

# Scambler Township Zoning Ordinance

## Welcome to Scambler Township Otter Tail County, Minnesota

Scambler Township is a dynamic rural community primarily zoned as an agricultural preservation district.

While we feel that this rural setting makes Scambler Township a great place to live and work, there are a few things that we feel you should be aware of.

At certain times of the year you may have to endure the following:

### YOUR FARMING NEIGHBOR:

1. Spreading manure on his farmland.
2. Harvesting crops at all hours of the day and night.
3. Spraying of crops both by air and ground.
4. Large, slow moving vehicles traveling our township roads.
5. Dust and dirt blowing around and through your yard.

### YOUR OTHER NEIGHBORS:

1. Discharging firearms, whether it is in conjunction with hunting, shooting sports, or other legal outdoor activities.
2. Walking and riding bicycle on our township roads.

Our hope and expectation is that you respect all members of our community, and that we can live and work in harmony in this beautiful place we call home.

Scambler Township Board meetings are generally held on the second Thursday of every month at 7:00 PM at the Township hall. You are invited.

The Pelican Rapids Press is our official newspaper. You can find any announcements concerning our township printed there.

Thank you for your interest in Scambler Township.

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## **0000.000 SCAMBLER TOWNSHIP COMPREHENSIVE PLAN SUMMARY**

The Comprehensive Plan serves as basis for the development and application of uniform zoning regulations to be applied to the areas of Scambler Township not under the jurisdiction of Otter Tail County Shoreland Management Regulations. The following Goals, Objectives, and Policies provide the basis for addressing how land within Scambler Township will be used.

### **0000.010 GOALS**

The following goals serve as standards for development of policies for future land uses in Scambler Township. The overall goals for which these policies are developed include the following:

- 1) Ensure economical and efficient land use development.
- 2) Use and preserve natural resources in an environmentally sound manner.
- 3) Preserve agricultural land.
- 4) Preserve the natural environment.
- 5) Minimize conflict between rural and recreational uses.
- 6) Ensure the health, safety, and welfare of residents

### **0000.020 OBJECTIVES AND POLICIES**

- 1) Retain and conserve the maximum amount of agricultural land within Scambler Township for farm use. While most development of non-agricultural uses is likely to occur in areas under shoreland management, as these areas fill up development is likely to spill out into areas of Scambler Township's jurisdiction. A policy supporting compact growth patterns will ensure maintenance of as much land for agricultural use as possible.
  - a) Direct development into areas that are already experiencing development.
  - b) Discourage non-farm development in farm areas.
  - c) Prevent rural areas from becoming dumping grounds for undesirable land uses not wanted elsewhere.
  - d) Require proposed development to provide site plans.
- 2) Prevent incompatible land uses from locating in close proximity to each other. While most development can be made compatible by providing enough space between other uses or by including buffer uses, this leads to wasteful use of land and is in conflict with Objective A. A policy discouraging adjacent incompatible land uses ensures efficient land use development.
  - a) Identify areas for incompatible uses to locate that will allow harmonious development.
  - b) Discourage development of land for non-agricultural uses which is not located in areas that are identified as priorities for development.
  - c) Encourage the siting of public utilities to promote development in desired growth areas.
  - d) Develop standards for buffer zones between incompatible areas.
  - e) Preserve and enhance places of historic, cultural, or environmental significance.
- 3) Ensure healthy and safe living conditions for residents of the township. While most development can be made safe with the placement of adequate standards or policies to control them, it is sometimes not possible or economical to do so. A policy limiting such uses ensures the health, safety, and welfare of residents.
  - a) Reduce and control pollution and wastes resulting from public facilities.
  - b) Deter offensive and incompatible uses from locating in or near residential areas.

- c) Direct development to areas where adequate public facilities exist.
  - d) Discourage land uses which will endanger the physical well-being of the Township's residents.
- 4) Ensure development has a limited effect as possible on Township finances. While most development costs are incurred on-site, some cost impacts, such as costs for roadway maintenance or development are incurred by the Township. A policy limiting such impacts or passing those costs on to the development will minimize the economic impact to the Township and its residents.
- a) Set a fee structure for conditional use permits because of the additional costs incurred by the Township.
  - b) Discourage development in areas which do not allow efficient use of land and minimize the need for additional roadways.
  - c) Direct non-agricultural and non-residential development to areas along existing major roadways.
  - d) Charge new developments with large cost impacts a development fee within legal guidelines.

## **1000.000 GENERAL PROVISIONS**

### **1010.000 TITLE**

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

### **1020.000 PURPOSE**

The purpose of this Ordinance is to:

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

### **1030.000 LEGAL AUTHORITY**

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

### **1040.000 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.

### **1050.000 RULES**

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

- 1) The singular includes the plural, and the plural includes the singular.
- 2) The present tense includes the past and future tenses, and the future includes the present tense.
- 3) The word “shall” is mandatory, and the word “may” is permissive.
- 4) The masculine gender includes the feminine and neuter genders.
- 5) Whenever a word or term defined hereinafter appears in the text of this Ordinance, its meaning shall be construed as defined in the Definitions (Section 1060.000) of this Ordinance. When no definition is provided, a word or term shall be construed as defined by the Township Board of Supervisors after consultation with a current unabridged English language dictionary.
- 6) All measured distances expressed in feet shall be measured to the nearest inch.
- 7) In the event this Ordinance may contain conflicting provisions, the more restrictive shall apply.
- 8) The applicable boundaries of the jurisdiction of this Ordinance shall include all land within Scambler Township which is not part of the Shoreland Management District of Otter Tail County. If a question of the location of this boundary arises, the detailed plat maps showing the boundaries of the jurisdiction of the Shoreland Management Ordinance of Otter Tail County shall be the correct and official boundaries.

## 1060.000 DEFINITIONS

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

Adjacent - Sharing a common border or property line. Parcels of land are considered adjacent if the only separation between them is a road.

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

Agricultural Use - An area in which is used for the production of farm crops as well as for the raising thereon of farm poultry and domestic and non-domestic farm animals, such as horses, cattle, sheep and swine.

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

Animal Unit - The following number of types of animals constitute one animal unit: one cow or steer, one horse, donkey or burro; three sheep; three hogs; twenty-five poultry.

Animal – Exotic: Any animal that has its common name listed by the U.S. Fish and Wildlife Service as threatened or endangered. Felines that weigh over 25 pounds, birds that weigh over 50 pounds, venomous snakes, snakes over 3 feet in length, non human primates or any animal Genus camelus.

Animal – Non Domestic: Any mammal or rodent for which there is an open hunting or trapping season anywhere in North America.

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

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

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

Bed & Breakfast/Boardinghouse (Rooming or Lodging House) - A building other than a motel or hotel where, for compensation and by prearrangement for definite periods, meals or lodging are provided for 1 or more persons, but not to exceed 20 persons. This does not include group homes.

Capital Improvements Program - A plan designed to anticipate major public financial outlays for the acquisition or construction of needed public facilities over a period of several years in order to maximize the use of public funds while keeping responsive to the entities changing conditions and needs.

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

Commercial Agriculture - The use of land for the growing and/or protection of field crops, livestock and livestock products, as follows:

- 1) field crops; including but not limited to: barley, soybeans, corn, hay, oats, potatoes, sugar beets, rye, sorghum, sunflowers, carrots, and radishes.
- 2) livestock; including but not limited to: dairy and beef cattle, goats, horses, sheep, hogs and poultry.
- 3) livestock products; including but not limited to: milk, butter, cheese, and eggs.

Community Water and Sewer System - Utilities systems serving a group of building lots, or any area of the

community, with the design and construction of such utility systems as approved by the Town and the State of Minnesota

Comprehensive Plan - "Comprehensive Plan" is a compilation of goals, policy statements, standards, programs and maps for guiding the physical, social and economic development, both public and private, of the Town and its environs, and includes any unit or part of such plan separately adopted and any amendment to such plan or parts thereof.

Comprehensive Sewer Policy Plan - A plan adopted by a local government unit describing, designating and scheduling the areas to be provided sewer by the public system, the existing and planned capacities of the public system, the standards and conditions under which the installation of private sewer systems will be permitted, and to the extent practicable, the areas not suitable for public or private systems because of public health, safety and welfare considerations.

Contaminated Soils - Any soils which contain hazardous metals, petroleum products, or any hazardous materials or chemicals. These soils are typically the result of industrial accidents or contamination from storage or industrial processes, which have been removed from a site of origin.

Demolition Debris Landfills - A landfill other than a sanitary landfill which is used as a disposal site for the products or by-products or debris of any demolition process.

Drainage System - Any natural or artificial feature or device for the conveyance or storage of water used to drain or store surface or underground water, including but not limited to streams, rivers, creeks, ditches, channels, conduits, gullies, ravines, or washes and including structures connected therewith including but not limited to culverts, drainage tile, dams and bridges and water storage basins such as lakes, ponds, natural or man made.

Driveway - A private road or path for vehicle access to a public road.

Dwelling - A permanent structure containing a kitchen, rest room facilities and a bed where the structure is used by the occupier as a place to live.

Dwelling - Attached - A dwelling which is physically joined to another dwelling.

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

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

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

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

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

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

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

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

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

Family - An individual, of two or more persons related by blood, marriage or adoption, living together, or a group of not more than five persons who need not be related by blood, marriage or adoption, living together as a single house keeping unit in a dwelling unit, exclusive of usual servants.

Farms - Any establishment from which \$1000.00 or more of agricultural products were sold or would normally be sold during the year. Government payments are included as sales.

Farm Building - Any building or accessory structure other than a farm or non-farm dwelling which is used in a farming operation, including but not limited to, a barn, granary, silo, farm implement storage building.

Feedlot – See MN Rule Chapter 7020.

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

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

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

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

Group Homes - Any residence which is utilized for the care and supervision of any group of non-family residents which is licensed as a group home by the Minnesota Department of Human Services and serves 10 or less clients or residents.

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

Home based business - A business contained entirely inside the dwelling that creates minimal noise, dust, and traffic.

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

Household - A group Home or more persons living in a single dwelling unit as a single housekeeping unit including, but not limited to, a family as defined in this Ordinance.

Impervious surface – Any material that substantially reduces or prevents the infiltration of water. Impervious surfaces include, but are not limited to: streets, roofs, sidewalks, driveways, parking lots, and similar facilities and areas covered with gravel, concrete, bituminous, compacted sand, lime rock, clay or other surfaces that substantially reduce or prevent the infiltration of water.

Incinerator Ash/Incinerator Ash Sludge – The residue, by-products or products of any industrial or municipal incineration process. This includes fly ash, clinkers, and any other materials. Incinerator ash sludge is the liquid

and suspended solids or any other product resulting from any process used, wholly or in part, to clean or transport these materials from an incinerator.

Irrigation System - Any structure of equipment, mechanical or otherwise, used to supply water to cultivated fields or supplement normal rainfall, including but not limited to wells, pumps, motors, pipes, culverts, gates, dams, ditches, tanks, ponds, and reservoirs.

Junk Yard - An open area where waste, used, or second hand materials are brought, sold, exchanged, stored, baled, packed, disassembled or handled, including but not limited to iron and other metals, paper, rags, rubber, tires, and bottles. A junk yard includes an automobile wrecking yard and uses established entirely within enclosed buildings. This definition does not include sanitary landfills.

Kennel - Any lot or premises on which four or more dogs or cats of over three months of age are kept or raised for commercial purposes.

Landscaping - Planting such as trees, grass and scrubs.

Livestock - Any animals or poultry or other fowl except dogs and cats.

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

Lot of Record - Any lot which is one unit of a plat heretofore duly approved and filed by metes and bounds description, one unit is an Auditor's Subdivision or a Registered Land Survey that has been recorded in the office of the County Recorder of Otter Tail County, Minnesota, prior to the effective date of this Ordinance.

Lot Area - The area of lot in a horizontal plane within the lot lines.

Lot Corner - A lot, which occupies the interior angle at the junction of two intersecting street lines, which make an angle not exceeding 135 degrees.

Lot Depth - The mean horizontal distance between the front lot lines and the rear lot line of a lot

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

Lot Line Rear - That boundary of a lot which is opposite the front lot line, lithe 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 in line ten 10) feet in length within the lot, parallel to, and at the maximum distance from the front lot line.

Lot Line Side- Any boundary of a lot, which is not a front line or a rear lot line.

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

Lot Through or Double Frontage - A lot which has a pair of opposite lot lines abutting two substantially parallel streets, and which is not a corner lot On a through lot, both street lines shall be front lot lines for applying this Ordinance.

Lot Width - The width of a lot along a line parallel to the frontage thereof and lying at a distance therefrom equal to the required setback on such lot.

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

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

Manufactured Home (also known as mobile home) – means a structure, transportable in one or more sections, which in the traveling mode, is eight body feet or more in width or 40 body feet or more in length, or, when erected on site, is 320 or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained therein; except that the term includes any structure which meets all the requirements and with respect to which the manufacturer voluntarily files a certification required by the secretary and complies with the standards established under chapter (MN §327.31 Subd. 6).

Mobile Home Park - Any premises of forty acres or more on which lots are rented for the placement of at least ten non-transient manufactured homes occupied or to be occupied as dwelling units.

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

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

Municipal Sludge - Slurry, suspended solids, and solids which are the residue or product of any municipal wastewater treatment process.

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

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

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

Parcel - A separate area of land, including a lot, having specific boundaries and capable of being conveyed and recorded.

Planning Agency - Also referred to as Planning Commission or Zoning Commission.

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

Prefabricated Home - A non-mobile housing unit, the walls, floors and ceilings of which are constructed at a central factory and transported to a building site where final construction is completed permanently affixing the unit to the site. A prefabricated home shall be considered the same as a single family dwelling.

Public Land - Land owned or operated by municipal, school district, county, state or other governmental units.

Quarter – Quarter Section - An approximately 40 acre parcel of land constituting the northeast, northwest, southwest or southeast quarter of a quarter section in the United States Government System of Land Survey.

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

Regional Flood - A flood which is representative of large floods known to have occurred generally in Minnesota and represents characteristics of what can be expected to occur on an average frequency in the magnitude of the 100 year recurrence interval.

Residential Development - A planned development for long term residential use containing more than four dwellings or lots.

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

Sanitary Landfill - An area of land which is or could be used for the disposal of solid waste in a manner that minimizes environmental hazards by utilizing the principles of engineering to confine the solid waste to the smallest practical volume, and applying cover material at the conclusion of each days operation, of at intervals as may be necessary.

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

Setback - The minimum horizontal distance between a structure and the nearest property line or highway easement line.

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

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

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

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

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

Township Board - Scambler Township Board of Supervisors, also referred to herein as the Board or Town Board.

Transient Agricultural Labor - Persons employed in farming operations on the premises where housed or other lands owned by the owner of the premises, provided that said persons may be employed a maximum of 5 weeks.

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

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

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

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

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

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

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

Wetland - A wetland is defined by the presence of (a) hydric soils, (b) surface or subsurface hydrology, and (c) hydrophytic vegetation (Minnesota Rules, part 8420.0110, subpart 52)

Wetland Delineation – Wetland are delineated using procedures in the 1987 U.S. Army Corps of engineers Wetland Delineation Manual.

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

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

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

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

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

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

Zoning District (Zone) - An area or areas within the limits of the township for which the regulations and requirements governing the use are uniform.

1070.000 JURISDICTION, SCOPE, and INTERPRETATION

1070.010 The jurisdiction of this Ordinance shall apply to all areas of Scambler Township outside the boundaries and jurisdiction of the Shoreland Management Ordinance of Otter Tail County.

1070.020 Beginning the effective date of this Ordinance and subsequent amendments, all development of land in Scambler Township shall be in conformance with this Ordinance. Any development not in conformity with these regulations shall be regarded as nonconforming, but may be continued subject to the regulations provided in 1070.050.

1070.030 Except as otherwise provided, "development" means the performance of any building or mining operation, the making of a change in the use or appearance of any structure or land, the parceling of land into one or more lots, and the creation or termination of rights of access or riparian rights. "Development" includes all other activities customarily associated with it unless otherwise specified. Activities which may result in development as defined herein include erection, construction, demolition, intensification of use, or other changes in use which are regulated by this Ordinance. "Development" refers to the act of developing or to the result of development. Reference to any specific operation as not involving development is not intended to mean that the operation or activity when part of other operations or activities is not development. Reference to particular operations is not intended to limit the generality of 1070.040.

1070.040 The following activities or uses shall be considered development as defined in this Section:

- 1) a change in the use of a structure or land or a change from one class of use to a use in another class;
- 2) a reconstruction, alteration of the size or structural alteration of a building or structure;
- 3) increase in the intensity of use of land such as an increase in the number of businesses, manufacturing establishments, office or dwelling units in a structure or on land;
- 4) commencement of mining or excavation on a parcel of land;
- 5) deposit of refuse or soils to fill a parcel of land;
- 6) re-establishment of a use which has been abandoned for one year;
- 7) departure from the normal use for which development permission has been granted or failure to comply with the conditions of this Ordinance or order granting the development permission under which the development was commenced or is continued;
- 8) residential subdivisions.

1070.050 The following operations or uses do not constitute development for the purposes of this Ordinance:

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

1080.000 SUB-STANDARD OR NON-CONFORMING LOTS AND USES

1080.010 Substandard Lots: A substandard lot or parcel of land for which a deed has been recorded in the office of the Otter Tail County Recorder on or prior to the effective date of this Ordinance shall be a lot upon which a structure may be built provided:

- 1) it has frontage on a public right-of-way;
- 2) it was under separate ownership from abutting lands upon or prior to the effective date of this Ordinance;
- 3) its area and dimensional measurements are not less than 75 percent of the requirements of this Ordinance;
- 4) its development will not violate the general intent and purposes of this Ordinance.
- 5) it permits a method of sewage treatment and water supply that meets minimum County standards.

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

1080.020 Ownership of Adjoining Lot. If the owner of a substandard lot owns adjoining land, said owner may be required to join all or a part of said adjoining land to the substandard lot to bring said lot into compliance with this Ordinance.

1080.030 Non-Conforming Uses and Structures. Any structure or use existing upon the effective date of the adoption of this Ordinance and which does not conform to the provisions of the Ordinance may be continued for a certain period of time subject to the following conditions:

- 1) No such use shall be expanded or enlarged except in conformity with the provisions of this Ordinance.
- 2) If a non-conforming use is discontinued (including destruction to an extent exceeding 50 percent of its fair market value) for a period of not less than two years, further use of the structures or property shall conform to this Ordinance. The Township Assessor shall notify the Administrative Officer in writing of all instances of non-conforming uses which have been discontinued for a period exceeding 24 consecutive months.
- 3) A non-conforming use of a structure and/or land may, as a conditional use, be changed to another non-conforming use provided that the Township Board of Supervisors shall find that the proposed use is equally or more appropriate to the district than the existing or previous non-conforming use. In permitting such change, the Board may require appropriate conditions and safeguards in accordance with the provisions of this Ordinance.
- 4) On-site sewage treatment systems which are substandard or improperly functioning and which constitute a hazard to public health shall be brought into compliance with Otter Tail County Sanitation Code.
- 5) Nothing in this ordinance shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by an official charged with protecting the public safety, upon order of such official.

1090.000 EFFECTIVE DATE

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

## 2000.000 ZONING PROVISIONS

### 2010.000 CLASSIFICATION OF DISTRICTS

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

- 1) Agricultural Preservation District (AgP)
- 2) Shoreland Management District (SM)
- 3) Residential District (R1)
- 4) Commercial/Industrial (CID)

### 2020.000 AGRICULTURAL PRESERVATION DISTRICT (AgP)

2020.010 The Agricultural Preservation District is intended to apply to the entire land and water area under the jurisdiction of the Scambler Township Board of Supervisors, excluding only those portions of the Township which are within the jurisdiction of the Otter Tail County Shoreland Management Ordinances and those portions which are designated by the Township as a Residential District.

2020.020 The following uses are permitted within the Agricultural Preservation District:

- 1) Commercial agriculture
- 2) Farm buildings and farm dwellings.
- 3) Farm drainage and irrigation systems
- 4) Two (2) non-farm single family dwelling units per each quarter-quarter section provided each unit shall be located on a separately surveyed and described parcel or lot.
- 5) Home based businesses
- 6) Non-farm storage buildings provided:
  - (a) The primary residence of the owner of the buildings is within 300 feet of the buildings and the total area of all storage buildings does not exceed 6000 square feet

OR

- (b) The parcel of land on which the buildings are located is larger than nineteen acres, no more than two buildings may be built, and the total area of all storage buildings does not exceed 4000 square feet.

2020.030 The following uses shall be conditional upon such rules and requirements as the Township Planning Agency or Board of Supervisors may demand:

- 1) Outdoor recreational areas, churches, schools, and other public accommodations or facilities
- 2) Cemeteries
- 3) Local government buildings and facilities
- 4) Feedlots and associated waste handling facilities
- 5) Commercial enterprises such as resorts, service stations, restaurants, and recreational services or facilities in accordance with performance standards
- 6) General purpose retail establishments such as grocery stores, laundry facilities, hardware stores in accordance with performance standards
- 7) Essential services in accordance with performance standards
- 8) Recreationally related manufacturing enterprises, commercial storage facilities, and other related enterprises
- 9) Kennels
- 10) Disposal of municipal sludge, incinerator ash sludge, incinerator ash, and contaminated soils
- 11) Rifle or gunnery ranges
- 12) Outdoor salvage or auto wrecking yards, sanitary landfills, and any other refuse or second hand/materials handling facilities

- 13) All other uses related to the above listed permitted and conditional uses, which are consistent with the applicable comprehensive plans.

2020.040 The following uses shall be prohibited in Scambler Township:

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

2020.050 The minimum lot size for all permitted uses and conditional uses, including individual mobile homes outside mobile home parks, within the Agricultural Preservation District shall be 2.5 acres, of which 30,000 square feet shall not be subject to flooding or be within 100 feet of wetlands, ditches, or any identified aquifer recharge area. The minimum lot width at the front setback line shall be 200 feet.

2020.060 The yard requirements for all permitted uses shall be as follows:

- 1) Front yard setbacks shall be measured from the near side of any public right-of-way and be applied according to the County Road Standards and the following schedule:

ROAD TYPE	SETBACK
State	60 feet
County	60 feet
Township	60 feet

- 2) Side yard setbacks shall be the same as those required for front yards when applicable because the lot is adjacent to two roadways. Otherwise, the side yard setback shall be 12 feet.
- 3) Rear yard setbacks shall be 24 feet for all structures, except for non-attached accessory buildings which may have minimum rear yard setbacks of 12 feet.

#### 2030.000 SHORELAND MANAGEMENT DISTRICT (SM)

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

#### 2040.000 RESIDENTIAL DISTRICT (R1)

2040.010 Purpose.

To provide for the establishment of residential district. To reserve areas suitable for residential development from encroachment by commercial and industrial uses. To adhere to the Comprehensive plan and to protect valuable agricultural lands from conversion to other uses.

2040.020 Scope and Jurisdiction.

This section sets forth the rules and regulations to control residential development within the Residential District.

2040.030 Areas to be considered for zoning Residential District (R1).

1. Site locations shall be limited to parcels or lots which are wooded with healthy and mature trees and not currently used for agricultural purposes.

2. A written commitment stating that the land owner/developer will make every effort to maintain the existing vegetation and topography.

2040.040 Residential District (R1) Lots.

1. Must be at least 1320 feet from any Commercial District unless written permission is given by the owner of the commercial property.
2. Must be separated from other zoning districts by natural screening, such as but not limited to hills, trees, or shrubs. Plans for such screening shall be submitted as a part of the application for a building permit and installed as a part of the initial construction.
3. Minimum Lot dimensions:
  - a. 200 feet at the front lot line.
  - b. 200 feet at the shortest side lot line.
  - c. Area of 2.5 acres.
  - d. Area of 30,000 square feet of the lot shall not be subject to flooding.
4. Must have area set aside for 2 on site sewage treatment systems or as current state regulations require.
5. Must be in harmony with the comprehensive plan.
6. There shall be a maximum of 4 plotted lots in the residentially zoned (R1) districts in any given section in Scambler Township.

2040.050 Ingress/Egress.

Any development in the Residential District must provide plans and specifications for vehicle ingress/egress and estimated traffic flows to the Township for examination and approval and where required submitted to the proper State or County officials for their examination and approval before any building permit shall be issued.

2040.060 Lot Development.

1. The dwelling and accessory structures shall be located on separately surveyed and described parcels or lots.
2. The lot on which the unit is located must have frontage along a public right of way. If the creation of new right of way is required to service proposed parcels or lots, the developer must obtain a written agreement from the township board of supervisors stating the township will accept full and permanent responsibility for the maintenance of and snow removal on any new right of way created as a result of the development proposal. This agreement must be approved by a majority of the township's officers at a duly held meeting of the township board. The agreement shall be in recordable form and shall be recorded with the plat. A copy of the executed township agreement must be presented, by the developer, to the Scambler Township Planning Agency prior to consideration of the development proposal
3. All Structures and other impervious surfaces:
  - a. May not cover more than 25% of the lot area.
  - b. May not be located within 100 feet of a wetland
4. Structure Setbacks, the most restrictive shall apply:
  - a. 60 feet from right of way of any public road.
  - b. 12 feet from any lot line
5. Minimum dwelling size of 1000 square feet on the main floor.

2040.070 Permitted uses within the Residential District.

1. Commercial Agriculture.
2. Home based businesses.
  - a. No more than one person other than members of the household residing on the premises shall be engaged in a home based business.

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

c. No equipment shall be used in such home based business which creates noise, vibration, glare, fumes, odors or electrical interference detectable to the normal senses off the lot or in a neighboring dwelling unit. In the case of electrical interference, no equipment shall be used which creates visual or audible interference in any radio or television receivers off the premises, or cause fluctuations in line voltage off the premises.

d. No home-based business shall be permitted that creates the need for parking which frequently infringes upon the on-street parking.

e. The entrance to the space devoted to a home-based business shall be within the dwelling.

f. There shall be no exterior storage of equipment or materials used in the home based business.

g. The home-based business must be conducted entirely within a building.

3. Single Family Dwellings

4. Two accessory building shall be allowed per lot, with a maximum combined size of 6000 square feet.

5. Household pets as long as the pets are kept inside the primary dwelling.

6. Up to two adult dogs and two adult cats.

#### 2040.080 Conditional Uses within the Residential District

1. Any use not listed under permitted uses.

#### 2040.090 Prohibited Uses within the Residential District

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

2. Any Commercial or Industrial business.

3. Unlicensed vehicles unless stored in a garage or other walled enclosure.

4. Livestock.

#### 2040.110 Residential District Building Permit Requirements

#### 2040.120 Site Plan:

At the time of application for a building permit for Residential Development, that applicant must submit a site plan to the Administrator. The site plan shall contain the following:

1. The name and address of all owners and developers of the proposed development.

2. The legal description and lot size of the proposed development.

3. Location and size of all structures and facilities, landscaping, existing tree growth, wetlands, roadways, parking sites, and traffic ingress and egress patterns.

4. Detailed landscaping, grading, and storm water runoff and retention plans and specifications.

5. Plans for sanitary sewer, surface drainage, water systems, electrical services, etc.

6. Preliminary road construction plans and specifications.

7. Description and method of disposing of garbage and refuse.

8. Staging and timing of construction program regardless of whether the entire area will be developed at one time or in stages.

9. The scale for all drawings shall be no greater than one inch per 100 feet.

2050.000 COMMERCIAL/INDUSTRIAL DISTRICT (CID)

2050.010 Purpose.

To provide for the establishment of commercial, industrial, and service activities which draw from and service the customers from the entire community or region. To reserve areas suitable for residential development from encroachment by commercial and industrial uses. To adhere to the Comprehensive plan and to protect valuable agricultural lands from conversion to other uses.

2050.020 Scope and Jurisdiction.

This section sets forth the rules and regulations to control commercial development within the Commercial District.

2050.030 Areas zoned Commercial/Industrial District (CID).

- 1) All areas outside of the Shoreland district and are entirely located within 660 feet of the centerline of County Highway 9 in Scambler Township sections 1, 11, 14, and 15.
- 2) The only other areas that shall be considered for rezoning are entirely located within 660 feet of the centerline of:
  - a. County Highway 9, Scambler Township Sections 34, and the west half of Section 27.
  - b. State Highway 34, Scambler Township Sections 21, 23, 24, 25, 26,27, 28, 29, and the West half of Section 20.
  - c. County Highway 23, Section 6 and the NW Quarter of Section 5 of Scambler Township.
  - d. US Highway 59.
- 3) Additional Commercial/Industrial land use outside of the above described areas must either:
  - a. Apply for and receive a conditional use permit.

2050.040 Commercial/Industrial Lots.

- 1) Must be at least 1320 feet from any dwelling unless written permission is given by the owner of the dwelling.
- 2) Must be separated from other zoning districts by natural or commercial screening, such as but not limited to hills, trees, shrubs or fencing. Plans for such screens shall be submitted as a part of the application for a building permit and installed as a part of the initial construction.
- 3) Minimum Lot dimensions:
  - a. 100 feet at the front lot line.
  - b. 150 feet at the shortest side lot line.
  - c. Area of 40,000 square feet
- 4) Lot dimensions less than any of the above shall require a conditional use permit.
- 5) Must have area set aside for 2 on site sewage treatment systems.
- 6) Must be in harmony with the comprehensive plan

2050.050 Integrated developments:

The above lot requirements (Section 3300.40) need not necessarily apply to integrated developments under single ownership, which developments shall be submitted to the Planning Commission for their consideration. Plans for such developments shall include plans and other architectural drawings indicating function, floor plans, elevations, and typical vehicular circulation system, ingress and egress points and control, special landscape and fencing along land uses of a different type and the layout of adequate off-street parking and loading and unloading facilities.

2050.060 Ingress/Egress.

Any development in the Commercial/Industrial District must provide plans and specifications for vehicle ingress/egress and estimated traffic flows to the Township for examination and approval and where required submitted to the proper State or County officials for their examination and approval before any building permit shall be issued.

2050.070 Lot Development.

- 1) Noise – Noise shall be measured on any property line of the tract on which the operation is located. Noise shall be muffled so as not to become objectionable due to intermittence, beat frequency, shrillness or intensity.
- 2) Odors – If a use may result in odors that would be offensive to occupants of adjacent or nearby properties the Zoning Administrator may require detailed plans for the prevention of the odors before issuing a building permit.
- 3) Glare – Glare, whether direct or reflected, such as from floodlights or high temperature processes, and as differentiated from general illumination, shall not be visible beyond any property line.
- 4) Exterior Lighting – Any lights used for exterior illumination shall direct light away from adjoining properties.
- 5) Vibration – Vibration shall not be discernible at any property line to the human sense of feeling for three (3) minutes or more duration in any one (1) hour.
- 6) Smoke – Any use established, enlarged or remodeled after the effective date of this Ordinance shall be so operated as to meet the minimum requirements of the Minnesota Pollution Control Agency for the emission of smoke or other particulate matter.
- 7) Dust – See item 6. Smoke, above.
- 8) Fumes or Gases – Fumes or gases shall not be emitted at any point in concentrations or amounts that are noxious, toxic or corrosive. Detailed plans for the elimination of fumes or gases may be required before the issuance of a building permit.
- 9) Hazard – Every operation shall be carried on with reasonable precautions against fire and explosion hazards.
- 10) Wastewater – The maximum estimated wastewater generation for any development within the Commercial District shall be less than 2000 gallons per day. A conditional use permit must be obtained from the township if estimated wastewater generation exceeds 2000 gallons per day.
- 11) Height – The maximum height of any structure shall be 75 feet. Any tower, spire, etc., may exceed this height only after obtaining a Conditional Use Permit and then only after obtaining a letter of clearance from the Federal Aeronautics Administration and the Airport Commission for any airport located within ten (10) miles of the structure proposed to exceed the height limitation.
- 12) All Structures and other impervious surfaces:
  - a. May not cover more than 75% of the lot area.
  - b. May not be located within 100 feet of a wetland
- 13) Structure Setbacks, the most restrictive shall apply:
  - a. 100 feet from centerline of any public road.
  - b. 10 feet from any lot line

2050.080 Permitted uses within the Commercial/Industrial District.

- 1) Commercial Agriculture.
- 2) Retail sales and/or services, with no outdoor storage.
- 3) Office complexes with no outdoor storage.
- 4) Churches.
- 5) Financial institutions.
- 6) Mini-Storage.
- 7) Nurseries/garden store.
- 8) Gas and Convenience store.
- 9) Contractor offices, shops and yards with no outdoor storage.

2050.090 Conditional Uses within the Commercial/Industrial District

- 1) Any business with outdoor storage.
- 2) Residential housing. (Implies exemption from setback for other commercial development)
- 3) Any use not listed under permitted uses.

2050.100 Prohibited Uses within the Commercial/Industrial District

- 1) Any use which may create hazards or add known environmental hazards to the surface or subsurface soils or water, groundwater, surface coverage, or air in the township.
- 2) Any business or establishment that generates over 25,000 gallons of wastewater per day.
- 3) Obscene materials and performances as defined by Minnesota Statutes, Section 617.241.

2050.300 Commercial/Industrial District Building Permit Requirements

2050.310 Site Plan

At the time of application for a building permit for Commercial Development, that applicant must submit a site plan to the Administrator. The site plan shall contain the following:

- 1) The name and address of all owners and developers of the proposed development.
- 2) The legal description and lot size of the proposed development.
- 3) Location and size of all structures and facilities, landscaping, existing tree growth, wetlands, roadways, parking sites, and traffic ingress and egress patterns.
- 4) Detailed landscaping, grading, and storm water runoff and retention plans and specifications.
- 5) Plans for sanitary sewer, surface drainage, water systems, electrical services, etc.
- 6) Preliminary road construction plans and specifications.
- 7) Description and method of disposing of garbage and refuse.
- 8) Staging and timing of construction program regardless of whether the entire area will be developed at one time or in stages.
- 9) The scale for all drawings shall be no greater than one inch per 100 feet.

2060.000 AIRPORT DISTRICT

2060.010 - Purpose

To provide for the establishment of an Airport District Zone. It shall apply to the entire land and water area, which has presently established boundaries.

Parcel #5500340239000  
E1/2 NW1/4 & NW1/4 and NE1/4 SW1/4  
Section 34 TWP 137N Range 43W

Parcel #55000340236001  
PT SW1/4 NW1/4: BEG NE CR W270', SELY TO PT 700' S FR BEG N 700' TO BEG  
Section 34 TWP 137N Range 43W

Parcel #55000270191001  
S1/2 SW1/4  
Section 34 TWP 137N Range 43W

2060.020 - Scope and Jurisdiction

This section sets forth the rules and regulations to control the development within the Airport District. The airport is owned and operated by the City of Pelican Rapids. Under the ordinances of City of Pelican Rapids Municipal Airport Zoning Ordinance (adopted 5-26-1978) and the Scambler Township Zoning Ordinance. Any conflict of regulations or limitations in the ordinances, the more stringent shall govern.

2060.030 - Permitted uses within the district

- 1.) All uses are controlled by Scambler Township, City of Pelican Rapids, Minnesota Department of Transportation (Mn/DOT) Aeronautics statutes, Federal Aviation Administration (FAA) and must be submitted to the proper agencies for approval.
- 2.) Single or multi aircraft hangars.
- 3.) Lease agreements – with the city (lessor) and owner (lessee) and or their designate. Terms, Fees, Building requirements etc: To be administered by the City of Pelican Rapids.
- 4.) Each leased hangar shall have an aircraft that is currently registered with the FAA.
- 5.) City operated aircraft fuel sales.
- 6.) Commercial agriculture

2060.040 - Prohibited uses within the Airport District

- 1.) Any use, which may create hazards, or add known environmental hazards to the surface or Subsurface soils or water, ground water, surface coverage or air in the township.
- 2.) No outdoor storage of any kind. Exception being tied down functional aircraft which must be stored 700 feet from an existing dwelling.
- 3.) Noise: See Minnesota Rules Chapter 3600.015 Subp.3 and Minnesota Rules Chapter 8800.2400 Subp.7.
- 4.) No dwelling shall be constructed in the airport district.
- 5.) Any commercial or industrial business with the exception of hangar rentals.

2060.050 - Conditional Uses within Airport District

- 1.) Any aviation related use not listed under allowed or prohibited uses.

2060.060 - Set Backs

- 1.) Structural set back shall be a minimum of 60 feet from any airport established boundary and 700 feet from an existing dwelling.

2060.70 - Transfer of Ownership (all or in part)

In the event of transfer of ownership from the City of Pelican Rapids either all or in part for any reason, the Pelican Rapids Municipal Airport Zoning Ordinance and the Scambler Township Zoning Ordinance shall continue to apply in its entirety.

**3000.000 PERFORMANCE STANDARDS**

3010.000 INTENT

3010.010 These performance standards are designed to prevent and eliminate those conditions that are hazardous and endanger people, private and public property and the natural environment. The performance standards established in this article shall apply to all future structures and land uses in all zoning districts. The standards shall also apply to existing development where so stated.

3010.020 Before any zoning certificate is approved, the Administrative Officer or where applicable the Town Board shall determine whether the proposed use will conform to the performance standards. The petitioner, developer, owner or applicant shall supply data necessary to demonstrate conformance with these standards at the request of the Town Board or Administrative Officer. It may be necessary for such person to employ specialized consultants to demonstrate that a given use will not exceed the performance standards. All costs of providing such data shall be borne by such person.

3020.000 *[Reserved]*

3040.000 ROADWAY ACCESS

All new roadway accesses shall be allowed only if there is a clear sight distance in both directions for a distance of 600 feet from the centerline of the proposed access road at the point of intersection with the public roadway.

3060.000 RESORTS, MOBILE HOME AND MOBILE HOME PARKS

The following minimum requirements apply to all mobile home parks:

3060.010 General:

- 1) The minimum area for a mobile home park shall be forty (40) acres.
- 2) The minimum number of spaces completed and ready for occupancy before the first occupancy is permitted shall be 10.
- 3) No space shall be rented except for periods of 30 days or more.
- 4) Convenience establishments of a commercial nature, including coin-operated laundries, grocery stores, dry cleaning establishments, and beauty and barber shops may be permitted in mobile home parks subject to the following restrictions: Such establishments and parking areas primarily related to their operations shall not occupy more than ten percent of the area of the park, shall be located, designed and intended to serve frequent trade or service needs only of persons residing in the park, and shall present no visible evidence of their commercial character from any portion of any residential district outside the park.
- 5) A community sanitary sewer and water system shall meet all state and county codes. Each mobile home stand shall be equipped with a telephone outlet and an electrical outlet. All utilities supplied to the mobile home park shall be placed underground. The sewer and water systems shall be designed so as to be efficiently connected to public sewer and water, if required by the Town Board.
- 6) A mobile home stand shall be used for parking not more than one mobile home.
- 7) Mobile homes stands shall be at such elevation, distance and position relative to the street or driveway, that placement and removal of the mobile home with a tractor, tow truck or other customary moving equipment is practical. The stand shall be compacted and surfaced with a material, which will prevent the growth of vegetation, while supporting the maximum anticipated load during all seasons. Stands shall be of sufficient size to accommodate the entire length and width of the mobile home unit. Each lot for a mobile home shall have frost columns of at least 5 feet in depth of reinforced concrete of

adequate size to accommodate each mobile home unit. Anchors or tie-downs shall be placed at the blocking point of the mobile home unit in accordance with Minnesota State Law and regulations.

#### 3060.020 Mobile Home Lots

Each mobile home lot within mobile home parks shall have:

- 1) At least 20,000 square feet of land area for the exclusive use of the residents of the mobile home located on the lot with a minimum width of seventy-five (75) feet at the setback line and a minimum depth of one hundred fifty (150) feet.
- 2) The mobile home stand and mobile home unit including accessory structures, parking area and driveway shall not cover more than 25 percent of the mobile home lot.

#### 3060.030 Setbacks

All mobile homes within mobile home parks shall comply with the following setback requirements:

- 1) No mobile home shall be parked closer than fifteen (15) feet to the side lot lines, nor closer than thirty (30) feet to the front line nor closer than 30 feet to the rear lot line.
- 2) Accessory structure such as an awning cabana, storage shed, carport, windbreak or entryway shall be at least fifteen (15) feet from the nearest adjoining mobile home.

#### 3060.040 Parking

The following are minimum parking requirements for mobile home parks:

- 1) Each mobile home lot shall have asphalt or concrete off-street parking space for two automobiles.
- 2) Each mobile home park shall have a fenced in area to accommodate storage for the residents' campers, boats, fish houses, etc.

#### 3060.050 Utilities

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

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

#### 3060.060 Internal Roads and Streets

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

- 1) Roads and streets shall be surfaced with asphalt or concrete and must be approved by the Town Board.
- 2) All roads shall have a curb and gutter.
- 3) All roads and streets shall be developed with a roadbed of not less than 30 feet.

#### 3060.070 Landscaping

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

#### 3060.080 Skirting

All mobile home units inside or outside mobile home parks as well as any additions or entry ways attached to the mobile homes shall be entirely skirted with permanent skirting.

3060.090 Site Plan

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

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

3070.000 STORAGE

All Materials shall comply with all Federal, State and County regulations.

3080.000 SCREENING AND FENCING

3080.010 Screening

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

3080.020 Residential Fences

- 1) All residential fences shall be placed within the property being fenced.
- 2) Fences along side property lines shall not be more than 8 feet in height for the distance commencing from a point on such side property line located along the rear lot line and proceeding thence along such side property line to a point thereon which would be intersected by the front wall line of the existing principal structure on the-lot.
- 3) Fences along any rear property line, which is also the rear property line of an abutting lot, shall not exceed 8 feet in height.
- 4) Fences along a rear property line which line constitutes the side lot line of an abutting lot shall not exceed 8 feet in height.
- 5) All posts or similar supporting instruments used in the construction of fences shall be faced inward toward the property being fenced.

3080.030 Commercial Fences

- 1) All commercial fences shall be placed within the property being fenced.
- 2) Fences shall not exceed 8 feet in height without a conditional use permit.
- 3) Fences which are primarily erected as a security measure may have arms projecting into the applicant's property on which barbed wire can be fastened commencing at a point at least 7 feet above the ground.

3090.000 LAND APPLICATION OF MUNICIPAL SLUDGE, INCINERATOR ASH SLUDGE,  
INCINERATOR ASH, AND CONTAMINATED SOILS

3090.010 Requirements

- 1) No municipal sludge, incinerator ash sludge, incinerator ash, or contaminated soils shall be spread within 1000 feet of a well, wetland, lake, pond, or stream.
- 2) No municipal sludge, incinerator ash sludge, incinerator ash, or contaminated soils shall be spread on frozen ground.
- 3) Municipal sludge shall be knifed into the soil, to prevent runoff.
- 4) The sludge is generated from Otter Tail County only.
- 5) All Federal, State, County and Minnesota Pollution Control Agency rules and permits must first be met.
- 6) To protect the future exposure of the taxpayers of Scambler Township and Otter Tail County, a one million dollar bond shall be kept in effect for no less than 20 years after the last application.

3100.000 CAMPGROUNDS

3100.010 Purpose

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

3100.020 License Required

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

3100.030 Conditional Use Permit Required

A conditional use permit shall be required for the construction or operation of a recreational camping area. Each conditional use application shall include the submission of a site plan drawn to scale and when construction costs exceed \$30,000. A registered engineer, architect, or land surveyor must prepare the site plan. The site plan shall include the following:

- 1) The full name and address of the applicant or applicants; or names and addresses of the partners, if the applicant is a partnership; or the names and addresses of the officers, if the applicant is a corporation. The name and address of the project developer must also be indicated.
- 2) A legal description of the site, lot, field, or tract of land upon which it is proposed to operate and maintain a recreational camping area.
- 3) The proposed and existing sanitary facilities on and about said site, lot, field, or tract of land and the proposed construction or alteration of sanitary facilities including toilets, urinals, sinks, wash basins, slop sinks, and showers, drains, laundry facilities; source of water supply and sewage, garbage, and waste removal. A detailed description of maintenance procedures, grounds supervision, and method of fire protection shall also be submitted.
- 4) The proposed method of lighting the structures and site, lot, or tract of land upon which said recreational camping area is to be located.
- 5) Location and size of all streets or roads abutting the site and all driveways from such streets and roads to the recreational camping area.
- 6) Road construction plans and specifications.

- 7) Location, size, and characteristics of each lot or camping area.
- 8) Designate the calendar months of the year which applicant will operate said recreational camping area.
- 9) Details as to whether all of the area will be developed at once or whether it will be developed a portion at a time.
- 10) Plans and drawings for new construction or alteration, including buildings, water systems, wells plumbing and sewage disposal systems, surface drainage, electrical service and gas service.

3100.040 Camping Area Spacing Requirements

- 1) In recreational camping areas, recreational camping vehicles shall be separated from each other and from other structures by at least ten (10) feet. Any accessory structure such as attached awnings, carports, or individual storage facilities, shall, for the purpose of this separation requirement, be considered to be part of the recreational camping vehicle.
- 2) A minimum site size of 2,000 square feet shall be provided for each recreational camping vehicle in camping areas.
- 3) All recreational camping vehicles shall be located at least ten (10) feet from all park property boundary lines.

3100.050 Utilities

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

3100.060 Water Supply

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

3100.070 Sewage Treatment

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

3100.080 Toilet, Bathing, and Laundry Facilities

Camping areas that harbor recreational camping vehicles which are not equipped with toilet and bathing facilities, must have one or more central buildings provided with such facilities.

3100.090 Plumbing

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

3100.100 Lighting

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

3100.110 Garbage and Refuse - Handling and Disposal

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

- 1) In recreational camping areas, garbage and refuse containers shall be provided on the ratio of at least one for every four sites, or dumpsters provided with the capacity of two cubic yards per fifty sites. Refuse and garbage collection shall be made as often as necessary to prevent nuisance conditions. Final disposal of refuse and garbage collection shall be made as often as necessary to prevent nuisance conditions. Final disposal of refuse and garbage shall be accomplished in accordance with the criteria and standards established by the Minnesota Pollution Control Agency.
- 2) Recreational camping areas shall be maintained free of accumulations of debris, which may provide rodent harborage or other nuisances. Storage areas shall be so maintained as to prevent harborage. Lumber, pipe, and other building materials shall be stored at least one (1) foot above ground. Areas shall be so maintained as to prevent the growth of ragweed, poison ivy, poison oak, poison sumac, and other noxious weeds considered detrimental to health.

3100.120 Caretaker/Operator Duties

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

3110.000 SANITARY LANDFILLS AND DEMOLITION DEBRIS LANDFILLS

All landfills are prohibited in Scambler Township, should one be built by events beyond Scambler Township control the following minimum requirements shall apply to sanitary landfills, demolition debris, and incinerator ash.

3110.010 General

- 1) All applications must first meet all Federal, State, County, and Minnesota Pollution Control rules and regulations.
- 2) A hydro geological study must be completed to determine the direction of ground water flow, and any potential effects of the proposed uses on the environment.
- 3) All landfills must have a two (2) foot thick clay liner on bottoms and sides of any landfill area.
- 4) No site shall be located within one half (1/2) mile of sinkhole, wetland, residence or well and shall be no larger than five (5) total acres in size.
- 5) The entire site shall be enclosed by an eight (8) foot high chain link fence and locked gate.
- 6) Monitoring wells shall be placed on all four corners of the site (or four points around the site perimeter and equidistant to each other), and be maintained according to the Minnesota Pollution Control Agency rules and standards.
- 7) Material from fire damaged property of any kind cannot be accepted at or transported onto the site.
- 8) No burning of any material will be allowed at the site.
- 9) Tires, white goods, construction debris, industrial waste, and incinerator ash cannot be accepted at or transported unto the site.
- 10) Before any debris is covered, a township official must inspect the site at the owners' expense.
- 11) To protect the future exposure of the taxpayers of Scambler Township and Otter Tail County a one million dollar (\$1,000,000) bond shall be kept in effect for no less than twenty years after the post-closure period by the owner of the site.

3130.000 ANIMAL FEEDLOT REGULATIONS

3130.010 Policy and Intent

An adequate supply of healthy livestock, poultry and other animals is an essential component to the well being and livelihood of the citizens of the township. These domesticated animals provide us with a daily source of meat, milk, eggs and fiber. The efficient, economic and healthy production of these animals must be a concern to all consumers if we are to have a continued abundance of high quality, wholesome food and fiber at reasonable prices.

These regulations have been promulgated to reduce risk of pollution of our natural resources from feedlots.

These regulations address production sites. These regulations comply with the policy and purpose of the State of Minnesota statutes and rules regarding control of pollution. The goals of these regulations are to address economic and environmental needs as they specifically relate to necessary regulation of animal feedlots and to optimize the general welfare of the citizens of the township.

#### 3130.020 Jurisdiction

The provisions of these regulations shall apply to all animal feedlots in Scambler Township.

#### 3130.030 Existing Feedlot Standards

Existing feedlots are exempt from the setback requirements listed in this section. Existing feedlots must follow all other provisions of the Scambler Township Zoning Ordinance and all applicable county, state and federal regulations.

#### 3130.040 New Feedlot Requirements

- 1) The township shall require a conditional use permit unless:
  - a. The new feedlot has fewer than 500 animal units and a portion of the feed lot is within 1000 feet of the dwelling of the owner or immediate family member.Or:
  - b. The new feedlot has less than 50 animal units.
- 2) All feedlot related Conditional Use applications shall include the following information:
  - a. A map or aerial photo showing the dimensions of the feedlot, showing all existing homes, buildings, lakes, ponds, water courses, wetlands, roads, wells, contour and surface water drainage within 1,000 feet of the feedlot.
  - b. A description of the geological conditions, soil types and seasonal high water table located within 1,000 feet of the feedlot.
  - c. A plan indicating operational procedure, the location and specifics of proposed animal waste facilities and the quantity and type of effluent to be discharged from the site.
  - d. A plan for disposal of dead animals consistent with the Minnesota Board of Animal Health Regulations.
  - e. Verification that the proposed operation is in compliance with, or is in the actual process of coming into compliance with, all Minnesota Pollution Control Agency requirements.
  - f. Any other information deemed necessary by the Minnesota Pollution Control Agency, Planning Commission, Town Board or other agency.
- 3) No conditional use permit may be issued unless the owner or an immediate family member resides on the property where the feedlot is to be located.

- 4) Any new feedlot of over 1000 animal units must be located over 1 mile from any protected water and over 2 miles from any dwelling not owned by the operator or owner of the feedlot.

3130.050 All feedlots must comply with MPCA rule chapter 7020.

3140.000 Exotic and Non-Domestic Animals

The keeping, breeding, rearing or harboring of any exotic or non-domestic animal as defined in this ordinance is prohibited in Scambler Township.

3200.000 GRADING, MINING, AND FILLING

3200.010 Purpose.

The purpose of this section is to safeguard life, limb, property and the public welfare by controlling grading, mining, and filling operations so as to minimize conflicts with adjacent land uses, to preserve good soils and to regulate the type of materials used in filling operations and to ensure that disturbed areas are restored upon completion of the operation.

By requiring restoration of the mined areas, it is the intent of this Ordinance to minimize conflicts with adjacent land uses, prevent soil erosion of the mined areas and reduce the scarring of the landscape.

3200.020 Scope and Jurisdiction.

This section sets forth rules and regulations to control grading mining, excavation, and earthwork construction including fills and embankments, establish the administrative procedure for issuance of permits, and provides for approval of plans and inspection of grading construction.

3200.030 Exceptions.

This Section shall not apply to:

- 1) The excavation, removal, or storage of rock, sand, dirt, gravel, clay, black dirt, peat, or other like material for the purpose of compliance with a grading plan approved as part of a subdivision plat, site plan, or planned unit development if said plat, site plan, or planned unit does not require the export of earth material, or for the purpose of the yard foundation, or basement of a building in the process of being erected, built, or placed thereon contemporaneously with, or immediately following such excavation removal or storage, providing such excavations are to finish grade within one year after completion of construction.
- 2) The excavation, removal, or storage of rock, sand, dirt, gravel, clay, black dirt, peat, or other like material by a public agency incidental to the construction or maintenance of roads or utilities.
- 3) Extraction sites to be used for public roadway projects provided:
  - a. The operator shall provide evidence that the operator has been awarded a contract for public roadway construction.
  - b. The contract shall state that the operator shall reclaim the excavation site according to the most recent edition of the Minnesota Department of Transportation Standards Specifications for Construction, with the additional requirements of any applicable sections of this ordinance.
- 4) Grading of individual lots by less than three (3) feet in depth, filling with less than two (2) feet at any point and which does interfere with surface drainage in the area.
- 5) Excavations, which require the removal of less than 400 cubic yards of earth material.

3200.040 Definitions.

For the purposes of this section, the definitions listed below shall be construed as follows:

Designated Haul Road – shall mean any public road or street, which has been officially designated (as hereinafter provided), as a “haul road,” and over which materials from any source are hauled, for the purpose listed below.

- 1) Soil or other material for embankment construction;

- 2) Sand, gravel or other material for backfill;
- 3) Sand, gravel, or crushed rock for base or surfacing courses;
- 4) Aggregates for bituminous surfacing, including the hauling of bituminous mixtures from the mixing plant;
- 5) Aggregates for concrete base or pavement, including the hauling of concrete batches from batch plants;
- 6) Bituminous materials and portland cement for paving mixtures.

Earth Material – is any rock, material, soil, or fill and/or any combination thereof.

Erosion – is the wearing away of the ground surface as a result of the movement of wind, water, and or ice.

Excavation – is the mechanical removal of earth material below the finish grade and shall be limited to only those areas needing soil correction, and shall not include the exporting of earth material from the work site.

Existing Grade – is the grade prior to grading.

Fill – a deposit of earth placed by artificial means so as to elevate the grade of the work site.

Finish Grade – is the final grade of the work site that conforms to the approved plan.

Grade – shall mean the vertical location of the ground surface.

Grading – is any excavating or filling of combination thereof, with no importing or exporting of material from another work site.

Key – is a designated compacted fill placed in a trench excavated in earth material beneath the toe of a proposed fill slope.

License Fee – is the charge for a permit as required herein. The terms “license”, “conditional use permit” and “permit” as used herein may be used interchangeably.

Mining – is the excavation of earth material and exporting that material from the work site.

Operator – is any person or persons, any partnership, limited partnership, or corporation, or any association of persons, engaged in surface mining operations and issued a permit therefore pursuant to this ordinance.

Rough Grade – is the stage at which the grade approximately conforms to the approved plan.

Slope – is an inclined ground surface the inclination of which is expressed as a rate of horizontal distance to vertical distance.

Soil – is naturally occurring superficial deposits overlaying bedrock.

Top Soil – is the upper most layer of naturally occurring soil.

Water Table – is the surface of the ground water at which the pressure is atmospheric. Generally, this is the top of the saturated zone.

Work site – is any lot or parcel of land under the same ownership, where grading is performed or permitted.

- 1) A conditional use permit shall be required for all grading, mining, and filling operations herein. Said permit shall be applied for pursuant to Section 4030.000, and Section 4050.000 of the Scambler Township Zoning Ordinance.
- 2) Conditional use permits for the removal, filling, crushing, washing, refining, bituminous processing, stockpiling and/or processing of gravel or rock in any area of the township shall be issued for a maximum of two (2) years, after which a permit renewal is required. Permit renewal requests shall be processed as an original request for a conditional use permit.
- 3) The costs to the town of the continuous administration of any condition use permit issued herein shall be paid by the permit holder. In order to insure payment, the operator shall deposit with the town an escrow sum in the amount specified by the town board. Said escrow deposit will then be used to defray the town's expenses in the continuing administration of the conditional use permit. In the event the escrow fund is not properly funded as above described, the operator shall cease any further operations and the conditional use permit will be deemed suspended until the proper funds have been deposited into the escrow account. These costs are in addition to any security requirements of the conditional use permit.

3200.060 Application for conditional use.

Application for the conditional use permit shall be made in writing to the Scambler Township Zoning Administrator on such form as the administrator designates and shall include the following information:

- 1) Names and address of the applicant, operator and owner of the land.
- 2) The purpose of the permit.
- 3) The exact legal description and acreage of the property to be graded mined or filled.
- 4) The following maps of the entire work site including all areas within 500 feet of the work site. All maps shall be drawn at a scale of 1 inch to 100 feet unless otherwise stated below:
  - a. Map 1 – Existing work site conditions to include:
    1. contour map ( 2 foot intervals);
    2. property boundaries;
    3. the location and names of all lakes, wetlands, and streams;
    4. existing vegetation;
    5. existing drainage and permanent water areas;
    6. existing structures;
    7. existing wells and sewage treatment systems;
    8. water table elevations;
    9. boundaries of previous excavations on the property;
    10. existing roads.
  - b. Map 2 – Proposed operations to include:
    1. location of work sites to be graded, mined or filled showing elevations of each stage of proposed operations;
    2. location of storage piles showing the maximum height of storage deposits;
    3. location of vehicle parking and access roads;
    4. location and description of erosion and sediment control structures;
    5. location of structures to be erected;
    6. location and description of stationary equipment;
    7. location of any dewatering operations and man-made ponds.
    8. Location of access roads.

- c. Map 3 – End use plan to include:
    - 1. final grade of proposed work site showing elevations and contour lines at two foot intervals;
    - 2. location and species of vegetation to be planted;
    - 3. phasing plan;
    - 4. storm water drainage plan.
  - d. Map 4 – Location of designated hauling roads from the work site to a state or federal highway.
- 5) A soil erosion and sediment control plan.
  - 6) A plan for dust and noise control.
  - 7) A full and adequate description of all phases of the proposed operation to include an estimate of the duration of the grading, mining, or filling operation, location and approximate acreage of each stage and schedule for restoration.
  - 8) A rehabilitation or restoration plan providing for the orderly and continuing rehabilitation of all excavated land. Such plan shall illustrate, using appropriate photographs, maps, and surveys drawn to scale of 1 inch equals 100 feet, or larger, and with a two foot contour interval showing:
    - a. The final or planned contours of the land when the excavation or filling operations are complete.
    - b. Those areas of the work site that will be used for storage of top soil and overburden.
    - c. The elevation and location of water bodies.
  - 9) The location of and all existing wells and the size and depth thereof located on the work site.
  - 10) The location and description of any proposed dewatering operations and man-made ponds.
  - 11) An analysis of the earth material to be used in the filling, which analysis shall include the following:
    - a. pH content
    - b. Organic material content
    - c. Determination of the presence or lack of hazardous substances as defined by the Minnesota Pollution Control Agency.
  - 12) The analysis as required herein shall be certified by an independent accredited testing laboratory.
  - 13) For all pits developed for the extraction or mining of sand, gravel, stone or other nonmetallic minerals, other than peat, which will excavate 40 or more acres of land to a mean depth of ten feet or more during its existence, an Environmental Assessment Worksheet completed at the owner's/operator's expense pursuant to Minnesota Rules 4410.4300, Subd. 12B.
  - 14) Any other information requested by the town board or planning agency.

3200.070 Performance Standards

It shall be the responsibility of the pit operator and/or fee title owner to control activity within the pit area and maintain it in a manner that is safe to the community and environment.

3200.080 General Provisions.

- 1) Weeds and other unsightly or noxious vegetation shall be controlled as may be necessary to preserve a reasonably neat appearance of the work site and to minimize seeding adjacent property.
- 2) All equipment used for grading, mining, or filling operations shall be maintained and operated in such a manner as to minimize, as far as practicable, noise, dust, and vibrations adversely affecting

surrounding properties. Abandoned machinery and rubbish shall not be buried, but shall be removed from the work site regularly.

- 3) All hauling operations shall be completed so as to minimize noise. Dust suppression must be placed on all haul roads.
- 4) All grading, mining, and filling work sites shall be properly safeguarded to prevent the general public from depositing garbage and other refuse in the work site.
- 5) All structures that are not being used shall be removed from the work site.
- 6) Existing tree and ground cover shall be preserved to the extent feasible, maintained and supplemented by selective cutting, transplanting, and replanting of trees, shrubs and other ground cover along all set back areas.

3200.090 Water Resources.

- 1) The grading, mining, or filling operation shall be conducted in such a manner as to minimize interference with surface water drainage outside the boundaries of the operation.
- 2) Excavation occurring below groundwater elevation may require an analysis performed by a hydrologist or other qualified professional at the operators' expense. Such analysis shall address whether the proposed excavation shall have a significant impact on the adjacent groundwater quantity and quality.

3200.100 Safety Fencing.

Safety fencing that prevents access to the site by motor vehicles shall be required around all or portions of the grading, mining or filling operations to prevent vehicular trespassing.

3200.110 Access Roads

- 1) All access roads to the operation site shall be controlled by a gate, which is kept closed and locked when the site is unattended.
- 2) All gates and fences shall be clearly visible to prevent safety hazards to snowmobiles and other members of the public. The use of cable, chain or similar types of barriers is prohibited.
- 3) Access Roads. The location of the intersection of mining, grading, or filling access roads with any public roads shall be selected such that the traffic on the access roads will have sufficient distance of public roads in view so that any turns onto the public road can be completed with a margin of safety as determined by the town board.
- 4) All access roads from grading, mining, or filling operations to public highways, roads, or streets shall be maintained in order to minimize dust.

3200.120 All Materials

An analysis of all fill materials must be provided to and approved by the town board prior to commencing any filling activities. No filling materials shall be permitted which in the opinion of the town board would be undevelopable or create substandard soils.

3200.130 Screening Barrier.

To minimize problems of dust and noise and to shield operations from public view, a screening barrier may be required between the work site and adjacent properties. A screening barrier may also be required between the work site and any public roads located within 500 feet of any grading, mining, or filling operations. The screening barrier shall be planted with a species of fast growing trees and where practical,

stockpiles of overburden materials shall be used to screen the operation work site.

3200.140 Slopes.

- 1) The maximum permitted slope for any grading, mining, or filling operation other than the working surface shall be sloped on all sides at a maximum ratio of three (3) foot horizontal to one (1) foot vertical, unless a steeper slope shall be approved by the town board.
- 2) Where excavations are adjacent to a public roadway or other right of way, the excavation shall have a maximum of four to one (4:1) slope. Slopes adjacent to or contiguous to bodies of water shall be sloped at a maximum of six to one (6:1) and shall be rip rapped to minimize erosion.

3200.150 Setback.

- 1) Grading, mining or filling operation shall not be conducted closer than one (100) feet to the right-of-way line of any existing or platted street, road, or highway, except that the excavating may be conducted within such limits in order to reduce or raise the elevation thereof in conformity to the existing or platted street, road, or highway.
- 2) Grading, mining, or filling operations shall not be conducted closer than one hundred (100) feet from the property line nor closer than three hundred (300) feet from any residential, commercial, or industrial structures without the written consent of all owners and residents of said structures.

3200.160 Security Agreement.

Prior to commencing any grading mining or filling operations, a performance bond, cash escrow or irrevocable letter of credit, in such form and amounts as the township may require, shall be deposited with the township. The amount of this deposit shall vary according to the scope and duration of the project and shall be established by the town board. This deposit may be used by the township to: Pay for the cost and expense of repairing any township right-of-way due to the grading, mining, or filling operation; pay for any costs associated in administering the requirements of this ordinance; and to pay for any restoration of the work site not properly restored upon completion. The township shall use this security only in the event that the permit holder fails to pay bills submitted for the costs incurred by the township.

3200.170 Earth Material

No earth material shall be imported to or exported from the work site until the haul road has been officially designated as a haul road by the town board and all materials hauled from the source shall be hauled over that road. Dust suppression shall be applied as designated by the town board.

3200.180 Insurance

The applicant shall file with the Township Zoning Administrator a liability insurance policy or certificate of such insurance acceptable to the town board and issued by an insurance company authorized to business in the State of Minnesota.

- 1) The policy shall insure the person performing acts described for the sum of at least \$1,000,000 for injury to one person, and at least \$1,000,000 for one accident and at least \$1,000,000 property damage.
- 2) Said policy shall be for the full period of the permit and shall provide for the giving of ten (10) days prior notice to the Administrative Officer by registered mail of termination, cancellation, or amendment of the policy.
- 3) In the event said policy is terminated for any reason, the permit shall be automatically suspended upon the day the policy terminates and all operations cease that day until and unless a new policy complying with this section is obtained and filed with the Administrator prior to the termination of the policy in force.

3200.190 Regulations, Requirements, and Operating Standards.

- 1) The town board as a pre-requisite to the granting of said permit or after such permit has been granted, may impose such further restrictions and requirements as may be reasonable and necessary under the particular circumstances of each application. Such restrictions and requirements may be in contract form with the applicant or any other person interested directly or indirectly in the issuance of such permit.
- 2) No excavation or digging shall be made beyond the limits for which the particular permit is granted and in no case shall any excavation or digging be made with one hundred (100) feet of any adjoining road right-of-way or structure without obtaining specific approval by the town board.
- 3) Where excavations are made within one hundred (100) feet of a public road or other right-of-way, the permittee shall erect either a suitable guard rail along said right of way or roadway or construct a dirt berm not less than three (3) feet in height and six (6) feet in width at the base.
- 4) All reasonable means shall be employed by the applicant to implement dust suppression, and reduce noise.
- 5) Noise – the maximum noise level at the perimeter of the work site shall be within the limits set by the Minnesota Pollution Control Agency (MPCA) and the Environmental Protection Agency (EPA) of the United States.
- 6) Hours – all mining, grading, and filling operations shall be conducted between 6:30 a.m. and 8:00 p.m. Monday through Saturday. Operations on Sundays, and holidays are prohibited unless specifically approved town board.
- 7) Explosives – the use and handling of explosives shall be coordinated with the Ottertail County Sheriff's office. Blasting shall only occur at the hours specified. Explosives may not be stored at the site.
- 8) Dust – operators shall utilize all practical means to reduce the amount of dust caused by the operation. In no case shall the amount of dust or other particulate matter exceed the standards established by the MPCA.
- 9) Water pollution – operators shall comply with all applicable MPCA and EPA regulations for the protection of water quality. No waste products or process residue, including untreated wash water, shall be deposited in any natural lake, or natural drainage system.
- 10) Topsoil preservation – topsoil shall be retained at the work site.
- 11) Recyclable aggregate materials may be stored for a period of up to one year.
- 12) Designated haul routes shall be maintained by the operator.
- 13) Fueling stations shall meet all MPCA standards.

3200.200 Dangerous Operations.

The operators shall change, alter, or modify immediately any excavation or operation therein deemed by the town board to be unsanitary, dangerous, polluting, or contrary to the general health and welfare of the community.

3200.210 Designation of Haul Roads and Traffic Law Compliance.

Materials of the kinds and for the purposed described herein shall not be hauled from any source until the

haul road from that source has been officially designated as a haul road and all materials hauled from the source shall be hauled over that road.

- 1) The operator shall select a haul road or roads over which it is proposed to haul the materials and notify the town board as to the road or roads selected. Within thirty (30) days after being notified of the haul road selection, the town board will, if the roads so selected are a practicable route, approve that road as a designated haul road.
- 2) After a haul road has been officially designated, the operator may select a different road for official designation under the same conditions as previously stated. However, any changes made in the haul road designation shall not relieve the operator of their obligation of restoring the previously designated haul road if any of the above described materials were hauled over that road.
- 3) While hauling operations are in progress, the operator shall maintain the haul road in a condition satisfactory to the town board. This work shall include application of water, bituminous material, or calcium chloride to the road surface as may be necessary to alleviate dust nuisance and eliminate traffic hazards. This work shall also include the removal of spillage of any material on the haul road.
- 4) When hauling operations over any haul road are completed, the operator shall:
  - a. restore the haul road to a condition at least equal to that which existed at the time the hauling operations were startedOR
  - b. compensate the township in an amount satisfactory to the town board for the restoration of the haul road.
- 5) The fact that other traffic has used the haul road concurrently with the hauling of the materials shall not relieve the operator of their obligation to maintain and restore the haul road.
- 6) The town board's determination as to the kind and amount of maintenance and restoration work required to restore the haul road to a condition equal to that which existed at the time the hauling operations were started shall be final, binding, and conclusive.
- 7) When hauling over any designated haul road has been completed and the operator has restored that road or has compensated for that restoration as required, the town board will accept as such restoration or concur in such financial settlement for the restoration of the haul road in writing and such acceptance will relieve the operator of any additional obligation in the connection with the restoration of the road.
- 8) If the operator fails or refuses to perform haul road restoration or to make satisfactory financial settlement for such restoration as required within the period specified in a written notice by the town board, the town board will cause restoration work to be done and require reimbursement therefore from the operator's security.
- 9) Operators shall obey all state, county, and township road limits and other applicable traffic regulations in hauling to and from the work site, operators shall also restrict trucks hauling to and from the work site to use those public highways designated in the permit.

3200.220 Site Restoration.

All grading, mining, and filling sites shall be restored immediately after operations cease. Restoration shall be complete within sixty (60) days of cessation of operations. The following standards shall apply to restoration.

- 1) The peaks and depressions of the work site shall be graded and backfilled to a surface which will result in a gently rolling topography in substantial conformity to the land area immediately surrounding the work site and which will minimize erosion. No finished slope shall exceed 12% in grade.
- 2) Restoration shall begin after the grading, mining and/or filling of 25% of the total area to be mined. Once these areas have been graded, mined, or filled, they shall be sloped and seeded as per the restoration plan.
- 3) Restoration areas shall be surfaced with a soil of a quality at least equal to the topsoil of land areas immediately surrounding the work site, and to a depth of at least six (6) inches. Topsoil shall be seeded, sodden, or planted with grasses. Trees and shrubs may also be planted but not as a substitute for grasses, such planting shall adequately retard soil erosion.
- 4) The finished grade shall be such that it will not adversely affect the surrounding land or future development of the work site and shall be consistent with the end use plan.
- 5) Within thirty (30) days after the deposit of approved fill materials, the filled area shall be covered with a minimum of six (6) inches clean fill and the depth of the fill shall be controlled to blend with the surrounding ground conditions.

#### 3200.230 Existing Operations.

Existing operations with or without conditional use permits. Existing grading, mining and filing operations shall comply with these provisions within 180 days following the effective date of this ordinance.

**4000.000 ADMINISTRATION AND ENFORCEMENT**

4010.000 ADMINISTRATIVE OFFICER

4010.010 Appointment and Duties

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

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

4010.020 Maintenance of Records

The Town Board of Scambler Township shall instruct the Town Administrative Officer to perform the following duty:

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

4020.000 SITE PERMITS AND ZONING CERTIFICATES

4020.010 Applicability

For the purpose of enforcing this Ordinance for construction other than maintenance and minor repair, prior to the start of construction the moving of any structure, change of the use of land or structure, or change of the means of property egress and ingress a zoning certificate or site permit shall be required of all persons with the exception of storage buildings of less than 100 square feet in floor area. No zoning certificate or site permit shall be issued by the Township Administrative Officer except in conformity with this Ordinance, unless he receives a written order from the Town Board or Board of Adjustment in the form of a zoning amendment, administrative review, conditional or temporary use, or variance as provided by this Ordinance.

4020.020 Procedure

- 1) Persons requesting a zoning certificate or site permit shall fill out an application available from the Township Administrative Officer.
- 2) Applications for zoning certificates or site permits shall be made to the Administrative Officer and shall be accompanied by plans drawn to scale showing the actual dimensions and shape of the lot to be built upon or used; the location and dimensions of the proposed building or alteration or use of land, and the detailed location and size of all required off-street parking and loading areas. The application shall also include such other information as may be required by the Administrative Officer.
- 3) The Administrative Officer within 10 days must take action to approve, reject or (in instances involving prior action or discussion by the Town Board) refer the application for a zoning certificate or site permit to the appropriate official body for additional information or clarification.
- 4) Before a zoning certificate or site permit is issued, all applicable terms of this Ordinance shall

- be met.
- 5) If the construction described in any zoning certificate or site permit has not begun within six months from the date of issuance thereof, said permit shall expire. If the construction described in any zoning certificate or site permit has not been substantially completed within one year of the date of issuance thereof, said certificate shall expire and be cancelled by the Administrative Officer. Written notice thereof shall be given to the persons affected, together with notice that further work as described in the cancelled certificate shall not proceed unless a new certificate has been obtained.
  - 6) If reasonable diligent construction could not complete a proposed structure within one year of the issuance of a site permit or zoning certificate, an extension may be granted for a period of one year. Such extension shall not be granted if occupancy is planned before completion unless a County or Township approved water supply and sewage treatment system is installed and operating.
  - 7) Zoning certificates or site permits issued on the basis of approved plans and applications or as a written order in the form of a conditional or temporary use, administrative review, or variance shall authorize only the use, arrangement and construction set forth in such approved plans and applications, and no other use, arrangement or construction. Any use, arrangement or construction different from that authorized or required shall be deemed a violation of this Ordinance.
  - 8) Failure to obtain a zoning certificate or site permit shall be a violation of this Ordinance which violation shall give rise to any and all legal and equitable remedies.

#### 4030.000 CONDITIONAL USES

##### 4030.010 General Provisions

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

##### 4030.020 Applicability

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

##### 4030.030 Criteria for Granting Conditional Uses

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

- 1) The use will not create an excessive burden on parks, schools, streets, water supply, sanitary sewers and storm sewers and other public facilities and utilities which serve or are proposed to serve the area.
- 2) The use will be sufficiently compatible or separated by distance or screening from adjacent agriculturally zoned or used land so that existing homes, buildings, and property will not be depreciated in value and there will be no deterrence to agricultural use of said land.
- 3) The structure and site shall have an appearance that will not have an adverse effect upon adjacent residential properties.
- 4) The use in the opinion of the Town Board is reasonably related to the overall needs of the Township and to the existing land use.
- 5) The use is consistent with the purposes of the zoning code and the purposes of the zoning district in which the applicant intends to locate the proposed use.

- 6) The use is not in conflict with the comprehensive plan, if any, of the Townships or County.
- 7) The use will not cause traffic hazards or congestion.
- 8) Existing businesses nearby will not be adversely affected because of curtailment of customer trade brought about by intrusion of noise, glare or general unsightliness.
- 9) The use will not either individually or cumulatively stimulate premature public investment in the facilities and utilities described in Section 4030.030 Subpart 1) above.

#### 4040.000 TEMPORARY USES

##### 4040.010 General Provisions

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

##### 4040.020 Applicability

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

##### 4040.030 Criteria for Granting Temporary Uses

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

- 1) Adjacent vacant land will not be developed during the existence of the use or will not be adversely affected by the proposed use.
- 2) Adjacent developed land will not be adversely affected by the proposed use.
- 3) There is adequate assurance, guaranteed by performance bond or letter of credit where deemed necessary by the Town Board that the property will be left in suitable condition after the use is terminated.
- 4) Promotional displays and activities such as kiddy rides, carnivals, not otherwise prohibited by Ordinances, street dances, concerts, live entertainment, and promotional and sidewalk sales for the purposes of promoting a use or uses regularly and lawfully in operation on the land may be permitted in open areas.
- 5) Transient merchant sales are sales of goods such as art, crafts, cosmetics, personal apparel and household furnishings for not longer than three days in any one week. No conditional use permit shall be required for said sales as long as the applicant proves to the Administrative Officer that he is properly licensed in accordance with federal, state and county requirements.

#### 4050.000 CONDITIONS ATTACHABLE TO CONDITIONAL AND TEMPORARY USES

##### 4050.010 Conditions.

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

- 1) Increasing the required lot size or yard dimension.

- 2) Limiting the height, size or location of buildings.
- 3) Controlling the location and number of vehicle access points.
- 4) Increasing the street or roadway width.
- 5) Increasing the number of required off-street parking spaces.
- 6) Limiting the number, size, location or lighting of signs.
- 7) Requiring dikes, fencing, screening, landscaping or other facilities to protect adjacent or nearby property.
- 8) Designating sites for open space.
- 9) Limiting the time for the commencement of the conditional use.
- 10) Requiring an annual surety bond payable to Scambler Township.
- 11) Conducting an annual review of the site to ascertain if the terms of the conditional use permit are being met.

#### 4060.000 VARIANCES

##### 4060.010 General Provisions

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

##### 4060.020 Applicability

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

##### 4060.030 Criteria for Granting Variances

A variance may be granted only in the event that all of the following circumstances exist:

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

#### 4070.000 ZONING AMENDMENTS

##### 4070.010 General Provisions

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

comprehensive plans.

4070.020 Applicability

The Town Board may amend this ordinance in accordance with the Statutes of the State of Minnesota and the bylaws of this Township, and the applicable provisions of this Ordinance.

4070.030 Criteria for Amending Provisions of this Ordinance

A zoning amendment may be made only in the event that at least one of the three following circumstances exist:

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

4080.000 PROCEDURE FOR ZONING AMENDMENTS, ADMINISTRATIVE REVIEW, CONDITIONAL OR TEMPORARY USES, AND VARIANCES

4080.010 Application

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

- 1) For a zoning map amendment
  - a. The description of the proposed change.
  - b. A petition of all of the owners of the lands proposed for the change.
  - c. Proof of notification of neighboring land owners as described in Section 4120.020
- 2) For administrative review, variances or temporary uses all pertinent information under which the action is requested.
- 3) For conditional uses all pertinent information that may help the board issue a decision including but not limited to:
  - a. A description of the proposed change.
  - b. An indication of the section of this Ordinance under which the conditional use is sought and stating the reasons for which it is required.
  - c. A plot plan of minimum scale 1" per 100' showing:
    1. Legal description of the tract to be used.
    2. Location of all structures and all existing and proposed improvements, utilities and their proposed uses.
    3. Building setback from all property lines.
    4. Location and type of planting, screening and walls.
  - d. A timing schedule indicating anticipated starting and completion dates.
  - e. The required form shall be accompanied by proof of notification of neighboring land owners as described in Section 4120.020.

4080.020 A public hearing is held by the Town Board in accordance with Section 4120.000 of this Ordinance and any applicable Township bylaws.

4080.030 The Town Board shall take action on the application within 60 days after the public hearing is closed. The Town Board may approve, deny, modify, or impose conditions (including time

limits) it considers necessary to protect the public health, safety and welfare.

4080.040 No application shall be considered by the Town Board within a one year period following a denial of such request, except the Town Board may permit a new application, if in its opinion new evidence or a change or circumstances warrant it.

4080.050 Any changes or alterations other than those authorized or required as conditions shall require an amendment therefore. All procedures shall apply as if a new zoning certificate or site permit were being issued.

#### 4090.000 ZONING COMMISSION – PLANNING AGENCY

##### 4090.010 Appointment and Duties.

The Scambler Township Board shall appoint members to the Scambler Township Planning Agency in accordance with its charter and all ordinances previously adopted, including Ordinance 1991-1 and Ordinance 1991-2. The duties of the Planning Agency shall include those established by the Ordinance 1991-1 and Ordinance 1991-2, and such other ordinances as the Town Board may adopt from time to time, including this Ordinance. These duties shall include, but may not be limited to, the following:

- 1) Hear and advise the Town Board regarding the allowance of the temporary use of a building or premises in any district for a purpose or use that does not conform to the conditions prescribed by the Ordinance, provided that such use be of a truly temporary nature and does not involve the erection of substantial buildings. Such permit shall be granted in the form of a temporary and revocable permit for not more than a 12 month period, subject to such conditions as will safeguard the public health, safety, convenience and general welfare.
- 2) To hear and advise, after a public hearing, a variance from the terms of the Ordinance as will not be contrary to the public interest, where due to special conditions, a literal enforcement of the provisions will result in unnecessary hardship. As used in this Ordinance, a variance is authorized only for heights, area, and size of structure or size of yards and open spaces. Establishment or expansion of a use otherwise prohibited shall not be allowed by variance.
- 3) Hear and advise the Town Board regarding the allowance of proposed zoning district or text amendments, or repeal any part of this Ordinance.
- 4) Hear and advise the Town Board regarding the allowance of requests for conditional uses.

#### 4100.000 TOWN BOARD

##### 4100.010 Duties

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

- 1) Have the power to allow the temporary use of a building or premises in any district for a purpose or use that does not conform to the conditions prescribed by the Ordinance, provided that such use be of a truly temporary nature and does not involve the erection of substantial buildings. Such permit shall be granted in the form of a temporary and revocable permit for not more than a 12 month period, subject to such conditions as will safeguard the public health, safety, convenience and general welfare.
- 2) Consider, adopt or reject proposed zoning district or text amendments, or repeal any part of this Ordinance.
- 3) Act upon requests for conditional uses.

- 4) Appoint an Administrative Officer.

#### 4110.000 BOARD OF ADJUSTMENT

##### 4110.010 Appointment and Duties

The Town Board shall, by 2/3 approval of a resolution, appoint all members of the Planning Agency and all members of the Town Board to serve as the Board of Adjustment. The Board of Adjustment shall be charged with the following duties:

- 1) Hear and decide appeals where it is alleged that there is an error in any order, decision or determination made by the Township Administrative Officer in the enforcement of this Ordinance;
- 2) Hear appeals regarding requests for variances from the literal provisions of this Ordinance in instances where their strict enforcement would cause undue hardship because of circumstances unique to the individual property under consideration, and to grant such variances only when it is demonstrated that such actions will be in keeping with the spirit and intent of this Ordinance.
- 3) Hear such other appeals as are granted to boards of adjustment under Minnesota Statutes, Section §462.359, Subdivision 4.
- 4) Hear appeals on decisions of the Town Board regarding conditional uses, temporary uses, and zoning amendments.

##### 4110.020 Finality

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

#### 4120.000 PROCEDURES: NOTICES, HEARINGS, and APPEALS

##### 4120.010 Notices

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

##### 4120.020 Public Hearings

- 1) For administrative review, temporary and conditional uses, variances, or zoning text amendments notice of the time, place and purpose of the hearing shall be published in the newspaper of general circulation in the Township at least ten days prior to the day of the hearing. For zoning district changes 30 days prior notice of the hearing shall be given. Property owners within 1 mile of the property in question shall be notified, although failure of any property owner to receive such notification shall not invalidate the proceedings. Notification shall be by certificate of mailing mail, postmarked at least ten days before the hearing. The petitioner or applicant shall be responsible for this mailing.
- 2) The petitioner or his representative shall appear before the appropriate township body in order to answer questions concerning the proposal.
- 3) The appropriate township body may continue the hearing or postpone a decision to a later date.
- 4) If a time limit or period review is included as a condition for approval, notice of the review shall be in accordance with Section 4110.000. The owner of the land shall not be required to pay a fee for said review.

4120.030 Appeals

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

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

4130.000 SCHEDULES FOR FEES, CHARGES, AND EXPENSES

4130.010 Zoning Certificate and Site Permit Fees.

The Town Board shall be charged with the duty of setting all fees and charges for zoning certificates and site permits.

4130.020 Conditional Use Fees and Any Other Charges Related to the Administration and Enforcement of This Ordinance.

The Town Board shall set a schedule for all conditional use fees, fines for violations of this Ordinance, and other charges related to the administration and enforcement of this Ordinance as it deems necessary.

OFFICIAL COMMUNICATIONS

The Town Board will only accept time sensitive communications at regularly held monthly township meetings.

9000.000 AMENDMENTS:

February 8, 2005: the number 26 was added between the numbers 25 and 27 in Section 2050.030 #2 b.

June 8, 2006:

- changed definition of Home based business to Home based business - A business contained entirely inside the dwelling that creates minimal noise, dust, and traffic.
- Added definition; Wetland – A wetland is defined by the presence of (a) hydric soils, (b) surface or subsurface hydrology, and (c) hydrophytic vegetation (Minnesota Rules, part 8420.0110, subpart 52)
- Added definition; Wetland Delineation – Wetland are delineated using procedures in the 1987 U.S. Army Corps of engineers Wetland Delineation Manual.
- Added definition; Dwelling – A permanent structure containing a kitchen, rest room facilities and a bed where the structure is used by the occupier as a place to live.

July 13, 2006:

- Added to 2020.020
- 6) Non-farm storage buildings provided:
  - (a) The primary residence of the owner of the buildings is within 300 feet of the buildings and the total area of all storage buildings does not exceed 6000 square feet

September 14, 2006

- Added to 2020.020 subpart 6

OR

- (b) The parcel of land on which the buildings are located is larger than nineteen acres, no more than two buildings may be built, and the total area of all storage buildings does not exceed 4000 square feet.

December 13, 2007- primarily done to clean up ordinance due to adoption of sign ordinance.

1. delete from table of contents 3050.000
2. delete from table of contents 3030.000
3. delete from definitions all references to signs (4 references)
4. under 2020.020 #5 delete all words after “home based business”
5. delete 2030.010
6. add the following items a thru g to 2040.070 #2
  - a. No more than one person other than members of the household residing on the premises shall be engaged in a home based business.
  - b. The use of the dwelling unit for the home based business shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and not more than 25 percent of the main floor area of the dwelling unit shall be permanently set aside to be used in the conduct of the home based business.
  - c. No equipment shall be used in such home based business which creates noise, vibration, glare, fumes, odors or electrical interference detectable to the normal senses off the lot or in a neighboring dwelling unit. In the case of electrical interference, no equipment shall be used which creates visual or audible interference in any radio or television receivers off the premises, or cause fluctuations in line voltage off the premises.

- d. No home-based business shall be permitted that creates the need for parking which frequently infringes upon the on-street parking.
- e. The entrance to the space devoted to a home-based business shall be within the dwelling.
- f. There shall be no exterior storage of equipment or materials used in the home based business.
- g. The home-based business must be conducted entirely within a building.

- 7. delete 2040.100
- 8. delete 2050.110 thru 2050.220
- 9. delete 3030.000 thru 3030.080
- 10. delete 3050.000 thru 3050.130

April 22, 2009 Residential District adjusted to limit parcels per section

- 1. Delete the last part of 2040.030 #1. after the , to the end.
- 2. Change 2040.040 #6 from 32 to 4 plotted lots
- 3. Delete 2040.040 #7 entirely

February 16, 2010 2060.000 Airport District Zone Ordinance added to the ordinance