of a building or a structure.
 20. **Animals, Domestic.** Common household pets, such as dogs and cats, kept for amusement, companionship, decoration or interest.
 21. **Animals, Livestock.** Fish, fowl, cattle, swine, sheep, deer, elk, bison, llama, alpaca and other animals.
 22. **Animals, Wild or Exotic.** Animals, such as wolves, tigers, lions and snakes, that are not normally a domestic animal or livestock animal and would ordinarily be confined in a zoo or found in the wild.
 23. **Animal Boarding Facility.** An establishment that houses animals, other than those belonging to the occupant, overnight or over an extended period of time.
 24. **Animal Grooming Establishment.** An establishment principally engaged in grooming animals in which overnight boarding is prohibited.

25. **Animal Husbandry.** The care or breeding of livestock animals.
26. **Animal Unit.** A unit of measure used to compare differences in the production of animal manure that employs a standard the amount of manure produced on a regular basis by a slaughter steer or heifer for an animal feedlot or a manure storage area, calculated by multiplying the number of animals of each type in items A to I by the respective multiplication factor and summing the resulting values for the total number of animal units. For the purposes of this ordinance, the following multiplication factors shall apply:
- A. Dairy cattle:
 - i. One mature cow (whether milked or dry);
 - 1. over 1,000 pounds, 1.4 animal unit; or
 - 2. under 1,000 pounds, 1.0 animal unit;
 - ii. one heifer, 0.7 animal unit; and
 - iii. one calf, 0.2 animal unit;
 - B. Beef cattle:
 - i. One slaughter steer or stock cow, 1.0 animal unit;
 - ii. One feeder cattle (stocker or backgrounding) or heifer, 0.7 animal unit;
 - iii. One cow and calf pair, 1.2 animal unit; and
 - iv. One calf, 0.2 animal unit;
 - C. One head of swine:
 - i. Over 300 pounds, 0.4 animal unit;
 - ii. Between 55 pounds and 300 pounds, 0.3 animal unit; and
 - iii. Under 55 pounds, 0.05 animal unit;
 - D. one horse, 1.0 animal unit;
 - E. one sheep or lamb, 0.1 animal unit;
 - F. chickens:
 - i. one laying hen or broiler, if the facility has a liquid manure system, 0.033 animal unit; or
 - ii. one chicken if the facility has a dry manure system:
 - 1. over five pounds, 0.005 animal unit; or
 - 2. under five pounds, 0.003 animal unit;
 - G. one turkey:
 - i. over five pounds, 0.018 animal unit; or
 - ii. under five pounds, 0.005 animal unit;
 - H. one duck, 0.01 animal unit; and
 - I. for animals not listed in items A to H, the number of animal units is the average weight of the animal in pounds divided by 1,000 pounds.
27. **Antenna.** Any structure or device used for the purpose of collecting or radiating electromagnetic waves including but not limited to directional antennas such as panels, microwave dishes, satellite dishes, and omni-directional antennas such as whip antennas.
28. **Appeal.** An application for the review of an order, requirement, decision, determination or interpretation of this Ordinance made by an administrative officer in the application and/or enforcement of this Ordinance.
29. **Arbor.** A light open-work structure of wood or metal, covered or intended to be covered with plants, such as climbing vines or shrubs, as in a park or garden.
30. **Architectural Projection.** A non-functional or ornamental feature on a building or other structure that does not extend to, or from, the ground.
31. **Artist's Studio.** A fine arts workshop of a painter, sculptor, potter, weaver, carver, jeweler, photographer or other similar art that requires artistic skill, where the public is received or where the artist is engaging in retail sales. Not generally utilitarian, related to personal hygiene or adornment.
32. **Attached.** Two buildings or structures that combine to form one building or structure through the use of at least one common wall, not including a breezeway.

33. **Attorney.** The attorney duly appointed by the Board to represent the Clitherall Township.
34. **Auto Salvage Yard.** A lot or yard where ~~four or more unlicensed motor vehicles~~ automobiles, recreational equipment, recreational vehicles or other motorized vehicles are stored while parts are removed, where crushing occurs or where storage pending crushing may occur or are purchased or sold - and which is not specifically allowed as exterior storage by Section 6.4 of this ordinance or otherwise defined by the Town Board
35. **Bathroom.** A room containing a shower or bathtub or a sink and toilet.
36. **Bed and Breakfast Dwelling.** A dwelling, single family, where, for compensation, meals and lodging are provided for three or more unrelated persons, but not exceed eight persons. The owner of the parcel must live on the premises.
37. **Bedroom.** A portion of a dwelling unit intended to be used for sleeping purposes, which may contain closets and may have access to a bathroom.
38. **Block.** An area of land bounded by streets, exterior boundary lines and/or bodies of water.
39. **Bluff.** A topographic feature such as a hill, cliff or embankment having an average slope of thirty (30) percent or greater and a vertical rise of twenty-five (25) feet or greater. The lower and upper extent of the bluff shall be those areas with an average slope of less than 18 percent over a distance for 50 feet or more.
40. **Board.** The Town Board of Clitherall Township, unless otherwise stated.
41. **Board of Adjustment.** The Board, appointed by the Town Board, to hear appeals from actions of the Zoning Administrator, and variance requests.
42. **Breezeway.** A covered or enclosed walkway that physically connects two or more buildings or structures. Shall not materially connect the two or more buildings or structures.
43. **Buildable Area.** Any site, lot, parcel or any portion thereof that does not contain designated flood plain, wetlands or areas in excess of twenty-five (25) percent slope.
44. **Building.** Any structure used or intended for storage, shelter or occupancy.
45. **Building Height.** The vertical distance between the highest adjoining ground level at the building or ten (10) feet above the lowest ground level, whichever is lower, and the highest point of a flat roof or average height between the eaves and the highest ridge of gable, hip or gambrel roofs or ten feet below the peak, whichever is greater.
46. **Building Line.** A line parallel to a lot line at the required setback beyond which a structure may not extend.
47. **Building Permit.** A permit authorizing an Applicant under this Code to undertake construction or other development activity.
48. **Campground.** Any area, whether publicly or privately owned, consisting of designated campsites with appropriate facilities and management services designed for temporary occupation by tents or recreational vehicles.
49. **Camping.** Habitation of a temporary structure.
50. **Campsite.** A parcel within a resort or campground designated for the occupancy of one family on a periodic basis in a tent or recreational vehicle.
51. **Car Wash.** A building in which motor vehicles are washed or waxed, either by the patron or by others, using machinery specially designed for that purpose.
52. **Cemetery, Unplatted.** Any human remains or burials found outside of platted, recorded or identified cemeteries pursuant to Minnesota Statutes, Chapter 307.08.
53. **Child Care, Center.** A facility that is maintained, for the whole or part of the day, for the care of five or more children who are eighteen (18) years of age or younger and who are not related to the owner, operator or manager thereof, whether such facility is operated with or without compensation for such care and with or without stated educational purposes. The term shall not include any facility licensed as a foster care home or any facility defined as a Child Care, Family Home.
54. **Child Care, Family Home.** A primary residence where, for the whole or part of the day, an owner of the residence, licensed as a child care provider, cares for five or more children who are eighteen (18) years of age or younger and who are not related to the owner, whether such facility is operated with or without compensation for such care.

55. **Church.** A building, together with its accessory buildings and uses, where persons regularly assemble for religious worship and which building, together with its accessory buildings and uses, is maintained and controlled by a religious body organized to sustain public worship and related community activities.
56. **Clear Cutting.** See Vegetation Removal, Clear Cutting.
57. **Clinic.** A place where medical or dental care is furnished to persons by physicians, dentists and nurses on an outpatient basis.
58. **Commercial Use.** The principle use of land or buildings for the sale, lease, rental, trade of products, goods or services.
59. **Commercial Wireless Telecommunication Services.** All commercial wireless telecommunications services including cellular, personal communications services, specialized mobilized radio, enhanced specialized mobilized radio, paging and similar services that are marketed to the general public.
60. **Community Park.** A park designed to provide recreational opportunities to serve the entire community.
61. **Conservation Parcel.** A parcel of land set aside from development in a Rural Conservation Subdivision.
62. **Comprehensive Plan.** Also referred to as Community Plan. A compilation of policy statements, goals, standards and maps for guiding the physical, social and economic development, both private and public, of the Township and its environs and may include, but is not limited to, the following items: statements of policies, goals, standards, a land use plan, a community facilities plan, a transportation plan and recommendations for plan execution.
63. **Conditional Use.** A land use or development as defined by the Ordinance that would not be appropriate without restriction, but may specifically be allowed without restrictions of conditions as determined by the Planning Commission and the Board upon a finding that (a) the use or development is an appropriate conditional land use in the land use zone, (b) the use or development, with conditions, conforms to the comprehensive land use plan, (c) the use, with conditions, is compatible with the existing neighborhood and (d) the use, with conditions, would not be injurious to the public health, safety, welfare, morals, order, comfort, convenience, appearance or prosperity of the Township.
64. **Contiguous.** The sharing of a common border at more than a single point. Lots, parcels or boundaries may be considered contiguous where separated by rights-of-way, rivers or streams.
65. **County.** The County of Otter Tail, Minnesota.
66. **Cul-de-sac.** A short local street terminating in a vehicular turnaround.
67. **Diameter at Breast Height.** The width of a tree or shrub as measured at 4.5 feet above the ground surface.
68. **Deck.** An uncovered, unscreened structure or on-grade patio not including on-grade walks four (4) feet wide or less.
69. **Dwelling, Multi-Family.** Three or more dwelling units attached together by any point including triplexes, townhouses and multi-level units regardless of type of ownership.
70. **Dwelling, Two Family.** Two dwelling units attached together by any point including duplexes, townhouses and multi-level units regardless of type of ownership.
71. **Dwelling, Single Family.** A dwelling unit totally separated from any other dwelling unit.
72. **Dwelling Unit.** A structure or portion of a structure or other shelter designed as a short or long term living quarters for one or more persons including rental or time share accommodations such as a motel, hotel resort rooms and resort cabins.
73. **Engineer.** The engineer duly appointed by the Board to perform technical services for Clitherall Township.
74. **Engineer, Licensed or Qualified.** A person licensed as a professional engineer by the State of Minnesota.

75. **Exterior Storage.** Storage of goods, materials, equipment, manufactured products outside a fully enclosed building.
76. **Extractive Use.** The use of land for removal of sand, gravel, rock, industrial minerals, soil, other non-metallic minerals or pea not regulated under Minnesota Statutes Sections 93.44 to 93.51.
77. **Family.** An individual or group of two or more persons related by blood, marriage or adoption, together with not more than three additional persons not related by blood, marriage or adoption, living together as a single housekeeping unit, or all members of a common housekeeping management unit of which have common use and access to all living and eating areas, bathrooms, food preparation and serving areas, and which is based on an intentionally structured relationship providing organization and stability.
78. **Feedlot.** A lot or building or combination of lots and buildings intended for the confined feeding, breeding, raising, or holding of animals and specifically designed as a confinement area in which manure may accumulate, or where the concentration of animals is such that a vegetative cover cannot be maintained within the enclosure. Open lots used for the feeding and rearing of poultry (poultry ranges) shall be considered to be animal feedlots. Pastures shall not be considered animal feedlots.
79. **Fee Schedule.** The official schedule of land use related fees and penalties adopted by the Town Board.
80. **Fence.** A free-standing structure made of metal, masonry or wood, or a combination thereof, including gates, resting on or partially buried in the ground, rising above ground level and used to delineate a boundary or as a barrier or means of protection, confinement or screening. Does not include arbors or trellises.
81. **Filling.** The act of depositing any clean earthen material.
82. **Final Condominium Plat.** A drawing prepared by a Registered Architect, Professional Engineer or Registered Land Surveyor depicting the condominium subdivision of real estate and related information conforming to the requirements of Minnesota Statutes Chapters 515, 515A or 515B.
83. **Final Plat.** A drawing, in final form, showing a proposed subdivision containing all information and detail required by state statutes and by the Subdivision Ordinance to be presented to the Planning Commission and the Town Board for approval, and which, if approved, may be duly filed with the County Recorder.
84. **Fish House.** A structure placed on a lake during the winter for use in fishing. A structure will only be considered a fish house if it is 160 square feet or less, is moveable and has a current license.
85. **Floodplain.** The areas adjoining a water course, intermittent or permanently flowing, which have been or will be covered by the runoff waters of a storm with a 1% chance of occurrence any year (100 year storm).
86. **Footprint.** The horizontal extent to which a structure covers the ground plane as represented in a plan view including cantilevered building elements but excluding eaves and similar architectural projections of the roof plane.
87. **Forest Land Conversion.** The clear cutting of forested lands to prepare for a new land use other than the re-establishment of a subsequent forest stand.
88. **Foundation.** A concrete, concrete and concrete block, or treated wood portion of a structure that supports the bearing loads of the superstructure and penetrates the ground providing frost protection.
89. **Frontage.** The uninterrupted front boundary line of a lot, or the length of such line, that abuts on a street or protected water.
90. **Garage, Attached.** A part of the principle structure designed for the storage of motor vehicles.
91. **Garage, Detached.** An accessory structure not attached to the principle structure on the property designed and used for storage.
92. **Grading.** The movement of dirt, by mechanical means, so as to alter the existing topography of a property.
93. **Green Space.** Privately owned property permanently dedicated by covenant or deed restriction to vegetated ground coverage with allowance for use as recreational facilities, tree coverage, water

- course, sewage disposal or similar uses. Public property permanently dedicated to park, vegetative buffer, tree coverage or water courses.
94. **Group Care Facilities.** A facility which provides residential services for individuals that are handicapped, aged, disabled or undergoing rehabilitation. This includes uses such as homes for the physically handicapped, mentally retarded, chemically dependent, foster children, maternity shelters and half-way houses.
 95. **Hardship, Undue.** The property in question cannot be put to a reasonable use if used under conditions allowed by the official controls, the plight of the landowner is due to circumstances unique to the property and were not created by the landowner, and a variance, if granted, would not alter the essential character of the locality. Economic considerations alone shall not constitute a hardship if reasonable use exists under the terms of the Ordinance.
 96. **Home-Based Business.** A use conducted entirely within an enclosed dwelling, which is clearly incidental and secondary to the residential occupancy and does not change the character thereof. Specifically excluded is any activity that involves structural alterations, window displays or any outdoor storage of machinery, equipment or other materials visible from any location off the lot on which it is located.
 97. **Hotel.** A building containing three (3) or more individual rooms, without kitchens, used for overnight lodging by the general public on a short-term basis for a fee, with or without meals, and which has common reservation and cleaning services, combined utilities, and on-site management and reception services.
 98. **House of Worship.** Same as church.
 99. **Impervious.** An all-weather surface or ground cover that resists the absorption of surface water into the soil. Such surfaces include those constructed of stone, brick, asphalt, concrete, tile, terrazzo, gravel composite or any other paving materials used for parking, driveways, patios, terraces, walkways and the like, as well as areas covered by buildings, decks, porches, swimming pools, tennis courts and any similar surface.
 100. **Industrial Use.** The use of land or buildings for the production, manufacture, warehousing, storage or transfer of goods, products, commodities or other wholesale items.
 101. **ISTS.** See Sewage Treatment System, Individual.
 102. **Junk Yard.** An area where used waste, discarded or salvaged materials are bought, sold, exchanged, stored, baled, cleared, parked, disassembled or handled, including but not limited to scrap iron and other metals, paper, rags, rubber products, bottles, and used building materials. A junk yard shall include any exterior storage of materials or equipment not specifically allowed as exterior storage by Section 6.4 of this ordinance or not otherwise defined by the Town Board. ~~Storage of materials in conjunction with the construction of a manufacturing process shall not be included. Three or more automobiles, boats, trailers, mobile homes, campers, appliances, snowmobiles, ATVs without current licenses that have had parts, pieces or portions sold wholesale or retail in the previous 12 months constitute a junk yard. Such use shall not include putrid wastes such as garbage.~~
 103. **Kennel.** Any lot or premises on which five (5) or more dogs aged six months or older are kept, either owned or temporarily or permanently boarded, except as otherwise provided for in this Ordinance.
 104. **Landfill.** A method of solid waste disposal in which refuse is buried between layers of dirt.
 105. **Landscaping.** Plantings such as trees, grass, shrubs, and decorative timbers, arbors, rocks and water displays.
 106. **Laundromat.** A place where patrons wash, dry or dry clean clothing or other fabrics in machines owned by the patron.
 107. **Litter.** Waste materials including but not limited to, cans, bottles, plastic and paper wrappings or containers.
 108. **Livestock.** Domestic animals, such as cattle or horses, raised for home use or for profit, especially on a farm
 109. **Logging.** The practice of felling and trimming trees and transporting the logs to a mill.

110. **Lot.** A parcel, piece or portion of land described by metes and bounds, registered land survey, auditor's plat, or subdivision plat and separated from other parcels or portions of land by said description for purposes of sale, lease, mortgage, building or separation.
111. **Lot Area.** The horizontal area of a lot bounded by the lot lines.
112. **Lot, Corner.** A lot situated at the junction of and abutting on two or more intersecting streets or a lot at the point of deflection in alignment of one street with the internal angle less than 135 degrees.
113. **Lot Line.** The property lines bounding a lot except that where the description extends into a public right of way, the right of way line shall be considered the lot line.
114. **Lot Line, Front.** The boundary of a lot which abuts on a public right of way, or if a corner lot, the shortest of the two boundaries. If the lot abuts public water, the lake side shall be considered the lot front.
115. **Lot Line, Rear.** That boundary of a lot which is opposite the front lot line. If the rear line is less than ten feet in length, or if the lot forms a point at the rear, the rear lot line shall be a line ten feet in length within the lot, parallel to, and at the maximum distance from the front lot line.
116. **Lot Line, Side.** Any boundary of a lot which is not a front, rear or waterbody lot line.
117. .
118. **Lot, Pre-existing.** A lot which is one unit of a subdivision plat heretofore duly approved and filed or one unit of an auditor's subdivision, or registered land survey, or a lot created by metes and bounds that has been recorded in the office of the County Recorder prior to the effective date of this Ordinance.
119. **Lot Width.** The shortest horizontal distance between the side lot lines of a lot measured at any point between the front lot line and the rear lot line. For the purposes of meeting minimum lot width requirements throughout this ordinance, lot width shall be measured in a straight line rather than along a road or right-of-way.
120. **Maintenance.** The normal upkeep of a structure including the replacement of windows, siding, roofs, nonbearing walls or interior remodeling that does not expand the footprint of the existing structure, add volume to the usable living space or intensify a non-conforming use.
121. **Manufactured Home.** A structure, transportable in one or more sections, which, when erected on site, is a minimum of 320 square feet, is built on a permanent chassis, and contains heating, plumbing and electrical materials or equipment.
122. **Metes and Bounds.** A method of property description utilizing directions and distances commencing from and terminating at an identifiable point.
123. **Motel.** A building containing guest rooms or units, each of which has a separate entrance directly from the outside of the building, or corridor, with parking space reserved for each unit, and which is designed, used or intended to be used primarily for the accommodation of transient guests.
124. **Municipal Sewer or Water System.** A functioning system of municipally maintained sewer or water utilities and serving more than one building or property.
125. **Natural Drainage way.** All land surface areas which, by nature of their contour or configuration, collect, store and channel surface or runoff water.
126. **Neighborhood.** The area adjacent to or surrounding existing or proposed development characterized by common use or uses, density, style and age of structures and environmental characteristics.
127. **Non-conforming.** The building, structure or land lawfully existing prior to and not in conformance with the provisions of this ordinance.
128. **Nuisance.** By authority and direction of Minnesota Statute, 1980, Section 412.221, Subdivision 23 and 24; and Section 429.31, Subdivision 8; and Section 145.22 and 145.23, nuisance is anything that interferes with the use or enjoyment of property, endangers personal health or public safety, or is offensive to the senses such as excessive smoke, odor, noise, heat, vibration, glare, traffic generation, visual impact and other similar interferences or offenses.
129. **Nursery.** A retail business growing and selling trees, flowering or decorative plants and shrubs.
130. **Nursing Home.** Any institution or facility required to be licensed as such under Minnesota Statutes, Sections 144.50 to 144.56 by the State Board of Health.

131. **Off-street parking.** A designated space or area of land with a paved or all-weather surface not within a public street or right-of-way and used for the parking of vehicles.
132. **Ordinary High Water Level.** The boundary of public waters and wetlands consisting of an elevation delineating the highest water level which has been maintained for sufficient period of time to leave evidence on the landscape, commonly that point where the natural vegetation changes from predominantly aquatic to predominantly terrestrial. For water courses the ordinary high water level is the elevation of the top of the bank of the channel, for reservoir and flowages, the ordinary high water level is the operating elevation of the normal summer pool.
133. **Overlay Map.** An official map of the Township that describes the location of an overlay zone.
134. **Owner.** An individual, firm, association, syndicate, partnership, corporation, trust or any other legal entity having proprietary interest in the land and/or building.
135. **Parking Space.** A 10 foot by 20 foot site off public right of way, maintained and sized to accommodate the parking of one automobile.
136. **Party Wall or Floor.** A common wall which divides two independent dwelling units or businesses.
137. **Permitted Use.** A land use conforming to the character of a zoning district which is permitted by ordinance requiring only a zoning permit issued by the Zoning Administrator.
138. **Pet.** An animal commonly associated with human habitation, not considered under animal units and not raised for production of income.
139. **Planning Commission.** The body duly appointed by the Town Board to determine the development of the Township and make recommendations to the Town Board on comprehensive plans, zoning district boundaries, conditional use permits, subdivision of land and capital improvements.
140. **Porch.** A covered platform attached to a structure.
- 141.
142. **Preliminary Plat or Plan.** A plan prepared in accordance with the Subdivision Ordinance depicting the proposed subdivision of property.
143. **Principal Structure or Use.** The single primary structure or use on a lot, as distinguished from accessory uses or structure. To be considered a principle structure, the structure must be at least 400 square feet.
144. **Recorder.** The County Recorder of Otter Tail County.
145. **Recreational Equipment.** Equipment, both motorized and non-motorized, that is subject to licensing by the State of Minnesota and is designed primarily for recreational use.
146. **Recreational Vehicle.** Vehicles for recreational use that can be driven, towed or hauled. These vehicles are designed to be temporary living space for camping or travel use. RV's shall include travel trailers, camper trailers, truck campers, self-propelled motor homes and other similar vehicles.
147. **Restaurant.** An establishment where the principle business is the preparation, service and sale of food and beverages to be consumed by customers at tables or counters located within the building on the premises.
148. **Right-of-Way.** A parcel of property dedicated to the public, connecting to other public right of ways, which affords primary access by pedestrians and vehicles to abutting properties.
149. **Rural Conservation Subdivision.** A method of subdividing land that provides for preservation of open space and clustering of individual lots.
150. **Screening.** Fencing, an earthen berm or vegetative growth that visually separates one object from another.
151. **Setback.** The minimum horizontal distance between a structure, sewage treatment system or other facility and a sewage treatment system, top of bluff, road, highway, property line or other facility. Three (3) feet of roof overhang, stoops not exceeding 30 square feet and steps from stoop to ground not over 4 feet wide may protrude into the setback.
152. **Setback, Road.** The closest horizontal distance between the road right-of-way line and the foundation or wall of a structure. Three (3) feet of roof overhang, stoops not exceeding 30 square feet and steps from stoop to ground not over 4 feet wide may protrude into the setback.

153. **Sewage Treatment System, Individual.** A septic tank and soil absorption system or other individual or cluster type sewage treatment system as described and regulated in Chapter 7080 or Chapter 7081 of the State Rules and Regulations.
154. **Sewage Treatment System, Municipal.** A sanitary sewage collection and treatment system operated by a municipality or other authorized agency under permitting by the Minnesota Pollution Control Agency.
155. **Sewer System.** Pipe lines or conduits, pumping stations and forcemain and all other constructions, devices, appliances or appurtenances used for conducting sewage or industrial waste or other waste to a point of ultimate disposal.
156. **Shoreland.** Land located within the following distances from public water: 1,000 feet from the ordinary high water level of a lake, pond or flowage; and 300 feet from a river or stream, or landward extent of a floodplain 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 which extend landward from the water for lesser distances and when approved by the Minnesota Department of Natural Resources Commissioner.
157. **Sign.** A name, identification, description, display, illustration, advertisement or device which is displayed for the purpose of attracting attention to a person, product, place, activity, institution or business.
158. **Significant Historical Site.** Any archeological site, standing structure, or other property that meets the criteria for eligibility to the National Register of Historical Places, or is listed in the State Register of Historical Sites or is determined to be an unplatted cemetery that falls under the provisions of Minnesota Statutes Sec. 307.08. A Historical Site meets this criteria if it is presently listed on either Register or if it is determined to meet the qualifications for listing after review by the Minnesota State Archeologist or the Director of the Minnesota Historical Society. All unplatted cemeteries are automatically considered to be significant historical sites.
159. **Sketch Plan.** A plan drawn to scale used for planning and discussion purposes only.
160. **Specified Anatomical Areas** include any less than completely and opaquely covered human genitals, pubic region, or pubic hair, buttocks and female breast below a point immediately above the top of the areola; and human male genitals in a discernible turgid state, even if opaquely covered.
161. **Specified Sexual Activities** are any of the following conditions:
- A. An act of sexual intercourse, normal or perverted, actual or simulated, including genital-genital, anal-genital, or oral-genital intercourse, whether between human beings or between a human being and an animal.
 - B. Sodomasochistic abuse, meaning flagellation or torture by or upon a person who is nude or clad in undergarments or in a revealing costume or the condition of being fettered, bound, or otherwise physically restricted on the part of one so clothed.
 - C. Masturbation or lewd exhibitions of the genitals including any explicit, close-up presentation of a human genital organ clothed or unclothed.
 - D. Physical contact or simulated physical contact with the clothed or unclothed pubic area or buttocks of a human male or female, or the breasts of a female, whether alone or between numbers of the same or opposite sex or between humans and animals in an act of apparent sexual stimulation or gratification.
162. **Steep Slope.** Land where agricultural activity or development is either not recommended or described as poorly suited due to slope steepness due to the site's soil characteristics as mapped and described in available County Soils Surveys or other technical reports, unless appropriate design and construction techniques and farming practices are used in accordance with the provisions of these regulations. Where specific information is not available, steep slopes are lands having average slopes over 12% as measured over horizontal distances of 50 feet or more, but which are not bluffs.
163. **Stoop.** An entry platform into a structure.
164. **Storage Shed.** Refer to Accessory Structure.

165. **Street.** A public right-of-way that provides primary vehicular access to abutting property and shall include avenue, road or highway. Street classifications are defined in the Comprehensive Plan unless defined in a roadway classification plan or other similar road specific plan.
166. **Street, Collector.** A street that has the primary function of receiving and distributing traffic to and from local streets and providing distribution of traffic within. May provide access to abutting lots. In general, collector streets begin and terminate at arterial streets or other collector streets.
167. **Street, Local.** A street, the function of which is to provide localized access to individual parcels. Does not normally carry through traffic. Traffic volumes and traffic speeds are expected to be low.
168. **Structure.** Any building, appurtenance including decks or other facility constructed, placed or erected by man except aerial or underground utility lines such as sewer, electric, telephone, telegraph, gas lines and except walks or steps on grade not more than 4 feet wide, stoops not exceeding 30 square feet, temporary furniture, planter, or decorative material and retaining walls consisting of wood or decorative block.
169. **Subdivider.** The owner, agent, person, corporation, partnership or legal entity proposing to subdivide property under their control.
170. **Subdivision.** The division of real estate into two or more parcels for the purpose of sale, rent or lease, including a common interest community (CIC) created under MN Statutes 515, 515A or 515B.
171. **Subdivision by Plat.** The subdivision into two or more parcels of any size by the authority of Minnesota Statutes, Chapter 505, with documents prepared by a Registered Land Surveyor and duly approved by the Planning Commission and Board.
172. **Subdivision by Condominium Plan.** The subdivision of a building or the subdivision of real estate into two or more spaces or parcels of any size by the authority of Minnesota Statutes, Chapter 515A, with documents prepared by a Registered Land Surveyor and duly approved by the Planning Commission and Board.
173. **Subdivision by metes and bounds.** Any division of real estate resulting in two or more parcels which are not platted, but divided by description prepared and signed by a Registered Land Surveyor.
174. **Surveyor, Registered or Licensed.** A person licensed as a professional surveyor by the State of Minnesota.
175. **Temporary.** A use or structure that lasts longer than three days and is discontinued within 14 days. Any use or structure existing longer than 14 days, except where specifically provided for in this Ordinance, shall be considered permanent unless a specific date of discontinuation, agreeable to the Planning and Zoning Administrator to be reviewed by the Planning Commission, and has been submitted, in writing, to the Township.
176. **Temporary Structure.** A structure of a temporary character including but not limited to house boats, fish houses, recreational vehicles and tents.
177. **Tower, Telecommunication.** A structure situated on a site that is intended for transmitting or receiving television, radio, telephone, cellular, wireless communications or other electromagnetic waves.
178. **Tower height.** Determined by measuring the vertical distance from the point of contact with the ground to the highest point of the tower including all antenna or other attachments.
179. **Township Clerk.** The person responsible for administration of the Township affairs.
180. **Town Board.** The duly elected governing body of the Township.
181. **Travel Trailer.** Refer to Recreational Vehicle.
182. **Tree.** A woody plant 4 inches or more in diameter at breast height or 8 feet or more in height.
183. **Trellis.** A decorative landscape structure made of thin strips of wood or plastic designed to support growing plants.
184. **Variance.** A legally permitted deviation from the provisions of this ordinance as deemed necessary by the Board of Adjustment when the strict interpretation of the Ordinance would create undue hardship and be impractical because of circumstances, relating to lot size, shape, topography or other characteristics of the property, and when the deviation from the Ordinance, with any attached

- conditions, will still be in keeping with the spirit and intent of the Ordinance. Variances cannot create a land use not permitted in a zone.
185. **Vegetation Removal, Clear Cutting.** The removal of more than 75% and up to 100% of a stand of trees and brush over 10 feet in height on a lot or parcel of land up to 40 acres.
 186. **Vegetation Removal, Intensive.** The complete removal of trees or shrubs in a continuous path, strip row or block, excluding that clearing needed for the construction of roads, driveways, walkways or permitted stairways, lifts or landings.
 187. **Wetland.** Lands transitional between terrestrial and aquatic systems where the water table is usually at or near the surface or the land is covered by shallow water. For the purposes of this definition, wetlands must have the following three attributes:
 - A. have a predominance of hydric soils,
 - B. are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support a prevalence of hydrophytic vegetation typically adapted for life in saturated soil conditions, and
 - C. under normal circumstances support a prevalence of such vegetation.
 188. **Warehousing.** The principle use is the storage of materials or equipment typically associated with the primary use of the property and within an enclosed building.
 189. **Warehousing, Commercial.** The rental, leasing or sale of warehousing space to persons other than the landowner.
 190. **Warehousing Subdivision.** A property containing warehousing/storage units which are subdivided into multiple parcels for the purpose of sale, rent or lease, including Common Interest Communities.
 191. **Yard.** A required green space occupied and unobstructed by a structure or portion of a structure provided that fences, signs, utility poles, lawn lights, antenna and related minor equipment may be permitted in any yard provided that they do not create a safety hazard or constitute a nuisance.
 192. **Zoning Administrator.** The duly appointed person responsible for the enforcement and administration of this Ordinance.
 193. **Zoning District.** An area of Clitherall Township defined on the zoning map, having uniform zoning provisions.
 194. **Zoning District Overlay.** A zoning district containing regulations superimposed upon other zoning district regulations and superceding the underlying zoning district regulations.
 195. **Zoning Map.** The map of Clitherall Township, amended from time to time, which defines the boundaries of the zoning districts.
 196. **Zoning Permit.** A permit issued by the Zoning Administrator to allow the construction of a structure or to allow a land use when the provisions of this ordinance have been met, when approval of any conditional use permits or variances have been granted and when the fees are paid. A zoning permit may have administrative conditions specific to the subject site when called for by the Ordinance.

SECTION IV - GENERAL PROVISIONS

4.1 Application of the Ordinance.

1. The provisions of this Ordinance shall be held to be the minimum requirements for the maintaining of the public health, safety and welfare.
2. Where the provisions of the Ordinance are either more restrictive or less restrictive than applicable provision of other laws, ordinances, statutes, resolutions, covenants or regulations of any kind, the more restrictive condition, standard or requirement shall prevail, except as authorized by the more restrictive agency.
3. Except as this Ordinance specifically provides, no structure shall be erected, converted, enlarged, reconstructed or altered and no structure or land shall be used for any purpose nor in any manner which is not in conformity with this ordinance.
4. Ambiguities in the Ordinance shall be resolved by interpretation of the Planning and Zoning Administrator. If an applicant wishes to appeal the interpretation of the Administrator, an appeal can be made through a hearing of the Planning Commission.

4.2 Environmental Documents and Concurrent Permits.

1. It shall be the property owner's responsibility to secure necessary concurrent permits such as Pollution Control Agency, State Waste Disposal Permits; Health Department Permits; Corps of Engineers Permits, and DNR Water Appropriation Permits. Approval by the Township does not imply approval by other agencies.
2. The Township will prepare an Environmental Assessment Worksheet (EAW) or Environmental Impact Statement (EIS) where a proposed project exceeds the limits defined in the Environmental Quality Council's Rules and Regulations for Environmental review program or as requested by the Planning Commission or petitioned by the public. The Zoning Administrator shall require, as part of completing the necessary environmental review document, that the project proposer provide any or all of the necessary information. As part of completing a required environmental assessment worksheet or environmental impact statement, the proposer shall provide all information normally required by the Township as part of an application for that type of project.
3. In the event that an environmental assessment worksheet or an environmental impact statement is required for a project, the rules of the Environmental Quality board shall govern the responsibility of the costs involved with the preparation and review of the documents. The Township shall assign all costs involved in the preparation and/or review of the necessary environmental assessment worksheet or environmental impact statement to the project proposer. The Township may hire an independent contractor to prepare and/or review the necessary documents.
4. The administration of an EAW or EIS shall be in accordance with the rules and regulations of the Minnesota Environmental Quality Board. The Zoning Administrator shall be responsible to the Town Board and have the authority to administer the environmental document. The Planning Commission shall review each document and make recommendations to the Town Board whose decision shall be final.

4.3 Use of Pre-Existing Lots.

1. A lot, pre-existing for which a Deed, recorded Contract for Deed or other legal conveyance or plat

has been executed prior the effective date of the Ordinance shall be deemed a buildable lot without requiring a variance provided it has at least 80% of required lot area and lot width at the building line, all the setbacks can be maintained, and sanitary provisions for well and sewage disposal can be maintained.

2. If two or more pre-existing contiguous lots in total could not be divided into two or more lots meeting the requirements of 4.3 (1), and are held by the same Owner on the effective date of the Ordinance, they will be considered one lot for building and zoning purposes. A covenant, duly filed and recorded, shall be required before a building permit is issued thereon.
3. Lots joined together for zoning permit applications shall not be divided in the future, but shall be tied together by restriction filed with the County Recorder.

4.4 Non-conforming Structures and Uses.

Any structure or use legally 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 subject to the following:

1. No such structure or use shall be expanded, enlarged or intensified except in conformity with the provisions of this Ordinance and Section 4.4(2), with consideration for variances thereto and consideration given for previously approved developments.
2. If a non-conforming structure is damaged, by any cause, to an extent where the repair costs exceed 50% of its assessed value immediately prior to damage, the structure may be replaced with a structure of exact dimensions provided a permit is applied for within 180 days of when the property was damaged. Where no land use permit has been applied for within 180 days of when the property was damaged, then the structure or its replacement shall thereafter conform to this Ordinance.
3. Any nonconformity, including the lawful use or occupation of land or premises existing at the time of the adoption of this Code, may be continued, including through repair, replacement, restoration, maintenance or improvement so long as the structure or use is not expanded. Replacement of a non-conforming structure will not be allowed where the nonconformity or occupancy has been discontinued for a period of one year or more. Any structural repairs or replacement of non-conforming structures shall require a land use permit.
4. A lawful, non-conforming use may be changed to lessen the non-conformity of use. Once a non-conforming use has been changed, it shall not thereafter be altered to increase the non-conformity.
5. Non-conforming sewage treatment systems are regulated by Otter Tail County and shall be upgraded in compliance with County and State requirements or policies.

4.5 Building Standards.

1. All structures, structural appurtenances and architectural projections shall be constructed in accordance with the general standards of the building industry. The Township does not examine plans nor assume liability for the structural stability or quality of any structures.
2. Plumbing and electrical facilities installed after the date of this ordinance in all structures shall conform to the State Plumbing Code and State Electrical Code, respectively.

4.6 Other Standards

The provisions of this Ordinance do not take precedent over other Federal, State or Local laws that may be more restrictive. In the case of a more restrictive standard applied by a governing body that has land use authority within the Township, the non-local standard would apply, unless authorization from the more restrictive governing agency has been received. In the case where this Ordinance is the most restrictive standard, the provisions of this Ordinance shall apply.

SECTION V - ZONING DISTRICTS AND DISTRICT PROVISIONS

5.1 General

1. Clitherall Township is hereby divided into Zoning Districts as shown on the official Zoning District map, which may be subsequently amended by the procedures of Section 12.4.
2. The boundaries are generally on the center of the streets, on lot lines, on shorelines, on the center of streams or rivers, and following the contour of the land.
3. The following Districts are hereby established:

Open Space.....	O
Agricultural.....	AG
Agricultural Residential.....	AR
Residential.....	RS
Rural Residential.....	RR
Shoreland Residential.....	SR
Commercial Transition/Light Industrial.....	CT

4. The jurisdiction of this Ordinance shall include all land within the jurisdictional boundaries of Clitherall Township.
5. Land Annexed. Any land annexed to the Township shall be zoned Open Space unless otherwise specified during the annexation process.
6. Criteria for land use categories:
 - A. Preservation of natural sensitive areas.
 - B. Present ownership and development.
 - C. Soil types and their engineering capabilities.
 - D. Topographic characteristics.
 - E. Vegetative cover.
 - F. Road and service center accessibility.
 - G. Socio economic development needs of the public.
 - H. Availability of public sewer and water utilities.
 - I. The necessity to reserve and restore certain areas having significant historical or ecological value.
 - J. Conflicts between land uses and impacts of commercial uses or higher densities on adjacent properties.
 - K. Alternatives available for desired land use.
 - L. Prevention of spot zoning.
 - M. Conformance to the Clitherall Township Comprehensive Plan.
 - N. Conformance to the Clitherall Township Future Land Use Map and any other official maps

of the Township.

- 7. Interpretation of Zoning Map. Regardless of existence of purported copies of the Official Zoning Map which may from time to time be made or published, the official Zoning Map, which shall be located in the office of the Township Clerk, shall be the final authority as the current zoning status of land and water areas, building and other structures in the Township.
 - A. District Boundaries: The location and boundaries of the districts established by this ordinance are set forth on the official Zoning Map. District boundary lines as indicated on the Zoning Map follow lot lines, property lines, right-of-way or center lines of streets or alleys, right-of-way center lines of streets or alleys projected, the Township limit lines, shorelines, all as they exist upon the effective date of this ordinance. If said boundary lines do not follow any of the above, the district boundary lines are established as drawn on the Zoning Map.
 - B. Vacated Ways: Whenever any street, alley or other public way is vacated in the manner authorized by law, the zoning district adjoining each side of such street, alley or public way shall be automatically extended to the center of such vacation and all included in the vacation shall then and henceforth be subject to all regulations of the extended districts.
 - C. Appeals: Appeals concerning the exact location of a zoning district boundary line shall be heard by the Board of Adjustment.

5.2 Open Space (O)

- 1. Purpose and Intent: To provide a zoning classification for preservation of sensitive areas, unique resources and designated non-developable property. Areas such as wetlands, bluffs, threatened and endangered species habitat, historic sites and lands set-aside as part the development process should be zoned as Open Space.

- 2. Lot, Use and Density Requirements.

There is no minimum lot size associated with the Open Space zoning classification. Setbacks established for the adjacent zoning district shall apply.

- 3. Mixed Zone Lots.

For a lot crossing an Open Space zoning boundary into another zoning classification, the minimum buildable lot area shall be the same as the non-open space zoning classification with no area credit given for areas zoned Open Space.

5.3 Agricultural (AG)

- 1. Purpose and Intent: To preserve areas for agricultural use, low density residential development and outdoor recreational uses without allowing uses of such intensity that the provision of urban facilities and services would be necessary. Areas without municipal utility service and not accessible by existing roadways without significant additional road construction are appropriate to be zoned Agricultural.

- 2. Lot, Use and Density Requirements.

Lot Width - feet, minimum 600
 Lot Area – acre, minimum 35, except when otherwise allowed by conditional use

Setback, right-of-way, township, and county roads – feet, minimum	40
Setback, right-of-way, state roads – feet, minimum	50
Setback, side - feet, minimum	25
Setback, rear – feet, minimum	25
Setback, wetland – feet, minimum	50
Setback, unplatted cemetery or archaeological site – feet, minimum.....	50
Maximum building height, non-agricultural – feet	30
Maximum building height, agricultural - feet	none
Maximum animal unit per acre	none, subject to State of MN feedlot regulations

3. Performance Standards. The following performance standards apply to all development in this zone:

- A. Fences. Under no circumstances shall a fence be constructed closer than 10 feet from the surface of a public road or in a public road right-of-way. Materials shall consist of usual fencing materials with posts and fence of metal, wood, concrete, brick or smooth wire. Barbed or electrified wire is not to be used where frequent human contact is anticipated, except by the property owner(s) or their agent(s).
- B. Trash & Dumpsters. All receptacles for trash/waste storage shall be stored indoors or shall be completely screened from all views from adjacent properties and the public roadways.

5.4 **Residential (RS)**

1. Purpose and Intent: To establish and preserve residential neighborhoods, free from other land uses except those that are compatible with single family dwelling units and duplexes. Areas without municipal utility service, and along existing roads capable of handling high levels of traffic are appropriate to be zoned Rural Residential.

2. Lot, Use and Density Requirements.

Lot Width - feet, minimum	300
Lot Area – acres, minimum.....	2.5
Setback, right-of-way, local streets - feet, minimum	20
Setback, right-of-way, county roads – feet, minimum	40
Setback, right-of-way, state or federal roads – feet, minimum.....	50
Setback, side - feet, minimum	25
Setback, rear – feet, minimum	25
Setback, wetland – feet, minimum	50
Setback, unplatted cemetery or archaeological site – feet, minimum.....	50
Maximum impervious coverage.....	15%
Maximum building height, non-agricultural – feet	25
Maximum building height, agricultural - feet	none
Accessory Structure Size – square feet, maximum, cumulative.....2,000 for first 2.5 acres
..... 1,000 for each additional 2.5 acres
Maximum animal units per acre less than 5 acres.....	0
Maximum animal units per acre greater than 5 acres .	0.2 up to a maximum of 5 animal units

3. Performance Standards. The following performance standards apply to all development in this zone:

- A. Fences. Fences not exceeding 60 inches in height may be constructed. Under no circumstances shall a fence be constructed closer than 10 feet from the surface of a public road or in a public road right-of-way. Materials shall consist of usual fencing

materials with posts and fence of metal, wood, concrete, brick or smooth wire. Barbed or electrified wire is not to be used where frequent human contact is anticipated, except by the property owner(s) or their agent(s).

- B. Trash & Dumpsters. All receptacles for trash/waste storage shall be stored indoors or shall be completely screened from all views from adjacent properties and the public roadways.

5.5 Rural Residential (RR)

1. Purpose and Intent: To establish and preserve moderate-density residential neighborhoods, free from other land uses except those that are compatible with single family dwelling units and duplexes. Areas without municipal utility service, and along existing roads capable of handling high levels of traffic are appropriate to be zoned Rural Residential.

2. Lot, Use and Density Requirements.

Lot Width - feet, minimum	300
Lot Area – acres, minimum.....	2.5
Setback, right-of-way, local streets - feet, minimum	20
Setback, right-of-way, county roads – feet, minimum	40
Setback, right-of-way, state or federal roads – feet, minimum.....	50
Setback, side - feet, minimum.....	25
Setback, rear – feet, minimum	25
Setback, wetland – feet, minimum	50
Setback, unplatted cemetery or archaeological site – feet, minimum.....	50
Maximum impervious coverage.....	15%
Maximum building height, non-agricultural – feet.....	25
Maximum building height, agricultural - feet	none
Accessory Structure Size – square feet, maximum, cumulative.....	
.....	2,000 for first 2.5 acres
.....	1,000 for each additional 2.5 acres
Maximum animal units per acre under 10 acres.....	0.4
Maximum animal units per acre over 10 acres.....	0.5
Maximum animal units per acre over 10 acres 5 month duration.....	1.2

3. Performance Standards. The following performance standards apply to all development in this zone:

- C. Fences. Fences not exceeding 12 feet in height may be constructed. Under no circumstances shall a fence be constructed closer than 10 feet from the surface of a public road or in a public road right-of-way. Materials shall consist of usual fencing materials with posts and fence of metal, wood, concrete, brick or smooth wire. Barbed or electrified wire is not to be used where frequent human contact is anticipated, except by the property owner(s) or their agent(s).
- D. Trash & Dumpsters. All receptacles for trash/waste storage shall be stored indoors or shall be completely screened from all views from adjacent properties and the public roadways.

5.6 Shoreland Residential District (SR)

1. Purpose and Intent: To establish and maintain a residential land use district for riparian residential development within 1000 feet of a DNR Classified Lake and 300 feet of a river or stream, and which serves to preserve the natural shoreline and lake water quality.

2. District Administration: All administration, land use & building permitting, and enforcement of zoning requirements within the Shoreland Residential District as shown on the Clitherall Township Zoning Map, as mandated by State Law, shall be the responsibility of Otter Tail County.

5.7 Commercial Transition/Light Industrial

1. Purpose and Intent: To preserve a general business and light industrial district convenient and attractive for a wide range of retail uses, businesses, places of amusement and other commercial activities that will be convenient to motorists, and accommodate businesses requiring substantial off-street parking.
2. Lot, Use and Density Requirements.

Lot Width - feet, minimum	100
Lot Area – square feet, minimum	20,000
Setback, right-of-way, local streets - feet, minimum	20
Setback, right-of-way, county roads – feet, minimum	40
Setback, right-of-way, state or federal roads – feet, minimum	50
Setback, side - feet, abutting AG, AR, RR or SR-zoned property, minimum.....	50
Setback, side – feet, abutting CT-zoned property, minimum.....	25
Setback, rear – feet, minimum	25
Setback, wetland – feet, minimum	50
Setback, unplatted cemetery or archaeological site – feet, minimum.....	50
Maximum impervious coverage – without stormwater management plan.....	25%
Maximum impervious coverage – with stormwater management plan	60%
Maximum impervious coverage – stormwater management area (see zoning map)15%	
Maximum structure height, – feet	40
Maximum animal units per acre under 10 acres.....	0
Maximum animal units per acre over 10 acres.0.2, up. to maximum of 10 animal units	
3. Performance Standards. The following performance standards apply to all development in this zone:
 - A. Impervious Coverage. Impervious coverage may be increased to 40% or 60% where a storm water management plan has been submitted from a qualified engineer accommodating the 5-year, 24-hour storm event or 10-year, 24-hour storm event, respectively.
 - B. Compatibility of Use. Use shall be compatible with the surrounding neighborhood. Uses shall not present noise, odor, light nuisances or any other nuisances.
 - C. Pedestrian Amenities. Proposed developments shall provide for safe and comfortable sidewalks, paths, and resting areas for pedestrians when determined necessary by the Town Board, which shall consider the proximity of the property to existing or anticipated pedestrian amenities, public safety and the proposed use. Sidewalks and paths, or easements for such uses, shall connect the development to adjacent land uses and provide connections through the development to the public street right-of-way.
 - D. Fences. Fences not exceeding 72 inches in height may be constructed. Fencing shall only be constructed closer than 10 feet from the surface of a public road with the permission of the Planning Commission. Materials shall consist of usual fencing materials with posts and fence of metal, wood, concrete, brick or smooth wire. Barbed or electrified wire is allowed only with the permission of the Planning Commission.

- E. Parking. Off-street parking shall be provided as per Section 6.8. On-street parking may be allowed by the Planning Commission. To reduce the visual impacts and amount of surface parking, shared parking and surface parking is encouraged to be located behind or to the side of a building. Additionally, suitable trees and shrubs are encouraged to be planted between parking lots and all adjacent sidewalks, roads, lots and buildings.
- F. Screening. All sites shall be landscaped to provide 50% screening to adjacent residential parcels. Percentage shall be determined by amount of structure that can be seen during leaf-on conditions. A landscaping and screening plan must be submitted and approved by the Planning Commission with each conditional use permit.
- G. Lighting. Lighting shall be downward directional and shall be compatible with the surrounding development.
- H. Trash & Dumpsters. All receptacles for trash/waste storage shall be stored indoors or shall be completely screened from all views from adjacent properties and the public roadways.

5.8 **Land Use Matrix**

1. The land use matrix shown in Table 1 establishes the allowable, permitted, accessory, conditional and excluded uses within the Clitherall Township.
2. All uses are considered prohibited in the OS, AR and RR districts unless specifically allowed in this Code, even if they are not listed specifically under excluded uses. Uses not listed may be considered conditional uses if determined by the Zoning Administrator to be compatible with the intent and purpose of these districts and not similar in purpose to a specifically excluded use.
3. All accessory structures require a permit, unless otherwise indicated.

Unapproved

Unapproved

Unapproved

SECTION VI - PERFORMANCE STANDARDS

6.1 Nuisance Standards.

1. Performance Standards.
 - A. Compliance Required. Every use permitted by this Ordinance shall be so established and maintained as to comply with the provisions of this section. The Planning Commission may require the complaining party to provide such tests or investigations by an independent testing organization satisfactory to the Planning Commission as are necessary to show non-compliance with these standards. The entire cost of such investigations and tests shall be paid for by the complaining party unless the results disclose non-compliance with these standards; in that event, the entire cost shall be borne by the owner or operator. This provision does not preclude the Township from making any investigations and tests it finds appropriate to determine compliance with these standards.
 - B. Odor. No use shall cause the discharge of toxic, noxious or odorous matter beyond the limits of the site where it is located in such concentrations as to be obnoxious or otherwise detrimental to the public health, safety, comfort or welfare or cause injury to property or business.
 - C. Glare. In all districts, any lighting used to illuminate an off-street parking area, sign or other structures, shall be installed so as to deflect light away from any adjoining property or from public streets. Direct or sky-reflected glare, whether from floodlights or from high temperature processes such as combustion or welding, shall not be directed into any adjoining property. The source of lights shall be hooded or controlled in some manner so as not to light adjacent property or create a traffic hazard. Mercury or sodium-vapor lights used for the lighting of a residential or farm property shall be excluded from these requirements.
 - D. Smoke. The emission of smoke by any use shall be in compliance with and regulated by the State of Minnesota Pollution Control Standards, Minnesota Regulations APC 7017. Open burning shall require a DNR burning permit.
 - E. Dust and Other Particulate Matter. The emission of dust, fly ash or other particulate matter by any use shall be in compliance with and regulated by the State of Minnesota Pollution Control Standards, Minnesota Regulation APC 7011.
 - F. Fumes or Gases. Fumes or gases shall not be emitted at any point in concentrations that are noxious, toxic or corrosive. The values given in Table I (Industrial Hygiene Standards - Maximum Allowable Concentration for eight hour day, five days per week), Table III (Odor Thresholds), Table IV (Concentrations of Substances Causing Pain in the Eyes), and Table V (Exposure to Substances Causing Damage to Vegetation) in the latest revision of Chapter 5, "Physiological Effects" that contains such tables, in the "Air Pollution Abatement Manual" published by the Manufacturing Chemists' Association, Inc., Washington D.C., are hereby established as guides for the determination of permissible concentration and amounts. The Township may require detailed plans for the elimination of fumes or gases before the issuance of a Zoning Permit.
 - G. Fire Hazards. Any activity involving the use or storage of flammable or explosive materials shall be protected by adequate fire-fighting and fire prevention equipment and by such safety devices as are normally used in the handling of such materials. Such hazards shall be kept removed from adjacent activities to a distance that is compatible with the potential danger involved.
 - H. Wastes.

- i. All waste generated shall be disposed of in a manner consistent with all Minnesota Pollution Control Agency rules.
- ii. Any accumulation of waste generated on any premises not stored in containers which comply with Minnesota Pollution Control Agency rules, or any accumulation of mixed solid waste generated on any premises which has remained thereon for more than one week, or any accumulation of infectious, nuclear, pathological, or hazardous waste which is not stored or disposed in a manner consistent with Minnesota Pollution Control Agency rules, is a nuisance and may be abated and the cost of abatement may be addressed against the property where the nuisance is found.
- ~~iii. The accumulation, storage, processing, and disposal of waste on any premises, which is not generated on that premises, is prohibited, except as specifically provided in this Ordinance.~~

I. Air Pollution. Every activity shall conform to State regulations relating to air quality standards and air pollution control.

J. Erosion and Drainage.

- i. No land shall be developed and no use shall be permitted that results in water runoff causing flooding, erosion, or deposit of sediment on adjacent properties.
- ii. All storm sewer inlets and drainage ways that are functioning during construction shall be protected so that sediment laden water does not enter the conveyance system without first being filtered or otherwise treated to remove sediment.
- iii. All on-site storm water conveyance systems must be designed and constructed to withstand the design volume of storm water with appropriate stabilization to prevent scour and erosion. Erosion controls must be provided at the outlets of all storm sewer pipes or drainage ways.
- iv. All temporary and permanent erosion and sediment control practices shall be maintained and repaired to assure the continued performance of their intended function.
- v. All disturbed ground left inactive for seven or more days shall be stabilized by seeding or sodding or by mulching or covering or other equivalent control measure.
- vi. All temporary erosion control devices, including silt fence, gravel, hay bales or other measures shall be removed from the construction site and properly disposed of or recycled. This removal and disposal must occur within 60 days of the establishment of permanent vegetative cover on the disturbed area.

K. Radioactivity or Electrical Disturbance. No activity shall emit dangerous radioactivity at any point or any electrical disturbance adversely affecting the operation of any equipment at any point other than that of the creator of such disturbance. Adverse effects shall be measured by FCC standards.

L. Fertilizers, herbicides and pesticides. No person shall place, spread or store fertilizers, herbicides and/or pesticides in any manner other than that recommended by the manufacturer or in any manner which allows any escape of nutrients or toxins into the air, ground water or surface water of the Township.

M. Abandoned Structures. No person shall allow a structure, building, mobile home/manufactured house, or other structure to become deteriorated or a safety hazard. All deteriorated or unsafe structures shall be removed. If the owner fails to remove the structure, the Township shall do so and assess the cost against the property through the County taxation method.

6.2 Fences.

1. General. Performance standards relating to fences are listed for each District in Section V.
2. Safety Hazards. Fences shall not be erected where they create a visual safety hazard in the opinion of the Zoning Administrator. Fences shall not be electrified or contain barbed wire except in areas where contact with the general public is not anticipated, except by the property owner(s) or their agent(s).
3. Location and Orientation. Fences shall sit entirely on the property of the property owner installing the fence and be setback from the property line a sufficient distance to allow maintenance activities to take place solely on the owner's property; fences may abut but not sit directly on lot lines of adjacent parcels, unless constructed in coordination with the adjoining landowner as a property line fence.
4. Height. Height is regulated for each district in Section V. Fences not meeting the requirements listed in Section V shall require a conditional use permit.
5. Maintenance. Fences shall be maintained to retain their aesthetic quality, screening abilities, and function. Missing boards, rusting wire and posts, and peeling paint shall be taken care of at the owner's expense as they occur.

6.3 Maintenance

All structures shall be properly maintained in a clean and acceptable manner so as not to constitute a menace to the public health, safety, convenience, general welfare, property values, and aesthetics. All landscaping shall be properly maintained so as to preserve planting in a live state and free of noxious weeds.

6.4 Storage.

1. Exterior Storage.
 - A. ~~Except where otherwise approved by the Town Board or as necessary for the customary operation of a permitted commercial or industrial use, All~~ all materials and equipment shall be stored within a building or fully screened so as not to be visible from adjoining properties ~~or traveled public roadways~~, except for the following: laundry drying, licensed ~~automobiles, recreational vehicles,~~ recreational equipment, ~~construction landscaping~~ materials and equipment ~~currently being used for construction of temporarily on~~ the premises ~~and related to a specific construction or landscaping project~~, woodpiles, ~~and~~ agricultural equipment ~~regularly used for agricultural purposes by the owner of the property, and materials if these are used or intended for use on the premises, off street parking except as otherwise regulated herein.~~ Exterior storage of other materials may be allowed at the discretion of the Town Board if they do not present a visual blight or a threat to public health or safety.
 - A.B. Storage of up to two (2) currently licensed fish houses or currently licensed and road-ready recreational vehicles is allowed without a permit if stored not less than 10 feet distance from any property line.
 - B.C. ~~No more than a combined total of five (5) unlicensed automobiles, recreational vehicles or recreational equipment shall be stored outdoors unless screened so as not to be readily visible from adjoining properties or traveled public roadways. Parcels with two or more abandoned motor vehicles shall be stored within a structure or completely screened from view from adjacent properties and right-of-way.~~
 - D. ~~Notwithstanding the requirements of this section, the Town Board may require a conditional use permit or disallow any exterior storage which covers more than 2,000 square feet of combined ground space or which would constitute a threat to public health or safety.~~
2. Bulk Storage.
 - A. All uses associated with the bulk storage of oil, gasoline, liquid propane, liquid fertilizer,

chemicals and similar liquids shall comply with the requirements of the Minnesota State Fire Marshall, the Minnesota Pollution Control Agency and Minnesota Department of Agriculture. When in excess of normal domestic allowances, the property owner shall have documents from those offices stating that the use is in compliance. No storage facility shall be constructed or placed where spillage from the facility would drain to a drainageway or public waters without providing complete containment.

6.5 Visual Standards – Screening.

Screening requirements for each district are contained in Section V.

6.6 Sanitation Standards.

1. Solid Waste. All solid waste shall be disposed of in accordance with the standards of Otter Tail County.
2. Domestic Sewage. All individual sewage treatment systems installed, upgraded, replaced, repaired or discontinued in the Township shall comply with the applicable requirements of the Otter Tail County Sanitation Code and Minnesota Rules Chapter 7080.
3. Water Supply.
 - A. All potable water systems shall be connected to a municipal water supply, if available.
 - B. All domestic and agricultural wells shall conform to the Minnesota Department of Health Standards for wells.
 - C. All water systems shall meet the requirements of the Minnesota Department of Health Standards for water systems.
 - D. All wells being abandoned shall be sealed according to Minnesota Department of Health Standards and report to Minnesota Department of Health and the Township.

6.7 Animal Husbandry.

1. Livestock.
 - A. Animal husbandry is allowed subject to applicable state or local regulations, including those of the Minnesota Pollution Control Agency and Otter Tail County, when applicable.
 - B. Husbandry of livestock animals, whether in a feedlot or pasture operation, is subject to density limits (measured in animal units per acre) as specified in each zoning district where allowed.
2. Wild/Exotic Animals.
 - A. The keeping of wild or exotic animals as pets - including but not limited to primates and large carnivores - is not allowed.
 - B. Wildlife rehabilitation uses shall require a Conditional Use Permit and must meet the minimum standards established by the State of Minnesota Department of Natural Resources Rules Chapter 6244.

6.8 Parking.

1. General. Onsite parking or garage space shall be provided in all Districts, except as specifically exempted. There shall be adequate drive access to prevent the need to back onto collector streets or County Highways. Onsite parking spaces shall not be used for storage.
2. Dimensions. Standard parking sites shall be a minimum of 20 feet long and 10 feet wide. On street parking and irregular parking configurations shall meet the dimensional standards proscribed by the

Minnesota Department of Transportation in its Standard Manuals for Traffic Control.

3. Parking Ratios. Adequate parking shall be required, with the following standards to be guidelines subject to site specific review by the Planning Commission:
 - A. Dwelling: two (2) parking spaces for each unit.
 - B. Multiple Dwellings: One and one-half (1 ½) spaces per dwelling unit
 - C. Tourist Accommodations: one-and-one-half (1 ½) parking spaces for each room or unit.
 - D. Senior and/or Physically Handicapped Housing: One (1) space per dwelling unit.
 - E. Business and Professional Offices: One (1) space for each three hundred (300) sq. ft. of gross floor area.
 - F. Medical and Dental Clinics: Two (2) spaces per examining room plus one space for each employee.
 - G. Schools: One (1) space per seven (7) students and one (1) space for each two (2) employees.
 - H. Hospital/Nursing Homes: One (1) space for every three (3) beds plus one (1) space for each two (2) employees
 - I. Retail Stores: One (1) space for each 100 sq. ft. of gross floor area.
 - J. Furniture and appliance stores, household equipment, carpet sales, furniture repair shop or antique shop: One (1) space for each four hundred (400) sq. ft. of gross floor area.
 - K. Theater, stadium, auditorium, church or other places of public assembly: one (1) parking space for each three (3) seats, based on maximum seating capacity.
 - L. Office Building: one (1) parking space for each three hundred (300) square feet of office floor area.
 - M. Funeral Homes: One (1) space for each four (4) seats based on maximum capacity.
 - N. Eating and Drinking Establishments: one (1) parking space for each of three (3) seats based upon maximum seating capacity.
 - O. Industrial, manufacturing or wholesale establishments: one (1) parking space for each two (2) workers, based on peak employment and adequate space for loading and unloading all vehicles used incidental to the operation of the industrial or manufacturing establishment or one (1) space for each two thousand (2,000) sq. ft. of gross floor area, whichever is larger
 - P. Other Uses Not Described: As determined by the Planning & Zoning Commission and Town Board.
4. Onsite Parking. Onsite parking shall not be closer than 10 feet from a lot line.
5. Parking Surfaces. All parking areas shall be adequately drained to a pervious surface designed to allow entrapment of silts and nutrients prior to discharge to a public water.
6. Landscaping. More than 5 parking stalls contiguously located and any commercial parking adjacent to residential shall be landscaped according to a plan approved by the Zoning Administrator with review by the Planning Commission.
7. Lighting. Any lighting used to illuminate off-street parking areas shall be directed away from residential properties in such a way as to not interfere with residential use. Lighting will be designed to eliminate glare from adjacent roadways to ensure safe vehicular traffic.
8. Loading – General. All required loading berths shall be off street and shall be located on the same lot as the principal use served. Loading shall not occupy front yard space. Berths shall not be used for storage.

6.9 Loading and Unloading Requirements.

There shall be adequate loading and unloading areas established for each property based on the use. It shall be the property owner's responsibility to ensure that their loading and unloading operations do not interfere with the flow of traffic, create a nuisance or pose a safety hazard. Operations are subject to review by the Planning Commission.

6.10 Drainage.

1. General.
 - A. When possible, existing natural drainage ways, wetlands, and vegetated soil surfaces must be used to convey, store, filter, and retain stormwater runoff before discharge to public waters.
 - B. Development must be planned and conducted in a manner that will minimize the extent of disturbed areas, runoff velocities, erosion potential, and reduce and delay runoff volumes. Disturbed areas must be stabilized and protected as soon as possible and facilities and methods used to retain sediment on the site.
 - C. When development density, topographic features, and soil and vegetation conditions are not sufficient to adequately handle stormwater runoff using natural features and vegetation, various types of constructed facilities such as diversions, settling basins, skimming devices, dikes, waterways, and ponds must be used. Preference must be given to designs using surface drainage, vegetation and infiltration rather than buried pipes and man-made materials and facilities.
2. Drainage Storage Areas. The use of natural or manmade stormwater storage areas is encouraged. These areas should be vegetated and designed to naturally lower after a storm.
3. Erosion. Erosion control measures shall be provided in all areas disturbed during any grading or construction. All areas disturbed shall be covered with topsoils and seeded. Areas subject to concentrated runoff or steeper than 3:1 shall be sodded, planted with appropriate deep-rooted vegetation, or protected with an appropriate mulch cover as directed by the Township Engineer.

SECTION VII - SPECIAL PROVISIONS

7.1 Rural Conservation Subdivision (RCS).

1. General. Rural Conservation Subdivision (RCS) is to provide for residential development in rural areas in a way that maintains or enhances the Township's rural character; is sensitive to the physical characteristics of the site; retains large, undivided parcels of land that provide opportunities for compatible agricultural, forestry and other rural land uses; protects sensitive environmental resources; facilitates creation of open space corridors; and minimizes impacts of road and utility systems. Rural conservation subdivisions must be completed by plat.
2. Establishment of a Conservation Parcel.
 - A. Each RCS development shall contain a contiguous Conservation Parcel comprising a minimum of 40% of the land area to be subdivided.
 - B. The Conservation Parcel may be owned by a homeowners association, corporation, partnership, land trust, individual, or other legal entity.
 - C. The following uses of the Conservation Parcel are permitted, subject to any land use limitations in the underlying district:
 - i. Agriculture,
 - ii. Forestry,
 - iii. Passive recreation,
 - iv. Natural areas including, but not limited to, critical areas and associated buffers, and wildlife corridors.
 - v. Single family dwelling with a conservation easement is placed over the Conservation Parcel restricting further development.
 - D. The Conservation Parcel shall contain any significant resource identified within the property to be subdivided including but not limited to wetlands, historical sites and wildlife corridors.
 - E. In order to retain large, undivided parcels of land that provide opportunities to compatible agricultural and forestry uses and protection of sensitive environmental resources, the Conservation Parcel shall, to the greatest extent possible, be a single contiguous parcel and shaped so as to be usable for resource uses. Where the Conservation Parcel is intended for other uses, more flexibility is allowed in the shape of the parcel; however, the conservation parcel may not include strips located between dwellings.
 - F. Conservation Parcels that are used for agriculture, forestry or sensitive resource protection shall not be bisected by roads or easements.
 - G. Where consistent with other provisions of this chapter, the Conservation Parcel shall be contiguous with any abutting conservation parcel, open space, greenbelt, agricultural lands, commercial forestry lands, public preserves, parks, or schools. Wildlife corridors shall be linked with other wildlife corridors abutting the proposed subdivision.
3. Design Criteria.
 - A. Minimum Lot Size. None, subject to compliance with applicable standards for sewage disposal and provision of water.
 - B. Setbacks. Setbacks from the exterior boundary of the site shall be the same as required in the underlying district. Side setback requirements shall be waived to allow flexibility in site design. However:
 - i. Individual buildings shall be separated by a minimum of ten feet.
 - ii. The Planning Commission may establish setbacks, as necessary to buffer agricultural, forestry and water-use activities from residential uses.
 - C. Maximum Dwelling Density/Impervious coverage. Same as underlying district as applied to the entire parcel prior to subdivision.

4. Subdivision Design – Residential Lots.
 - A. The configuration and size lots shall be varied and blend with the natural features of the site in order to retain the natural, rural character of the site, particularly as viewed from public roadways.
 - B. Windfirm trees shall be retained where they would screen residences from collector roads, arterials or state highways, unless they would unduly impede site development, be incompatible with the intended use of the conservation parcel, or pose a risk to public safety for motorists on those roadways and to private utilities.
 - C. A lot created for any existing residence on the property may be discontinuous from the remaining residential lots in the proposed subdivision.
 - D. Residential lots shall be grouped and not assembled in a linear configuration. A linear configuration refers to a site design for the residential portion of a development which may be described as long and narrow. Exceptions shall be granted at the discretion of the Planning Commission where unusual site conditions, such as wetlands or steep slopes, warrant a linear configuration. The reason for minimizing linear configurations is to retain the natural, rural character of the site, particularly as viewed from public roadways.

5. Administration and Maintenance Requirements. Prior to final approval of any Rural Conservation Subdivision, the Township will require adequate provisions developed for preservation and maintenance in perpetuity of the conservation parcel and for the continued existence and functioning of the development as a community.

7.2 Manufactured and Pre-Built Housing Development.

New manufactured and pre-built housing developments shall not be allowed. Existing manufactured and pre-built housing developments shall be allowed to continue, including replacement of units in locations meeting all setback requirements, so long as the overall density of the development is not increased.

7.3 Home-Based Business.

1. General. Each home-based business in the Township shall require a permit from the Zoning Administrator.
2. Standards.
 - A. All business activities, including storage, shall be inside buildings or completely screened from adjacent properties.
 - B. All activities shall be clearly incidental to the use of the property for residential purposes. Not more than twenty-five percent (25%) of the gross floor area of the residence or 50% of the gross floor area of a garage or storage building shall be used for commercial purposes.
 - C. No Home-Based business shall be conducted between the hours of 10:00 p.m. and 7:00 a.m. unless said occupation is contained entirely within the principal building and will not require any on-street parking facilities.
 - D. Not more than two non-residents may be employed on the premises by the Home-Based business.
 - E. On the premises, retail sales will be allowed only of products manufactured on those premises unless specifically authorized by Conditional Use Permit.
 - F. No articles for sale shall be displayed so as to be visible from the street.
 - G. All activities will be controlled to prevent nuisance problems of noise, vibration, smoke, dust, fumes or litter.
 - H. The Home-Based business shall not generate more than two (2) customer vehicles at

- one time. Off-street parking shall be provided, but no more than two (2) spaces.
- I. No mechanical or electrical equipment shall be used if the operation of such equipment interferes unreasonably with the desired quiet residential environment of the neighborhood or if the health and safety of the residents is endangered. No equipment shall be used in the Home-Based business which will create electrical interference to surrounding properties.
 - J. A person having a Home-Based business shall provide proof of meeting the above requirements upon request by the Township.
3. Yard Sales/Garage Sales. Yard sales and garage sales do not require a Home-Based business permit so long as they do not exceed seven cumulative days in one calendar year.
 4. Private Automobile Sales. One automobile displayed for sale on a property shall not require a Home-Based business permit so long as not more than two automobiles are sold over thirty cumulative days per calendar year.

7.4 Auto Salvage Yards/Junk Yards.

Auto salvage or junk yards are to be allowed only as a service to the community and only in zoning districts where permitted. No more than two (2) will be allowed within the Township limits. Such facilities are subject to the following, in addition to CUP criteria and conditions:

1. On site sales are allowed along with parts salvage.
2. Fencing/screening sufficient to prevent the facility and all salvaged materials from being a visual blight seen from a public roadway or adjacent property shall be provided and maintained.
3. A defined perimeter for the storage, sale and processing of salvaged materials must be approved and maintained.
4. The facility, salvaged materials and activities related to the use of the site shall not be located within a drainageway or wetland.
5. Landscaping, in addition to the required screening, may be required by the Planning and Zoning Commission.

7.5 Telecommunication Towers.

1. **Purpose.** These regulations are intended to:
 - A. Facilitate the provision of telecommunications services and facilities including commercial wireless telecommunication services in the Township;
 - B. Minimize adverse visual effects of towers through careful design and siting standards;
 - C. Avoid potential damage to adjacent properties from tower or antenna failure and weather related occurrences through structural standards, careful siting, and setback requirements;
 - D. Encourage the use of existing towers and buildings to accommodate commercial wireless telecommunication service antennas in order to minimize the number of towers needed to serve the township.
2. **Permits.** All telecommunication towers shall require a conditional use permit, except those private towers 100 feet in height or less that are used exclusively for television, satellite or other communications equipment and serving only the property on which it is located. Applications shall include the following information:
 - A. A report from a licensed professional engineer that describes the commercial wireless telecommunication service tower's capacity, including the number and type of antennas that it can accommodate;
 - B. A letter of intent from the commercial wireless telecommunication service tower owner committing the tower owner and successors to allow the shared use of the tower.
 - C. The location of all public and private airports within 3 miles radius of the tower site.

- D. An FAA notice of non-hazard.
 - E. FCC licensure and approval as required for various communications applications. No interference with local television and radio reception will be allowed.
 - F. An erosion control plan for the tower site.
3. **Tower and Antenna Design Requirements.** Proposed or modified towers and antennas shall meet the following design requirements:
- A. Towers and antennas shall blend into the surrounding environment through the use of color and camouflaging architectural treatment except in instances where the color is dictated by federal or state authorities;
 - B. No tower shall have constructed thereon, or attached thereto, in any way, any platform, catwalk, crow's nest, or like structure, except during periods of construction or repair.
 - C. Towers and their antennas shall be certified by a qualified and licensed professional engineer to conform to applicable state structural building standards.
 - D. Towers and their antennas shall be designed to conform with accepted electrical engineering methods and practices and to comply with the provisions of the National Electrical Code.
 - E. Metal towers shall be constructed of, or treated with, corrosive resistant material.
 - F. The use of any portion of a tower for signs other than warning or equipment information signs is prohibited.
4. **Tower Setbacks.** Towers and all accessory structures or buildings shall conform to the following minimum setback requirements:
- A. Towers shall be setback from all property lines an amount equal to the height of the structure;
 - B. Guy wires for towers shall be located no closer than 25 feet to any property line and shall meet public road right of way setbacks;
 - C. Suitable protective anti-climbing fencing, with a minimum height of 6 feet, shall be provided around any tower and guy wires.
5. **Co-Location Requirements.** All commercial wireless telecommunication towers erected, constructed, or located within the Township shall comply with the following requirements:
- A. Documentation of the area to be served including a search ring for the antenna location. A narrative describing a search ring for the request, with not less than one (1) mile radius clearly explaining why the site was selected, what existing structures were available and why they are not suitable as locations or co-locations.
 - B. Documentation that the communications equipment planned for the proposed tower cannot be accommodated on an existing or approved tower within the search ring of the service area due to one or more of the following reasons:
 - 1) The planned equipment would exceed the structural capacity of the existing or approved tower or building, as documented by a qualified and licensed professional engineer, and the existing or approved tower cannot be reinforced, modified, or replaced to accommodate planned equipment at a reasonable cost;
 - 2) The planned equipment would cause interference materially impacting the usability of other existing or planned equipment at the tower as documented by a qualified and licensed professional engineer or qualified radio frequency engineer and the interference cannot be prevented at a reasonable cost;
 - 3) Existing or approved towers and buildings within the search radius that are 60 feet or over in height that cannot accommodate the planned equipment at a height necessary to function reasonably as documented by a qualified and licensed professional engineer;
 - 4) Other unforeseen reasons that make it unfeasible to locate the planned telecommunications equipment upon an existing or approved tower or building.
 - C. Any proposed tower shall be designed, structurally, electrically, and in all respects, to accommodate both the applicant's antennas and at least 3 additional antennas if the

tower is 200 feet or over in height, or for at least 2 additional antennas if the tower is under 200 feet in height. Towers shall be designed to allow for future rearrangement of antennas upon the tower and to accept mounted at varying heights.

- D. An agreement stating that the site will be designed for multiple users with applicant and property owner commitment to co-location, whereby, any prohibition of additional users on a tower will be considered a violation of the conditional use permit. This agreement shall become a part of the permit.
6. **Antennas Mounted on Existing Buildings or Towers.** The placement of telecommunication antennas including wireless telecommunication antennas on existing buildings, towers or structures, shall meet the requirements of the underlying land use district and this section. A site plan and building plan shall be submitted to the ~~Department~~[Town Board](#) as part of the permitting process.
 7. **Accessory Utility Buildings.** All buildings and structures accessory to a tower shall:
 - A. Be architecturally designed to blend in with the surrounding environment and shall meet the height and setback limitations as established for the land use district in which they are located.
 - B. Have ground mounted equipment screened from view by suitable vegetation, except where a design of non-vegetative screening better reflects and complements the architectural character of the surrounding neighborhood.
 8. **Tower Lighting.** Towers shall not be illuminated by artificial means except as required by the Federal Aviation Administration or the Federal Communications Commission or state agency.
 9. **Abandoned or Unused Towers.** Abandoned or unused towers and associated facilities shall be removed within 12 months of the cessation of operations at the site unless a time extension is approved by the Township.
 10. **Public Safety Telecommunications Interference.** Commercial wireless telecommunications services shall not interfere with public safety telecommunications. Before the introduction of new service or changes in existing service, telecommunication providers shall notify the Township at least 10 calendar days in advance of any changes to allow for monitoring of interference levels during the testing process.
 11. **Nonconforming Towers.** In order to avoid requiring new towers and to minimize the number of towers needed to serve the county the following provisions shall apply to nonconforming towers. Telecommunication towers in existence at the time of this amendment may be permitted to increase tower height after being issued a conditional use permit. The Planning Commission shall consider the following criteria as part of the conditional use permit process:
 - A. Tower safety concerns including tower collapse, falling ice, and airplane traffic;
 - B. Comparative visual impact to the surrounding lands of the proposed tower height increase;
 - C. Disturbance or conflict with agricultural uses on the property;
 - D. Other factors which tend to reduce conflicts or incompatible with the character and need of the area.

7.6 **Wind Energy Systems.**

1. General. Wind energy systems shall be divided into the following categories and shall meet the respective requirements:
 - A. Hobbyist. This type of system is designed for small load personal use or to supplement commercial grid supplied electricity. The system may be connected to the commercial electrical grid and electricity sold. See section 7.6.3 for interconnection requirements.
 - 1) Require a land use permit including a site plan
 - 2) Towers must be free standing or guyed, non-latticed and not exceed 75 feet in height.
 - 3) Maximum electrical output must not exceed 10 kilowatts

- 4) Systems that directly connect to the commercial electrical grid shall conform to National Electrical Code (NEC). See section 7.6.3 for interconnection requirements.
 - B. Residential/Commercial. These systems are designed primarily to supply electricity for personal use. The system may be connected to the commercial electrical grid and electricity sold.
 - 1) Require a land use permit for towers 170 feet or less in height including a site plan.
 - 2) Require a conditional use permit for towers greater than 170 feet in height including a site plan.
 - 3) Non-free standing, guyed non-lattice towers shall not exceed 120 feet in height.
 - 4) Guyed lattice towers shall not exceed 270 feet in height.
 - 5) Maximum electrical output does not exceed 400 kilowatts.
 - 6) Wind energy structural and mechanical systems engineering plan including soil investigation shall be developed by a qualified and licensed professional engineer to conform to applicable structural and mechanical standards.
 - 7) Systems that directly connect to the commercial electrical grid shall conform to National Electrical Code (NEC). See section 7.6.3 for interconnection requirements.
 - 8) Applications for wind energy systems that directly connect to the commercial electrical grid shall be accompanied by a Net Excess Generation (NEG) contract with the respective electrical power company.
 - C. Commercial. These systems are designed exclusively to be connected to the commercial electrical grid and electricity sold.
 - 1) Requires a conditional use permit.
 - 2) Towers shall not exceed 300 feet in height.
 - 3) Maximum electrical output exceeds 400 kilowatts
 - 4) Wind energy structural and mechanical systems engineering plan including soil investigation shall be developed by a qualified and licensed professional engineer to conform to applicable structural and mechanical standards.
 - 5) Systems that directly connect to the commercial electrical grid shall conform to National Electrical Code (NEC). See section 7.6.3 for interconnection requirements.
 - 6) Applications for wind energy systems that directly connect to the commercial electrical grid shall be accompanied by a Net Excess Generation (NEG) contract with the respective electrical power company.
 - D. Experimental. These systems are designed and operated exclusively for research, testing, prototyping, education, demonstration, and development to supply electricity to loads isolated from the commercial grid. The system may be not be connected to the commercial electrical grid and no electricity sold.
 - 1) Requires a land use permit for towers 170 feet or less in height including a site plan
 - 2) Require a conditional use permit for towers more than 170 feet in height including a site plan.
 - 3) Non-free standing, guyed non-lattice towers shall not exceed 120 feet in height.
 - 4) Guyed lattice towers shall not exceed 270 feet in height.
2. Additional Standards. In addition to the standards in section 6, all wind energy systems shall comply with the following standards:
- A. Towers shall be constructed of, and/or treated with, corrosive resistant material.

- B. Wind energy system towers and electrical equipment shall be maintained and inspected according to manufacture's requirements by qualified personnel.
 - C. Wind energy system electrical and mechanical equipment that is connected to a commercial electrical grid shall be maintained and inspected according to manufacture's requirements by qualified personnel.
 - D. Wind energy system electrical equipment that is connected to a commercial electrical grid shall automatically disconnect from the commercial electrical grid within 5 seconds after a grid outage.
 - E. The use of any portion of a wind energy tower for signs/placards other than warning, identification, or equipment information sign/placards is prohibited. Signs or placards for warning, identification, or equipment information shall not exceed six square feet.
 - F. The addition of any non-wind energy systems equipment to a wind energy systems tower is prohibited. Towers that do not exceed 75 feet in height are exempt from this requirement.
 - G. Wind energy system towers shall blend into the surrounding environment to a height 10 feet above the surrounding foliage through the use of color and camouflaging architectural treatment. From that point to the top of the tower, the tower color shall obviously contrast to the surrounding environment, except in instances where color is dictated by federal or state regulations. Towers that do not exceed 75 feet in height are exempt from this requirement.
 - H. For towers over 75 feet tall, suitable protective anti-climbing fencing with a minimum height of 6 feet shall be provided around any tower and guy wires.
 - I. Setbacks
 - 1) Towers shall be setback from all property lines and public road right-of-ways an amount equal to the height of the tower plus 25 feet.
 - 2) Guy wires for towers shall be set back 25 feet from all property lines and public road rights-of-way.
 - K. Each wind energy system permit or conditional use permit may include a utility building for protection of associated equipment not to exceed 100 square feet.
3. All generator interconnections that connect to the electrical grid must contact the local utility company (Otter Tail Power Co. or Lake Region Electric Cooperative). Units that are 40MW or larger and selling wholesale to the local electric utilities will have to contact the Midwest Independent System Operator (MISO) at www.midwestiso.org. The local utilities may also involve the Minnesota PUC as determined to be necessary.

7.7 **Adult Oriented Businesses.**

1. Purpose and Intent.
 - A. Findings. It is the purpose of this Ordinance to regulate Adult-Oriented Businesses to promote the health, safety, morals and general welfare of the citizens of the Township and to establish reasonable and uniform regulations to:
 - i. Prevent additional criminal activity within the Township;
 - ii. Prevent deterioration of neighborhoods and its consequent adverse effect on real estate values of properties within the neighborhood;
 - iii. To locate Adult-Oriented Businesses away from residential areas, schools, churches, and parks and playgrounds;
 - iv. Prevent concentration of Adult-Oriented Businesses within certain areas of the Township.
 - B. The provisions of this Ordinance have neither the purpose nor effect of imposing a limitation of restriction on the content of any communicative material, including Adult oriented materials. Similarly, it is not the intent nor effect of this Ordinance to restrict or deny access by adults to Adult oriented materials protect by the First Amendment, or to deny access by distributors and exhibitors of adult oriented entertainment to their intended market.

2. Application.
 - A. Except as specifically provided in this Ordinance, no structure shall be erected, converted, enlarged, reconstructed, or altered, and no structure or land shall be used, for any purpose nor in any manner which is not in conformity with this Ordinance.
 - B. No Adult-Oriented Business shall engage in any activity or conduct or permit any other person to engage in any activity or conduct in or about the establishment which is prohibited by and ordinance of Clitherall Township, the laws of the State of Minnesota, or the United States of America. Nothing in this Ordinance shall be construed as authorizing or permitting conduct which is prohibited or regulated by other statutes or ordinances, including but not limited to statutes or ordinances prohibiting the exhibition, sale, or distribution of obscene material generally, or the exhibition, sale or distribution of specified materials to minors.
3. Location. During the term of this Ordinance, no Adult-Oriented Business shall be located less than 500 feet from any residential zoning district boundary or site used for residential purposes, nor less than 500 feet from any church site, from any school site, from any day care facility, or from any park which is adjacent to property zoned residential. In addition, no Adult-Oriented Business may be located within 300 feet of another Adult-Oriented Business. For purposes of this Ordinance, this distance shall be a horizontal measurement from the nearest existing residential district boundary or site used for residential purposes, church site, school site, day care site, park site, or another Adult-Oriented Business site to the nearest boundary of the proposed Adult-Oriented Business site.
4. Hours of Operation. No Adult-Oriented Business site shall be open to the public from the hours of 11:00 p.m. to 9:00 a.m.
5. Operation.
 - A. Off-site Viewing. An establishment operating as an Adult-Oriented Business shall prevent off-site viewing of its merchandise, which if viewed by a minor, would be in violation of Minnesota Statutes Chapter 617 or other applicable Federal or State Statutes or local ordinances.
 - B. Entrances. All entrances to the business, with the exception of emergency fire exits which are not useable by patrons to enter the business, shall be visible from a public right-of-way.
 - C. Layout. The layout of the display areas shall be designed so that the management of the establishment and any law enforcement personnel inside the store can observe all patrons while they have access to any merchandise offered for sale or viewing including but not limited to books, magazines, photographs, video tapes or any other material.
 - D. Illumination. Illumination of the premises' exterior shall be adequate to observe the location and activities of all person on the exterior premises.
 - E. Signs. Signs for Adult-Oriented Businesses shall comply with the Township Code sign restrictions addressed in this ordinance, and in addition signs for Adult-Oriented Businesses shall not contain representational depiction of an adult nature of graphic descriptions of the adult theme of the operation.
6. Consumption or Sale of Alcoholic Beverages. An Adult-Oriented Business shall not be located on the same parcel as, on a parcel adjacent to or within 500 feet of an establishment that serves alcoholic beverages. Sale of alcoholic beverages on a parcel containing an Adult-Oriented Business is prohibited. Consumption of alcoholic beverages on a parcel containing an Adult-Oriented Business is prohibited.

7.8 Extractive Uses and Restoration.

1. In all districts where permitted, mining shall be permitted only by C.U.P. Such permit shall include as a condition: a site plan, a completion plan and a haul route plan with provision for road restoration as provided in the following.
2. Existing Extraction Operations
 - A. Existing extraction operations are those operations that are currently being used or those that have records showing continuous use within the past five (5) years on a lot of record. Continuous shall be defined as the removal of at least five hundred (500) cubic yards of material every year.
 - B. Owners of existing extraction operations shall register with the ~~Department~~Town Board within two (2) years of the adoption of this Ordinance on forms provided by the ~~Department~~Town Board. A rehabilitation plan in accordance with Section 7.8.4 of this Ordinance shall be submitted with the registration. Operators of existing extraction operations may continue operating during the registration and review process. The registration shall remain in effect and allow the operation to continue as long as the operation remains in compliance with the minimum standards of this Ordinance. Owners of existing extraction operations, whether active or not, that are not eligible for registration or who do not register within the required two year time frame, shall not operate an extraction operation without obtaining a Conditional Use Permit and adhering to all requirements of this Ordinance.
 - C. If it is determined by the Town Board that an existing extraction operation poses a likely or current environmental hazard or other negative impact on the health, safety and welfare of the residents of the Township, the operation shall immediately cease any activity contributing to the likely or current hazard or negative impact and be subject to the requirements of this ordinance that would apply to a new operation. The owner of such an operation shall apply for a conditional use permit immediately.
3. All new excavation and extraction sites ~~not existing prior to XXXXX~~ shall conform to the following:
 - A. Distance from property lines. No quarrying operation shall be carried on or any stock pile place closer than 50 feet from any property line, unless a greater distance is specified by the C.U.P. where such is deemed necessary for the protection of adjacent property, provided that this distance requirement may be reduced to 25 feet only with written consent of the owners of the affected adjacent non-residence property.
 - B. Distance from public right of way. In the event that the site of the mining or quarrying operation is adjacent to the right of way of any public street or road; no part of such operation shall take place closer than 50 feet to the nearest line of such right of way.
 - C. Embankment Safety. Fencing or sloped embankments shall be maintained around the entire site or excavated portions thereof and shall be of a type specified in the C.U. P.
 - D. Equipment. All equipment and machinery shall be operated and maintained in such a manner as to minimize dust, noise and vibration. Power drives or power producing machinery, not including vehicles, shall not be housed or operated less than 1,000 feet from a residential use district.
 - E. Processing. Crushing, washing and refining or other similar processing may be authorized by C.U.P. as an accessory use; provided, however, that such accessory processing shall not be in conflict with the use regulations of the district in which the operation is located. Processing shall not be permitted in the residential districts. All processing equipment shall be located at least 1,000 feet from any residence and 200 feet from the OHW of any lake or stream.
4. Rehabilitation. To guarantee the restoration, rehabilitation, and reclamation of mined-out areas, every applicant granted an extraction/mining permit as herein provided shall furnish a performance bond running to the Township in an amount to be determined by the Township Engineer acceptable to the Planning & Zoning Commission as a guarantee that such applicant, in

- restoring, reclaiming and rehabilitating such land and haul road shall, within a reasonable time and to the satisfaction of the Township meet the following minimum requirements:
- A. Surface rehabilitation. All excavation shall be made either to a water producing depth, with a water depth of not less than five (5) feet or the surface of such area which is not permanently submerged shall be graded or backfilled to contour and shape the peaks and depressions thereof, so as to produce a gently drained surface that will minimize erosion due to rainfall and which will be in substantial conformity to the adjoining land area. Four (4) inches of black topsoil shall be placed on all areas, except beaches, that will remain above water level. Haul roads will be restored to their condition prior to the beginning of the extraction operation,
 - B. Vegetation. Vegetation shall be restored by appropriate seeds of grasses or planting of shrubs or trees in all parts of said mining area where such area is not to be submerged under water as herein above provided.
 - C. Banks of excavation not backfilled. The banks of all excavation not backfilled shall be sloped not steeper than three (3) feet horizontal to one (1) foot vertical and vegetation on said bank shall be permanently established.
4. Application; contents; procedure. An application for such operation shall provide the following information in addition to that required by the CUP process:
- A. Name of the person or corporation conducting the actual removal operation;
 - B. Size of the area from which the removal is to be made;
 - C. Type of resources or materials to be removed;
 - D. Proposed method of removal and whether or not blasting or other use of explosives will be required;
 - E. Description of equipment to be used;
 - F. Method of rehabilitation and reclamation of the pit area;
 - G. Identification of haul roads.

SECTION VIII - SUBDIVISION STANDARDS

8.1 Administration & Procedures

1. Pre-Application Meeting. At the subdivider's option, a pre-application meeting shall be held including the subdivider, Township Zoning Administrator, Township Engineer, if requested by the Zoning Administrator, Township Clerk, and other officials as may be appropriate. Discussion at this meeting shall be limited to procedure, Ordinance requirements and timing.
2. Sketch Plan Review Meeting with Planning Commission. At the subdivider's option, a review of a sketch plan will be made by the Planning Commission prior to a public hearing. Discussion at this meeting shall be limited to procedure, Ordinance requirements and timing.
 - A. The subdivider shall submit 9 copies of the sketch plan, 14 days prior to the normal Planning Commission meeting, and request a position on the formal agenda.
 - B. The Planning Commission shall not take action on the proposal, but may make suggestions to facilitate the preparation of an approvable preliminary plat or plan.
3. Metes and Bounds Subdivision Approval, Subdivisions 10 acres or greater in size and 500 feet or greater in width.
 - A. Shall be subject to approval by the Zoning Administrator if both of the resulting parcels are 10 acres or greater and 500 feet of width or greater.
 - B. Such subdivisions shall be limited to no more than one split of a parcel into two parcels in a three year period of time.
 - C. The proposed legal description for subdivision of land by metes and bounds shall be prepared and certified by a Registered Land Surveyor.
 - D. Approval by the Township shall be indicated by the stamp of approval affixed by the Township Clerk to said legal description. The County Recorder or Registrar of Deeds may accept each such Certificate for filing and recording upon compliance with these provisions.
4. Metes and Bounds Subdivision Approval, Subdivisions less than 10 acres in size or less than 500 feet in width.
 - A. Where appropriate, under the provisions of this Ordinance, the subdivider shall submit documents containing the essential information of a proposed plat or plan and including dimensions computed to one hundredth (1/100th) of a foot and bearing computed to equivalent accuracy to the Planning Commission for approval.
 - B. The review of the Planning Commission need not include a public hearing.
 - C. The subdivider shall submit 9 copies of their proposal to the Zoning Administrator 30 days prior to the normal Planning Commission meeting and pay the corresponding fee.
 - D. The Zoning Administrator shall review the proposed lot split for compliance with the Zoning Ordinance including a field review at their discretion.
 - E. The Planning Commission shall decide on the subdivision within the required time based on the resulting lots complying with the Ordinance, the feasibility of the resulting lots for their intended purpose, and the provision for access to adjacent properties. Conditions may be attached to an approval requiring appropriate improvements. No more than one (1) split into two (2) parcels shall be allowed in a three (3) year period of time. An additional parcel for right of way or commonly owned driveway access may also be allowed.
 - F. The decision of the Planning Commission may be appealed to the Town Board.
 - G. The resulting land descriptions shall be prepared and signed by a Registered Land Surveyor and shall comply with all provisions of this Ordinance.
 - H. Failure of the subdivider to act after an approval of a Metes and Bounds subdivision within one (1) year shall void the approval unless extended by the Planning Commission. A second extension shall require a new review by the Planning Commission.
5. Preliminary Plat or Preliminary Condominium Plat Approval. The preliminary Plat or

Preliminary Condominium plan approval constitutes formal approval of the concept and design of the subdivision. The Planning Commission review shall include a public hearing and may include a field review at their discretion. All reports of Township staff, DNR and Road authorities shall be reviewed and included in the hearing record. Related variance requests, rezoning requests and conditional use requests shall be heard concurrently with a subdivision request.

- A. The subdivider shall submit 9 copies of their proposed plat or condominium plat to the Zoning Administrator 30 days prior to the normal Planning Commission meeting, pay the required fees and request a public hearing.
 - B. The Zoning Administrator shall notify all property owner's within one-half (1/2) mile, by regular mail and shall advertise the hearing once in the legal section of the official newspaper at least ten (10) days ahead of the public hearing, including sufficient legal property description in the advertisement. The Zoning Administrator shall distribute one (1) copy to each Planning Commission member and one (1) copy to the County Engineer if the proposal is adjacent to a County Highway.
 - C. The Zoning Administrator shall review the proposed plat or plan as to content standards, necessary variances, from the Zoning Ordinance and this Ordinance, necessary rezoning or necessary conditional use permits, and advise the subdivider and the Planning Commission of their findings.
 - D. The subdivider shall make separate application for the necessary permits at least 30 days prior to the normal Planning Commission or Board of Adjustment meeting as applicable, if subdivider desires to have a concurrent public hearing for variance, conditional use or rezoning.
 - E. The Planning Commission shall hold the Public Hearing and may continue the hearing as it deems necessary to allow all factual input it deems necessary to allow a decision. Lack of submission of comments by outside agencies shall be construed to mean the agency has no objections.
 - F. The Planning Commission shall act on the Preliminary Plat or Preliminary Condominium Plat within the required timeframe, and the findings shall be sent to the subdivider. The Planning Commission shall consider the following in it's decision:
 - i. Is the property properly zoned?
 - ii. Does the proposal conform to the requirements of the Zoning Ordinance?
 - iii. Does the proposal conform to the requirements of the Subdivision Ordinance?
 - iv. Have the concerns of the affected agencies been addressed?
 - G. The Town Board will hear any appeal within thirty (30) days of the Planning Commission action and will re-notify anyone noticed for the Public Hearing. Said appeals will be filed with the Township Clerk within fifteen (15) days of the decision.
 - H. Failure of the subdivider to act after an approval of Preliminary Plat or Preliminary Condominium Plat within one (1) year shall void the approval unless extended by the Planning Commission. A second extension shall require a new public hearing.
6. Final Plat or Final Condominium Plat Approval. Upon approval by the Planning Commission, the subdivider shall cause the Final Plat or Final Condominium Plat, documents and concurrent documents to be prepared and submitted to the Planning Commission for recommendation to the Town Board. All coincident variance requests, conditional use permit requests and/or rezoning requests shall either have been decided or be pending approval simultaneously with the Final Plat.
- A. The subdivider shall submit 9 paper copies of the Final Plat or Final Condominium Plat and concurrent documents to the Zoning Administrator 30 days prior to the Planning Commission meeting.
 - B. The Zoning Administrator shall distribute the information received to the Township Attorney, the Township Engineer and an independent Registered Land Surveyor, who shall review the submission for conformance with the standards and comment

thereupon to the Planning Commission. The Zoning Administrator shall compare the Final Plat to the Preliminary Plat and comment thereupon. The Attorney shall ascertain that all parties with an interest in the parcel to be divided are indicated as signers of the documents. The Engineer shall determine that the improvements required have been completed or have been included in a development contract and that the required security has been posted with the Town Board. The independent Registered Land Surveyor shall compare the approved Preliminary Plat with the Final Plat, provide a plat check of the Final Plat, and verify that the Final Plat meets the survey standards required by Minnesota Statutes.

- C. The Planning Commission shall review the reports of the Attorney, Engineer, Zoning Administrator and independent Registered Land Surveyor and act within the required timeframe. The Planning Commission shall consider the following:
 - i. Has the applicant complied with all conditions and requirements upon which the preliminary approval is expressly conditioned wither through performance or execution of appropriate agreements assuring performance?
 - ii. Does the Final Plat or Final Condominium Plat agree with the Preliminary Plat or Preliminary Condominium Plat?
 - iii. Does the Township Attorney agree that all parties with an interest in the property are shown as signers of the document?
 - iv. Does the Township Engineer agree that all improvements required are satisfactorily completed or are guaranteed by contract with adequate financial security?
 - v. Does an independent Professional Land Surveyor agree the final document meets the statutory requirements?
 - vi. Has financial security been posted in the appropriate amount?
- D. Following approval by the Planning Commission, the subdivider shall submit to the Zoning Administrator, two (2) double mounted cloth backed prints on card stock (hard-shells) and two (2) mylar prints of the Final Plat or Final Condominium Plat for signature by the Board Chair and Clerk.
- E. Upon signature, the subdivider shall file all pertinent documents with the County Recorder. Failure to file a Final Plat or Plan, within two (2) years shall void the approval unless extended by the Planning Commission.

8.2 **General Application**

1. Any subdivision of land located in Clitherall Township that is filed for recording must first be prepared, reviewed, and approved in accordance with the provisions in this Ordinance, unless otherwise provided herein..
2. No conveyance or other document creating a subdivision of any real property other than by a duly approved plat, shall be recorded unless accompanied by a registered surveyor's drawing for recording. The surveyor's drawing shall accurately illustrate the Subdivider's entire lot, parcel or tract which is subdivided by the conveyance or other document, and shall illustrate the location of any wetlands on that property. No conveyance or other document shall be recorded unless accompanied by this surveyor's drawing.
 - A. If the parcel can be described as a rectangular portion of a parcel of the government rectangular survey system and are at least 10 acres in size, a surveyor's drawing will not be required.
3. Any surveyor performing a survey in Clitherall Township shall file a copy of that survey with the Otter Tail County Recorder.
4. No deed or other document purporting to subdivide property shall be recorded or certified for recording by the County Auditor, County Treasurer or County Recorder unless it meets the requirements set forth above.

5. All plats approved under this Ordinance are approved for Township purposes only and shall not release the subdivider from any liability or obligation imposed by Minnesota Statutes, Federal Law or a more restrictive local Ordinance relating thereto. In the event any provision of this Ordinance shall be found contrary to law by a Court of competent jurisdiction from whose final judgment no appeal has been taken, such provision shall be considered void. All other provisions of this Ordinance shall continue in full force and effect as though the voided provision had never existed.

8.3 Exemptions

1. Transfers of small parcels to governmental units in case of encroachments, road right-of-way, or utility easements;
2. Subdivisions resulting from court orders or mortgage foreclosures; or
3. Common property line adjustments as specified in subparts i, ii, and iii below:
 - A. The adjustment of a common property line by the relocation of that line to:
 - i. Eliminate encroachments;
 - ii. Eliminate or reduce pre-existing setback violations; or
 - iii. Eliminate boundary line disputes.
 - B. Any transfer of a portion or portions of platted or unplatted parcels between adjoining land owners where such transfer is unrelated to the purposes set forth in Subpart A above, provided that:
 - i. The transfer does not create a non-conforming parcel;
 - ii. The transfer does not increase the degree of non-conformity for either parcel;
 - iii. The subdivision does not cause previously conforming structures to be non-conforming; and
 - iv. The transfer does not result in an increase in land use intensity.
4. Any land transfer documents under sub-paragraphs above presented to the Otter Tail County Recorder for filing, must be accompanied by a scaled drawing prepared by a Licensed Land Surveyor showing the following:
 - A. Name, address, and telephone number of the legal owner(s) and/or agent of property.
 - B. All contiguous property and roads and their legal name(s).
 - C. Proposed new property lines with dimensions noted.
 - D. Proposed driveway location and location of existing driveways on the same side of the road.
 - E. Proposed legal description of the parcel.
 - F. Location, purpose and dimensions of all existing structures and distance of structures to the existing and proposed property lines.
 - G. Location of any existing tile lines, abandoned wells, drainage ways, waterways, watercourses, lakes, wetlands and the toe and top of any bluffs present. When applicable, the ordinary high water level and 100-year flood elevations shall be shown.
 - H. Location of a primary and an alternate site for individual sewage treatment systems (if applicable).

The Township Zoning Administrator shall approve all scaled drawings submitted for exceptions that are in compliance with the provisions of this Ordinance and other applicable requirements.

8.4 Sketch Plan.

A sketch plan shall contain the following data:

1. Existing Conditions
 - A. Approximate exterior boundary drawn to a scale of not less than 1" = 100' with the scale and northerly direction shown thereon.
 - B. Indication of floodplains, wetlands, slopes over 12%, bluffs, and tree cover.
 - C. Use of adjoining properties including street locations, structure locations and property lines.

- D. Significant historical sites.
 - E. Approximate locations of existing structures.
 - F. Approximate locations of existing wells and sewage treatment systems.
 - G. Location by Section, Town, & Range with small scale sketch showing location within the Township.
 - H. The existing zoning classification and the zoning classification of adjacent parcels.
2. Proposed Design
- I. Proposed roads and walkways.
 - J. Proposed lots with building setbacks and bluff impact zones.
 - K. Proposed Green Space.
 - L. Proposed municipal sewer and water system connections or sewage treatment systems and well locations.

8.5 Preliminary Plat, Preliminary Condominium Plat or Metes and Bounds Subdivision resulting in at least one parcel less than 10 acres.

A Preliminary Plat, Preliminary Condominium Plat or Metes and Bounds Subdivision resulting in at least one parcel less than 10 acres shall contain the following data: (except as waived in advance by the Planning Commission); along with other reasonable information required by the Commission needed to make a proper evaluation of the proposal:

1. Existing Conditions
 - A. Boundary lines with lengths and bearings drawn to exact scale of no less than 1" = 100' taken from a boundary survey by a Registered Land Surveyor with the legal description of the property, total acreage, name of the fee owner, developer and surveyor. North arrow and scale.
 - B. Topography consisting of 2-foot contour intervals, or, at the discretion of the Planning Commission during the sketch plan review, 10-foot contour intervals taken from USGS mapping with additional field determined spot elevations added to define drainageways, 100 year floodplains, wetlands, and slopes.
 - C. Tree cover limits, specimen tree locations.
 - D. Soils as determined by hand borings on a random basis, to determine depth to ground water at lower elevations and suitability for sewage treatment systems. At least one boring for each unit unless waived by the Planning Commission.
 - E. Location of adjoining streets, wetlands, structures and property lines within 200-feet of subject parcel, including acreage of any property owned by the developer not included in the preliminary plat.
 - F. Significant historical sites.
 - G. Significant wildlife habitat areas.
 - H. Endangered, threatened, rare or critical species, both flora and fauna.
 - I. Date of boundary survey, topography and proposed plat.
 - J. Layout of existing streets, walkways, driveways, blocks, lots, and structures drawn to the same scale.
 - K. Locations of existing wells and sewage treatment systems.
 - L. Location by Section, Town, & Range with small scale sketch showing location within the Township.
 - M. The existing zoning classification and the zoning classification of adjacent parcels.
2. Proposed Design
 - A. Layout of proposed streets, walkways, driveways, blocks, lots, buildings if known, drawn to same scale as existing data.
 - B. Dimensions scaled to nearest 5 feet of all lot lines, street widths, easement widths and lakeshore lengths.
 - C. Buildable areas of proposed lots.

- D. Structure setback lines from streets and lot lines and a designation of the buildable area on the parcel.
 - E. Proposed Green Space with area shown.
 - F. Proposed public dedication areas other than streets or walkways with the area shown.
 - G. Proposed municipal sewer or water system connections and extensions existing and proposed with grades shown.
 - H. Potential locations and estimated depth to water table for all proposed onsite sewage disposal systems, two per lot.
 - I. Information regarding adequacy of domestic water supply,
 - J. Proposed storm drainage system and erosion control, both during and after construction activities.
 - K. Proposed street standards and profiles.
 - L. Potential principal structure and accessory structure locations and elevations.
 - M. Extent of anticipated vegetation and topographic alterations.
 - N. Proposed covenants.
 - O. Name of subdivision and proposed street names, which shall not duplicate or be alike another plat previously recorded.
 - P. Stages of development proposed.
3. Evidence of Authority to subdivide the parcel consisting of fee ownership or written concurrence of fee owners.

8.6 Final Plat or Final Condominium Plat.

A Final Plat or Final Condominium Plat shall contain all elements required by this Ordinance and Minnesota Statutes 505, 515A or 515B respectively, and the State Plat Manual including but not limited to the following:

- 1. Conformance with approved Preliminary Plat or agreed upon portion thereof.
- 2. Design standards in conformance with the Clitherall Township Zoning and Subdivision Ordinance.
- 3. Preparation by a Registered Land Surveyor. Signatures of Board Chair, Clerk, County Auditor, County Treasurer and all parties with legal interest in the fee ownership of the land.
- 4. Dedication to the public of easements, right-of-ways, walkways and land to become public.
- 5. Drainage and utility easements over natural drainage ways and significant wetlands.
- 6. Reservation of private streets in Outlots.
- 7. Covenants: Covenants shall be filed concurrently with the plat and shall be required to create an association of homeowners if a privately maintained cluster sewer or water system is proposed for subdivision.
 - A. The Association shall consist of all benefited lot owners.
 - B. The Association shall be responsible for all costs of maintenance and replacement.
 - C. The costs shall be uniformly divided by lots served.
 - D. The costs shall be lienable against the lots by the Association if payment is not forthcoming.
 - E. The status of the facility shall be clearly stated as subject to perpetual private maintenance.
 - F. Provisions shall be made for emergency access or emergency maintenance by the Township with subsequent reimbursement by the Association.
- 8. Concurrent documents
 - A. Title Opinion, less than 60 days old, acceptable to the Township and showing conformance with those parties represented by signature on the plat as holding interest in the property being divided.
 - B. Financial security acceptable to the Township Attorney in the amount of 125% of the cost estimated by the Township Engineer for the uncompleted required improvements.

C. Development contract acceptable to the Township Attorney, if required.

8.7 Design Layout Standards - Minimum

The following design standards shall be considered minimum acceptable requirements in the review of the proposed subdivision by the Zoning Administrator, Township Attorney, Township Engineer, Planning Commission and Board, except as waived by variance approved by the Board of Adjustment.

1. The land shall be properly zoned and suitable in its natural state for the intended purpose with minimal alteration required. Land subject to flooding, areas with high water table, bluffs, lands with slopes exceeding 12% or land containing other significant constraint(s) upon future intended usage, shall not be considered in the minimum size of a lot. The suitability analysis for each lot shall also consider soil and rock formations with severe limitations for development, severe erosion potential, inadequate water supply or sewage treatment capabilities, near-shore aquatic conditions unsuitable for water-based recreation, important fish and wildlife habitat, presence of significant historic sights, or any other feature of the natural land likely to be harmful to the health, safety, or welfare of future residents of the proposed subdivision or of the community.
2. All non-conforming structures and uses shall be brought into conformity during the subdivision process, except as specifically waived by motion of the Planning Commission.
3. Each lot shall be adjacent to public sewer or shall have a minimum contiguous lawn area that is free of limiting factors sufficient for the construction of two standard soil treatment sewage systems.
4. Provisions for water based recreation where near shore aquatic conditions are unsuitable for direct access.
5. Lot areas and dimensions shall conform to the requirements of the Zoning Ordinance, without variance.
6. Lot layouts shall be compatible with the existing layout of adjoining properties and/or shall not constrain the future development of adjacent properties if those properties were to be developed as per the Clitherall Township Land Use and Subdivision Ordinance.
7. Side lot lines shall be substantially at right angles to straight road lines or radial to curved road lines, radial to lake or stream shores, and shall not contain bends or jogs unless topographic conditions necessitate a different arrangement. Existing structures shall not be construed to be a topographic condition.
8. Each lot shall have a minimum of 33 feet of frontage on a designated right of way. Commonly owned property or Green Space used for access in a Rural Conservation Subdivision shall have a minimum of 33 feet of frontage on a public right of way.
9. Proposed streets and lot locations shall conform to the adopted road plan and/or official map of Clitherall Township, County and State highway plans and existing boundary conditions.
 - A. Streets shall be related to the topography so as to produce useable lots and reasonable gradients not in excess of 10% for collector roads and 12% for minor roads.
 - B. When parcels abutting arterial or collector roads are subdivided, the subdivider shall provide a frontage or backage road to provide access to such parcels unless the Town Board finds that such roads are unfeasible or unnecessary. When a frontage or backage road is determined to be unfeasible or unnecessary new access points shall be at least 500 feet apart or as otherwise determined by the Board in accordance with state, county or local guidelines. No new access points shall be created except in accordance with the required spacing, unless an equal number of access points are removed.
 - C. Half streets or connections of half streets to partial streets without providing for the full required right-of-way will not be permitted.
 - D. Streets will be designed as collectors or local streets in accordance with the Clitherall Township Road Plan and/or Official Map.
 - E. The number of streets that terminate without a through connection shall be minimized and the street connected to a cul-de-sac (turnaround) shall not exceed 1,200 feet in

- length.
- F. Access shall be given to all adjacent properties when required by the Planning Commission. All streets intended to be extended to adjoining property, shall be provided with a temporary cul-de-sac with the sides on a temporary easement, which will revert to the adjoining lot owner when released by the Township. Landlocked areas shall not be created.
- G. Right of Way shall be dedicated to the public:
- | | |
|-------------------------------|--|
| Cul-de-sac (turnaround) | 68' radius |
| Arterials | 100' or as determined by Otter Tail Co |
| Collectors | 66' |
| Local Streets..... | 66' |
- Additional Right of Way may be required to promote public safety and convenience if special conditions require such as intersections, sight lines on corners or excessive cut or fill sections.
- H. Intersections
1. Street centerlines shall intersect at not less than 75 degrees.
 2. Street jogs shall be no less than 200' from centerline to centerline.
 3. Gradients at intersections and for 50' approaching on each side of an intersection shall not exceed 2%. The approach shall contain no grades greater than 7% for 200' on each side of the intersection.
- I. Roads, driveways and parking areas shall meet structure setbacks and shall not be placed within bluffimpact zones.
- J. Street names shall conform to the pattern of the Township and continue an existing name on the same alignment, where determined applicable by the Planning Commission. Street names shall be coordinated with the Otter Tail County Surveyor's Office.
10. Easements shall be provided for public utilities or drainage where required by the Planning Commission and shall be following widths, minimum:
- | | |
|---|---------|
| Watermain | 20 feet |
| Sanitary Sewer..... | 40 feet |
| Storm Sewer..... | 20 feet |
| Electrical, telephone or cable television | 10 feet |
| Drainageway..... | 10 feet |
11. Lots requiring variances to allow their use for the intended purposes or requiring holding tanks for sewage shall not be allowed.

8.8 Survey Standards

Survey Standards shall be those required by Minnesota Statutes 505 including the placement of all monuments including block corners, lot corners, curve points and lake survey line points on lot lines. All US, State, County and other official bench marks, monuments or triangulation points in or adjacent to the proposed subdivision shall be preserved in position unless relocation is approved by the controlling agency.

8.9 Street Improvement Standards

All streets within the subdivision shall be constructed by the subdivider or otherwise provided for by agreement in a Development Contract between the subdivider and the Town Board with all expenses borne by the subdivider. Local streets and collector streets shall be constructed according to the established minimum standards and final construction plans submitted by a licensed, professional engineer. Final construction plans shall be subject to review and approval by the Town Board, who may seek the advice of the Township Engineer.

Unless otherwise approved by the Town Board, all roads constructed, improved or re-built as part of a subdivision, shall be paved with a bituminous or concrete surface. This requirement shall apply in the Rural Residential District or in other zoning districts where a bituminous or concrete surface is deemed necessary

by the Town Board due to topographic, public safety or other considerations related to public health, safety and welfare.

8.10 Sanitary Provision Standards

No land shall be subdivided for building purposes unless two adequate sites are available on the newly created lot for a conforming onsite sewage treatment system, or the subdivider constructs a cluster system serving the lots to be owned and maintained by a property owner's association or the lot is provided with sanitary service by a municipal sewer system at the expense of the subdivider.

1. A municipal sewer system shall be extended to the lot at the subdivider's expense by agreement in a Development Contract between the subdivider and the Town Board if the existing system is adjacent to the parcel being subdivided or reasonably close in the opinion of the Engineer and Planning Commission or if the density of the proposed development necessitates a municipal sewer connection. The sewer shall also be extended to the exterior boundary of the subdivision at locations designated by the Engineer.
2. Onsite systems or cluster onsite systems shall conform to Minnesota Pollution Control Agency Standards, Individual Sewage Treatment Systems Standard, Chapter 7080, and provide for two (2) treatment sites for drainfields.
3. Municipal sewage facilities shall be designed by a Professional Engineer, approved by the Township Engineer, approved by the Minnesota Pollution Control Agency, and installed according to applicable professional or governmental standards.

8.11 Water Supply Standards

The subdivider shall be responsible to provide reasonable assurance of adequate water supply for each proposed lot requiring water supply. Water supply may be by individual private well, cluster water supply system to be owned and operated by a property owner's association, or municipal water service when such service is available.

8.12 Drainage/Grading Standards

The subdivider shall consider the retention of natural stormwater/snowmelt drainage patterns in the design of their proposed subdivision. The subdivider shall be responsible to provide adequate drainage facilities for their development and upstream properties.

1. In addition to any other standards of this ordinance, all subdivisions shall meet the standards put forth in the Minnesota Pollution Control Agency's (MPCA) General Permit-Authorization To Discharge Stormwater Associated With Construction Activity Under The National Pollutant Discharge Elimination System Permit Program, also known as the NPDES Phase II Permit, along with any future amendments. The subdivider shall, at their expense, be responsible for submitting documentation of compliance with these regulations. All plans shall be submitted to the Planning Commission, when a NPDES Phase II Permit is required, and reviewed in the preliminary plat process for compliance.
2. Drainage Plan(s). All subdivisions shall demonstrate provisions for adequate surface or subsurface runoff of storm water and snow melt directed to natural drainageways.
3. All natural drainageways draining properties upstream from the subject property shall be identified and preserved, and no structures shall be less than one (1) foot above the water level in the drainageway created by a storm of a 100-year, 24-hour rain event. No filling of areas inundated by the 100-year, 24-hour rain event shall be allowed.
4. Additional runoff for a 100-year, 24-hour rain event from all streets and building sites at build-out shall be accounted for and maintained within the development.
5. Natural or manmade storage areas shall be utilized where needed and shall be designated by drainage and utility easement by the subdivider. All storage areas shall be vegetated and designed in accordance with the minimum requirements of the NPDES Phase II Permit.
6. All drainage structures or improvements provided shall be sufficient in size to pass a 100-year, 24-hour storm event through the natural drainageway.

7. All areas disturbed by grading, street construction or structure installation shall be covered with a minimum of 3-inches natural topsoil and seeded. Drainageways over 2% in gradient shall, at a minimum, be sodded.
8. All parking areas, heavy use areas, storage areas and impervious area shall be diverted to a basin designed to allow entrapment of silts and nutrients prior to discharge to a natural drainageway.
9. There shall be no discharge of untreated stormwater to a water body.
10. Erosion control measures shall be provided as needed to prevent and/or contain erosion.

8.13 Dedication to the Public – Standards

1. In accordance with the provisions of Section 462.358 of the Minnesota Statutes, or amendments thereto, the subdivider shall dedicate, to the public, lands for highway right of ways, street right of ways, utility easements, wetland easements and similar lands required for perpetual and public improvements.
2. All dedications shall be included in the dedicated portion of the plat, included in the development contract, or received by the Township in Warranty Deed prior to the approval of the final plat, without further restrictions or reservations.

8.14 Improvements

1. Prior to the submission of a Final Plat application and prior to approval of a metes and bounds subdivision, the subdivider shall provide for the construction of the required improvements at their expense and shall have the work completed or shall enter a Development Contract and give bond or other financial assurance satisfactory to the Board in an amount equal to 125% of the estimated cost of the uncompleted improvements. The bond shall be released by the Town Board upon the recommendation of the Township Engineer indicating the improvements are satisfactorily complete.
2. The required improvements shall conform to the standards of Sections VIII of this Ordinance and shall include street cross section, stormwater facilities, signs and lighting in conformance with adopted Township or other applicable standards.
3. All costs of the Township Engineer, Township Attorney, Bond Council, financial experts and other professional costs borne by the Township in writing and/or executing Development Contracts, estimates of cost, inspectors, financial arrangements, assessments and pursuing legal remedies in event of default by the subdivider, shall be borne by the subdivider or their successors.
4. Before final release of the bond, record drawings shall be provided by the applicant documenting final locations of improvements.

SECTION IX - RESERVED

Unapproved

SECTION X - ADMINISTRATION

10.1 Zoning Administrator.

1. The Zoning Administrator shall be appointed by the Town Board.
2. Duties of the Zoning Administrator:
 - A. Determine if applications are complete and comply with the terms of the Ordinance.
 - B. Direct or conduct inspections of building, sewage systems and other uses of the land to determine compliance with the terms of the Ordinance.
 - C. Maintain permanent and current records of the Ordinance including, but not limited to, maps, amendments, Land Use or Use Permits, Conditional Use Permits, Variances, appeals and applications, and a separate file for future conditions or expiration of permits.
 - D. Review, file and forward applications for appeals, Variances, Conditional Uses and Zoning amendments in a timely manner.
 - E. Enforce the provisions of this Ordinance by reviewing complaints and by pursuing contacts with any violator in accordance with standard procedures as adopted and modified from time to time.
 - F. Attend meetings and provide research and findings to the Board of Adjustment/Planning Commission.
 - G. Issue permitted Land Use Permits upon application for structures on lots conforming to this Ordinance when the conditions of the Ordinance are met; to issue Conditional Use Permits when directed; to issue notices of a Zoning change when directed.
 - H. To mail a copy of the findings to an applicant.
 - I. To file copies of Conditional Use Permits and Variances with the County Recorder.
 - J. To communicate with the DNR where required by the Ordinance or State Law.
 - K. To ensure that the Town Board, Planning Commission and Board Adjustment review land use application or public hearing applications as prescribed by State Statutes.
 - L. To conduct periodic and final inspections with a member of the Planning & Zoning Commission, of property subject to conditions of approval relating to variances, conditional use permits and other land use applications.
 - M. To issue *Land Use Certificates of Compliance*, when applicable.
3. The Zoning Administrator shall have the power to enter at reasonable times upon any private or public property for the purpose of inspecting and investigating conditions relating to the enforcement of this Ordinance.

10.2 Board of Adjustment.

1. The Board of Adjustment shall consist of the same members as the Planning Commission, and shall hold its meetings concurrently with the Planning Commission meeting on an as-needed basis at the discretion of the Chairperson. The chairperson and vice-chairperson of the Planning Commission shall have the same duties on the Board of Adjustment.
2. Duties and responsibilities of the Board of Adjustment.
 - A. To consider appeals from the action of the Zoning Administrator wherein the Board will take the authority of the Administrator.
 - B. To hold hearings on Variances after proper public notice in the official newspaper and individual notice by regular mail to any property owners within a minimum of one-half (1/2) mile distance of any Variance in question. Such notice shall be given at least 10 days before the hearing date.

- C. To act on Variance requests within the required time frame with complete findings to justify the action.
- D. To keep a record of it's proceedings, notifications and justifications for its actions.

10.3 Planning Commission

1. Organization of the Planning Commission.
 - A. The Planning Commission shall consist of up to seven (7) members and one alternate member appointed by the Town Board. The Town Board may appoint itself as the Planning Commission. The alternate member shall be a non-voting member unless a regular member is absent, in which case the alternate member shall act as a regular voting member. Each member shall hold office for 4 years and terms shall be staggered. The Board Chair shall appoint a Board liaison on an annual basis with the Town Board concurrence. Vacancies shall be filled for the remainder of the term by action of the Town Board.
 - B. The Commission shall elect a chairperson and vice-chairperson from its members for a term of one year.
 - C. The Commission shall meet on an as-needed basis at the discretion of the Chairperson. Special meetings shall be advertised in the official newspaper and posted in the Township Hall in accordance with state law.
2. Duties and responsibilities of the Planning Commission under this Ordinance.
 - A. To hold hearings after proper public notice in the official newspaper and individual notice by regular mail of any property owners within a minimum of one-half (1/2) mile of any land use in question. Such notices shall be given at least 10 days before the hearing date.
 - B. To decide within the required time frame the following:
 1. Recommendations to the Town Board regarding requested Zoning District boundary changes or amendments to the Ordinance.
 2. To review and provide recommendations to the Town Board on proposed plats and to provide recommendations on final plats to the Town Board.
 3. To review and approve all metes and bounds property divisions within the Township that results in parcels that are under 10 acres.
 4. To review and provide recommendations to the Town Board on requests for Conditional Use Permits with complete findings to justify the decision.
 5. To periodically review the Zoning map and Ordinances and consider their role in shaping the growth of the community and to recommend changes to the Town Board of these documents to guide growth and current land use toward the goals of the Comprehensive Plan.
 6. To review past actions and direct future actions of the Zoning Administrator.
 7. To recommend on a timely basis that the Town Board review the Comprehensive Plan when appropriate.
 8. To keep a record of it's proceedings, notifications and justifications for its actions.
 - C. It shall be the duty of each individual member to be present at all meetings of the Planning Commission and Board of Adjustment. More than three absences in any one year period shall be grounds for replacement by the Town Board.

10.4 Town Board

1. The Town Board shall have the following duties under this Ordinance:

- A. Appoint the Zoning Administrator by a majority vote, or terminate the Zoning Administrator by a 2/3 vote.
- B. Confirm the appointments by the Board Chair of members to the Board of Adjustment/Planning Commission members by a majority vote, or to remove members by a 2/3 vote.
- C. To decide within the required time frame the following:
 1. Recommendations from the Planning Commission for changes in Zoning Ordinance and Zoning District boundaries.
 2. Recommendations from the Planning Commission for acceptance of proposed plats, Conditional Use Permits, final plats, condominium plans and other matters directed to them.
 3. Recommendations from the Board Adjustment for acceptance of Variances from this Ordinance.
 4. To hear or initiate appeals from the actions of the Board of Adjustment and the Planning Commission where their action is normally final.
 5. To direct enforcement of this Ordinance.

10.5 Conditional Use Permits

1. Conditional Use Permits shall be issued to the property for structures or other specified uses after a public hearing and approval by the Planning Commission. All applications for a Conditional Use Permit shall be submitted to the Zoning Administrator **30** days ahead of the hearing date, accompanied by a certificate of survey (unless waived by the Zoning Administrator) showing the details of the proposal and an accurate legal description, along with the appropriate fee. The fee or contract owner of the property shall sign the application. The Township shall notify all property owners within a minimum of one-half (1/2) mile by regular mail and shall advertise the hearing once in the legal section of the official newspaper at least 10 days ahead of the public hearing. At the applicant's option, the applicant may request a sketch plan review with no action by the Planning Commission and with no fee by giving 14 days notice thereof to the Township, meeting time permitted.
2. Submissions for C.U.P. The applicant shall complete the Conditional Use Permit application approved by the Town Board. The application shall contain submittal requirements, criteria for approval, procedure for consideration and Township contact information. The Township shall not accept applications where the applicant has past due fees or charges due to the Township until the account is made current.
3. In permitting a new Conditional Use or alteration of an existing Conditional Use, the Planning Commission may impose, in addition to the standards and requirements expressly specified by this Ordinance, additional conditions that the Planning Commission considers 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:
 - A. Increasing the required lot size or yard dimension.
 - B. Limiting the height, size or location of buildings.
 - C. Controlling the location and number of vehicle access points.
 - D. Increasing the street width.
 - E. Increasing or decreasing the number of required off-street parking spaces.
 - F. Limiting the number, size, location or lighting of signs.
 - G. Requiring berming, fencing screening, landscaping or other facilities to protect adjacent or nearby property.
 - H. Designating sites for open space.

4. The Planning and Zoning Commission shall decide the issue with consideration to the following:
 - A. The following must be met:
 1. The use or development is an appropriate conditional use in the land use zone.
 2. The use or development, with conditions, conforms to the comprehensive land use plan.
 3. The use with conditions is compatible with the existing neighborhood.
 4. The use with conditions would not be injurious to the public health, safety, welfare, decency, order, comfort, convenience, appearance or prosperity of the Township.
 - B. The following must be considered:
 1. The conditional use should not be injurious to the use and enjoyment of other property in the immediate vicinity for the purpose permitted on that property, nor substantially diminish or impair values in the immediate vicinity.
 2. The conditional use will not impede the normal and orderly development and improvement of surrounding vacant property for uses predominant in the area.
 3. The conditional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community.
 4. The conditional use will have vehicular approaches to the property which are so designed as not to create traffic congestion or an indifference with traffic on surrounding public thoroughfares.
 5. Adequate measures have been taken to provide sufficient off-street parking and loading space to serve the proposed use.
 6. Adequate measures have been taken or will be taken to prevent or control offensive odor, fumes, dust, noise, and vibration, so none of these will constitute a nuisance and to control lights and signs in such a manner, that no disturbance to neighboring properties will result.
 7. The conditional use will not result in the destruction, loss or damage of a natural, scenic or historical feature of major significance.
 8. The conditional use will promote the prevention and control of pollution of the ground and surface waters including sedimentation and control of nutrients.
5. When costs to the Township involved in processing and reviewing an application exceeds the original application fees, the applicant shall reimburse the Township for any additional costs. Such expenses may include, but are not limited to, payroll, mailing costs, consultant fees and other professional services the Township may need to retain in reviewing permits.
6. Violations of the conditions of a Conditional Use Permit shall automatically suspend the permit. A review of the violation shall be conducted by the Planning Commission. The Planning Commission shall determine conditions for reinstating the permit or revocation, if applicable.
7. Failure by the owner to act on a Conditional Use Permit within 12 months, or failure to complete the work under a Conditional Use Permit within 2 years, unless extended by the Planning Commission, shall void the permit. A second extension shall require a new public hearing. This provision shall apply to any Conditional Use Permit outstanding at the time of the Ordinance adoption.
8. Appeals from the action of the Township shall be filed with District Court within 30 days after Town Board action.
9. The Conditional Use Permit shall be filed with the County Recorder within 45 days. The

applicant need not wait for filing to proceed.

10.6 Variances.

1. Variances shall not create a use not provided for in a zoning district.
2. Variances shall be issued to the property - not the property owner.
3. Variances shall be issued to the property for structures or other specified uses only after a public hearing and approval by the Board of Adjustment. All applications for a Variance shall be submitted to the Township **30** days ahead of the hearing date, accompanied by a certificate of survey (unless waived by the Township) showing the details of the proposal and an accurate legal description, along with the appropriate fee. The fee or contract owner of the property shall sign the application. The Township shall notify all property owners within a minimum of one-half (1/2) mile by regular mail and shall advertise the hearing once in the legal section of the official newspaper at least 10 days ahead of the public hearing. At the applicant's option, the applicant may request a sketch plan review with no action by the Planning Commission and with no fee by giving 14 days notice thereof to the Township, meeting time permitted.
4. Submissions for Variances. The applicant shall complete the Variance application approved by the Town Board. The application shall contain submittal requirements, criteria for approval, procedure for consideration and Township contact information. The Township shall not accept applications where the applicant has past due fees or charges due to the Township until the account is made current.
5. Variances shall be decided within the required time frame with consideration for the following:
 - A. The strict interpretation of the Ordinance would create undue hardship, and
 - B. The strict interpretation of the Ordinance would be impractical because of circumstances relating to lot size, shape, topographic or other characteristics of the property not created by the land owner, and
 - C. The deviation from the Ordinance with any attached conditions will still be in keeping with the spirit and intent of the Ordinance, and
 - D. The variance will not create a land use not permitted in the zone, and
 - E. The variance will not alter the essential character of the locality, and
 - F. The variance is not for economic reasons alone, but reasonable use of the property does not exist under the Ordinance.
6. When costs to the Township involved in processing and reviewing an application exceeds the original application fees, the applicant shall reimburse the Township for any additional costs. Such expenses may include, but are not limited to, payroll, mailing costs, consultant fees and other professional services the Township may need to retain in reviewing permits.
7. Failure by the owner to act within 6 months on a Variance unless extended by the Board of Adjustment shall void the Variance. A second extension shall require a new public hearing. This provision shall apply to any Variance outstanding at the time of the Ordinance adoption.
8. Appeals from the action of the Town Board shall be filed with the District Court within 30 days after Board action.
9. The Variance shall be filed with the County Recorder within 45 days.

10.7 Land Use Permits

1. Land Use Permits shall be issued for all new structures and any change in structure exterior, plumbing or number of bedrooms and any grading and filling not exempted by this ordinance. No person shall assemble, install, repair, remodel, remove or construct any structure prior to applying for and receiving a Land Use Permit.
2. Where a proposed use requires action of the Board of Adjustment, Planning Commission or Board or posting of financial security, said action shall occur and the Conditional Use Permit, Variance, Zoning District change, final plat plan approval, approval of metes and bound division shall be issued or security posted before the Land Use Permit is issued.
3. Lot corners shall be visible on the lot. The Zoning Administrator may require a new survey when stakes are not visible or have been removed through erosion, construction or other action and require that a new certificate with existing and recorded dimensions shall be provided. If survey monuments are not clearly available to establish the property boundary, a survey shall be required when a structure is proposed to encroach within 150% of a side or front setback.
4. The Township shall not accept applications where the applicant has past due fees or charges due to the Township or the County until the account is made current.
5. No applications shall be accepted by the Township from a contractor or property owner having outstanding violations. Permits can only be issued to contractors or property owners with outstanding violations by majority vote of the Planning Commission after the violation has been resolved to the satisfaction of the Planning Commission.
6. The Land Use Permit application shall contain the parcel number of the property and the signature of the fee or contract owner of the property or their authorized agent.
7. Unless extended by the Township, where a Land Use Permit has been issued but no action has occurred within 12 months, the Land Use Permit shall be null and void. Exterior work on the structure shall be complete in 24 months from the issuance of the Land Use Permit. The time limit may be extended up to six months by the Zoning Administrator for good cause. A second extension shall be decided by the Planning Commission.
8. Granting of a Land Use Permit shall occur when all requirements of the Ordinance have been met, but shall not be considered a statement of compliance with regional, State or Federal codes, statutes or laws or approval of the design of the structure or accessories, or description of the property. Subsequent actions of the Zoning Administrator shall not be considered acceptance of structural components or workmanship, but rather shall be for the purpose of determining general compliance with the Ordinance.
9. If the Zoning Administrator determines that any violation of the permit or other section of the Ordinance has occurred, the permit shall become null and void.

10.8 Fees.

The Board shall adopt a schedule of fees from time to time for all permits. No permit shall be issued, or request brought before the Board of Adjustment or Planning Commission until the fees are paid. All late applications shall require the payment of an after-the fact fee as outlined in the fee schedule.

The Township shall not accept applications where the applicant has any past due fees or charges due to the Township until the account is made current.

10.9 Financial Requirements

Applications will not be accepted as complete where an applicant has any utility charges, delinquent taxes, delinquent assessments or other fees past due with the Township or County. The past due account must be paid to bring the account current before an application will be accepted.

When costs associated with processing or reviewing an application exceed the original application fees, the applicant shall reimburse the Township for any additional costs. Such expenses may include, but are not limited to, payroll, mailing costs, consultant fees and other professional services the Township may need to hire in reviewing permits. Outstanding fees shall be paid before issuance of the permit and any construction of the project begins.

10.10 Required Decision Making Time Frames.

The Township will do everything in its power to expedite the application review process and provide applicants with timely feedback on their requests.

Pursuant to Minnesota Statutes, Chapter 15.99, as amended, Clitherall Township establishes the following time frames for decisions made on all land use requests before the Township, including Variances, Conditional Use Permits, Zoning District Boundary Changes, Zoning Ordinance Amendments, Appeals of Decisions by the Zoning Administrator or Planning Commission and Land Use Permits.

It shall be the applicant's responsibility to submit a completed application packet, which shall by definition include the application forms approved by the Township, site plan with all information required by this ordinance and remit proper fees for the land use application. Once the Zoning Administrator or appointee has received the completed application packet, the review time frame shall commence.

The Township shall within sixty (60) days of the receipt of a completed application, make a decision on the request. A determination shall be either a recommendation to another body or a final action approving or denying a request. Time frames for other reviews required by statutes or other government units shall not be counted as time during the local decision making process. Once the other agency or governmental unit has made their determination, the time frame for local review shall again commence.

If the Township is unable to make a proper determination within the prescribed sixty (60) day time frame, it shall have the right to extend the time frame another sixty (60) days. The Township shall, in writing, notify the applicant that it is unable to complete the review process and state the specific reasons why the process must be extended.

If the Township is unable to make the final determination within 120 days of the original application date, it shall, in writing, request an extension from the applicant. The applicant shall have the authority to approve or deny the request for an extension.

SECTION XI - VIOLATIONS

11.1 Violations and Penalties.

The violation of any provision of this ordinance or the violation of the conditions or provisions of any permit issued pursuant to the Ordinance shall be a misdemeanor, and upon conviction thereof, the violation shall be subject to a fine designated on the fee schedule or imprisonment for a term not to exceed 90 days or both. Each act of violation and every calendar day on which such violation occurs or continues shall be a separate offense.

11.2 Liability of Township Officials.

The failure of any officer of the Township or Board or employees of the Township to act pursuant to this Ordinance, except as an individual acting in their own behalf, shall not be an offense and shall not subject the officer, Board or employee to any penalty except those provided under the Township personnel policies.

11.3 Equitable Relief.

In the event of a violation or threatened violation of any provision of this ordinance or the conditions of any permit issued pursuant to the ordinance, the Township, in addition to other remedies, may act or institute action to prevent, restrain, correct or abate such violation or threatened violation.

SECTION XII - SEPARABILITY, SUPREMACY, EFFECTUATION, AMENDMENTS, NOTICES

12.1 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.

12.2 Supremacy.

When any condition implied by this Ordinance on the use of land or buildings is more restrictive or less restrictive than applicable conditions imposed by statute, rules and regulations, other Township ordinance or regulation or other jurisdiction, the more restrictive shall apply. The Ordinance does not abrogate any easements, restriction or covenants imposed on the land by private declaration or agreement, but where such provisions are less restrictive than an applicable of this Ordinance, the Ordinance shall prevail.

12.3 Effectuation.

This Ordinance shall be in full force and effect from and after its passage by the Town Board and subsequent publication.

12.4 Amendment.

The Town Board may adopt amendments by 2/3 vote to either the Zoning Ordinance, Zoning Map or Overlay Maps in relation to the land uses within a District or the boundaries of the District(s). Such amendments shall not be issued indiscriminately, but shall only be used as a means to reflect changes in the goals of the community or changes in the conditions of the Township.

1. Procedure.

- A. An amendment may be initiated by the Planning Commission or by any property owner.
- B. The Zoning Administrator shall review the proposed changes and make a recommendation to the Planning Commission.
- C. The Planning Commission shall make a reasonable attempt to cause all property owners within a minimum of one-half (1/2) mile of proposed Zoning District change to be notified by regular mail and shall publish a hearing notice for either a Zoning District change or Zoning Ordinance change in the legal section of the official newspaper and shall provide notice to the DNR at least 10 days ahead of the public hearing. The Planning Commission shall hold the hearing and make a timely recommendation to the Town Board. Adoption of a new Zoning map shall require published notice only. The Planning Commission shall consider the criteria for land use categories, Sec 5.1(7), in its decision.
- D. The Town Board shall review the recommendations and shall make a timely decision. An amendment requires a 2/3 vote to be enacted.
- E. The Township Clerk shall publish a summary of the text of the change or description of boundary change or a new Zoning map, whichever is appropriate, in the official newspaper within 30 days after action by the Board.

12.5 Notices.

Failure to receive notice called for by this Ordinance shall not invalidate any action taken by the Township so long as the Township acted reasonably in its attempt to provide such notice.