

COMPREHENSIVE PLAN  
and  
ZONING ORDINANCE  
for

Clitherall Township

Otter Tail County, Minnesota

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COMPREHENSIVE PLAN AND ZONING ORDINANCE  
FOR CLITHERALL TOWNSHIP  
OTTER TAIL COUNTY, MINNESOTA

Community Description

Clitherall Township has a population of approximately 703 residents and 298 households based upon the most recent estimates.

The physical appearance of Clitherall Township consists of a topography of flat to rolling hills, with some marshes, sloughs and major waterways. Shoreland areas include ponds, lakes and streams. There are approximately 51.8 miles of Township roads, 5.52 miles of county roads, 5.18 miles of city streets and roads, and 11.48 miles of state highways.

A total of 20 utilities serve the county. There are several utilities with transmission and distribution lines in Clitherall Township. Lake Region Co-op Electrical Association serves most of Clitherall Township with electricity except a small area that is served by Otter Tail Power Company. Qwest and ACS Telephone Company currently have telephone lines and cable systems which serve its residents.

Community Development

The economy of Clitherall Township is predominately agriculture and tourism. Many of its residents have employment outside of the Township but have elected to build and maintain homes or second residences in the Township because they enjoy the rural nature and character of the area. Clitherall Township's land use regulations are intended to preserve the character of land use in the Township as it develops and to address and resolve issues of compatibility between various uses.

The Clitherall Township Board of Supervisors and its citizens understand industry and commerce are a vital facet of their community development and are mindful that an adequate supply of livestock, poultry, swine, and other animals and grains are essential to the well being of its citizens as well as to the larger community. Their efficient and economic production must be the concern of all producers and consumers, if this nation is to have a continued abundance of high quality nutritious food and agricultural products at a reasonable price while still providing a profit to producers.

The Clitherall Township Board of Supervisors and its citizens are also mindful that animal manure provides beneficial qualities to the soil, aids in the production of agricultural crops and replenishes the soil with nutrients. However, when such manure is improperly stored, transported, or disposed of, it may negatively affect Clitherall Township's environment.

## Goals and Policies

The Clitherall Township Board of Supervisors and its citizens understand that any inappropriate activity whether emanating from improper maintenance of a home, farm, industrial, or commercial activity can adversely affect the environment and may create a nuisance and be injurious to the public health, safety, comfort, convenience, and general welfare of its citizens and result in the diminution of property values in the Township. The following goals and policies are adopted to accomplish these purposes:

- Goal: To protect the health, safety, comfort, convenience and general welfare of Clitherall Township's citizens.
- Policy: Require that all private or business activity not adversely affect the environment and not create a nuisance and require that such activities minimize any adverse impact on air, water, and other negative environmental impacts.
- Goal: To protect property values in the Township.
- Policy: To promote economic development to enhance the tax base in the Township and discourage development which may devalue property.
- Goal: To provide safe and adequate roads.
- Policy: Require that new developments which will involve road construction be undertaken and completed in accordance with County and/or Township specifications. Road costs, inspection fees, and county recording fees shall be included within total development costs. Require that roads subjected to excessive wear or damage be repaired and restored by the party or persons causing such excessive wear or damage.

The Clitherall Township Board of Supervisors and its citizens understand that a proper balance must be maintained between adopting procedures and measures to protect the environment and the need to foster a strong and healthy economy in the Township, including the production of livestock and grain, mining, and other activities, whether such endeavors be accomplished by its private citizens or public entities.

This comprehensive Plan and Zoning Ordinance is intended to provide a balance of interests and is designed to undergird, support, and effectuate these goals and policies.

## ZONING ORDINANCE

THE BOARD OF SUPERVISORS OF THE TOWNSHIP OF CLITHERALL  
ORDAINS AS FOLLOWS:

### SECTION I. GENERAL PROVISIONS

A. TITLE:

From the date of its passage, this Ordinance shall be known, cited, and referred to as the Clitherall Township Zoning Ordinance (and is referred to herein as "this Ordinance").

B. PURPOSE:

This Ordinance is enacted to promote the health, safety, comfort and general welfare of the inhabitants of the Township by securing safety from fire, panic, and other dangers; to prevent the overcrowding of land; to conserve the value of properties; to promote the orderly development of the residential, commercial and recreational areas; to conserve the natural and scenic characteristics of the area; and to encourage the most appropriate use of land. This Ordinance shall prescribe the penalties for violation of any of the provisions herein.

C. SCOPE:

From and after the effective date of this Ordinance, the use of all land and every building or portion of a building erected, altered with respect to height and area, added to, or relocated, and every use within a building or use accessory thereto, within the incorporated limits of the Township, including those portions of the Township which are at this time also being regulated under the provisions of Otter Tail County Shoreland Management, shall be in conformity with the provisions of this Ordinance. Any existing building or structure and any existing use of properties not in conformity with the regulations herein prescribed shall be regarded as non-conforming, but may be continued, extended, or changed subject to the special regulations herein provided with respect to non-conforming properties or uses.

D. INTERPRETATION:

When there is conflict between this Ordinance and any other applicable statute or administrative regulation, the stricter of the two will control.

E. PLATTED LOTS OF RECORD:

Any platted lot which was legally recorded with the Register of Deeds or Register of Titles at the time of the adoption of this Ordinance, and which does not meet the requirements of this Ordinance as to area, width or open space, may, nevertheless, be used for a single family dwelling.

F. LEGAL AUTHORITY:

This Ordinance is enacted pursuant to Minn. Stat. §§ 462.351 to 462.365.

## SECTION II. DEFINITIONS

For the purpose of this Ordinance, certain terms and words are defined as follows:

Words used in the present tense shall include the future; words in the singular shall include the plural, and the plural the singular; the word "building" shall include the word "structure" and the word "lot" shall include the word "plot"; and the word "shall" is mandatory and not discretionary; the word "may" is permissive.

ACCESSORY BUILDING - A subordinate building or portion of the main building which is located on the same lot as the main building and the use of which is clearly incidental to the use of the main building.

ACCESSORY USES - Necessary accessory uses for packing, treating and/or storing produce; provided, however, that the operation of any such accessory uses shall be secondary to that of normal agricultural activities.

AGRICULTURE - The use of land for agricultural purposes, including farming, dairying, pasturage, apiculture, aquaculture, fish farming, floriculture, horticulture, viticulture, animal and poultry husbandry, and truck gardening.

AGRICULTURAL BUILDING - Any structure existing or erected and used principally for agricultural purposes, with the exception of the human dwelling places.

ANIMAL FEEDLOT - See Livestock Feedlot.

ANIMAL UNIT – 10 head of cattle, 25 hogs, or 100 chickens.

AUTOMOBILE WRECKING YARDS - See Junk Yards.

BUILDING - Any structure for the shelter, support or enclosure of persons, animals, chattel, or property of any kind, and when separated by party walls without openings, each portion of such building so separated shall be deemed a separate building.

CLITHERALL TOWNSHIP PLANNING COMMITTEE – A committee consisting of all of the Township Supervisors and those residents of Clitherall Township appointed by the Township Board, not to exceed seven members in total.

COMMERCIAL PLANNED UNIT DEVELOPMENT – Developments which are typically used to provide transient, short-term lodging access, rooms, or parcels and whose operations are essentially service-oriented, or developments where the principal use of the land or buildings is for the sale, lease, rental, or trade of products, goods, and services.

CONDITIONAL USE PERMIT - The authorization given by the Township Board upon application, notice, hearing and approval for any conditional use as allowed by this Ordinance, subject to conditions imposed by this Ordinance.

DEPTH OF LOT - The mean horizontal distance between the mean front and the mean rear lot line. The greater frontage of a corner lot is its depth and its lesser frontage is its width.

DEPTH OF REAR YARD - The mean distance between the rear line of the building and the rear lot line.

DISTRICT - A section of the Township for which the regulations governing the height, area, use of buildings and premises are uniform.

DWELLING - Any building or part thereof which is designed or used exclusively for residential purposes by one or more human beings either temporarily or permanently.

DWELLING – MULTIPLE - MORE THAN TWO FAMILIES - A building which is designed for or occupied by more than two (2) families.

FARMSTEAD - Property on which structures and a farm dwelling are located for management, storage, and general farm operation.

JUNK YARD - Land or buildings where waste, discarded or salvaged materials are bought, sold, exchanged, stored, cleaned, packed, disassembled, or handled including, but not limited to, scrap products and products for wrecking of automobiles, other vehicles accessory to any business or industrial use on the same lot. -OR- Any area of land where three (3) or more motor vehicles, recreational vehicles, or pieces of farm equipment, not in running condition or currently unused, or parts thereof are located, unless stored within a building or garage, behind opaque fencing, or out of sight from all roads and adjacent property dwellings.

LIVESTOCK FEEDLOT - The confined feeding, breeding, raising, or holding of livestock in enclosures specifically designed as confinement areas in which animal manure may accumulate.

LODGING HOUSING - A building or premises where lodging is provided for compensation.

LOT - One unit of a recorded plat or subdivision occupied or to be occupied by a building and its accessory buildings and including as a minimum such open spaces as are required under this Ordinance.

LOT AREA - Is the land area within the lot lines.

LOT LINES - The lines bounding a lot.

LOT WIDTH - The width of a lot is the mean smallest distance between the side lines.

MISDEMEANOR - A crime as defined by Minn. Stat. § 609.02, as amended.

MOBILE HOME - A prefabricated dwelling unit designed to be moved without use of conventional house moving equipment and ready for occupancy after fabrication, except for minor incidental unpacking and assembly operations at the site of occupancy and constructed so as not to require

a foundation. Shall include the words "trailer," "house trailer," and "trailer coach" as defined in Minn. Stat. § 327.31, subd. 6.

NON-CONFORMING USE - A use lawfully in existence on the effective date of this Ordinance and not conforming to the regulations for the district in which it is situated.

OPEN SPACE - Any space or area preserved in its natural state and specifically not used for parking, building, roads, or other impervious surfaces. Open space will be preserved by deed restrictions, covenants, permanent easements, public dedication, and acceptance.

PARCEL - A unit of land that is or is treated as being distinct or separate from a lot, plot, or other such units.

PASTURE - Ground normally covered with grass or herbage used or suitable for grazing of horses, livestock or poultry.

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

PLAT - The drawing or map of a subdivision prepared for filing of record pursuant to Minnesota Statutes Chapter 505 and containing all elements and requirements set forth therein, and complying with this Ordinance.

PLOT - A tract (other than one unit of a recorded plat or subdivision) occupied and used or intended to be occupied and used as a home site with dwelling and accessory buildings and having, as a minimum, such open spaces as required under this Ordinance.

POULTRY LOT - A place of confined feeding, hatching, raising, or holding of poultry in enclosures, yards or pens where animal manure may accumulate.

PERMITTED USE - Use permitted by this Ordinance, without requirement of special use permit, but subject to conditions imposed by this Ordinance, including issuance of building permit.

PREMISES - A lot or plot including the front, side and rear yards for a dwelling.

RESIDENTIAL PLANNED UNIT DEVELOPMENT - A use where the nature of the residency is nontransient and the major or primary focus of the development is not service-oriented. For example, residential apartments, manufactured home parks, time-share condominiums, townhouse cooperatives, and full fee ownership residences would be considered as Residential Planned Unit Developments.

ROAD - A public thoroughfare.

SALVAGE - Salable material recovered from discarded equipment and waste.

SITE PERMIT - The authorization given by the Township Zoning Commissioner which outlines the requirements that shall be met prior to construction or locating a structure on property.

STRUCTURE - Anything constructed or erected, the use of which requires location on the ground or attachment to something having a location on the ground.

STRUCTURAL ALTERATIONS - Any change in the supporting members of a building such as bearing walls, columns, beams or girders.

SUBDIVISION - The separation of an area, parcel or tract of land under single ownership into two (2) or more parcels, tracts, or lots, except where the resulting parcels, tracts and lots will be 2.5 acres or larger in size.

TRACT - An area of land that has defined borders.

USE - The purpose for which land or premises or a building thereon is designated, arranged or intended, or for which it is or may be occupied or maintained.

USE ACCESSORY - A use incidental or accessory to the principal use of a lot or a building location on the same lot as the accessory use.

VARIANCE - The authorization given for a use or structure not permitted under the terms of this Ordinance after application, notice, hearing and approval by the Township Board. The crucial points of the variance are:

- Undue hardship;
- Unique circumstances; and
- Apply to individual property.

YARD - Any space in the same lot with a building open and unobstructed from the ground to the sky.

YARD, FRONT - A yard extending across the front of the lot between the inner side yard lines and lying between the front line of the lot and the nearest line of the building.

YARD, REAR - An open space unoccupied except for accessory buildings, on the same lot with a building, between the rear lines of the building and the rear line of the lot, and extending the full width of the lot.

YARD, SIDE - An open unoccupied space, on the same lot with a building, between the building and the side line of the lot, and extending from the front lot line to the rear of the back yard.

### SECTION III. CLASSIFICATION OF DISTRICTS

For the purpose of this Ordinance, the Township of Clitherall is hereby divided into districts, which shall be designated as follows:

- A. "A" - Agricultural-Family District - The entire Township, except as otherwise specifically stated in this section is zoned an "Agricultural-Family District."
- B. "R" - Residential-Family District - Any area which has been or is hereafter platted into residential lots is zoned as a "Residential-Family District". At present, the provisions for an Agricultural Family District shall apply, except that the Township may require appropriate private restrictive covenants for any new residential plat.
- C. "C" - Commercial District - No areas of the Township are presently zoned as a Commercial District.
- D. "I" - Industrial District - No areas of the Township are presently zoned as an Industrial District.
- E. "S" - Shoreland District - That portion of the Township regulated by the Shoreland Management Ordinance of Otter Tail County: 1000 feet from lakeshore and 300 feet from rivers and streams. This Ordinance recognizes that a sizable portion of the Township consists of areas also regulated by the Shoreland Management Ordinance of Otter Tail County.

### SECTION IV. AGRICULTURAL FAMILY DISTRICT

#### A. PURPOSE:

To provide a district whose primary purpose is to maintain, conserve, and enhance agriculture land while providing suitable areas of low-density, single-family dwellings.

#### B. PERMITTED USES:

1. Agriculture: All uses within the definition of Agriculture including incidental or accessory uses. This excludes cattle feedlots holding over 10 units, hog feedlots holding over 10 units, and poultry lots holding over 10 units; such feedlots and poultry lots are special uses and require a conditional use permit.
2. Farm buildings and one multi-family dwelling or two single-family dwellings (which may be mobile homes) provided they are for the purpose of the operation of the farm.
3. Residential single-family or multi-family non-farm residential dwellings and their normal accessory buildings.
4. Remodeling of any of the above.

C. CONDITIONAL USES:

1. Planned Unit Development (“PUD”): These developments may allow PUD for new projects on undeveloped land, redevelopment of previously built sites, or conversions of existing buildings and land. PUDs are required to have a central sewage system designed to meet required standards and inspected by a certified sewage inspector. In addition to the requirements of Section VII hereof relating to conditional use permits, preliminary plans for a PUD must include project boundaries, existing and proposed structures, sewage treatment facilities, roads within the PUD, road connection(s) to other public roads (including the number of PUD units accessing each public road), and documentation explaining how the project is designed and will function for each planned unit. Such documentation and drawings for each development must accompany the application for a conditional use permit. For standards relating to Residential PUDs and Commercial PUDs, see the Ordinance Standards Table attached hereto as Appendix D. Plumbing must comply with state plumbing codes and be inspected by a certified plumbing inspector.

- a. Project must be approved by the Clitherall Township Planning Committee and submitted to the Clitherall Township Board for approval.
- b. PUDs adjoining and/or which are a part of a PUD located within 1,000 feet of a lake and under the jurisdiction of the Shoreland Management Ordinance of Otter Tail County will require the approval of the Clitherall Township Planning Committee, Clitherall Township Board, and the Otter Tail County Planning Commission.
- c. Existing resorts or other land uses and facilities may be allowed to convert to a PUD if the following standards are met:
  - (1) Proposed conversions must initially be evaluated using the same procedures and standards presented in this part for developments involving all new construction. Inconsistencies between existing features of the development and these standards must be identified.
  - (2) Deficiencies involving water supply and sewage treatment, structure color, impervious coverage, and open space must be corrected as part of the conversion or as specified in the conditional use permit.
  - (3) Existing dwelling unit or dwelling site densities that exceed standards in this part may be allowed to continue, but must not be allowed to increase, either at the time of conversion or in the future. Efforts must be made during the conversion to limit the impact of high densities by requiring seasonal use, improving vegetative screening, centralizing recreational facilities, installing new sewage treatment systems, or by other reasonable and appropriate means.
- d. Notwithstanding any requirements listed above or standards contained in the Ordinance Standards Table, specific standards listed in the Stormwater

Management Ordinance which are more restrictive than those contained in this Ordinance will be honored. This applies to all areas included within those portions of Section Four (4) and the West Half (W ½) of Section Three (3), Township One Hundred Thirty-Two (132), Range Forty (40), Otter Tail County, Minnesota, as shown on maps that can be obtained from the Clitherall Township Supervisors or Clerk.

- e. All plumbing in new construction will conform to state plumbing standards and will have to pass registered state inspector inspections prior to occupancy.

2. All uses other than permitted uses are defined to be a temporary or permanent conditional use. Conditional uses which may be compatible within the Zoning Use Districts, but by their nature shall be reviewed and approved by the Township Board to ascertain such compatibility. Examples of conditional uses are in the appendix.

**D. DIMENSIONAL REQUIREMENTS:**

- 1. Structures shall be set back from the road right-of-way no less than forty (40) feet.
- 2. Minimum Lot Size
  - a. Single family and two family dwellings, 2.5 acres of buildable land per dwelling.
  - b. Multiple family, 5 acres for first two units plus 2.5 acres for each additional unit or such additional amount determined by the Township Board to be necessary to assure proper development.
  - c. Commercial and Industrial Uses, a minimum of 5 acres or such additional amounts as determined by the Township Board to be necessary to assure proper development.
  - d. In areas regulated by the Otter Tail County Shoreland Management Ordinance, the minimum lot size shall be the same as that set by the Shoreland Management Ordinance.

**SECTION V. SHORELAND DISTRICT**

**A. PURPOSE:**

The purpose of these provisions is to preserve and enhance shoreland areas and to provide management policies reasonably consistent with the classification of the lakes within the Township.

**B. COUNTY AND STATE REGULATIONS APPLY:**

Those areas of the Township which constitute shorelands according to the Shoreland Management Ordinance, as amended, of Otter Tail County and in accordance with the rules and regulations of the Minnesota Department of Natural Resources. Statewide standards and criteria for management of shoreland areas of Minnesota shall be subject to the provisions of the applicable state and county laws, rules, regulations and ordinances pertaining to shorelands, provided that all building or special use permits, variances, or the like granted by the state or county thereunder shall be required to also be approved by the Township Board, and that in acting upon such matters, the Township Board shall take into consideration such factors and standards as are set forth herein.

**C. PERMITTED USES:**

Private residential dwellings of the type permitted by the ordinances and the rules and regulations referred to in paragraph B above.

**D. SPECIAL USES:**

In reviewing and approving applications for conditional use permits in the shoreland district, the Township Board and administrators of this Ordinance shall consider the provisions of this Ordinance with respect to conditional uses in the agricultural single-family residence district, any provisions of the laws and regulations referred to in paragraph B above that relate to conditional uses, and shall exercise such judgment as may be appropriate in approving or denying conditional uses within the district.

**SECTION VI. GENERAL REGULATIONS**

**A. STATE HEALTH REGULATIONS:**

Minnesota Department of Health regulations regarding water quality, sewage, and other sanitary waste are incorporated herein by reference and made a part hereof as fully as if set forth herein. Compliance with such regulations shall be mandatory in Clitherall Township.

**B. CAMPGROUNDS AND MOBILE HOME PARKS:**

No campground, campsite, or mobile home park shall be permitted within the Township unless (1) it has been approved and licensed by the State of Minnesota in accordance with Chapter 327, Minnesota Statutes Annotated and all other applicable state laws and regulations and (2) it has been granted a special use permit under the terms of this Ordinance. In its review of applications for special use permits, the Township Board shall look for compliance with the provisions of Minn. Reg. Cons. 77, paragraph 2.43, incorporated hereinabove by reference and hereby made applicable to the entire Township.

The individual parking or placement of mobile homes, except those parked or placed on farmsteads pursuant to Section IV.B. 2, shall be permitted only after the granting of a conditional

use permit for such parking or placement by the Township Board.

C. ABANDONMENTS, PUBLIC NUISANCES:

No structure, sign, building, vehicle, machine, or any other piece or article of personal property may be abandoned on real property located in Clitherall Township. Further, no structure, sign, building, vehicle, machine, or other piece or article of personal property shall be permitted in any public or private place which has, due to disuse or neglect, become unsightly or offensive to the public. Such displays constitute a public nuisance. Non-use for a period of twelve (12) months shall be presumptive evidence of one's intention to abandon such property and of non-compliance with this Section. The first responsibility for compliance with this provision lies with the occupant of lands and buildings in use. However, the foregoing shall not be construed, in any way, to relieve the owner of record from responsibility for compliance with this Section in the event of non-compliance by an occupant or with respect to vacant land.

The Township may, in its discretion, bring an action for abatement of the nuisance and charge the costs of the action and abatement to the tax rolls for that property.

D. PRIVATE DRIVEWAYS AND FIELD APPROACHES:

1. No private driveway or field approach shall be constructed to connect to a public road except by written permission of the Township Board. See specifications attached hereto as Appendix C.

2. No vegetation except field and garden crops shall be planted and no structures shall be erected so as to interfere with vision at an intersection.

E. SIGNS:

1. Any sign hereafter erected or maintained shall conform to the provisions of this section.

2. Use and location regulations: The following types of signs, and no others shall be permitted.

a. Official traffic and road signs.

b. Only non-commercial signs, such as professional name sign indicating name and profession, no trespassing signs, and signs indicating the private nature of a driveway or premise shall be permitted, provided that the area on one side of any such sign shall not exceed six (6) square feet.

c. Identification signs for schools, churches, hospitals, or similar institutions, and for clubs, lodges, farms, or similar uses, are permitted, provided that the area on one side of any such sign shall not exceed sixteen (16) square feet.

- d. Real estate signs, including signs advertising the sale or rental of premises, are permitted provided the area on one side of any such signs shall not exceed six (6) square feet; and signs indicating the location and direction of premises in the process of development, provided the area on one side of any such sign shall not exceed thirty-two (32) square feet.
- e. Campaign signs and temporary signs of contractors, architects, mechanics, and artisans are permitted provided that such signs shall be removed within twenty-one (21) days after an election or completion of the work and further provided that such signs shall not exceed twenty-four (24) square feet in area.
- f. Business or industrial signs may be erected and maintained in conjunction with a commercial or industrial use, provided:
  - (1) that the area on one side of all such signs erected on one road frontage of any one premises shall not exceed fifty (50) square feet, unless authorized by a Special Use Permit; and
  - (2) such sign, except a direction sign, is erected only on the premises on which the use to which the sign relates is conducted.
  - (3) all signs must be positioned to take into account traffic, other road signs, and viewing and sight lines from neighbors.

## SECTION VII. CONDITIONAL USE PERMITS

### A. APPLICATION PROCESS:

Any proposed special use application shall be presented by written application to the Township Board for determination of its appropriateness and suitability to the Township as a whole. In support of such determination of appropriateness and suitability, the Township Board may require supporting documentation, such as (1) surveys, (2) preliminary architectural drawings or sketches of all buildings or groups of buildings showing the front, side, and rear elevations of the proposed building, structure, or other improvements, and (3) the proposed location of such buildings on the lot as the same shall appear after the work has been completed. Such surveys, drawings, or sketches shall be considered by the Township Board in an endeavor to ascertain that such buildings, structures, and other improvements shall be so designed and constructed that they will not be of unsightly, undesirable, or obnoxious appearance to the extent that they will hinder the orderly and harmonious development of the Township. The application shall be on the form prescribed by the Township. The applicants shall include both the beneficial owners of the land and the operators of the proposed development thereon; where a change in ownership is anticipated, the future owners shall also be included as applicants.

### B. STANDARDS:

No conditional use shall be approved by the Township Board unless said Board shall find:

1. That the conditional use will not be injurious to the use and employment of other property in the immediate vicinity for the purpose already permitted, nor will it substantially diminish and impair property values within the general vicinity.

2. That the establishment of the conditional use will not impede the normal and orderly development and improvement of surrounding vacant property for uses predominate in the area.

3. That adequate utilities, access roads, drainage, and other necessary facilities have been, or can be, provided.

4. That adequate measures have been or will be taken to prevent or control offensive odor, fumes, dust, noise, and vibrations so that none of these will constitute a nuisance and to control lighted signs and other lights in such a manner that no disturbances to neighboring residents will result.

### C. HEARING PROCESS:

1. Owners of property which is situated within one-half mile of the site of the proposed conditional use shall be given not less than ten (10) days' notice of the date the Township Board will consider said application, although failure of any property owner to receive such notification shall not invalidate the proceedings.

2. Notice shall be given to the governing body of any city or village the incorporated limits of which lie within two (2) miles of the proposed conditional use. The obligation to give notice shall be upon the applicant, but the notice form shall be supplied by the Township. Notice shall be proved by an affidavit of the applicant stating that such applicant has mailed the notice, by certified mail, return receipt requested, to the address used by the Otter Tail County Treasurer for tax statement purposes. The return receipts and the affidavit of mailing shall be filed with the Township prior to the hearing.

3. The Township Board shall consider the application at its next regular meeting, after compliance with the provisions of Section VII, A through C above specified.

4. The applicants shall appear personally before the Township Board and answer any questions concerning the proposed special use (the requirement of personal appearance by one or more of the applicants may be waived in the sole discretion of the Township Board).

5. The Township Board shall consider possible adverse effects of the proposed conditional use and what additional requirements may be necessary to prevent such adverse effects.

6. The Township Board shall take action on the application within sixty (60) days after all requirements have been met. If it grants the conditional use permit, the Board may impose any special conditions it considers necessary to protect the public health, safety and welfare of the Township residents.

7. If the applicant failed to appear at the hearing, failed to file proof of mailing of the required notices, or failed to answer questions concerning the proposed uses of the property, the hearing shall not be considered complete and a permit shall not be issued. The applicant may reapply for a permit; however, in such event, another hearing shall be required on the application.

8. The fee for filing a conditional use permit and other related fees shall be as set forth in Appendix B.

D. CHANGE OF OWNERSHIP OR NATURE OF OPERATION:

Any change of ownership, change in tenancy, or change in nature of operation requires application or reapplication for a special use permit.

SECTION VIII. NON-CONFORMING USES

Any lawful use existing at the time of adoption of this Ordinance may be continued after the adoption of this Ordinance except as follows:

A. No non-conforming use shall be renovated, expanded or reconstructed unless a conditional use permit or variance for such purpose is granted, except that it may be restored to its original use and size if damaged by any cause not to exceed fifty (50) percent of its replacement cost as satisfactorily demonstrated to the Township Board.

B. If a non-conforming use ceases to be used and properly maintained for a period of twelve (12) consecutive months, or is changed to a conforming use, any subsequent use shall meet the requirements of the zoning use district wherein located.

C. A non-conforming use shall not be moved to any other part of its site or to another site where it would still constitute a non-conforming use.

SECTION IX. VARIANCES

The Township Board may grant a variance from the provisions of this Ordinance when in its opinion undue hardship may result from strict compliance. In granting any variance, the Township Board shall take into account the nature of proposed use of land and the existing use of land in the vicinity, the residential and working population of the vicinity, and the probable effect of the proposed variance upon traffic patterns of all forms of transportation. No variance shall be granted unless the Township Board finds:

A. That there are special circumstances or conditions affecting said property, such that the strict application of the provisions of this Ordinance would deprive the applicant of the reasonable use of his land.

B. That the variance is necessary for the preservation and enjoyment of a substantial property right of the applicant.

C. That the granting of the variance will not be detrimental to the public welfare or injurious to other property in the vicinity.

Application for and processing of variance requests shall be as provided for conditional use permits by Section VII.

#### SECTION X. AMENDMENT

This Ordinance may be amended, in whole or in part, by the Township Board whenever required by public necessity and convenience and the general welfare of the Township, such amendment to be effected through the following procedure:

A. Any proposed amendment may, at the Board's discretion, be submitted to a committee created by the Board to consider the amendment and report to the Board as to the advisability of the proposed amendment.

B. An amendment may be initiated by the Township Board or by a petition of 25 residents.

C. A time period of at least sixty (60) days shall occur before a hearing is held.

D. Notice of the hearing time, place, and purpose shall be published in the official newspaper at least ten (10) days prior to the hearing.

E. A copy of the proposed amendment shall be made available to persons requesting it.

F. Prior to approval of any amendment, at least one (1) public hearing shall be held after a notice of the hearing has been published in the official newspaper.

G. The Township Board may act on the proposed amendment at any regular Township Board meeting following such hearing(s).

#### SECTION XI. ADMINISTRATION, ENFORCEMENT AND PENALTIES

A. ADMINISTRATION:

1. This Ordinance shall be administered and enforced by the Township Board supervisors who may designate an enforcing officer or officers (including, but not limited to, the zoning commissioner), by appointment of the Township Board.

2. The duties of such zoning commissioner shall be as follows:

a. Issue building permits for all permitted uses.

b. Issue building permits for all conditional uses when authorized by the Township Board.

- c. Administer the terms of this Ordinance subject to any required approval of the Township Board.
- d. Keep necessary records.

**B. ENFORCEMENT AND PENALTIES:**

1. Any person who violates any of the terms and provisions of this Ordinance shall be notified of such violation in writing and may be charged with a misdemeanor if the violation is not corrected within sixty (60) days after receipt of such written notice from the Township Board. Any resulting fines or cash receipts shall be credited to the general revenue fund.

2. In the event of a violation or a threatened violation of this Ordinance, the supervisors of the Township Board or the zoning commissioner shall have the authority to (i) immediately order work stopped on such project, and/or (ii) to institute appropriate actions or proceedings in any court or administrative agency having jurisdiction over such matters to prevent, restrain, correct, or abate such violations or threatened violations, in addition to any other available remedies.

**SECTION XII. BUILDING, CONDITIONAL USE, AND VARIANCE PERMITS**

**A. APPLICATION AND FEE:**

Applications for all building and conditional use permits shall be made in writing and must be submitted on the form designated by the Township. Such written application shall be accompanied by payment of the required fee (as set forth in attached Appendix B).

- 1. A building permit shall be obtained prior to erecting, installing, altering, converting, moving, or remodeling any structure or part thereof; provided, however, that if there is no change in exterior dimensions of an existing structure, no building permit is required.
- 2. Agricultural buildings: See Appendix B.
- 3. All structures except agricultural buildings: See Appendix B.
- 4. Conditional use permit: See Appendix B.
- 5. Variance: See Appendix B.

**SECTION XIII. VALIDITY**

Should a court of competent jurisdiction hold that any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason unconstitutional, such decision shall not affect the validity of the remaining portions of this Ordinance.

SECTION XIV. EFFECTIVE DATE

This Ordinance shall be in full force and effect upon the due passage thereof.

APPROVED BY THE BOARD OR TOWNSHIP SUPERVISORS OF THE TOWNSHIP OF CLITHERALL this 19th day of May, 2005.

  
Supervisor

  
Supervisor

\_\_\_\_\_  
Supervisor

ATTEST:

  
Township Clerk

## APPENDIX A

### EXAMPLES OF CONDITIONAL USES

1. The offices of members of recognized professions, such as doctors of medicine and dentistry, chiropractors, and engineers, lawyers and architects, provided such professions are carried on in their respective residences.
2. Federal, state or local governmental buildings and facilities.
3. Nursing homes, hospitals, or sanatoria.
4. Resorts, campgrounds, and other recreation-oriented commercial use.
5. Customary home occupations in the residence.
6. Accessory buildings other than private garages and customary agricultural structures.
7. Churches, schools, parks, playgrounds, and incidental uses when situated on the same site or unit or property.
8. Cemeteries.
9. Multifamily dwellings, including townhouses, and condominiums.
10. Junk and auto and machinery salvage yards.
11. Commercial grain storage and drying.
12. Livestock sales barns and accessory facilities.
13. Solid Waste Transfer Stations, refuse areas, and sanitary facilities, as per the State of Minnesota Pollution Control Agency and State Board Health Regulations.
14. Agriculture-oriented businesses, such as: grain and feed sales, general repair and installation services, custom meat processing, the raising or housing of other animals, including, but not limited to, mink, dogs and cats (kennels), pheasants or other game birds (hunting clubs), or other exotic animals (i.e. those that are not indigenous to this area).
15. Commercial livestock and poultry feedlots, as per Minnesota Pollution Control Agency Regulations (SW51- 54), over the size established as a permitted use by Section IV B.1. of this Ordinance. The MPCA regulations shall be considered by the Township Board when considering such conditional use, and the Township shall not establish requirements that are less strict than those established by state statutes or regulations.
16. Railroad right-of-way, regional pipelines, power substations, transmission and distribution lines, telephone equipment facilities, relay towers, and above ground transmission lines or cables.
17. Such other conditional uses and structures as may from time to time be approved by the Township Board upon proper application.
18. Remodeling of any existing building for the above-listed purposes, including those in existence at the time of the adoption of this Ordinance.

APPENDIX B to  
Comprehensive Plan and Zoning Ordinance  
Clitherall Township  
Otter Tail County, Minnesota

AS UPDATED AND APPROVED BY BOARD SUPERVISORS

ON JUNE 21, 2005

**PERMIT AND INSPECTION FEES**

a. Building Permit: Agricultural Buildings: Twenty-Five Dollars (\$25.00).

All other structures: Permit fees shall be calculated based on the following formula:

- (i) One Dollar (1.00) for each One Thousand Dollars (\$1,000.00) on the first \$75,000 [minimum fee of Seventy-Five Dollars (\$75.00)]; plus
- (ii) An additional Seventy-Five Cents (\$.75) per thousand on amounts ranging from \$75,001 to \$250,000; plus
- (iii) An additional Fifty Cents (\$.50) per thousand on amounts ranging from \$250,001 to \$500,000; plus
- (iv) An additional Twenty-Five Cents (\$.25) per thousand on amounts over and above \$500,000.

If a structure is less than 100 square feet in size and costs less than One Thousand Dollars (\$1,000.00), no permit is required.

b. Approach Fees and Road Inspection Fees: One Hundred Dollars (\$100.00). The sum of Seventy-Five Dollars (\$75.00) will be refunded upon satisfactory completion and inspection of approach.

c. Conditional Use Permit: One Hundred Dollars (\$100.00), plus one additional dollar (\$1.00) for each Ten Thousand Dollars (\$10,000.00), or fraction thereof, of estimated construction costs.

d. Variance Permit: One Hundred Dollars (\$100.00).

e. Plumbing Inspection Fee: Seventy-Five Dollars (\$75.00).

f. After-the-Fact Permit Applications: Double the normal fee.

APPENDIX C  
TOWNSHIP ROAD STANDARDS

MINIMUM RIGHT OF WAY:

Roads	66 feet
Cartways	33 feet
Cul de sacs	132 feet

MAXIMUM SLOPE:  
(HORIZONTAL/VERTICAL)

Road shoulders	4:1 (or flatter)
Approach shoulders	4:1
Backslopes	4:1

MINIMUM DITCH DEPTH: 3 feet

MINIMUM DITCH BOTTOM WIDTH: 4 feet

MAXIMUM CENTER LINE GRADE: 8 PERCENT

MINIMUM DRIVING SURFACE WIDTH:

Dead end bituminous surfaced roads plus two-foot shoulders	22 feet
Dead end gravel surfaced	26 feet
All other bituminous surfaced roads plus two-foot shoulders	24 feet
All other gravel surfaced	28 feet
Cul de sacs	100 feet

APPROACHES:

Minimum width at the end of the right of way	24 feet
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Culverts to be provided and installed by property owner where required to convey ditch drainage without obstruction. Culverts shall be provided with aprons or flared end sections that conform to the slope of the approach shoulders.

CONSTRUCTION:

Stumps and debris shall not be buried within the roadbed, foreslopes, or ditch bottoms and shall not be disposed of by pushing onto land adjacent to the platted roads.

No material from the upper one foot of the natural soils shall be used in the upper two feet of the roadbed. All topsoil shall be salvaged and a minimum of four inches of topsoil shall be spread on all new slopes and areas disturbed during grading operations.

No rocks having a diameter of six inches or larger shall be placed within the upper foot of the roadbed.

All embankments shall be constructed in relatively uniform layers approximately parallel to the final grade and extending over the full width of the embankment. Layers in the upper two feet of the embankment shall be not more than eight inches in thickness (loose measurement), and those below the upper two feet shall be not more than 12 inches in thickness (loose measurement). Compaction shall be obtained by the Quality Compaction (Visual Inspection) method.

All completed grades shall have a minimum gradient of 0.5 percent and a maximum gradient of 8.0 percent.

All roadbed embankments across lowland areas shall be constructed to a height of at least three feet above natural ground elevation.

All entrances constructed to provide access to adjacent lots shall have a minimum finished top width of 24 feet. Side slope ratios shall be 1:4 (vertical : horizontal) or flatter.

Approaches and driveways shall be so constructed as to slope down and away from the shoulder line of the highway for a distance of at least 15 feet with a fall of at least six inches.

All centerline culverts shall have aprons and a minimum diameter of 15 inches. All entrance culverts shall have aprons and a minimum diameter of 15 inches. All culvert sizes shall be approved by the Town Board prior to installation. The use of used metal culverts and aprons shall not be allowed. Used concrete culverts and aprons may be used with prior approval. The joints of all concrete pipes and aprons shall be tied and wrapped. Each line of culvert installed shall be made of only one type and design of material. All culverts shall have a minimum of 12 inches of cover, excluding aggregate base and surfacing materials, and shall have adequate length to achieve 1:4 slopes or flatter.

#### SURFACE:

After compaction and finish grading, the entire surface of the road shall be covered with a layer of class five gravel with a uniform compacted thickness of at least three inches.

APPENDIX D

ORDINANCE STANDARDS TABLE

Distance from OHWL <sup>1</sup> – ft	<1,000	1,000 – 2,000	2,000 – 3,000	>3,000
<b>Residential</b>				
Maximum Dwelling Height	35	45	55	65
Single Family Lot Size Acres	SMO <sup>2</sup>	2.5	2.5	2.5
Two Family Lot Size Acres	SMO	5.0	3.75	3.5
Duplex Lot Size Acres	SMO	5.0	3.75	3.5
Triplex Lot Size Acres	SMO	7.5	5.75	5.0
PUD Minimum Units	SMO	5	5	5
PUD Acres/Dwelling Unit (Platted)	SMO	2.0	1.8	1.8
PUD Free Space	SMO	50%	40%	30%
PUD Central Sewer Required	SMO	Yes	Yes	Yes
Plumbing Meets State Standards	Yes	Yes	Yes	Yes
<b>Commercial</b>				
Maximum Dwelling Height	SMO	75	100	100
Single Unit Lot Size	SMO	5.0	5.0	5.0
Two Unit Lot Size	SMO	10.0	7.5	7.5
Duplex Lot Size Acres	SMO	10.0	7.5	7.5
Triplex Lot Size Acres	SMO	15.0	12.0	10.0
PUD Minimum Units	SMO	5	5	5
PUD Acres/Commercial Unit	SMO	4	3.5	3
PUD Free Space	SMO	50%	40%	30%
PUD Central Sewer Required	SMO	Yes	Yes	Yes
Plumbing Meets State Standards	Yes	Yes	Yes	Yes

<sup>1</sup>OHWL: Ordinary High Water Table boundary of public waters and wetlands

<sup>2</sup>SMO: The Shoreland Management Ordinance of Otter Tail County, Minnesota

APPENDIX B to  
Comprehensive Plan and Zoning Ordinance  
Clitherall Township  
Otter Tail County, Minnesota

AS UPDATED AND APPROVED BY BOARD SUPERVISORS

ON February 15, 2007

**PERMIT AND INSPECTION FEES**

- a. Permit fees shall be calculated based on the following formula:
- (i) One Dollar (1.00) for each One Thousand Dollars (\$1,000.00) on the first \$75,000 [minimum fee of Seventy-Five Dollars (\$75.00)]; plus
  - (ii) An additional Seventy-Five Cents (\$.75) per thousand on amounts ranging from \$75,001 to \$250,000; plus
  - (iii) An additional Fifty Cents (\$.50) per thousand on amounts ranging from \$250,001 to \$500,000; plus
  - (iv) An additional Twenty-Five Cents (\$.25) per thousand on amounts over and above \$500,000.

If a structure is less than 100 square feet in size and costs less than One Thousand Dollars (\$1,000.00), no permit is required.

b. Approach Fees and Road Inspection Fees: One Hundred Dollars (\$100.00). The sum of Seventy-Five Dollars (\$75.00) will be refunded upon satisfactory completion and inspection of approach.

c. Conditional Use Permit: One Hundred Dollars (\$100.00), plus one additional dollar (\$1.00) for each Ten Thousand Dollars (\$10,000.00), or fraction thereof, of estimated construction costs. In addition to permit fees, the actual costs of conducting all public meetings and/or hearings will be assessed to the C.U.P. applicant.

- d. Variance Permit: One Hundred Dollars (\$100.00).
- e. Plumbing Inspection Fee: Seventy-Five Dollars (\$75.00).
- f. After-the-Fact Permit Applications: Double the normal fee.