

CHAPTER NINE. BUILDING AND LAND USE REGULATION

PART 1. BUILDING CODE

901.01 BUILDING CODE

The Minnesota state building code established pursuant to Minn. Stat. 16B.59 through 16B.73, one copy of which is on file in the office of the City Clerk, is hereby confirmed as the City's building code and incorporated in this city code as completely as if set out in full.

901.02 ADDITIONAL PROVISIONS

The following state required chapters of the Minnesota building code are hereby adopted and administered by the City.

1. Chapter 1300 - Code administration.
2. Chapter 1305 - Adoption of 1985 Uniform Building Code by reference including appendix 35, sound transmission control.
3. Chapter 1315 - Electrical code.
4. Chapter 1320 - Elevators and related machines.
5. Chapter 1325 - Solar energy systems.
6. Chapter 1330 - Technical requirements for fallout shelters.
7. Chapter 1340 - Facilities for the handicapped.
8. Chapter 1345 - Minnesota heating, ventilating, air conditioning and refrigeration code.
9. Chapter 1350 - Manufactured (mobile) home rules.
10. Chapter 1355 - Plumbing code.
11. Chapter 1360 - Prefabricated structures.
12. Chapter 1365 - Variation of snow loads.
13. Chapter 4215 - Model energy code amendment.

901.03 DEPARTMENT AND ADMINISTRATIVE AUTHORITY

The City Council is the Administrative Authority wherever the term is used in the MSBC and the appendices adopted by reference in this ordinance.

901.04 SURCHARGE

All applicants shall pay a State surcharge in the amount fixed by law and remitted to the Minnesota Department of Administration as required.

901.05 CULVERTS IN DEVELOPMENT WITH RURAL SECTION

No building permit shall be issued for any parcel served by a roadway with a rural ditch section until the applicant installs or is served by a driveway culvert of a type and in a manner such as to

avoid obstruction of water flow, as determined by the city engineer, or until the city engineer determines that no culvert is necessary.

901.06 FEES

Subdivision 1. Fee Schedule. The fee for a building permit and other inspections shall be as set forth in table number 3-A, per the 1985 Uniform Building Code. This schedule may be amended from time to time by Council resolution.

Subdivision 2. Absence of Permit. If any construction is undertaken in the absence of a permit required by this code to be issued as a prerequisite to building construction, the permit fee shall be double the stated amount.

901.07 COMPLETION TIME

Any residence for which a building permit has been issued shall be completed and ready for occupancy according to the approved plans and specifications within one year following issuance of said permit.

901.08 APPLICATION AND VALIDITY

All sections of this code that are in conflict with this chapter and which are less restrictive than the provisions of the state building code shall not be controlling; if the code section or other applicable codes are more restrictive the more restrictive provisions shall apply.

901.09 ACCESSORY STRUCTURES AND USES IN RESIDENTIAL ZONING DISTRICTS

Subdivision 1. Definitions.

- A) **Accessory Structures** – A structure detached from and located on the same lot and/or parcel as the principal dwelling structure. The use of the accessory structure is incidental to the primary dwelling and in this code refers to storage sheds and other outbuildings.

Subdivision 2. Residential Accessory Structure Requirements.

- A) For property with accessory structures;
1. Three accessory structures permitted, not to exceed a total of 3,000 square feet. Maximum accessory structure size: 2,000 square feet.
 2. Maximum height of accessory structure not to exceed 20 feet.
 3. The ground coverage of any structure or combination of structures including the principal dwelling shall not occupy more than 35% of the total lot and/or parcel area.
 4. All accessory structures that are 200 square feet or more in size shall be required to be permanently anchored to the ground by being attached to appropriate footings or foundations located on or below the surface of the ground.

5. Architectural painted steel siding, finished fascia and soffit cover on eaves are required.
- B) Post-frame construction utilizing engineered precast concrete pier foundations, cast in place concrete foundation walls are permitted.
 - C) All accessory structures are required to obtain a zoning permit or other permitting that may be required under applicable City Code.
 - D) No accessory structure (other than a fence or a temporary construction office) shall be constructed on any lot in a Residential Zone prior to the time of construction of the principal dwelling building.
 - E) No accessory structures may be placed within a front yard.
 - F) All accessory structures shall conform to the setback requirements specified for the respective zoning district in which they are located.
 - G) When an accessory structure contains a loft, attic, or second story, only the footprint of the main floor of the building, as well as any related steps, decks, platforms, and other attached structures, shall be used to determine its size.
 - H) If the principal structure is removed from the property for any reason and if a building permit is not issued for the principal dwelling structure within 180 days, all accessory structures remaining that result in a city code nonconformity shall be removed.
 - I) Plastic, canvas or non-factory painted corrugated metal sheeting (agricultural metal siding/roofing) is not permitted for accessory structures. Factory painted vertical steel siding and steel roofs are permitted for accessory structures.
 - J) No accessory structure shall be used for dwelling purposes.
 - K) Shipping containers do not qualify as an accessory structure and are not permitted to be placed on any residential zoned lot or parcel.
 - L) Pole construction structures shall not be permitted in a residential district. The City Council may from time to time establish construction standards and requirements for pole construction structures that may be erected in allowed zones of the City, and building permits may be issued for the construction of such buildings. Pole construction structures that do not comply with such requirements may be erected in allowed zones, but shall be permitted only as special uses after compliance with the proper special use permit procedures.

901.10 INCOMPATIBLE STRUCTURES

Subdivision 1. Referral by Inspector and Clerk. Whenever an application is filed with the City for a building permit for any structure to be built, enlarged, or altered within, or moved in or into the City, and the building inspector finds that the application, plans, and specifications, and the plot plan submitted (the application papers) comply with the code of the City except that the

application papers provide for a structure, the exterior design, appearance and functional plan which the building inspector and the clerk feel may be so at variance or so similar with the exterior design, appearance and function plan of structures in the neighborhood and same zoning district of the proposed structure as to cause a material depreciation generally to property in the neighborhood, then the building inspector shall within 10 days after the receipt of the application papers, file the papers and such opinion in writing, signed by the building inspector and the clerk, with the Planning Commission.

Subdivision 2. Call of Hearing. Within seven days after the receipt of such application papers and opinions the clerk shall give notice to each member of the Planning Commission and to the public by publication in the official paper, and to any other persons the clerk deems advisable, of a hearing to be held by the Planning Commission with respect to such application. The notice shall state the purpose of the hearing and the location of the structure. Notice to the applicant shall be by registered mail at least three days in advance of such hearing, provided appearance at the hearing shall constitute a waiver of any defect in the notice thereof. The hearing on such application shall be held not less than one week nor more than two weeks after receipt of such application by the City.

Subdivision 3. Hearings and Findings. Before or during the hearing, each member of the Planning Commission may view the premises upon which the structure is located or to be located, and at the hearing the commission shall examine the application papers and hear the applicant. It may also hear any citizens of the neighborhood and other individuals who request to be heard. Within 48 hours of the close of the hearing, the commission shall, pursuant to a majority vote of all the members of the commission, file written findings of the fact. It shall determine whether the exterior design, appearance and functional plan of such structure is or is not at a variance or so similar with the exterior design, appearance and functional plan of structures constructed or in the course of construction in the neighborhood of said proposed structures, (in the same zoning district) as to cause material depreciation generally to property in said neighborhood. The commission shall further make a recommendation that the application be accordingly granted or denied. Such finding, determination and recommendation shall be in writing, signed on behalf of the Planning Commission by its chairman. The clerk shall file a certified copy thereof with the building official and shall mail a copy to the applicant. The application papers, the written opinions, and the findings, determinations and recommendations of the Planning Commission shall thereupon be presented by the clerk to the Council at its next regular meeting. Further action with respect to such application shall be held in abeyance pending order and direction of the Council. In such case, no permit with respect to the application shall be issued except upon order and direction of the City Council.

901.11 PROTECTION OF ADJOINING PROPERTY

Any person making or causing an excavation to be made a depth of 12 feet or less, below grade, shall protect the excavation so that the soil of adjoining property will not cave in or settle or shall be liable for the expense of underpinning or extending the foundation on adjoining property where his excavation necessitates such work.

PART 2. STORAGE OF FLAMMABLE MATERIALS

902.01 STORAGE RESTRICTED

The placing, installation, construction or erection of a storage tank or container, whether above ground or below ground, for the storage of flammable liquids or liquefied petroleum gases, is hereby prohibited at any place within the corporate limits of the City of Pelican Rapids; and the moving or removing of any such storage tank now installed or constructed within the corporate limits of the City of Pelican Rapids or any other location within the City is also prohibited, except as specifically hereinafter provided.

902.02 DEFINITIONS

The term “Flammable Liquid” shall mean any liquid having a flash point below 200°F and having a vapor pressure not exceeding 40 pounds per square inch (absolute) at 100°F. The term “Liquefied Petroleum Gas” shall mean any material which is composed predominantly of any of the following hydrocarbons or mixtures of them, to-wit: propane, propylene, butane (normal butane or isobutene) and butylene.

902.03 STATE FIRE MARSHALL APPROVAL REQUIRED

No permit shall be issued for the placing, installation, construction or erection of any such tank unless it has been approved by the State Fire Marshall.

902.04 PERMIT REQUIRED

Notwithstanding the foregoing provisions, an individual may apply for a special use permit to place, install, construct or erect a storage tank or container for the storage of flammable liquids or liquefied petroleum gases as follows:

Subdivision 1. Application. An applicant desiring said special use permit shall present an application therefor to the city clerk setting forth all pertinent information concerning such proposed placement, installation or construction of a storage tank or container as aforesaid, and such other and further information as may be requested by the fire chief of the City.

Subdivision 2. Procedure. The procedure for the application for a special use permit shall be the same as provided in City Code Section 905.06, Subdivision 5, which provision of said ordinance is incorporated by reference herein.

Subdivision 3. Fire Chief. If the Planning Commission of the City favorably recommends the special use permit for placement, installation or construction of an applicant’s proposed storage tank or container, said application and recommendation of the Planning Commission shall then be forwarded to the fire chief of the City for his recommendation; the fire chief shall, within five days of the date said application and information is received by him, in writing, recommend either approval or rejection of said application stating the reasons therefor, having specific regard and consideration for all pertinent facts such as topographical conditions, nature of

occupancy and proximity of buildings, capacity of proposed tanks, degree of private fire protection to be provided and facilities of the fire department.

Subdivision 4. Extension. The fire chief shall, as a matter of right, have an additional ten days beyond the five specified above, within which to report to the City Council, if within the original five-day period he, in writing, requests a ten-day extension.

Subdivision 5. Failure to Report. Failure of the fire chief to report as required herein shall not be deemed an approval of an application for a special use permit.

Subdivision 6. Council Action. The City Council shall take action on the application within sixty days after receiving the report of the Planning Commission. If it grants a special use permit, the City Council may impose any special conditions it considers necessary to protect the public health, safety and welfare.

Subdivision 7. Notice. The applicant and the fire chief shall each receive prior written notice of the date the City Council intends taking action on the application, which notice shall be postmarked no later than three days prior to the date of the meeting. Any person, including applicant and fire chief, may appear and be heard on said application.

Subdivision 8. Record. The reasons for denial or approval of any said special use permit shall be specified and recorded in the minutes of the City Council.

902.05 EXEMPTION

Propane storage tanks for residential use shall be exempt provided that the aggregate capacity of such storage tank or tanks shall not exceed 1,000 gallons water capacity for any residential dwelling structure.

902.06 ABANDONMENT OF STORAGE TANK

Any individual who shall abandon the use of such a storage tank or container, or the land owner upon which such an abandoned storage tank or container is located, shall immediately notify the fire chief of the City and the City Clerk of such abandonment. Upon receipt of such notice, the fire chief, with the consent of the City Council, shall have power to order that said storage tank or container be drained of any and all flammable liquids and liquefied petroleum gases, and be either removed and disposed of or be sealed from any and all further use as a prohibited use hereunder. Once abandoned, a storage tank may be used again only after the issuance of a new special use permit under Section 902.03. Such individual or land owner must also comply with all state and federal laws and regulations.

PART 3. PELICAN RAPIDS MUNICIPAL AIRPORT ZONING ORDINANCE

903.01 INCORPORATION BY REFERENCE

The Pelican Rapids Municipal Airport Zoning Ordinance, as amended, is hereby incorporated by reference as if fully set forth herein.

PART 4. PELICAN RAPIDS MUNICIPAL AIRPORT TRAFFIC CONTROL ORDINANCE

904.01 INCORPORATION BY REFERENCE

The Pelican Rapids Municipal Airport Traffic Control Ordinance, as amended, is hereby incorporated by reference as if fully set forth herein.

904.02 AIRPORT RULES AND REGULATIONS

Subdivision 1. Purpose. The City is empowered by Minnesota Statutes §360.038 Subdivision 3. to adopt all needful rules, regulations and ordinances for the management, government and use of the Pelican Rapids Municipal Airport and the purpose of this Part is to provide certain regulations for the use of the Pelican Rapids Municipal Airport.

Subdivision 2. Definitions. The following terms, as used in this Part, shall have the meanings stated:

1. “Aircraft” - Any vehicle designed to fly, guide, float or sail in the air while carrying one or more persons including but not limited to airplanes, helicopters, hot air balloons, gliders, hand gliders and powered gliders.
2. “Person” - An individual, corporation, partnership, limited liability company or other legal entity.
3. “Incident” - Incident means a flood, fire, tornado, transportation accident, storage container rupture, leak, spill, emission discharge, escape, disposal, or other event that releases or immediately threatens to release a pesticide accidentally or otherwise into the environment, and may cause unreasonable adverse effects on the environment. Incident does not include a release from normal use of a pesticide or practice in accordance with law.

Subdivision 3. Rules and Regulations.

- A. All persons using the Pelican Rapids Municipal Airport shall abide by the following rules and regulations:
 1. No person shall operate a business at the Pelican Rapids Municipal Airport, or operate out of the Pelican Rapids Municipal Airport as part of their business activity without first obtaining a business license from the Office of the City Clerk as set out in Subdivision 4, below.

2. Any person who stores or handles pesticides, herbicides, fungicides or other potentially hazardous substances as part of their regular business activity at the Pelican Rapids Municipal Airport must provide information to the City Clerk, including the identification of the general location of said materials, the type of materials, and a copy of the person's contingency plan for response to incidents.
3. No person involved in a business activity, unless covered by a lease shall clean or wash aircraft at the Pelican Rapids Municipal Airport.
4. All pilots shall use standard patterns on takeoff and landing.
5. All pilots and persons operating a business at or out of the Pelican Rapids Municipal Airport shall be responsible for any damage to the airport property and buildings resulting from their operation.
6. Incidents involving pesticides, herbicides, fungicides or other potentially hazardous substances must be reported immediately. Such incidents shall be reported to the State Duty Officer as well as the office of the City Clerk.
7. Any further rules and regulations imposed by the City Council as a condition of issuing the airport business license such as location of operation, hours of operation, or other rules and regulations shall also be followed.

Subdivision 4. Airport Business License.

- A. All persons operating a business at the Pelican Rapids Municipal Airport, or who operate out of the Pelican Rapids Municipal Airport as part of their business activity, must first apply for a business license from the office of the City Clerk. Such applications shall include the following:
 1. Name and address of the operator.
 2. Name and address of the owner(s) of the operation and principal contact person.
 3. If the operator is hired by another person or persons, the names and addresses of the person or persons who have hired the operator.
 4. A certificate of insurance listing the City as a certificate holder evidencing liability coverage for the operation in an amount of equal to or greater than \$300,000 or such other minimum amount set from time to time by resolution of the City Council.

5. Payment of the annual Airport Business License fee of an amount set by resolution of the City Council, payable to the City of Pelican Rapids, at the office of the City Clerk. The initial license amount shall be \$1,500.00 per calendar year or portion thereof.
- B. The operator shall give 48 hours notice to the City Clerk previous to the operator vacating the site of the operation.
- C. All persons operating a business at the Pelican Rapids Municipal Airport or operating out of the Pelican Rapids Municipal Airport as part of their business activity shall comply with all federal and state laws, rules and regulations. Failure to do so may result in the suspension or revocation of the Airport Business License as well as other penalties as set forth in the City Code of the City of Pelican Rapids.

Subdivision 5. General Licensing and Permit Provisions.

The general licensing and permit provisions shall be governed by Chapter 5, Part 1, of the City Code.

PART 5. ZONING ORDINANCE

905.01 GENERAL PROVISIONS

Subdivision 1. Title. This Part shall be known as: Zoning Ordinance, Pelican Rapids, Minnesota.

Subdivision 2. Purpose. The purpose of this ordinance is to promote the public health, safety, comfort and general welfare of the people of the City.

Subdivision 3. Legal Authority. This ordinance is enacted pursuant to “An Act Regulating to Municipal Planning and Development and Providing for Zoning, Subdivision Regulations and Other Official Controls”, M.S.A. Section 462.357.

Subdivision 4. Compliance. No structure located in the City shall be erected or altered which does not comply with the regulations of this Ordinance, nor shall any structure or premises be used for any purpose other than a use permitted by this Ordinance.

905.02 DEFINITIONS

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

Subdivision 1. General. Words used in the present tense shall include the future; and words used in the singular number shall include the plural, and the plural the singular.

Subdivision 2. Shall. The word “shall” is mandatory and not discretionary.

Subdivision 3. May. The word “may” is permissive.

Subdivision 4. Agriculture. “Agriculture” is the use of land for agricultural purposes, including farming, dairying, pasturage agriculture, horticulture, floriculture, viticulture and animal and poultry husbandry and the necessary accessory uses for packing, treating or storing the produce; provided, however, that the operation of any such accessory uses shall be secondary to that of the normal agricultural activities.

Subdivision 5. Agricultural Building. For the purposes of this Ordinance, an “Agricultural Building” shall imply any structure existing or erected and used principally for agricultural purposes, with the exception of dwelling units.

Subdivision 6. Center Line, Roadway. The midway point along a line at right angles to the longitudinal limits of the public right-of-way within which the roadway is located. In instances where the public right-of-way is not or has not been clearly established, the center line shall be the mid-point of the paved or traveled portion of the roadway.

Subdivision 7. Manufactured Home. The definition of manufactured home shall be the same as set forth in Minnesota Statutes Section 327.31, Subdivision 6, which provides: “Manufactured 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 Minnesota Statutes Chapter 327.

Subdivision 8. Sign. Any words, lettering, parts of letters, figures, numerals, phrases, sentences, emblems, devices, designs, trade names or trade marks by which anything is publicized and such as are commonly used to designate an individual, a firm, an association, a corporation, a profession, a business or a commodity or products and which is visible from any public street and used to attract the attention of the public.

Subdivision 9. Structure. Anything constructed or erected with a fixed location or under the ground. Structure is not meant to include certain fences and utilities as specified in City Code Section 905.05, Subdivision 11.A, but is intended to include private sewage treatment facilities and wells.

Subdivision 10. Yard. A required open space along all sides of a piece of property which shall not be used to support or entomb any structure.

Subdivision 11. Yard Front. A yard extending across the full width of the front lot line between side lot lines. In case of a corner lot the front yard extends along both front and side streets the full width of the lot or parcel, to the lot lines.

Subdivision 12. Yard Rear. A yard extending across the full width of the lot or parcel and lying between the rear line of the lot or parcel and the nearest line of the building.

Subdivision 13. Yard Side. A yard between the side line of the lot or parcel and the nearest line of the building and extending from the front yard to the rear yard.

905.03 ZONING USE DISTRICTS AND DISTRICT REGULATIONS

Subdivision 1. Definition. For the purpose of this Part the following Zoning Use Districts are hereby established:

1. Agricultural (A)
2. Residential 1 (R-1)
3. Residential 2 (R-2)
4. Residential 3 (R-3)
5. Residential 4 (R-4)
6. Commercial (C)
7. Industrial (I)

Subdivision 2. Map. The boundaries of the Zoning Use Districts identified above are hereby established and amended as indicated on a map entitled “Official Zoning Map, Pelican Rapids, Otter Tail County, Minnesota - 2009”, which is on file in the official records of the City in the office of the City Clerk. All notations, dimensions and designations shown thereon shall be incorporated in this Part as if the same were all fully described herein. The map shall be duly authenticated by the City; it shall be kept and maintained by the City Clerk, which copy shall be the final authority; distances not specifically indicated on the map shall be determined by the scale of the map; and where physical or cultural features existing on the ground are at variance with those shown on the map, the City Planning Commission shall interpret the district boundaries.

Subdivision 3. Annexed Land. Any land hereafter annexed to the City shall be considered to be in the A Zoning Use District until otherwise classified.

905.04 DISTRICT REGULATION

Subdivision 1. Compliance with Ordinance. Land may be used and a structure or part of a structure may be constructed, reconstructed, altered, occupied or used only as this Part permits.

Subdivision 2. Permitted Uses. The Zoning Use Districts defined in this Part shall provide for the following permitted uses:

- A. (A) Agricultural
 - 1. All uses herein defined as agricultural, with no restrictions as to operation of such vehicles or machinery as are incident to use uses, provided that poultry and livestock shall be adequately housed and shall not be allowed to roam at large.
 - 2. One family year-round or seasonal dwellings meeting the requirements of the Uniform Building Code and their normal accessory buildings.
- B. (R-1) Residential 1
 - 1. Single family dwelling meeting the requirements of the Uniform Building Code and their normal accessory buildings.
 - 2. Two-family dwelling meeting the requirements of the Uniform Building Code and their normal accessory buildings.
 - 3. Park, playgrounds and elementary schools.
 - 4. Church and other religious structures and their accessory buildings.
 - 5. The offices of members of recognized professions, provided such professions are carried on in their respective dwellings, or permitted as a special use after compliance with the proper special use permit procedures.
 - 6. A home occupation may be conducted only in accordance with the following requirements:
 - a. Such occupation shall be carried on in the main building, including attached garage, but excluding buildings as separate from the main building.
 - b. Not more than 25% of the total floor space of the dwelling, including attached garage, shall be used for a home occupation. Conduct of the home occupation shall result in no change in the outside appearance of the building or land, or other visible evidence of the conduct of the home occupation other than one sign, not exceeding three square feet in area and nonilluminated.
 - c. No sale of any goods or materials shall be made in connection with the home occupation except for articles made on the premises.
 - 7. Storage of supplies and materials in the dwelling or garage, whether attached or detached, shall be allowed for businesses conducted off the premises provided such storage shall result in no change in the outside

appearance of the building or land, or other visible or odorous evidence of the storage of such equipment and supplies. Storage of explosive or dangerous materials is not allowed.

C. (R-2) Residential 2

1. All uses permitted in (R-1) zone.
2. Apartment houses.

D. (R-3) Residential 3

1. All uses permitted in (R-2) zone.
2. Cold storage rental buildings may be allowed, but shall be permitted only as special uses after compliance with the proper special use permit procedures.

E. (R-4) Residential 4

1. Single family manufactured homes built in conformance with Minnesota Statutes Section 327.31 to Section 327.35.

F. (C) Commercial

1. General commercial uses such as shops, small services, offices, retail and wholesale businesses, service businesses, clinics, municipal buildings, financial institutions, recreational facilities, professional businesses, tourist services, roadside uses for convenience of travelers, including lodging, shopping facilities and outdoor advertising structures.
2. The single family dwellings or two family dwellings being occupied on the effective date of this Ordinance shall be permitted until the happening of the earlier of the following events:
 - a. Conversion of the property to a commercial use as defined in Paragraph F.1. above, or
 - b. If said residential structure is destroyed (to an extend of more than 75% of its replacement cost exclusive of the foundation) or if said residential structure is moved to another lot, all subsequent uses shall conform to Paragraph F.1. above, except that rebuilding such a residential structure may be permitted only as a special use after application by the property owner and compliance with the proper special use permit procedures.

Subject to the foregoing restrictions, said residential uses shall be permitted as fully as if an (R-1) zone.

3. Apartment houses may be allowed in a commercial zone, but shall be permitted only as special uses after compliance with the proper special use permit procedures.
 4. Establishment or expansion of church, residential or apartment uses may be allowed in a commercial zone, but shall be permitted only as special uses after compliance with the proper special use permit procedures.
 5. Light Industrial uses shall be allowed in a commercial zone. For purposes of this section, Light Industrial uses shall be defined as uses that accommodate low impact industrial development where little or no contamination and/or nuisance effects, including but not limited to noise pollution that constitutes a noise violation or nuisance under the City Code or air pollution, are generated. In addition, said Light Industrial uses shall be compatible with adjacent residential districts and commercial districts and cannot negatively affect impact or influence such said adjacent districts.
- G. (I) Industrial. Any general manufacturing and light industrial establishment, warehouse and other storage facilities, and utility structures; provided that all storage within 500 feet of any other zoning use district and within 500 feet of any public right-of-way shall be within a completed enclosed building or effectively screened by appropriate landscaping and/or a solid wall or fencing including solid entrance and exit gates not less than eight feet in height. Heavy industrial establishments or any industrial activity likely to produce excessive noise, odor, heat, vibration, smoke, dust, glare or other offensive effects shall be permitted only by special use. Commercial uses shall also be allowed in industrial zones.

Subdivision 3. Yard Area and Setback Requirements.

- A. Lot area, setback and maximum structure height requirements for the various Zoning Use Districts are hereby established in Table 1.
- B. All lots shall front on and have ingress and egress by means of a public right-of-way.
- C. In cases where an accessory structure is attached to the main building, it shall comply in all respects with the requirements of this Ordinance applicable to the main building. An accessory building unless attached to and made a part of the main building as above provided shall not be closer than five feet to the main building and not closer than three feet to any lot line or public right-of-way, except that such accessory building shall not encroach upon required front yards.

- D. All satellite dishes, free-standing antennas, towers, water tanks and other structures not made for human occupancy shall be placed only in the rear yard of any lot. In the case of a vacant lot, rear yards shall be considered to be the rear one-half of said lot, measured by area. Said structures shall also comply with all other minimum setback requirements established in Table 1.

Subdivision 4. Special Structures. Subject to any other provisions of law, towers, gables, spires, water tanks and other structures may be built and used to a greater height than the limit established for the district in which the building or structure is located, but shall be permitted only as special uses after compliance with the proper special use permit procedures.

Subdivision 5. Parking Requirements. Off-street parking requirements are hereby established in Table 2.

Subdivision 6. Commercial Uses. The owner or lessee of commercial real estate may apply for a special use permit for real estate adjacent to said commercial real estate where the adjacent real estate is not in a commercial zoning use district. For purposes of this provision, two parcels of real estate shall be deemed to be adjacent to each other even if they are separated by a street, highway, alley or cartway.

Subdivision 7. Commercial Corridor. The owner or lessee of any part of the following described parcels of residentially zoned real estate may apply for a special use permit to establish or expand a commercial use on said real estate, said real estate being described as follows:

- Lots 1, 2, 3, Block 8, Ackerman's First Addition
- Lots 1, 2, 3, 4, 5, 6, Block 4, Ackerman's First Addition
- Lots 5 & 6, Block 1, Ackerman's First Addition
- The East 1/2 of Lots 1, 2, 3, 4, 5, 6, 7, Block 1, Blyberg's Third Addition.
- Lots 1, 2, 3, 4, 11, 12, 13, 14, Block 1, Wilson's Addition.
- East 1/2 of Block 13, Blyberg's First Addition.
- West 1/2 of Block 15, Blyberg's First Addition.
- West 1/2 of Block 8, Blyberg's First Addition.
- West 1/2 of Block 5, Blyberg's First Addition.
- East 100 feet of Lots 1 and 2, Block 6, Blyberg's First Addition.
- Lots A, B, C, D, E, and the North 1/2 of Lot 8, Block 3, Onsum's Rearrangement of Block 3 of the Original Plat of Pelican Rapids.
- Lots 1, 2, 3, 14, 15, 16, Block 4, Original Plat of Pelican Rapids.
- Lots 1, 2, 3, 14, 15, 16, Block 1, Harris Addition.

Subdivision 8. Public Utilities. Buildings, improvements and accessory equipment relating to public utilities owned and/or maintained by the City such as its sewer and water system shall be allowed to be constructed in the discretion of the City in any zoning district. Similar improvements relating to private utilities such as telephone, natural gas and electricity may be built and used in a district in which such improvements are not specifically allowed, but shall be permitted only as special uses after compliance with the proper special use permit procedures.

905.05 GENERAL REQUIREMENTS

Pursuant to the purposes of this ordinance, there are certain general requirements that are not provided for in Section 905.04 District Regulations. It is the purpose of this section to set forth these requirements.

Subdivision 1. Signs.

- A. Approval of Plans and Location. No sign shall be erected by any person until a permit for the erection thereof has been obtained from the City Clerk of the City. Upon application for such permit, the City Clerk shall issue such permit if the proposed sign conforms to the general regulations of Ordinance No. 112 as amended, and if the proposed sign does not conform, the application shall be referred to the Planning Commission for review. The Planning Commission shall thereupon make recommendation to the City Council and the Council shall then direct the City Clerk to either issue or refuse to issue the permit.
- B. The following general regulations shall apply to all signs coming under the terms of this ordinance. No sign shall be permitted:
 - 1. In a location which would interfere with the view of any traveler on any highway of approaching vehicles, traffic control devices or sign for a distance of 500 feet along the highway.
 - 2. On rocks, trees or other perennial plant or on any public utility pole.
 - 3. Containing a rotation beam or beam of light resembling an emergency vehicle.
 - 4. Which simulates any official directional or warning sign erected or maintained by the state, county, municipality or other governmental subdivision or which incorporates or makes use of light simulating or resembling traffic signals or control signs.
 - 5. Which casts a distracting or confusing ray of light on to or visible from a public roadway.
 - 6. Which interferes with utility facilities or the maintenance thereof.
 - 7. Which obstructs any window, door, fire escape, stairway or opening essential to the provision of light, air, ingress or egress from any building.
 - 8. Within 300 feet of a church or school structure being along a public roadway.

- C. No sign except as erected by an official unit of government for the direction of traffic or necessary public information shall have its base and standard within the right-of-way of any public road.
- D. All signs must be constructed in a good workmanlike manner and the copy thereon shall be neat and legible. The property immediately surrounding them shall be maintained in a clean and inoffensive condition, free of unsightly growth and rubbish.
- E. The following signs shall be exempt from the provisions of Paragraphs A and B above of this section:
 - 1. Farm product signs, provided they are located within 300 feet of the farm and on the farm residence property and relate to farm products, merchandise or services sold, produced, manufactured or furnished on such farm; and provided further that no such device shall exceed 20 square feet in area.
 - 2. For sale or for rent signs upon real property and advertising the same as being for sale or for rent provided such signs are no larger than 12 square feet in area.
 - 3. Directional signs, provided they are of such design and meet such specifications as the County Highway Department shall impose.
 - 4. Signs which either identify personal property or residence and provided that they are erected on the owner's property and do not contain more than two square feet in area.
 - 5. Signs or posters of a miscellaneous character which advertise temporary events; provided they are self-supporting and not tacked, posted, painted or otherwise affixed to walls of buildings, trees, fences or poles. Said signs shall be removed 48 hours after the culmination of the special event.

Subdivision 2. Residential Yard Storage. In the (A), (R-1), (R-2), (R-3) and (R-4) Zoning Use Districts, all materials and equipment shall be stored within a building or fully screened so as not to be visible from adjoining properties, except for the following: laundry drying and recreational equipment (including snowmobiles, boats and boat trailers, etc.), equipment temporarily being used on the premises, agricultural equipment and materials if these are used or intended for use on the premises, off-street parking of passenger automobiles, pickup trucks and small utility trailers.

Subdivision 3. Refuse. In all zoning use districts, all waste materials, debris, refuse or garbage shall be kept in an enclosed building or properly contained in a closed container designed for such purposes. The owner of vacant land shall be responsible for keeping such land free of refuse.

Subdivision 4. Screening. Where any business or industrial use (i.e. structure, parking or storage) is adjacent to property zoned for residential use or adjacent to property qualifying for residential use under Section 905.04, Subdivision 2, the City Council, with or without the advice of the Planning Commission, may require such business or industry to provide appropriate screening along the boundary of the residential property. Screening may also be required where a business or industry is across the street from such residential property, but not on that side of business or industry property considered to be the front of said business or industry property as determined by the City Council, with or without the advice of the Planning Commission.

Subdivision 5. Curb Cuts. In all zoning use districts a permit shall be obtained from the City prior to removal of any street curb for the purpose of access to a public street and construction of driveways or loading and unloading facilities.

Subdivision 6. Landscaping, Elevation and Drainage.

- A. In all zoning use districts, developed uses shall provide a landscaped yard along all streets. Except for driveways and access walks, the yard shall extend along the entire frontage of the lot and along both streets in the case of a corner lot.
- B. All buildings shall be constructed so that the front yard entry level floor or landing of the building shall be at least one foot above the top of the street curb, measured at the center point of the building, or if no street curb exists, at least one foot above the crown of the street, measured at said center point.
- C. In the event of the filling of a lot or construction of a building on a lot, proper drainage shall be provided and drainage patterns shall not be altered in a manner detrimental to other properties or detrimental to existing drainage patterns in the area.

Subdivision 7. Non-conforming Uses. Any lawful use existing at the time of the adoption of this ordinance may be continued after the adoption of this ordinance.

- A. No non-conforming use shall be renovated, expanded or reconstructed except as follows:
 - 1. It may be expanded one time by no more than 25% of the existing floor space provided it immediately adjoins a zoning use district in which it would comply, receives a special use permit and further that it presently is not in a residential zoning use district; or
 - 2. It may be restored to its original use and size if damaged by any cause not to exceed 75% of its replacement cost as satisfactorily demonstrated to the Planning Commission and City Council; or

3. An existing non-conforming use located in a residential district may be expanded by special use permit, said permit to be considered by the Planning Commission after notice as required by this ordinance. No special use permit shall be approved for this purpose if any written objection is received by the Planning Commission at the meeting held by the Planning Commission from any property owner who owns property within 300 feet of the property for which the special use permit is being requested. If all such written objections are withdrawn, or if none are received, a special use permit may be granted after compliance with the proper special use permit procedures.
- B. If a non-conforming use ceases to be used and properly maintained for a period of 12 consecutive months, or is changed to a conforming use, any subsequent use shall meet the requirements of the zoning use district wherein located.
- C. A non-conforming use shall not be moved to any other part of its site or to another site where it would still constitute a non-conforming use.

Subdivision 8. Residential Construction Requirements. All structures, as defined in this City Code Section 905.02, subdivision 9, requiring a building permit in (R-1), (R-2) and (R-3) Zoning Use Districts, shall meet the following construction and design criteria:

- A. All structures, that are required to by state and/or city code, shall have permanent concrete or treated wood foundations. The foundations shall form complete enclosures under the exterior walls and shall be solid for the complete circumference of the structure, and shall include frost footings or frost protected shallow foundations. The foundations shall be of material and design as specified in the International Residential Code or the International Building Code as adopted in the most current Minnesota State Building Code by the State of Minnesota.
- B. Any metal siding upon said structures shall have horizontal edges and overlapping sections no wider than 12 inches. Sheet metal siding is not permitted.
- C. All structures, other than approved earth-sheltered homes, shall have at least a 4/12 roof pitch and shall be covered with shingles, tiles, shakes, or panels. If metal materials are used, they must be designed for residential roofing uses, meet a UL 790 Class A Fire Rating, a UL 2218 Class 4 Impact Resistance rating and any thickness standards as specified in the International Residential Code or the International Building Code. No unfinished steel or unfinished aluminum shall be used for exterior building finishes (walls or roofs). Overhangs on steel or metal buildings shall be enclosed.
- D. All structures must be built in conformance with Minnesota Statutes Sections 327.31-327.35, or the International Residential Code or the International Building

Code as adopted in the most current Minnesota State Building Code by the State of Minnesota.

- E The following structures are exempt from meeting the requirements set forth in City Code Sections 905.05 Subdivision 8(B) and 905.05 Subdivision 8(C):
1. Structures 120 square feet or less, that are uniform in appearance to all other pre-existing structures located on the premises. The City shall have the sole authority to make a determination as to whether such a building is in fact uniform in appearance to all other pre-existing structures located on the premises.
 2. Any other buildings that are 120 square feet or less, that do not meet the requirements of City Code Section 905.05 Subdivision 8 (E)(1) above, shall only be allowed upon the approval of the City.
- F. Sequential Requirements. No accessory building or structure other than a fence or temporary construction may be constructed prior to the time of construction of the primary dwelling or structure. No accessory building may be constructed on a property where the primary dwelling or structure is substandard, has safety violations, or is vacant. Upon demolition of the primary dwelling or structure, the accessory buildings must also be removed from the lot, unless the demolition permit is issued in conjunction with a building permit for a new primary dwelling or structure.

Sequential Requirements – Exceptions. The sequential requirements of (F) may be waived in the following circumstances:

1. An accessory building may remain on the lot when the primary dwelling or structure has been demolished and removed from the lot in accordance with an order of demolition from the City or its building inspector.

Subdivision 9. Camp Sites. No camp site shall be permitted within the City unless it has been approved and licensed by the State of Minnesota and granted a special use permit under the terms of this ordinance.

Subdivision 10. Abandonments.

- A. No use, structure, sign, vehicle, machine or other piece of article or real estate or personal property may be abandoned or permitted any public or private place, because of disuse or neglect, to become unsightly or offensive to the public.
- B. Any use authorized by this ordinance, when abandoned or discontinued, shall be removed or restored to as near its original state as is practicable. Non-use for a period of 12 months shall be presumptive of intention to abandon or discontinue.

- C. Any citizen may make complaint to the appropriate District Court for an order of compliance to this section.
- D. The penalty for such offense shall be the obligation to remove or to correct such unsightly or offensive thing or condition or remove or restore such abandoned or discontinued use within a time to be fixed by the court, or, in the discretion of the court, the same may be ordered, removed or corrected and the cost thereof assessed against the owner of such property or the real estate on which the same is found to exist, together with all costs of prosecution.

Subdivision 11. Exemptions.

- A. The following uses, being essential for the operation of any zoning use district, are exempt from all the provisions of this ordinance and are permitted in any district: poles, towers, wires, cables, conduits, vaults, pipelines, laterals or any other similar distributing equipment of a public utility.
- B. A structure may be erected on a lot having less than the established minimum area and width provided it existed under separate ownership by virtue of a recorded plat or deed at the time of the passage of this ordinance.

Subdivision 12. Relocating Dwelling Unit(s) or Principal Structures(s) to a Location Situated Within the Boundaries of the City Limits of Pelican Rapids, Minnesota.

Before any dwelling unit or other principal structure not constructed entirely of new materials is moved onto a parcel of land situated within the boundaries of the City Limits of Pelican Rapids, Minnesota, every structure or unit shall be brought into compliance with the standards set forth for new construction in accordance with the International Residential Code or the International Building Code as adopted in the most current Minnesota State Building Code by the State of Minnesota and other zoning ordinance requirements as applicable.

The dwelling unit or other principal structure to be moved must first be inspected by the City of Pelican Rapids Building Official. Any inspection fees will be paid by the dwelling unit owner and/or the principal structure owner. Permitting as defined in Chapter 5, Part 9, must be adhered to. The receiving lot must be prepared and ready to receive and set the structure.

This requirement shall apply to the moving of pre-existing buildings and is not meant to apply to new buildings manufactured off-site and moved to a permanent site in sections or as complete structures.

Subdivision 13. Fences, Walls, Hedges, Shrubbery, Landscaping, Etc.

- A. Definition of Fence: A barrier, railing, or other upright structure, typically constructed from wood, steel, aluminum, fiberglass, plastic or similar materials, for the purposes of enclosing an area of ground, marking a boundary, controlling access, preventing escape and providing privacy,

- B. All fences shall be entirely located upon the property of the property owner constructing or causing the construction of such fence and such fences must be maintainable and maintained on both sides. It is the property owner's responsibility to know where their property lines are located. The City cannot locate property lines.
- C. No fence exceeding eight (8) feet from ground level shall be allowed without a variance. A fence more than six (6) feet in height will require a building permit. The measurements contemplated herein are from ground level.
- D. Fences in front yards, and side yards adjacent to a street, in residential zone, shall not exceed forty-two (42") inches in height. This includes hedges and other fixtures that may obstruct vision of neighboring properties and/or, in the case of corner lots, drivers or pedestrians.
- E. Fences shall be installed with the finished side facing neighboring properties. All posts or similar supporting instruments used in the construction of fences, shall be faced inward towards the property being fenced
- F. No fence shall be installed so as to obstruct a required clear view at street intersections
- G. No fences shall be located in the public right-of-way.
- H. All fences shall not obstruct natural drainage
- I. No electrified fences or barbed wire shall be allowed in the residential zoning districts, unless the City Council has approved a site plan, which includes barbed wire fencing for security purposes.
- J. In business and industrial zones, fences may not exceed eight (8) feet in height above the ground level, and the use of barbed wire is prohibited, except that the top one (1) foot of any fence higher than six and one half (6-1/2) feet, along side or rear lot lines in these zones may be constructed of barbed wire. Barbed wire is also permitted for the top one (1) foot of fences in industrial zones when fronting a public street and placed no closer than any required parking setback. Barbed wire shall not be permitted adjacent to any residential district.
- K. Visibility at Intersections and Driveways - In any residential district, no fence, accessory structure or planting shall be within fifteen (15) feet of any street on a corner lot or within fifteen (15) feet of the point where a driveway meets the street on an interior lot, so as not to interfere with traffic visibility.
- L. Every fence shall be maintained in a condition of reasonable repair; if allowed to become and remain in a condition of disrepair or danger, or constitute a nuisance, public or private, the Zoning Administrator shall commence proper proceedings for the abatement thereof.

- M. Linked fences, wherever permitted, shall be constructed in such a manner that no barbed ends shall be at the top.

905.06 ADMINISTRATION

Subdivision 1. Administrator. It shall be the duty of the City Clerk to cause the provisions of this ordinance to be properly enforced and to administer the same.

Subdivision 2. Interpretation. Interpretation and administration of the provisions of this ordinance shall conform to such requirements as are reasonably necessary for the promotion of public safety, health, convenience, comfort, prosperity and general welfare of the City and the residents thereof and the community surrounding the City. It is not the intention of this ordinance to interfere with or abrogate or annul any easements, covenants or other agreements between parties; provided, however, that where this ordinance imposes a greater restriction upon the use of structures or premises or upon height, or requires larger open spaces than are imposed or required by other ordinances, or by easements, covenants or agreements, the provisions of this ordinance shall govern.

Subdivision 3. Building and Landfill Permits.

- A. Building and Landfill Permits.
 - 1. Building or landfill permits shall be obtained from the City for all structures and/or buildings situated within city limits. Such permits are necessary for all landfills, any structures and/or buildings, regardless of the square foot area of said structures and/or buildings.
 - 2. Before a building or landfill permit is issued, the terms of this Ordinance and other city ordinances shall be met.

Subdivision 4. Variances.

- A. Where the City Clerk determines that the issuance of a permit would result in the violation of area, setback or lot line regulations, the City Clerk shall deny the building permit or allow the applicant to apply for a variance.
- B. Either with the consent of the City Clerk prior to such denial, or by right upon such denial by the City Clerk, the lot owner or applicant may request a variance by filing with the City Clerk a written request for a variance and specifying the details thereof in writing. The City Clerk or Planning Commission may require detailed drawings, surveys, sketches and other information necessary for the evaluation of such request.
- C. The City Clerk shall then notify all adjoining property owners as well as other property owners whose properties, in the judgment of the City Clerk, may be affected by the proposed variance of the regular or special meeting of the

Planning Commission at which the variance will be considered. Failure of any property owner to receive such notification shall not invalidate the proceedings. Prior to such meeting of the Planning Commission, the City Clerk shall transmit the written request for variance to the Planning Commission for consideration at said regular or special meeting. The Planning Commission shall then make its recommendations and findings to the City Council, which may then grant a permit for such reasonable variation of area, set-back and lot line regulations as will prevent undue hardship or practical difficulties. Said variances shall be granted for a period of six months from the date of Council approval, and if no visible use of the variance is made within that time, the variance shall become null and void.

- D. The decision of the City Council to grant or deny the variance shall be final.
- E. The City Council shall have no authority to grant variances for the use of property.
- F. On an initial application for a variance, the applicant shall pay with its application an application fee of \$200.00 made payable to the City of Pelican Rapids. This application fee shall be nonrefundable regardless of whether the variance is granted. This fee may be increased by City Council resolution.

Subdivision 5. Special Use Permits. A special use is one that is not specifically allowed as a permitted use under this ordinance, but is a designated use that is allowed in the district only if a special use permit is issued. Special use permits may not be issued for uses which are not designated by this ordinance as possible special uses within a district.

- A. Where the City Clerk determines that the issuance of a permit would allow a use which is not shown as a permitted use in this ordinance, the City Clerk shall deny the permit, or allow the applicant to apply for a special use permit if the use is designated as a possible special use for that district.
- B. Either with the consent of the City Clerk prior to denial or by right after denial, the lot owner or applicant may apply for a special use permit by filing his application in writing with the City Clerk and paying a fee of \$200.00 when the application is filed. Said fee shall be paid to the City and is nonrefundable. This fee may be increased by City Council resolution.
- C. The City Clerk shall refer the application to the Planning Commission. Property owners within 300 feet of the property in question shall be given not less than 10 days notice of pendency of same and when the same will be considered, although failure of any property owner to receive such notification shall not invalidate the proceedings.

- D. The Planning Commission shall consider the application at its next regular meeting, after compliance with the provisions of notice above specified and shall hear all persons having an interest in the matter.
- E. The applicant or his representative shall appear before the Planning Commission and answer any questions concerning the proposed special use.
- F. The Planning Commission shall consider possible adverse effects of the proposed special use and what additional requirements may be necessary to prevent such adverse affects.
- G. The report of the Planning Commission shall be referred to the City Council and placed on the agenda of the City Council at its next regular meeting following referral from the Planning Commission.
- H. No special use shall be recommended by the Planning Commission to the City Council unless said Commission shall find:
 - 1. That the special use will be harmonious and appropriate in the area.
 - 2. That the special use will not be injurious to the existing uses in the area.
 - 3. That the establishment of the special use will be consistent with the objectives of the comprehensive plan.
 - 4. That adequate utilities, access roads, drainage and other necessary facilities have been or can be provided.
 - 5. That adequate measures have been, or will be taken, to prevent or control offensive odor, light, fumes, dust, noise, vibrations and other emissions so that none of these will constitute a nuisance to existing uses in the area.
- I. No special use permit application shall be accepted by the City Clerk for consideration which is essentially the same project previously denied by the City Council until one calendar year has elapsed from the time the original special use permit application was filed.
- J. Said special use permits shall be granted for a period of six months from the date of Council approval, and if no visible use of the special use permit is made within that time, the special use permit shall become null and void.
- K. The decision of the City Council to grant or deny the special use permit shall be final.
- L. Once a special use permit has been granted and the special use established, the owner of the property may apply directly to the Council for permission to expand

the special use, whereupon the City Council shall either permit or deny the expansion of the special use, or shall require the owner to follow the procedure for issuance of special use permits set forth above.

- M. In recommending or approving any special use permit, the Planning Commission and the Council may limit the term of the special use permit, and may impose conditions which it considers necessary to meet the standards of this ordinance and to protect the best interests of the surrounding area or the City as a whole. Violation of any such condition is a violation of this ordinance, and is grounds for revocation of the permit. Special use permit revocation proceedings may be initiated by the City Council or Planning Commission, following the same procedures as required for issuance of a special use permit.

Subdivision 6. Appeals.

- A. An appeal may be taken by the lot owner or applicant from any ruling or order of the City Clerk within 30 days after the making of the ruling or order appealed from, by filing with the City Clerk a written notice of appeal and specifying the grounds thereof in writing.
- B. The City Clerk shall then transmit to the Planning Commission, acting as the Board of Appeals, the notice of appeal and the grounds thereof upon which the appeal is based and shall call the same to the attention of the Planning Commission for consideration at its next regular or special meeting. Either without notice and hearing or after such notice and hearing as the Planning Commission shall deem appropriate under the circumstances, the Planning Commission shall make its recommendations and findings to the City Council, which shall take action on the appeal within 60 days after receiving the report of the Planning Commission.
- C. The decision of City Council as to the appeal shall be final.

Subdivision 7. Amendments. Except for fees payable under this Chapter, and except for the penalties provided by this Chapter, all of which can be amended by City Council resolution without the advice of the Planning Commission and without a public hearing, this ordinance may be amended only by the following procedures specified in this section:

- A. **Initiation.** An amendment may be initiated by the City Council or the Planning Commission, or by the petition of not less than 50% of the property owners affected by the proposed amendment and 50% of those property owners within 300 feet of the proposed change. An amendment not initiated by the Planning Commission shall be referred to the Commission for study and report, and the Council shall not act on the amendment until it has received the recommendation of the Planning Commission or until 60 days have elapsed from the date of reference of the amendment without a report by the Commission.

- B. Action by Planning Commission.
1. Before any amendment is adopted, the Planning Commission shall hold at least one public hearing thereon after a notice of the hearing has been published in the official newspaper at least 10 days before the hearing. When an amendment involves changes in district boundaries affecting an area of five acres or less, a similar notice shall be mailed at least 10 days before the day of the hearing to each owner of affected property and property situated wholly or partly within 300 feet of the property to which an amendment relates.
 2. Following the hearing the Planning Commission shall make a report of its findings, and unless the amendment has been initiated by the Commission and the Commission determines not to recommend it to the Council, it shall file a copy with the City Clerk within 30 days of the meeting at which the date of the hearing was set. When the amendment has not been initiated by the Commission, the report shall, in any event, be filed no later than 60 days from the date of reference of the amendment to the Commission. Failure of the Planning Commission so to report on an amendment not initiated by it is deemed to be approval by the Commission of the amendment.
- C. Council Action. Upon the filing of such report, or upon the failure of the Planning Commission to file such a report within the time prescribed to file such report on an amendment proposed by petition or by the Council, the City Council shall hold such public hearings as it deems advisable, although such hearings are not required. After the conclusion of the hearings, if any, the Council may adopt the amendment or any part thereof in such form as it deems advisable. The amendment shall be effective only if two-thirds of all members of the Council concur its passage.
- D. Any affected property owner petitioning for an amendment to this ordinance shall file a written petition in the form described by the City Clerk. The petition shall be accompanied by a non-refundable fee of \$100.00 payable to the City.

Subdivision 8. Enforcement and Penalties.

- A. Any person who unlawfully violates any of the terms or provisions of this ordinance shall be charged with a misdemeanor. All fines and violations shall be credited to the City.
- B. In the event of a violation or threatened violation of this ordinance, the City Council or any member thereof, in addition to other remedies, may institute appropriate actions of proceedings to prevent, restrain, correct or abate such violations or threatened violations, and it shall be the duty of the City Attorney to institute such action.

- C. Any taxpayer or taxpayers of the City may institute mandamus proceedings in District Court to compel specific performance by the proper official or officials of any duty required by this ordinance.

905.07 OUTDOOR SALES LOTS.

Subdivision 1. General Provisions. Outdoor sales lots such as motor vehicle, marine, farm implement, recreational vehicle, and similar sales are regulated by this section as follows:

- A. Must meet all state and City of Pelican Rapids licensing requirements.
- B. Lot must be in a commercial or industrial zone of the City of Pelican Rapids, or have existed under a CUP in any zone prior to 2008, and the primary use must be commercial or industrial.
- C. Lot upkeep and general appearance must be maintained at all times and in accordance with city ordinances.
- D. No stockpiling of parts shall be permitted.
- E. All vehicles and sales items must be in operational condition.
- F. All vehicles and sales items will be considered discarded and disused if they remain unsold on the sales lot for one year.

If displaying 5 or more motor vehicles, or marine, or farm implements, or recreational vehicles, and similar sale items, or a combination of any of the foregoing, the following requirements apply:

- A. Outside services and sales are associated with a building size of at least 300 square feet of floor area.
- B. The sales lot shall provide 300 square feet of sales area per vehicle or sales item with a Gross Vehicle Weight (GVW) of 12,000 lbs or less and a length of 25 feet or less.
- C. The sales lot shall provide 500 square feet of sales area per vehicle or sales item with a Gross Vehicle Weight (GVW) greater than 12,000 lbs and/or a length greater than 25 feet.
- D. Identify the total display area on a sales lot, in square feet and proposed coverage area (as required by the State, it must be separate from any other business activity on the property).
- E. All signing is in accordance with any state requirements, and city standards as specified in the Zoning Ordinance.

- F. All outdoor lighting shall be directed so that it does not shine or spill upon adjacent properties.
- G. The architectural appearance and functional plan of the building and site may not be so dissimilar to the existing buildings or area as to cause impairment in property values or constitute a blighting influence within a reasonable distance of the lot.
- H. Adequate customer parking is provided in off-street parking spaces in accordance with the Zoning Ordinance.

Subdivision 2. License Required. A license to operate the outdoor sales lot must be obtained from the City. Any license fee will be determined by the City Council and listed on the Fee Schedule. Each license granted will be reviewed annually. Application for outdoor sales lot licenses shall be made to the City Council.

- A. A City license will be issued upon receipt of a copy of the Minnesota Dealer's License and the City application, unless the property is displaying 5 or more vehicles or sales items, then additional requirements as outlined in Section B below must be met.
- B. If displaying 5 or more vehicles or sales items a City application must be filled out and the following documents must be provided at the time of the license application submittal:
 - 1. Copy of Verification of Property Lease (State form PS2407) or proof of ownership, copy of Zoning Verification (State form PS2421), and any other documents submitted to the State with your Dealer Application.
 - 2. An affidavit of the business owner declaring the maximum number of vehicles intended for display.
 - 3. A certificate of insurance for general liability.

Subdivision 3. Nuisance. The conduct of the operation of outdoor sales lots and compliance with this chapter, and any other chapters of city code, shall be the responsibility of the property owner and tenant thereof.

Subdivision 4. Application. The provisions of this chapter shall apply to all outdoor sales lots. Existing sales lots will be allowed 120 days from the date of passage to comply with the regulations as set forth in this chapter.

Subdivision 5. Penalty. Violation of this chapter shall be punished as a misdemeanor under the laws of the State of Minnesota. Violations will also be reported to the State Licensing Departments.

905.08 RESIDENTIAL RUMMAGE SALES, GARAGE SALES AND SIMILAR OCCASIONAL SALES

Subdivision 1. Definition of Rummage Sale. An offering or display of goods to the public on a temporary basis by a person or organization on residential premises. The term “rummage sale” encompasses yard sales, garage sales, estate sales, moving sales, block sales and related sales where second hand or other goods are sold or displayed to members of the public on a temporary basis.

Subdivision 2. Restrictions.

1. Any “rummage sale” shall be conducted solely within the property owned or occupied by the owner or occupant who is conducting the sale.
2. There shall be no more than three “rummage sales” conducted at any one residence per calendar year.
3. No “rummage sale” shall be conducted during any part of more than three consecutive days.
4. No “rummage sale” may be conducted before 7:00 AM or after 8:00 PM.
5. None of the items offered for sale shall have been obtained for resale or received on consignment for sale.
6. Any related signage shall be limited to the premises and to other residential property provided permission from property owner is obtained and shall be removed at termination of sale. Signs shall be limited to four square feet.

Subdivision 3. Limited Open Sales. Residents are allowed on a limited basis to sell motor vehicles, boats, Recreation vehicles and equipment subject to the following limitations:

1. No more than a total of three items per site can be advertised for sale per calendar year.
2. No more than two items can be displayed for sale at any one time per property.
3. Individual items may not be displayed for sale in excess of thirty days in the aggregate for all items displayed.
4. Items sold are limited to articles owned by residents of the open sales site.
5. Sale items may not be placed on the public right of way.
6. One sign not exceeding two square feet in area advertising the sale item is allowed, such sign is to be placed within or attached to the sale item.

Subdivision 4. Exception. This Section shall not apply to any sale under court order, nor to any bona fide auction sale, nor to a sale of farm or garden products by the person producing same.

Subdivision 5. Penalty. Any person violating any provision of this ordinance shall be guilty of a misdemeanor.

905.09 PROVISION SEVERABLE

Should a court of competent jurisdiction declare any part of this ordinance to be invalid, such decision shall not affect the validity of the remainder.

TABLE 1-A
MINIMUM LOT AREA AND SETBACK REQUIREMENTS FOR MAIN BUILDINGS

Zoning Use Districts	Lot Size	Lot Width	Lot Depth	Front(a) Yard	Side Yard	Rear Yard
(A) Farm Dwelling	None	None	None	100(b)	30' Interior 100' Corner (c)	None
(A) Non-farm Dwelling	One Acre	150'	200'	100(c)	30' Interior 100' Corner (c)	30'
(R-1) Single Family Dwelling	10,000 sq. ft..	75'	120'	30'	10' or 10% whichever lesser	25'
(R-1) Two Family Dwelling	15,000 sq. ft.	100'	120'	30'	20' Corner	25'
(R-2) Single Family Dwelling	7,500 sq. ft.	50'	120'	30'	10' or 10% whichever lesser	20'
(R-2) Two Family Dwelling	10,000 sq. ft.	75'	120'	30'	20' Corner	20'
(R-2) Apartment Dwelling	10,000 sq. ft. plus 1,000 additional sq. ft. for each apartment dwelling unit in excess of two units					
		75'	120'	30'		20'
(R-3) Single Family	10,000	75'	120'	30'	10' or 10%	25'

Dwelling	sq. ft.				whichever lesser	
(R-3) Two Family Dwelling	15,000 sq. ft.	100'	120'	30'	20' Corner	25'
(R-3) Apartment Dwelling	15,000 sq. ft. plus 1,000 additional sq. ft. for each apartment dwelling in excess of two units	100'	120'	30'		25'
(R-4) Single-Wide Dwelling	4,050 sq. ft.	45'	85'	5'	3'	5''
(R-4) Double-Wide Dwelling	4,250 sq. ft.	50'	85'	5'	3'	5'
(C) Commercial	None	None	None	30'	None except 30'	10' when abutting another zone
(I) Industrial	None	None	None	30'	Same as (C)	10'

(a) In any Zoning Use District where any of the lots have been heretofore improved with buildings of a character permitted in the District, and the front yards on one or more of the lots are less than required herein, the City Clerk may disregard the required front yard depth for the District and may reduce the front yard requirement to an extent which is compatible with the prevailing use in the area.

(b) Measured from the center line of the roadway or from the center line of the established right-of-way. All others are measured from edge of right-of-way.

(c) Corner setbacks are measured the same as front yards.

NOTE: Lot width, lot depth, front yard, side yard and rear yard requirements shall apply to all uses permitted in the respective Zoning Use District.

NOTE: Buildings shall not be constructed on natural gas pipeline easements, unless allowed by variance.

TABLE 1-B
STRUCTURAL REQUIREMENTS FOR MAIN BUILDINGS

Zoning Use Districts	Max.(d) Struct. Height	Min.(e) Struct. Height	Min.(f) Struct. Width	Min.(f) Struct. Length	Min.(g) Roof Slope	Min.(h) Area of Structure	Min. Roof Over- hang
(A) Farm Dwelling	45'	20'	24'	30'	3/12	840'	1'
(A) Non-farm Dwelling	35'	20'	24'	30'	3/12	840'	1'
(R-1) Single Family Dwelling	35'	20'	24'	30'	4/12	840'	1'
(R-1) Two Family Dwelling	35'	20'	24'	30'	4/12	840'	1'
(R-2) Single Family Dwelling	35'	20'	24'	30'	4/12	840'	1'
(R-2) Two Family Dwelling	35'	20'	24'	30'	4/12	840'	1'
(R-2) Apartment Dwelling	45'	20'	24'	30'	0	840'	0'
(R-3) Single Family Dwelling	35'	20'	24'	30'	4/12	840'	1'
(R-3) Two Family Dwelling	35'	20'	24'	30'	4/12	840'	1'
(R-3) Apartment Dwelling	45'	20'	24'	30'	0	840'	0
(R-4) Single Family Dwelling	35'	8'	12'	20'	0	300'	0

Table 1-B, Continued:

(d) Maximum structure height is measured from the top of the foundation to the peak of the roof, excluding chimneys.

(e) Minimum structure height is measured from the surface of the top of the foundation of the structure to the peak of the roof, excluding chimneys. In the event a structure has a full basement occupying all area between the outer walls of the foundation, then the minimum structure height shall be measured from the surface of the basement floor to the peak of the roof, excluding chimneys.

(f) Width shall be measured from the exterior surface of the building walls along the building's narrowest dimension regardless of how it is oriented on the lot. Width and length is the installed width and length and do not include bay windows, roof projections, overhangs or eaves under which there is not interior space. Provided, however, this minimum width regulation shall not apply to seasonal use rooms such as porches and breezeways, nor to garages or carports, and provided further that this minimum width requirement shall not apply to additions to existing structures, where such addition is less than 400 square feet in area.

(g) Roof slope is measured at all points on the roof a the number of inches in vertical drop for each 12 inches of distance commencing at the roof peak and ending at the roof edge along a line perpendicular to the roof edge.

(h) Minimum area shall be calculated as the minimum area of the occupied and heated portion of the dwelling, exclusive of basements and garages.

(i) Roof overhang shall be calculated from the outside surface of the exterior walls of the structure to the edge of the roof.

NOTE: The minimum R-Values for walls and ceilings shall comply with Building Code Requirements.

TABLE 2
MINIMUM OFF-STREET PARKING REQUIREMENTS

<u>Use</u>	<u>Parking Spaces</u>
Residences (one and two family)	2 per dwelling unit
Apartments	1.5 per dwelling unit
Commercial Building	1 square foot of parking for each 3 square feet of building space, but not less than 3 spaces
Industrial Building	Adequate to serve employees and the visiting public as determined by the Planning Commission
Churches	1 for each 4 seats
Public Halls	Equal in number to 50% of capacity
Schools	Elementary Secondary
	1 space for every 2 employees 1 space for every 2 employees plus 1 space for every 7 students
Recreation Facilities	1 space for every 2 employees plus additional to serve the visiting public as determined by the Planning Commission
Hospital & Medical Facilities	1 space for every 2 employees 1 space for each doctor 1 space for every 2 beds

PART 6. SUBDIVISION CONTROLS ORDINANCE

906.01 GENERAL PROVISIONS

Subdivision 1. Title. This ordinance shall be entitled “Subdivision Controls Ordinance, Pelican Rapids, Minnesota”.

Subdivision 2. Purpose. The purpose of this ordinance is to regulate the subdividing of land within the City of Pelican Rapids, Minnesota. These controls are enacted to assure that developing areas will contribute to create an attractive, stable and wholesome community environment, which will be provided with adequate municipal services and safe streets.

906.02 PROCEDURES

The following procedures shall be followed in the administration of this ordinance and except as specifically allowed by this ordinance, no real property within the jurisdiction of this ordinance shall be subdivided and offered for sale or a plat recorded until a pre-application meeting has been held and a preliminary plat and a final plat of the proposed subdivision have been reviewed by the Planning Commission, and until the final plat has been approved by the City Council as set forth in the procedures provided herein. Plans of group developments for housing, commercial, industrial or other uses or for any combination of uses designed for rental purposes shall be presented in the same manner as other plats for the review of the Planning Commission and the approval of the City Council.

Subdivision 1. Pre-application Meeting.

- A. Prior to the submission of any plat for consideration to the Planning Commission under the provisions of this ordinance, the subdivider shall meet with the Planning Commission, or any individual to whom the Commission may delegate this responsibility, to introduce himself as a potential subdivider and learn what shall be expected of him in such capacity.
- B. The initial meeting between the Planning Commission, or whomever the Commission may designate, and the subdivider shall constitute the pre-application meeting.

Subdivision 2. Preliminary Plat.

- A. The subdivider shall submit to the City Clerk six copies of a preliminary plat of his proposed subdivision, the requirements of which are as set forth in this ordinance. Said preliminary plat shall be submitted two weeks prior to the next regularly scheduled Planning Commission (who for the purpose of this ordinance shall be designated the platting authority) meeting and shall be accompanied by a fee of \$100.00 plus \$10.00 for each lot.

- B. In instances where the proposed subdivision lies outside the City limits, the City Clerk shall submit one copy of the preliminary plat to the governing body of the town within which the subdivision is proposed and one copy to the Otter Tail County Planning Advisory Commission not later than seven days after receipt of said plat from the subdivider. Reactions to said plat shall be presented to the Planning Commission at the Commission's next regularly scheduled meeting.
- C. The Planning Commission shall review the preliminary plat and from the standpoint of public health and welfare, tax balance of industry, agriculture and residences, and City planning. The Commission shall notify the owner or subdivider as to the time and place of the Planning Commission meeting at which time he shall be afforded an opportunity to appear, and conduct a public hearing thereon as provided by law.
- D. If approved, the Planning Commission shall express its approval or conditional approval and state the conditions of such approval, if any, or if disapproved, shall express its disapproval and its reason therefor. Such approval or disapproval shall be transmitted to the City Council.
- E. After the City Council receives the report of the Planning Commission, the Council shall act to approve or disapprove the plat, and the Council may, before they act upon the preliminary plat, submit it to any employee or technical advisor of the City they may designate for further review and study. If the Council shall disapprove said plat, the grounds for any such refusal shall be set forth in the proceedings of the Council and reported to the person or persons applying for such approval.
- F. Approval shall mean the acceptance of the design as a basis for preparation of the final plat.
- G. At the time of filing of the preliminary plat if a zoning change is contemplated, the owner or owners of the land covered by such plat shall submit to the City Clerk a petition for rezoning to the precise proposed future use of said land.

Subdivision 3. Final Plat.

- A. The owner or subdivider shall file with the City Clerk at least two weeks before the next regularly scheduled Planning Commission meeting and within 180 days of the date of the last approval of the preliminary plat, six copies of the final plat which shall conform substantially to the preliminary plat as approved. Final plat approval shall become null and void on all plats which are not filed within the time herein specified unless an extension is requested in writing to the City Council and for good cause granted by the Council.

- B. The subdivider may file a final plat limited to such portion of the preliminary plat which he proposes to record and develop at one time, provided that such portion must conform to all requirements of this ordinance.
- C. The City Clerk shall refer two copies of the final plat to the Planning Commission for their review and report.
- D. The Planning Commission shall check the final plat to see that it is in substantial agreement with the preliminary plat as approved and that it meets all ordinances and regulations of the City. In the event that the plat involves special problems or is in conflict with City development objectives or with the planning studies being conducted by the Planning Commission, the Commission shall notify the owner or subdivider as to the time and place of the Planning Commission meeting at which the shall be afforded an opportunity to appear.
- E. When a final plat meets all the conditions of the ordinance, the Planning Commission shall recommend approval to the City Council and the Council shall act thereon. Following final plat approval or disapproval by the Council, the City Clerk shall notify the owner or subdivider of the Council's action and within 30 days thereafter, the final plat, if approved, shall be filed with the County Recorder. Any approval of the final plat by the Council shall be null and void if the plat is not recorded with the County Recorder of the County within 30 days after the date of approval unless application for an extension of time is made, in writing, during said 30-day period, to the City Council and granted by the Council. A duplicate and five paper prints of the final plat after the plat has been recorded with the County Recorder of the County shall be filed with the County Auditor. Said plat shall not be filed unless it is accompanied by a certified copy of the resolution approving it.

906.03 PRESENTATION REQUIREMENTS

Subdivision 1. Preliminary Plat. The preliminary plat shall include the following:

- A. Scale: 1 inch equals 100 feet.
- B. Identification and Description
 - 1. Proposed name of subdivision, which name shall not duplicate or be similar in pronunciation to the name of any plat theretofore recorded in the City.
 - 2. Location by section, town, range, or by other legal description.
 - 3. Names and addresses of the owner, subdivider, surveyor and designer of the plan.

4. Graphic scale.
 5. North point.
 6. Date of preparation.
- C. Existing conditions in tract and in surrounding area to a distance of 300 feet:
1. Boundary line of proposed subdivision, clearly indicated.
 2. Total approximate acreage.
 3. Platted streets, railroad right-of-way and utility easements.
 4. Boundary lines and ownership of adjoining unsubdivided land.
 5. Sewers, water mains, culverts or other underground facilities.
 6. Permanent buildings and structures.
 7. Lakes, watercourses and marsh areas and such other information as soil tests and contours at vertical intervals of not more than two feet, if requested by the Planning Commission to aid in their review. All elevation data shall be mean sea level or some other assumed, workable datum.
- D. Subdivision Design Features
1. Layout and width of proposed streets and utility easements showing street names, lot dimensions, parks and other public areas. The name of any street heretofore used in the City shall not be used unless the proposed street is an extension of an already named street, in which event the name shall be used. The street layout shall include all contiguous land owned or controlled by the subdivider.
 2. Proposed use of all parcels, and if zoning change is contemplated, proposed rezoning.
 3. Preliminary street grades and drainage plan shall be shown on a copy of the contour map, if required.

Subdivision 2. Final Plat. The final plat shall include the following:

- A. Plans for the provision of safe and palatable water, sewage disposal, drainage and flood controls.

- B. Such information as found necessary for review and if requested by the Planning Commission.
- C. Evidence that ground water level is at least 10 feet below the level of finished grades or plan for solving existing ground water problem.
- D. Date required as set forth in Chapter 505, Minnesota Statutes, and also the following: All interior and exterior boundary lines shall be correctly designated on the plat and shall show bearings on all straight lines, or angles at all angle points, and central angle and radii and arc lines for all curves. Durable iron monuments shall be set at each angle and curve point on the interior and exterior boundary lines and at all block corners and at all intermediate points on the block or lot lines indicating a change of direction in the lines. The plat shall indicate that the monuments have been set.
- E. An identification system for all lots and blocks.
- F. The size (in square feet) and dimensions of all lots.
- G. Certification by a registered land surveyor to the effect that the plat represents a survey made by him and that monuments and markers shown thereon exist as located and that all dimensional and geodetic details are correct.
- H. Notarized certification by owner, and by any mortgage holder of record, of the adoption of the plat and the dedication of streets and other public areas.
- I. Certifications showing that all taxes and liens currently due on the property to be subdivided have been paid in full.
- J. The subdivider shall provide a final title opinion prepared by an attorney of the subdivider's choosing, and the attorney shall also sign the following statement on the face of the plat:

“I hereby certify that proper evidence of title has been presented to and examined by me, and that this plat provides for the proper signatures of all owners and mortgage holders of record.”
- K. Form for approval by City Council:
- L. All other information required for a preliminary plat under Subdivision 1 which the Planning Commission or Council may require be included in the final plat.

906.04 DESIGN STANDARDS

Subdivision 1. Streets.

- A. The design of all streets shall be considered in their relation to existing and planned streets, to reasonable circulation of traffic; to topographical conditions, to runoff of storm waters, and to the proposed uses of the area to be served.
- B. Where adjoining areas are not subdivided, the arrangement of streets in new subdivisions shall make provision for the proper projection of streets. When a new subdivision adjoins unsubdivided land susceptible to being subdivided, then the new streets shall be carried to the boundaries of such unsubdivided land.
- C. The following width and grade standards of street design shall be observed by the subdivider:

<u>Streets</u>	<u>Minimum Width (lot line to lot line)</u>	<u>Maximum Grade</u>	<u>Minimum Grade</u>
Highways & Arterial	100 to 150 feet	6%	0.5%
Collectors	80 feet	8%	0.5%
Locals	66 feet	10%	0.5%

Where new streets extend existing adjoining streets, their projection shall be at the same or greater width, but in no case less than the minimum required width.

All local streets shall have a graded top with a minimum width of 40 feet, together with adequate ditches and drainage appurtenances to carry runoff water. The graded top shall be surfaced with at least six inches of Class 5 gravel.

- D. Tangents of at least 100 feet in length shall be introduced between reverse curves on collector streets and 50 feet on lesser streets.
- E. Local streets shall be so aligned that their use by through traffic will be discouraged.
- F. Street jogs with center line offsets of less than 150 feet shall be avoided.
- G. Insofar as practical, street intersections shall be at right angles and no intersection shall be an angle of less than 45°. It must be evidenced that safe and efficient traffic flow is encouraged.
- H. Maximum length of permanent cul-de-sac streets shall be 400 feet measured along the center line from the intersection of origin to end of right-of-way. Each cul-de-sac shall be provided at the closed end with a turn-around having a minimum outside roadway diameter of 80 feet and a minimum street property line diameter of 100 feet.

- I. Half streets shall be prohibited except where the City Council finds it to be practical to require the dedication of the other half when the adjoining property is subdivided.
- J. Proposed streets obviously in alignment with existing and named streets shall bear the names of such existing streets. In other cases the name for the proposed street shall not duplicate existing street names.
- K. Street surfacing done by the developer shall be approved by the City Council.
- L. Private streets shall not be approved nor shall public improvements be approved for any previously existing private street.
- M. Where a proposed plat is adjacent to a major thoroughfare, the City Council may require the developer to provide local service drives along the right-of-way of such facilities or they may require that lots should back on the thoroughfare, in which case vehicular and pedestrian access between the lots and thoroughfare shall be prohibited.
- N. The street arrangements shall not be such as to cause hardship to owners of adjoining property in platting their own land and providing convenient access to it.
- O. Curb lines at street intersections shall be rounded at a radius of not less than 20 feet.
- P. The City has the right to withhold approval of the plat until all streets have been inspected and comply with these requirements.

Subdivision 2. Easements.

- A. Utility easements as required by the City Council shall be provided for utilities, where necessary. They shall be centered on rear and other lot lines or within alley rights-of-way. They shall have continuity of alignment from block to block. At deflection points, easements for pole line anchors shall be provided where necessary.
- B. Where a subdivision is traversed by a water course, drainage way, channel or stream, there shall be provided a storm water easement or drainage right-of-way substantially in alignment with the lines of such water course, together with such further width of construction or both, as will be adequate for storm water runoff. The easement shall include not only the stream channel, but also adjoining areas that have been subject to flooding in years of heavy runoff.

Subdivision 3. Blocks.

- A. Block lengths shall not exceed 1,200 feet and, if possible, shall not be less than 400 feet in length. In blocks longer than 800 feet, a pedestrian crossway with a minimum right-of-way of 10 feet shall be required near the center of the block. The use of additional accessways to schools, parks and other designations may also be required.
- B. A block shall be so designed as to provide two tiers of lots of appropriate depth unless it adjoins a railroad or highway or arterial street and unless the rear lot line abuts a different land use, or topographic conditions necessitate a single tier of lots. In these cases, the lot depth shall be at least 15 feet greater than minimum requirements.
- C. The City may require alleys to be placed between tiers of lots or in such other locations as the City deems appropriate.

Subdivision 4. Lots.

- A. Where possible, side lot lines shall be at right angles to straight street lines or radial to curved street lines. Each lot shall front on a public street or highway. Lots with frontage on two parallel streets shall be permitted only under unusual circumstances.
- B. Minimum lot sizes within the City shall in all cases conform to zoning regulations in force. Corner lots shall be platted at least 15 feet wider than the minimum lot width required if no provision is so made in the zoning ordinance in force.
- C. There shall be no direct vehicular access from residential lots to highways or arterial streets, and residential lots shall be separated from trunk highways and arterial streets by a 25 foot buffer strip, which may be in the form of added depth or width of lots backing on or siding along the thoroughfare.
- D. Lot remnants which are below the minimum lot size must be added to adjacent or surrounding lots rather than be allowed to remain as an unusable outlot or parcel unless the owner can show plans for the future use of such remnants.

Subdivision 5. Natural Features. In the subdividing of land, due regard shall be shown for all natural features which, if preserved, will add attractiveness and stability to the proposed development.

906.05 REQUIRED IMPROVEMENTS

Before the City Council approves a final plat, the subdivider shall give satisfactory assurance of the provision of the following requirements. The City Council may require the subdivider to actually meet one or more of the following requirements prior to final plat approval.

Subdivision 1. Monuments. Steel monuments shall be placed at all block corners, angle points, points of curves in streets and at intermediate points as shown on the final plat. All U.S., state, county or other official benchmarks, monuments or triangulation stations in or adjacent to the property shall be preserved in precise position.

Subdivision 2. Streets. All the streets shall be improved in accordance with the engineering specifications established by the City Council.

Subdivision 3. Water Supply. Wherever the connection with a community or public water supply is feasible, such source shall be used. In other cases, individual wells shall be used, and in accordance with established state and county specifications.

Subdivision 4. Sanitary Sewer. Wherever the connection with a community or public sanitary sewer collection and treatment facility is feasible, such facility shall be used. In other cases, individual sewage disposal systems shall be used, and in accordance with established state and county specifications.

Subdivision 5. Drainage Facilities. Such facilities and easement shall be installed as will adequately provide for the drainage of surface waters.

Subdivision 6. Street Name Signs. These shall be placed at all street intersections within or abutting the subdivisions and shall conform to the standard design accepted for all street name signs by the Planning Commission.

Subdivision 7. Specifications. All of the required improvements shall conform to engineering standards and specifications as required by the City Council.

Subdivision 8. Financing. Before a final plat is approved by the City Council, the subdivider shall satisfactorily demonstrate how the required improvements are to be provided. This could take the form of a letter of intent to provide the improvements as the subdivision develops and charge the cost against the price of the lots; or leave the ultimate provision of the improvements up to the purchasers of the land through the process of petition, City construction and property assessment; or whatever assurances would be acceptable to the City Council.

- A. The subdivider shall pay for the cost of all improvements required in the subdivision and the subdivision's share of the costs of any trunk facilities to be extended to the subdivision, with the exception of individual sewage disposal systems.
- B. Guarantee completion of the required improvements within a two year period.
- C. Payment by the subdivider for all costs incurred by the City for review and inspection. This would include preparation and review of plans and specifications by technical assistants and costs incurred by the City Attorney as well as other costs of a similar nature. This payment would be in addition to the subdivision fee paid with the submission of the preliminary plat.

- D. The City Council may elect to install any of the required improvements under the terms of a cash escrow agreement.
- E. The performance bond or cash escrow agreement shall be equal to one and one-quarter times the estimated cost of the required improvements.
- F. If the requirement improvements are not complete within the two year period, all amounts held under the escrow agreements or performance bond shall be turned over and delivered to the City and applied to the cost of the required improvement. Any balance remaining after such improvements have been made shall be returned to the owner or subdivider.
- G. Where topsoil is removed, sufficient topsoil shall be set aside for respreading over the developed area to a depth of four inches minimum and further, the subdivider shall seed developed area with suitable grass seed to prevent erosion. Topsoil shall be respread and area seeded within one year from start of earth moving.

906.06 PUBLIC LAND

Because subdivision activity creates a need for a full range of public facilities, the City Council may require the dedication of a part of the subdivision for public use, provided such land reserved conforms to the development objectives of the City.

906.07 OTHER

Subdivision 1. Amendments. The City Council may amend the procedures, standards, requirements and other provisions of this ordinance upon recommendation of the Planning Commission after duly holding a public hearing thereon.

Subdivision 2. Variances and Exceptions. Where there are practical difficulties or unnecessary hardships in the way of carrying out the strict letter of the provisions of this ordinance, the City Council shall have the power to vary the requirements of this ordinance in harmony with the general purpose and intent thereof.

Subdivision 3. Building Permits. No building permit shall be issued by any governing official for the construction of any building, structure or improvement on any land henceforth subdivided until all requirements of this ordinance have been fully complied with.

Subdivision 4. Validity. If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance.

Subdivision 5. Enforcement and Penalties.

- A. This ordinance shall be administered and enforced by the City Clerk who is hereby designated the enforcing officer.
- B. Violation of any of the terms or provisions of this ordinance shall be a misdemeanor.
- C. In the event of a violation or a threatened violation of this ordinance, the City Council or any member thereof, in addition to other remedies, may institute appropriate actions or proceedings to prevent, restrain, correct or abate such violations or threatened violations and it shall be the duty of the City Attorney to institute such action.
- D. Any taxpayer or taxpayers of the City may institute mandamus proceedings in District Court to compel specific performance by the proper official or officials of any duty required by the ordinance.

906.08 METES AND BOUNDS DESCRIPTIONS

No conveyance of land shall be recorded or filed if the land is described in the conveyance by metes and bounds or by reference to an unapproved, registered land survey made after the effective date of this ordinance. The foregoing provision does not apply to a conveyance if the land described:

- was a separate parcel of record on or before March 27, 1969.
- was the subject of a written agreement to convey, entered into prior to such time.
- is a separate parcel of not less than 2-1/2 acres in area and 150 feet in width and is accompanied by a registered surveyor's drawing for recording, or is a square or rectangular parcel, all boundaries of which lie upon or are parallel with one or more section lines, 1/4 section lines, or 1/16 section liens established by government survey.
- is a division of a lot for the purpose of attachment to a contiguous lot or lots where no residual substandard plot or lot is left unattended.
- is a conveyance to a public utility or to the City for such things as substations, poles, towers, telephone booths, and sewer and water facilities.

In any case in which compliance with the foregoing restrictions will create an unnecessary hardship and failure to comply does not interfere with the purpose of the subdivision regulations, the City Council may waive such compliance by adoption of a resolution to that effect and the conveyance may then be filed or recorded. Any conveyance made in violation of this ordinance shall be void.

906.09 DEFINITIONS

For the purpose of this ordinance, the following terms shall have the meaning hereinafter indicated in this section unless specifically stated otherwise:

Subdivision 1. Alley. Any strip of land publicly or privately owned less than 24 feet in width between property lines, set aside for public vehicular access to abutting property.

Subdivision 2. Arterial Street or Highway. A street or highway of considerable continuity designed primarily to serve as an intercommunication link between various sections of the area and beyond (such as from within the City to outlying areas).

Subdivision 3. Collector Street. A street designed to serve the internal traffic circulation of a recognized land use area which distributes and collects with arterial streets or highways.

Subdivision 4. Cul-de-sac. A comparatively short street having but one end open to traffic and the other end being permanently terminated by a vehicular turnaround.

Subdivision 5. Development Objectives. Those goals determined from time to time in plan or policy form as part of the City's comprehensive planning program that indicates how the City wishes to develop itself in line with orderly and logical direction.

Subdivision 6. Local Street. A street designed for access to abutting property and not intended to facilitate through traffic.

Subdivision 7. Lot. Land occupied or to be occupied by a building and its accessory buildings, or by a dwelling group and its accessory buildings, together with such open spaces as are required under the provisions of this ordinance, having not less than the minimum area required by this ordinance for a building site in the district in which such lot is situated, and having its principal frontage on a street.

Subdivision 8. Plat. The map, drawing or chart on which the subdivider's plan of subdivision is presented to the City Council for approval.

Subdivision 9. Subdivision. The division or redivision of a lot, tract or parcel of land regardless of how it is to be used, into two or more lots either by plat or by metes and bounds description; or the division or redivision of land involving dedication of a new park, playground, street or other public right-of-way facility, or the vacation, realignment or any other change in existing streets, alleys, easements, recreation areas, water or other public improvements or facilities.

PART 7. SHORELAND MANAGEMENT ORDINANCE

907.01 STATUTORY AUTHORIZATION AND POLICY

Subdivision 1. Statutory Authorization. This shoreland ordinance is adopted pursuant to the authorization and policies contained in Minnesota Statutes, Chapter 105, Minnesota Regulations, Parts 6120.2500-6120.3900, and the planning and zoning enabling legislation in Minnesota Statutes Chapter 462.

Subdivision 2. Policy. The uncontrolled use of shorelands of the City of Pelican Rapids, Minnesota affects the public health, safety and general welfare not only by contributing to pollution of public waters, but also by impairing the local tax base. It is in the best interests of the public health, safety and welfare to provide for the wise subdivision, use and development of shorelands of public waters. The Legislature of Minnesota has delegated responsibility to local governments of the state to regulate the subdivision, use and development of the shorelands of public waters and thus preserve and enhance the quality of surface waters, conserve the economic and natural environmental values of shorelands, and provide for the wise use of waters and related land resources. This delegation of responsibility is hereby recognized by the city of Pelican Rapids.

907.02 GENERAL PROVISIONS AND DEFINITIONS.

Subdivision 1. Jurisdiction. The provisions of this ordinance shall apply to the shorelands of the public water bodies as classified in Section 907.04 of this ordinance. Pursuant to Minnesota Regulations Parts 6120.2500-6120.3900, no lake, pond, or flowage less than 10 acres in size is regulated. A body of water created by a private user where there was no previous shoreland may, at the discretion of the city, be exempt from this ordinance.

Subdivision 2. Compliance. The use of any shoreland of public waters; the size and shape of lots; the use, size, type and location of structures on lots; the installation and maintenance of water supply and waste treatment systems, the grading and filling of any shoreland area; the cutting of shoreland vegetation; and the subdivision of land shall be in full compliance with the terms of this ordinance and other applicable regulations.

Subdivision 3. Enforcement. The Zoning Administrator is responsible for the administration and enforcement of this ordinance. Any violation of the provisions of this ordinance or failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with grants of variances or conditional uses) shall constitute a misdemeanor and shall be punishable as defined by law. Violations of this ordinance can occur regardless of whether or not a permit is required for a regulated activity pursuant to Section 907.03, Subdivision 1 of this ordinance.

Subdivision 4. Interpretation. In their interpretation and application, the provisions of this ordinance shall be held to be minimum requirements and shall be liberally construed in favor of the governing body and shall not be deemed a limitation or repeal of any other powers granted by State Statutes.

Subdivision 5. Severability. If any section, clause, provision, or portion of this ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance shall not be affected thereby.

Subdivision 6. Abrogation and Greater Restrictions. It is not intended by this ordinance to repeal, abrogate, or impair any existing ordinances, easements, covenants, or deed restrictions. However, where this ordinance imposes greater restrictions, the provisions of this ordinance shall prevail. All other ordinances inconsistent with this ordinance are hereby repealed to the extent of the inconsistency only. Where other ordinances impose greater restrictions, the provisions of such other ordinances shall prevail.

Subdivision 7. Definitions. Unless specifically defined below, words or phrases used in this ordinance shall be interpreted so as to give them the same meaning as they have in common usage and so as to give this ordinance its most reasonable application. For the purpose of this ordinance, the words “must” and “shall” are mandatory and not permissive. All distances, unless otherwise specified, shall be measured horizontally.

- A. Accessory Structure or Facility.** “Accessory structure” or “facility” means any building or improvement subordinate to a principal use which, because of the nature of its use, can reasonably be located at or greater than normal structure setbacks.
- B. Bluff.** “Bluff” means a topographic feature such as a hill, cliff, or embankment having the following characteristics (an area with an average slope of less than 18 percent over a distance for 50 feet or more shall not be considered part of the bluff):
 - 1. Part or all of the feature is located in a shoreland area;
 - 2. The slope rises at least 25 feet above the ordinary high water level of the waterbody;
 - 3. The grade of the slope from the toe of the bluff to a point 25 feet or more above the ordinary high water level averages 30 percent or greater; and
 - 4. The slope must drain toward the waterbody.
- C. Bluff Impact Zone.** “Bluff impact zone” means a bluff and land located within 20 feet from the top of a bluff.
- D. Boathouse.** “Boathouse” means a structure designed and used solely for the storage of boats or boating equipment.
- E. Building Line.** “Building line” means a line parallel to a lot line or the ordinary high water level at the required setback beyond which a structure may not extend.
- F. Commercial Planned Unit Developments.** “Commercial planned unit developments” are typically uses that provide transient, short-term lodging spaces, rooms, or parcels and their operations are essentially service-oriented.

For example, hotel/motel accommodations, resorts, recreational vehicle and camping parks, and other primarily service-oriented activities are commercial planned unit developments.

- G. Commercial use.** “Commercial use” means the principal use of land or buildings for the sale, lease, rental, or trade of products, goods, and services.
- H. Commissioner.** “Commissioner” means the commissioner of the Department of Natural Resources.
- I. Conditional use.** “Conditional use” means a land use or development as defined by ordinance that would not be appropriate generally but may be allowed with appropriate restrictions as provided by official controls upon a finding that certain conditions as detailed in the zoning ordinance exist, the use or development conforms to the comprehensive land use plan of the community, and the use is compatible with the existing neighborhood. A “special use” is the same as a “conditional use”.
- J. Deck.** “Deck” means a horizontal, unenclosed platform with or without attached railings, seats, trellises, or other features, attached or functionally related to a principal use or site and at any point extending more than three feet above ground.
- K. Duplex, triplex, and quad.** “Duplex, triplex,” and “quad” means a dwelling structure on a single lot, having two, three, and four units, respectively being attached by common walls and each unit equipped with separate sleeping, cooking, eating, living, and sanitation facilities.
- L. Dwelling site.** “Dwelling site” means a designated location for residential use by one or more persons using temporary or movable shelter, including camping and recreational vehicle sites.
- M. Dwelling unit.** “Dwelling unit” means any structure or portion of a structure, or other shelter designed as short or long-term living quarters for one or more persons, including rental or timeshare accommodations such as motel, hotel, and resort rooms and cabins.
- N. Extractive use.** “Extractive use” means the use of land for surface or subsurface removal of sand, gravel, rock, industrial minerals, other nonmetallic minerals, and peat not regulated under Minnesota Statutes, sections 93.44 to 93.51.
- O. Forest land conversion.** “Forest land conversion” means the clear cutting of forested lands to prepare for a new land use other than reestablishment of a subsequent forest stand.

- P. Guest Cottage.** “Guest cottage” means a structure used as a dwelling unit that may contain sleeping spaces and kitchen and bathroom facilities in addition to those provided in the primary dwelling unit on a lot.
- Q. Hardship.** “Hardship” means the same as that term is defined in Minnesota Statutes, Chapter 462.
- R. Height of building.** “Height of building” means the vertical distance between the highest adjoining ground level at the building or ten feet above the lowest ground level, whichever is lower, and the highest point of a flat roof or average height of the highest gable of a pitched or hipped roof.
- S. Industrial use.** “Industrial use” means the use of land or buildings for the production, manufacture, warehousing, storage, or transfer of goods, products, commodities, or other wholesale items.
- T. Intensive vegetation clearing.** “Intensive vegetation clearing” means the complete removal of trees or shrubs in a contiguous patch, strip, row, or block.
- U. Lot.** “Lot” means a parcel of land designated by plat, metes and bounds, registered land survey, auditors plot, or other accepted means and separated from other parcels or portions by said description for the purpose of sale, lease, or separation.
- V. Lot width.** “Lot width” means the shortest distance between lot lines measured at the midpoint of the building line.
- W. Nonconformity.** “Nonconformity” means any legal use, structure or parcel of land already in existence, recorded, or authorized before the adoption of official controls or amendments thereto that would not have been permitted to become established under the terms of the official controls as now written, if the official controls had been in effect prior to the date it was established, recorded or authorized.
- X. Ordinary high water level.** “Ordinary high water level” means the boundary of public waters and wetlands, and shall be an elevation delineating the highest water level which has been maintained for a sufficient period of time to leave evidence upon the landscape, commonly that point where the natural vegetation changes from predominantly aquatic to predominantly terrestrial. For watercourses, the ordinary high water level is the elevation of the top of the bank of the channel. For reservoirs and flowages, the ordinary high water level is the operating elevation of the normal summer pool.
- Y. Planned unit development.** “Planned unit development” means a type of development characterized by a unified site design for a number of dwelling units or dwelling sites on a parcel, whether for sale, rent, or lease, and also usually

involving clustering of these units or sites to provide areas of common open space, density increases, and a mix of structure types and land uses. These developments may be organized and operated as condominiums, time-share condominiums, cooperatives, full fee ownership, commercial enterprises, or any combination of these, or cluster subdivisions of dwelling units, residential condominiums, townhouses, apartment buildings, campgrounds, recreational vehicle parks, resorts, hotels, motels and conversions of structures and land uses to these uses.

- Z. Public waters.** “Public waters” means any waters as defined in Minnesota Statutes, section 105.37, subdivisions 14 and 15.
- AA. Residential planned unit development.** “Residential planned unit development” means a use where the nature of residency is nontransient and the major or primary focus of the development is not service-oriented. For example, residential apartments, manufactured home parks, time-share condominiums, townhouses, cooperatives, and full fee ownership residences would be considered as residential planned unit developments. To qualify as a residential planned unit development, a development must contain at least five dwelling units or sites.
- BB. Semipublic use.** “Semipublic use” means the use of land by a private, nonprofit organization to provide a public service that is ordinarily open to some persons outside the regular constituency of the organization.
- CC. Sensitive resource management.** “Sensitive resource management” means the preservation and management of areas unsuitable for development in their natural state due to constraints such as shallow soils over groundwater or bedrock, highly erosive or expansive soils, steep slopes, susceptibility to flooding, or occurrence of flora or fauna in need of special protection.
- DD. Setback.** “Setback” means the minimum horizontal distance between a structure, sewage treatment system, or other facility and an ordinary high water level, sewage treatment system, top of a bluff, road, highway, property line, or their facility.
- EE. Sewage treatment system.** “Sewage treatment system” means a septic tank and soil absorption system or other individual or cluster type sewage treatment system as described and regulated in Section 907.05 Subd. 8 of this ordinance.
- FF. Sewer system.** “Sewer system” means pipelines or conduits, pumping stations, and force main, and all other construction, devices, appliances, or appurtenances used for conducting sewage or industrial waste or other wastes to a point of ultimate disposal.
- GG. Shore impact zone.** “Shore impact zone” means land located between the ordinary high water level of a public water and a line parallel to it at a setback of 50 percent of the structure setback.

- HH. Shoreland.** “Shoreland” means land located within the following distances from public waters; 1,000 feet from the ordinary high water level of a lake, pond, or flowage; and 300 feet from a river or stream, or the landward extent of a floodplain designated by ordinance on a river or stream, whichever is greater. The limits of shorelands may be reduced whenever the waters involved are bounded by topographic divides which extend landward from the waters for lesser distances and when approved by the commissioner.
- II. Significant historic site.** “Significant historic site” means any archaeological site, standing structure, or other property that meets the criteria for eligibility to the National Register of Historic Places or is listed in the State Register of Historic Sites, or is determined to be an unplatted cemetery that falls under the provisions of Minnesota Statutes, section 308.07. A historic site meets these criteria if it is presently listed on either register or if it is determined to meet the qualifications for listing after review by the Minnesota state archaeologist or the director of the Minnesota Historical Society. All unplatted cemeteries are automatically considered to be significant historic sites.
- JJ. Steep slope.** “Steep slope” means land where agricultural activity or development is either not recommended or described as poorly suited due to slope steepness and the site’s soil characteristics, as mapped and described in available county soil surveys or other technical reports, unless appropriate design and construction techniques and farming practices are used in accordance with the Zoning Administrator provisions of this ordinance. Where specific information is not available, steep slopes are lands having average slopes over 12 percent, as measured over horizontal distances of 50 feet or more, that are not bluffs.
- KK. Structure.** “Structure” means any building or appurtenance, including decks, except aerial or underground utility lines, such as sewer, electric, telephone, telegraph, gas lines, towers, poles, and other supporting facilities.
- LL. Subdivision.** “Subdivision” means land that is divided for the purpose of sale, rent, or lease, including planned unit developments.
- MM. Surface water-oriented commercial use.** “Surface water-oriented commercial use” means the use of land for commercial purposes, where access to and use of a surface water feature is an integral part of the normal conductance of business. Marinas, resorts, and restaurants with transient docking facilities are examples of such use.
- NN. Toe of the bluff.** “Toe of the bluff” means the lower point of a 50-foot segment with an average slope exceeding 18 percent.
- OO. Top of the bluff.** “Top of the bluff” means the higher point of a 50-foot segment with an average slope exceeding 18 percent.

- PP. Variance.** “Variance” means the same as that term is defined or described in Minnesota Statutes Chapter 462.
- QQ. Water-oriented accessory structure or facility.** “Water-oriented accessory structure or facility” means a small, above ground building or other improvement, except stairways, fences, docks, and retaining walls, which, because of the relationship of its use to a surface water feature, reasonably needs to be located closer to public waters than the normal structure setback. Examples of such structures and facilities include boathouses, gazebos, screen houses, fish houses, pump houses, and detached decks.
- RR. Wetland.** “Wetland” means a surface water feature classified as a wetland in the United States Fish and Wildlife Service Circular No. 39 (1971 edition.)

907.03 ADMINISTRATION.

Subdivision 1. Permits Required.

- A. A permit is required for the construction of buildings or building additions (and including such related activities as construction of decks and signs), the installation and/or alteration of sewage treatment systems, and those grading and filling activities not exempted by Section 907.05 Subdivision 3 of this ordinance. Application for a permit shall be made to the Zoning Administrator on the forms provided. The application shall include the necessary information so that the Zoning Administrator can determine the site’s suitability for the intended use and that a compliant sewage treatment system will be provided. The Zoning Administrator shall require use of the city sewer system, unless a variance has been issued for an on-site sewage treatment system.
- B. A permit authorizing an addition to an existing structure shall stipulate that an identified nonconforming sewage treatment system, as defined by Section 907.05 Subdivision 8 shall be reconstructed or replaced in accordance with the provisions of this ordinance. The Zoning Administrator shall require use of the city sewer system, unless a variance has been issued for reconstruction or replacement of the existing on-site sewage treatment system.

Subdivision 2. Certificate of Zoning Compliance. The Zoning Administrator shall issue a certificate of zoning compliance for each activity requiring a permit as specified in Subdivision 1, above. This certificate will specify that the use of land conforms to the requirements of this ordinance. Any use, arrangement, or construction at variance with that authorized by permit shall be deemed a violation of this ordinance and shall be punishable as provided in Section 907.02, Subdivision 3 of this ordinance.

Subdivision 3. Variances.

- A. Variances may only be granted in accordance with Minnesota Statutes, Chapter 462. A variance may not circumvent the general purposes and intent of this ordinance. No variance may be granted that would allow any use that is prohibited in the zoning district in which the subject property is located. Conditions may be imposed in the granting of a variance to ensure compliance and to protect adjacent properties and the public interest. In considering a variance request, the planning commission and city council must also consider whether the property owner has reasonable use of the land without the variance, whether the property is used seasonally or year-round, whether the variance is being requested solely on the basis of economic considerations, and the characteristics of development on adjacent properties.
- B. The planning commission and city council shall hear and decide requests for variances in the same manner as in non-shoreland areas of the city.
- C. For existing developments, the application for variance must clearly demonstrate whether a conforming sewage treatment system is present for the intended use of the property. The variance, if issued, must require nonconforming sewage treatment systems to be abandoned, and replaced by connection to the city sewer system. Reconstruction or replacement of an existing non-conforming sewage treatment system may be allowed only by variance.
- D. Nonconforming uses on lots of record may be allowed to be replaced, established or expanded by conditional use permit and/or variance provided that the replacement, establishment or expansion is consistent with existing uses in the area.

Subdivision 4. Notifications to the Department of Natural Resources.

- A. Copies of all notices of any public hearings to consider variances, amendments, or conditional uses under local shoreland management controls must be sent to the commissioner or the commissioner's designated representative and postmarked at least ten days before the hearings. Notices of hearings to consider proposed plats must include copies of the plat.
- B. A copy of approved amendments and plats, and final decisions granting variances or conditional uses under local shoreland management controls must be sent to the commissioner or the commissioner's designated representative and postmarked within ten days of final action.

907.04 SHORELAND CLASSIFICATION SYSTEM AND LAND USE DISTRICTS

Subdivision 1. Shoreland Classification System. The public waters of the City of Pelican Rapids have been classified below consistent with the criteria found in Minnesota Regulations, Part 6120.3300, and the Protected Waters Inventory Map for Otter Tail County, Minnesota.

- A. The shoreland area for the waterbodies listed in sections B and C below, shall be as defined in Section 907.02, Subdivision 7.HH. and as shown on the Official Zoning Map.
- B. Lakes:
- | | | |
|----|---------------------------------------|------------------------------------|
| 1. | <u>Recreational Development Lakes</u> | <u>Protected Waters Inven. ID#</u> |
| | Prairie | 56-915 |
| 2. | <u>General Development Lakes</u> | <u>Protected Waters Inven. ID#</u> |
| | Lyden | 56-920 |
- C. Rivers and Streams:
- | | | |
|----|----------------------------|--|
| 1. | <u>Agricultural Rivers</u> | <u>Legal Description</u> |
| | Pelican River | Pelican River as it flows through the city limits of the City of Pelican Rapids. |

Subdivision 2. Land Use District Descriptions.

- A. Criteria For Designation. The land use districts in Section B, below, and the delineation of a land use district's boundaries on the Official Zoning Map, must be consistent with the goals, policies and objectives of the comprehensive land use plan and the following criteria, considerations and objections:
1. General Considerations and Criteria for All Land Uses:
 - a. preservation of natural areas;
 - b. present ownership and development of shoreland areas;
 - c. shoreland soil types and their engineering capabilities;
 - d. topographic characteristics;
 - e. vegetative cover;
 - f. in-water physical characteristics, values and constraints;
 - g. recreational use of the surface water;
 - h. road and service center accessibility;

- i. socioeconomic development needs and plans as they involve water and related land resources;
- j. the land requirements of industry which, by its nature, requires location in shoreland areas; and
- k. the necessity to preserve and restore certain areas having significant historical or ecological value.

2. Factors and Criteria for Planned Unit Developments:

- a. existing recreational use of the surface water and likely increases in use associated with planned unit developments;
- b. physical and aesthetic impacts of increased density;
- c. suitability of lands for the planned unit development approach;
- d. level of current development in the area; and
- e. amounts and types of ownership of undeveloped lands.

B. Land Use District Descriptions. The land use districts provided below, and the allowable land uses therein for the given classifications of waterbodies, shall be properly delineated on the Official Zoning Map for the shorelands of this community. These land use districts are in conformance with the criteria specified in Minnesota Regulation, part 6120.3200, Subd. 3:

1. Land Use Districts for Lakes:

	General Development Lakes (Lyden Lake)	Recreational Development Lakes (Prairie Lake)
a. Special Protection District Uses (Agricultural Districts)		
Forest Management	P	P
Agricultural: Crop land and Pasture	P	P
Agricultural Feedlots	C	C
Parks, Playgrounds, Churches, Schools & Historic Sites	C	C
Single Residential	C	C

b.	Residential District Uses: (shoreland areas of R-1 Districts)		
	Single residential	P	P
	Semipublic	C	C
	Parks, Playgrounds, Churches, Schools & Historic Sites	C	C
	Duplex	P	P
	Home Occupations Meeting	P	P
	General Zoning Ordinance Requirements		
	Office of Members of Recognized Professions	C	C
c.	High Density Residential District Uses: (shoreland areas of R-2 & R-3 Districts)		
	Residential planned unit dev.	C	C
	Single residential	P	P
	Surface water-oriented commercial*	C	C
	Semipublic	C	C
	Parks, Playgrounds, Churches, Schools & Historic Sites	C	C
	Cold Storage Rental Buildings in R-3 Zone	C	C
	Duplex, Triplex & Quad Res.	P	P
	Home Occupations Meeting	P	P
	General Zoning Ordinance Requirements		
	Office of Members of Recognized Professions	C	C
d.	General Use District Uses (Shoreland areas of C & I zones)		
	Commercial	P	P
	Commercial planned unit development**	C	C
	Industrial	C	C
	Public, Semipublic	P	P
	Parks, Playgrounds, Churches, Schools & Historic sites	C	C
	Single, Duplex, Triplex, Quad Res.	C	C
	Apartment Houses	C	C

*As accessory to a residential planned unit development
 ** Limited expansion of a commercial planned unit development involving up to six additional dwelling units or sites may be allowed as a permitted use provided the provisions of Section 907.08 of this ordinance are satisfied.

2. Land Use Districts for Rivers and Streams:

a. Special Protection District
 Uses (Agricultural Districts)

Forest Management	P
Agricultural: Crop land and Pasture	P
Agricultural Feedlots	C
Parks, Playgrounds, Churches, Schools & Historic Sites	C
Single Residential	C

b. Residential District Uses (Shoreland areas of R-1 districts) Agricultural

Single residential	P
Semipublic	C
Parks, playgrounds, churches, schools and Historic sites	C
Duplex	C
Home Occupations Meeting	
General Zoning Ordinance Requirements	P
Office of Members of Recognized Professions	C

c. High Density Residential Uses (Shoreland areas of R-2 & R-3 Districts)

Residential planned unit developments	C
Single residential	P
Surface water-oriented commercial*	C
Semipublic	C
Parks, playgrounds, churches, schools and Historic sites	C
Duplex, Triplex, Quad Residential	P
Cold Storage Rental Buildings in R-3 Zone	C
Home Occupations Meeting	
General Zoning Ordinance Requirements	P

Office of Members of Recognized Professions C

d. General Use District Uses
(Shoreland Areas of C & I Zones)

Commercial	C
Commercial planned unit development **	C
Industrial	C
Public, Semipublic	C
Parks, Playgrounds, Churches, Schools & Historic Sites	C
Single, Duplex Triplex, Quad Residential	C
Apartment Houses	C

* As accessory to a residential planned unit development

** Limited expansion of a commercial planned unit development involving up to six additional dwelling units or sites may be allowed as a permitted use provided the provisions of Section 907.08 of this ordinance are satisfied.

C. Use and Upgrading of Inconsistent Land Use Districts.

1. The land use districts adopted in Ordinances not specifically dealing with shoreland, as they apply to shoreland areas, and their delineated boundaries on the Official Zoning Map, may not be consistent with the land use district designation criteria specified in Section B, above. These inconsistent land use district designations may continue until revisions are proposed to change either the land use district designation within an existing land use district boundary shown on the Official Zoning Map or to modify the boundary of an existing land use district shown on the Official Zoning Map.
2. When a revision is proposed to an inconsistent land use district provision, the following additional criteria and procedures shall apply:
 - a. For Lakes. When a revision to a land use district designation on a lake is considered, the land use district boundaries and use provisions therein for all the shoreland areas within the jurisdiction of this ordinance on said lake must be revised to make them substantially compatible with the framework in Sections A and B, above, except that nonconforming uses on lots of record with the Otter Tail County Recorder may be allowed to be replaced, established or expanded by conditional use permit and/or variance provided that the replacement establishment or expansion is consistent with existing uses in the area.

- b. For Rivers and Streams. When a revision to a land use district designation on a river or stream is proposed, the land use district boundaries and the use provisions therein for all shoreland on both sides of the river or stream within the same classification within the jurisdiction of this ordinance must be revised to make them substantially compatible with the framework in Sections A and B, above, except that nonconforming uses on lots of record with the Otter Tail County Recorder may be allowed to be replaced, established or expanded by conditional use permit and/or variance provided that the replacement establishment or expansion is consistent with existing uses in the area.
3. When an interpretation question arises about whether a specific land use fits within a given “use” category, the interpretation shall be made by the City Council. When a question arises as to whether a land use district’s boundaries are properly delineated on the Official Zoning Map, this decision shall be made by the City Council.
 4. When a revision is proposed to an inconsistent land use district provision by an individual party or landowner, this individual party or landowner will only be responsible to provide the supporting and/or substantiating information for the specific parcel in question. The City Council will direct the Zoning Administrator to provide such additional information for this waterbody as is necessary to satisfy Items 1 and 2, above.
 5. The City Council must make a detailed finding of fact and conclusion when taking final action that this revision, and the upgrading of any inconsistent land use district designations on said waterbody, are consistent with the enumerated criteria and use provisions of Section 907.04, Subdivision 2.

907.05 ZONING AND WATER SUPPLY/SANITARY PROVISIONS

Subdivision 1. Lot Area and Width Standards. The lot area (in square feet) and lot widths standards (in feet) for single, duplex, triplex and quad residential lots created after the date of enactment of this ordinance for the lake and river/stream classifications are set forth in this subdivision.

A. Unsewered Lake Lots

1. Recreational Development: (Prairie Lake)

Riparian Lots		Nonriparian Lots	
<u>Area</u>	<u>Width</u>	<u>Area</u>	<u>Width</u>

Single	40,000	150	40,000	150
Duplex	80,000	225	80,000	225
Triplex	120,000	300	120,000	300
Quad	160,000	375	160,000	375

2. General Development: (Lyden Lake)

	Riparian Lots		Nonriparian Lots	
	<u>Area</u>	<u>Width</u>	<u>Area</u>	<u>Width</u>
Single	20,000	100	20,000	100
Duplex	40,000	180	40,000	180
Triplex	60,000	260	60,000	260
Quad	80,000	340	80,000	340

B. Sewered Lake Lots:

1. Recreational Development: (Prairie Lake)

	Riparian Lots		Nonriparian Lots	
	<u>Area</u>	<u>Width</u>	<u>Area</u>	<u>Width</u>
Single	20,000	75	15,000	75
Duplex	35,000	135	26,000	135
Triplex	50,000	195	38,000	190
Quad	65,000	255	49,000	245

2. General Development: (Lyden Lake)

	Riparian Lots		Nonriparian Lots	
	<u>Area</u>	<u>Width</u>	<u>Area</u>	<u>Width</u>
Single	15,000	75	10,000	75
Duplex	26,000	135	17,500	135
Triplex	38,000	195	25,000	190
Quad	49,000	255	32,500	245

C. River/Stream Lot Width Standards. There is no minimum lot size requirements for rivers and streams. The lot width standards for single, duplex, triplex and quad residential lots for the Pelican River are:

	<u>No Sewer</u>	<u>Sewer</u>
Single	100	75
Duplex	150	115

Triplex	200	150
Quad	250	190

D. Additional Special Provisions.

1. Residential subdivisions with dwelling unit densities exceeding those in the tables in Sections B and C of this Subdivision can only be allowed if designed and approved as residential planned unit developments under this ordinance. Only land above the ordinary high water level of public waters can be used to meet lot area standards, and lot width standards must be met at both the ordinary high water level and at the building line. The sewer lot area dimensions in Section B of this Subdivision can only be used if city sewer system service is available to the property.

Subdivision 2. Placement, Design, and Height of Structures.

- A. Placement of Structures on Lots. When more than one setback applies to a site, structures and facilities must be located to meet all setbacks. Where structures exist on the adjoining lots on both sides of a proposed building site, structure setbacks may be altered without a variance to conform to the adjoining setbacks from the ordinary high water level, provided the proposed building site is not located in a shore impact zone or in a bluff impact zone. Structures shall be located as follows.

1. Structure and On-site Sewage System Setbacks (in feet) from Ordinary High Water Level*.

<u>Classes of Public Waters</u>	<u>Setbacks*</u>		<u>Sewage Treatment System</u>
	<u>Unsewered</u>	<u>Sewered</u>	
<u>Lakes</u>			
Recreational Dev. (Prairie)	100	75	75
General Dev. (Lyden)	75	50	50
<u>Rivers</u>			
Agricultural, (Pelican River)	100	50	75

*One water-oriented accessory structure designed in accordance with

Section A of this subdivision may be set back a minimum distance of ten (10) feet from the ordinary high water level.

2. Additional Structure Setbacks. The following additional structure setbacks apply, regardless of the classification of the waterbody:

<u>Setback From:</u>	<u>Setback (in feet):</u>
(1) top of bluff;	30
(2) unplatted cemetery;	50
(3) right-of-way line of federal, state or county highway; and	50
(4) right-of-way line of town road, public street, or other roads or streets not classified.	20

3. Bluff Impact Zones. Structures and accessory facilities, except stairways and landings, must not be placed within bluff impact zones.

B. Design Criteria for Structures.

1. High Water Elevations. Structures must be placed in accordance with any floodplain regulations applicable to the site. Where these controls do not exist, the elevation to which the lowest floor, including basement, is placed or flood-proofed must be determined as follows:
 - a. For lakes, by placing the lowest floor at a level at least three feet above the highest known water level, or three feet above the ordinary high water level, whichever is higher.
 - b. For rivers and streams, by placing the lowest floor at least three feet above the flood of record, if data are available. If data are not available, by placing the lowest floor at least three feet above the ordinary high water level.
 - c. Water-oriented accessory structures may have the lowest floor placed lower than the elevation determined in this item if the structure is constructed of flood-resistant materials to the elevation, electrical and mechanical equipment is placed above the elevation.
2. Water-oriented Accessory Structures. Each lot may have one water-oriented accessory structure not meeting the normal structure setback in Section A of this Subdivision if this water-oriented accessory structure complies with the following provisions:

- a. The structure or facility must not exceed ten feet in height, exclusive of safety rails, and cannot occupy an area greater than 250 square feet. Detached decks must not exceed eight feet above grade at any point;
 - b. The setback of the structure or facility from the ordinary high water level must be at least ten feet;
 - c. The structure or facility must be treated to reduce visibility as viewed from public waters and adjacent shorelands by vegetation, topography, increased setbacks or color, assuming summer, leaf-on conditions;
 - d. The roof may be used as a deck with safety rails, but must not be enclosed or used as a storage area;
 - e. The structure or facility must not be designed or used for human habitation and must not contain water supply or sewage treatment facilities; and
 - f. As an alternative for general development and recreational development waterbodies, water-oriented accessory structures used solely for watercraft storage, and including storage of related boating and water-oriented sporting equipment, may occupy an area up to 400 square feet provided the maximum width of the structure is 20 feet as measured parallel to the configuration of the shoreline.
3. Stairways, Lifts, and Landings. Stairways and lifts are the preferred alternative to major topographic alterations for achieving access up and down bluffs and steep slopes to shore areas. Stairways and lifts must meet the following design requirements:
- a. Stairways and lifts must not exceed four feet in width on residential lots. Wider stairways may be used for commercial properties, public open-space recreational properties, and planned unit developments;
 - b. Landings for stairways and lifts on residential lots must not exceed 32 square feet in area. Landings larger than 32 square feet may be used for commercial properties, public open-space recreational properties, and planned unit developments;
 - c. Canopies or roofs are not allowed on stairways, lifts, or landings;

- d. Stairways, lifts, and landings may be either constructed above the ground on posts or pilings, or placed into the ground, provided they are designed and built in a manner that ensures control of soil erosion;
 - e. Stairways, lifts, and landings must be located in the most visually inconspicuous portions of lots, as viewed from the surface of the public water assuming summer, leaf-on conditions, whenever practical; and
 - f. Facilities such as ramps, lifts, or mobility paths for physically handicapped persons are also allowed for achieving access to shore areas, provided that the dimensional and performance standards of sub-items (a.) to (e.) are complied with in addition to the requirements of Minnesota Regulations, Chapter 1340.
- 4. Significant Historic Sites. No structure may be placed on a significant historic site in a manner that affects the values of the site unless adequate information about the site has been removed and documented in a public repository.
 - 5. Steep Slopes. The Zoning Administrator must evaluate possible soil erosion impacts and development visibility from public waters before issuing a permit for construction of sewage treatment systems, roads, driveways, structures, or other improvements on steep slopes. When determined necessary, conditions must be attached to issued permits to prevent erosion and to preserve existing vegetation screening of structures, vehicles, and other facilities as viewed from the surface of public waters, assuming summer, leaf-on vegetation.
- C. Height of Structures. All structures in residential districts, except churches and nonresidential agricultural structures, must not exceed 25 feet in height.

Subdivision 3. Shoreland Alterations. Alterations of vegetation and topography will be regulated to prevent erosion into public waters, fix nutrients, preserve shoreland aesthetics, preserve historic values, prevent bank slumping, and protect fish and wildlife habitat.

- A. Vegetation Alterations.
 - 1. Vegetation alteration necessary for the construction of structures and sewage treatment systems and the construction of roads and parking areas regulated by Subdivision 4 of this ordinance are exempt from the vegetation alteration standards that follow.

2. Removal or alteration of vegetation, except for agricultural uses as regulated in Subdivision 6.B., below, is allowed subject to the following standards:
 - a. Intensive vegetation clearing within the shore and bluff impact zones and on steep slopes is not allowed. Intensive vegetation clearing for forest land conversion to another use outside of these areas is allowable as a conditional use if an erosion control and sedimentation plan is developed and approved by the soil and water conservation district in which the property is located.
 - b. In shore and bluff impact zones and on steep slopes, limited clearing of trees and shrubs and cutting, pruning, and trimming of trees is allowed to provide a view to the water from the principal dwelling site and to accommodate the placement of stairways and landings, picnic areas, access paths, livestock watering areas, beach and watercraft access areas, and permitted water-oriented accessory structures or facilities, provided that:
 - i. The screening of structures, vehicles, or other facilities as viewed from the water, assuming summer, leaf-on conditions, is not substantially reduced;
 - ii. Along rivers, existing shading of water surfaces is preserved; and
 - iii. The above provisions are not applicable to the removal of trees, limbs, or branches that are dead, diseased, or pose safety hazards.

B. Topographic Alterations/Grading and Filling.

1. Grading and filling and excavations necessary for the construction of structures, sewage treatment systems, and driveways under validly issued construction permits for these facilities do not require the issuance of a separate grading and filling permit. However, the grading and filling standards in this Section must be incorporated into the issuance of permits for construction of structures, sewage treatment systems, and driveways.
2. Public roads and parking areas are regulated by Section 907.05, Subdivision 4 of this ordinance.
3. Notwithstanding items above, a grading and filling permit will be required for:

- a. The movement of more than ten (10) cubic yards of material on steep slopes or within shore or bluff impact zones; and
 - b. The movement of more than 50 cubic yards of material outside of steep slopes and shore and bluff impact zones.
4. The following considerations and conditions must be adhered to during the issuance of construction permits, grading and filling permits, conditional use permits, variances and subdivision approvals:
- a. Grading or filling in any type 2, 3, 4, 5, 6, 7, or 8 wetland must be evaluated to determine how extensively the proposed activity would affect the following functional qualities of the wetland*:
 - i. Sediment and pollutant trapping and retention;
 - ii. Storage of surface runoff to prevent or reduce flood damage;
 - iii. Fish and wildlife habitat;
 - iv. Recreational use;
 - v. Shoreline or bank stabilization; and
 - vi. Noteworthiness, including special qualities such as historic significance, critical habitat for endangered plants and animals, or others.

*This evaluation will not include a determination of whether the wetland alteration being proposed requires permits, reviews, or approvals by other local, state, or federal agencies such as a watershed district, the Minnesota Department of Natural Resources, or the United States Army Corps of Engineers. The applicant will be responsible for documenting such determination and complying with such requirements to the satisfaction of the City.

- b. Alterations must be designed and conducted in a manner that ensures only the smallest amount of bare ground is exposed for the shortest time possible;
- c. Mulches or similar materials must be used, where necessary, for temporary bare soil coverage, and a permanent vegetation cover must be established as soon as possible;

- d. Methods to minimize soil erosion and to trap sediments before they reach any surface water feature must be used;
 - e. Altered areas must be stabilized to acceptable erosion control standards consistent with the field office technical guides of the local soil and water conservation districts and the United States Soil Conservation Service;
 - f. Fill or excavated material must not be placed in a manner that creates an unstable slope;
 - g. Plans to place fill or excavated material on steep slopes must be reviewed by qualified professionals for continued slope stability and must not create finished slopes of 30 percent or greater;
 - h. Fill or excavated material must not be placed in bluff impact zones;
 - i. Any alterations below the ordinary high water level of public waters must first be authorized by the commissioner under Minnesota Statutes, Section 105.42;
 - j. Alterations of topography must only be allowed if they are accessory to permitted or conditional uses and do not adversely affect adjacent or nearby properties; and
 - k. Placement of natural rock riprap, including associated grading of the shoreline and placement of a filter blanket, is permitted if the finished slope does not exceed three feet horizontal to one foot vertical, the landward extent of the riprap is within ten feet of the ordinary high water level, and the height of the riprap above the ordinary high water level does not exceed three feet.
5. Connections to public waters. Excavations where the intended purpose is connection to a public water, such as boat slips, canals, lagoons, and harbors, must be controlled by local shoreland controls. Permission for excavations may be given only after the commissioner has approved the proposed connection to public waters.

Subdivision 4. Placement and Design of Roads, Driveways, and Parking Areas.

- A. Public and private roads and parking areas must be designed to take advantage of natural vegetation and topography to achieve maximum screening from view from public waters. Documentation must be provided by a qualified individual that all roads and parking areas are designed and constructed to minimize and control erosion to public waters consistent with the field office technical guides of the local soil and water conservation district, or other applicable technical materials.

- B. Roads, driveways, and parking areas must meet structure setbacks and must not be placed within bluff and shore impact zones, when other reasonable and feasible placement alternatives exist. If no alternatives exist, they may be placed within these areas, and must be designed to minimize adverse impacts.
- C. Public and private watercraft access ramps, approach roads, and access-related parking areas may be placed within shore impact zones provided the vegetative screening and erosion control conditions of this subpart are met. For private facilities, the grading and filling provisions of Section 907.05, Subdivision 3.B. of this ordinance must be met.

Subdivision 5. Stormwater Management. The following general and specific standards shall apply:

- A. General Standards:
 - 1. When possible, existing natural drainageways, wetlands, and vegetated soil surfaces must be used to convey, store, filter and retain stormwater runoff before discharge to public waters.
 - 2. Development must be planned and conducted in a manner that will minimize the extent of disturbed areas, runoff velocities, erosion potential, and reduce and delay runoff volumes. Disturbed areas must be stabilized and protected as soon as possible and facilities or methods used to retain sediment on the site.
 - 3. When development density, topographic features, and soil and vegetation conditions are not sufficient to adequately handle stormwater runoff using natural features and vegetation, various types of constructed facilities such as diversions, settling basins, skimming devices, dikes, waterways, and ponds may be used. Preference must be given to designs using surface drainage, vegetation, and infiltration rather than buried pipes and manmade materials and facilities.
- B. Specific Standards:
 - 1. Impervious surface coverage of lots must not exceed 25 percent of the lot area.
 - 2. When constructed facilities are used for stormwater management, documentation must be provided by a qualified individual that they are designed and installed consistent with the field office technical guide of the local soil and water conservation districts.

3. New constructed stormwater outfalls to public waters must provide for filtering or settling of suspended solids and skimming of surface debris before discharge.

Subdivision 6. Special Provisions for Commercial, Industrial, Public/ Semipublic and Agricultural Uses.

- A. Standards for Commercial, Industrial, Public and Semipublic Uses.
 1. Surface water-oriented commercial uses and industrial, public, or semipublic uses with similar needs to have access to and use of public waters may be located on parcels or lots with frontage on public waters. Those uses with water-oriented needs must meet the following standards:
 - a. In addition to meeting impervious coverage limits, setbacks, and other zoning standards in this ordinance, the uses must be designed to incorporate topographic and vegetative screening of parking areas and structures;
 - b. Uses that require short-term watercraft mooring for patrons must centralize these facilities and design them to avoid obstructions of navigation and to be the minimum size necessary to meet the need; and
 - c. Uses that depend on patrons arriving by watercraft may use signs and lighting to convey needed information to the public, subject to the following general standards:
 - i. No advertising signs or supporting facilities for signs may be placed in or upon public waters. Signs conveying information or safety messages may be placed in or on public waters by a public authority or under a permit issued by the county sheriff;
 - ii. Signs may be placed, when necessary, within the shore impact zone if they are designed and sized to be the minimum necessary to convey needed information. They must only convey the location and name of the services available. The signs must not contain other detailed information such as product brands and prices, must not be located higher than ten feet above the ground, and must not exceed 32 square feet in size. If illuminated by artificial lights, the lights must be shielded or directed to prevent illumination out across public waters; and

iii. Other outside lighting may be located within the shore impact zone or over public waters if it is used primarily to illuminate potential safety hazards and is shielded or otherwise directed to prevent direct illumination out across public waters. This does not preclude use of navigational lights.

2. Uses without water-oriented needs must be located on lots or parcels without public waters frontage, or, if located on lots or parcels with public waters frontage, must either be set back double the normal ordinary high water level setback or be substantially screened from view from the water by vegetation or topography, assuming summer, leaf-on conditions. Variances from these standards may be granted where compliance would create a hardship.

B. Agricultural Use Standards.

1. General cultivation farming, grazing, nurseries, horticulture, truck farming, and wild crop harvesting are permitted uses if steep slopes and shore and bluff impact zones are maintained in permanent vegetation or operated under an approved conservation plan (Resource Management Systems) consistent with the field office technical guides of the local soil and water conservation districts or the United States Soil Conservation Service, as provided by a qualified individual or agency. The shore impact zone for parcels with permitted agricultural land uses is equal to a line parallel to and 50 feet from the ordinary high water level.

2. Animal feedlots must meet the following standards:

a. New feedlots must not be located in the shoreland of watercourses or in bluff impact zones and must meet a minimum setback of 300 feet from the ordinary high water level of all public waters basins; and

b. Modifications or expansions to existing feedlots that are located within 300 feet of the ordinary high water level or within a bluff impact zone are allowed if they do not further encroach into the existing ordinary high water level setback or encroach on bluff impact zones.

C. Forest Management Standards. The harvesting of timber and associated reforestation must be conducted consistent with the provisions of the Minnesota Nonpoint Source Pollution Assessment-Forestry and the provisions of Water Quality in Forest Management “Best Management Practices in Minnesota.”

- D. Extractive Uses. Extractive uses are not allowed.
- E. Mining of Metallic Minerals and Peat. Mining of metallic minerals and peat, as defined in Minnesota Statutes, sections 93.44 to 93.51 is not allowed.

Subdivision 7. Conditional Uses. Conditional uses allowable within shoreland areas shall be subject to the review and approval procedures, and criteria and conditions for review of conditional uses established community-wide. The following additional evaluation criteria and conditions apply within shoreland areas:

- A. Evaluation Criteria. A thorough evaluation of the waterbody and the topographic, vegetation and soil conditions on the site must be made to ensure:
 - 1. The prevention of soil erosion or other possible pollution of public waters, both during and after construction;
 - 2. The visibility of structures and other facilities as viewed from public waters is limited;
 - 3. If on-site water supply and/or on-site sewage treatment is to be allowed, whether the site is adequate for on-site water supply and on-site sewage treatment; and
 - 4. The types, uses and numbers of watercraft that the project will generate are compatible in relation to the suitability of public waters to safely accommodate these watercraft.
 - 5. Whether a conditional use is appropriate based on existing uses in the area.
- B. Conditions Attached to Conditional Use Permits. The city council, upon consideration of the criteria listed above and the purposes of this ordinance, shall attach such conditions to the issuance of the conditional use permits as it deems necessary to fulfill the purposes of this ordinance. Such conditions may include, but are not limited to, the following:
 - 1. Increased setbacks from the ordinary high water level;
 - 2. Limitations on the natural vegetation to be removed or the requirements that additional vegetation be planted; and
 - 3. Special provisions for the location, design, and use of structures, sewage treatment systems, watercraft launching and docking areas, and vehicle parking areas.

- C. Nonconforming Uses. Nonconforming uses on lots of record may be allowed to be replaced, established or expanded by conditional use permit and/or variance provided that the replacement, establishment or expansion is consistent with existing uses in the area.

Subdivision 8. Water Supply and Sewage Treatment.

- A. Water Supply. Any public or private supply of water for domestic purposes must meet or exceed standards for water quality of the Minnesota Department of Health and the Minnesota Pollution Control Agency.
- B. Sewage Treatment. Any premises used for human occupancy must be provided with an adequate method of sewage treatment, as follows:
 - 1. Publicly-owned sewer systems must be used unless a variance is obtained for a private system.
 - 2. All private sewage treatment systems must meet or exceed the Minnesota Pollution Control Agency's standards for individual sewage treatment systems contained in the document titled, "Individual Sewage Treatment Systems Standards, Chapter 7080", a copy of which is hereby adopted by reference and declared to be a part of this ordinance.
 - 3. On-site private sewage treatment systems must be set back from the ordinary high water level in accordance with the setbacks contained in Subdivision 2.A. of this ordinance.
 - 4. All proposed sites for private sewage treatment systems shall be evaluated in accordance with the criteria in subitems (a.)-(d.), below. If the determination of a site's suitability cannot be made with publicly available, existing information, it shall then be the responsibility of the applicant to provide sufficient soil borings and percolation tests from on-site field investigations.

Evaluation criteria:

- a. Depth to the highest known or calculated ground water table or bedrock;
- b. Soil conditions, properties and permeability;
- c. Slope;
- d. The existence of lowlands, local surface depressions and rock outcrops;

5. Nonconforming sewage treatment systems shall be regulated and upgraded in accordance with Section 907.06, Subdivision 3 of this ordinance.

907.06 NONCONFORMITIES

All legally established nonconformities as of the date of this ordinance may continue, but they will be managed according to applicable state statutes and other regulations of this community for the subjects of alterations and additions, repair after damage, discontinuance of use, and intensification of use; except that the following standards will also apply in shoreland areas:

Subdivision 1. Construction on Nonconforming Lots of Record.

- A. Lots of record in the office of the county recorder on the date of enactment of local shoreland controls that do not meet the requirements of Section 907.05, Subdivision 1 of this ordinance may be allowed as building sites without variances from lot size requirements provided the use is permitted in the zoning district, the lot has been in separate ownership from abutting lands at all times since it became substandard, was created compliant with official controls in effect at the time, and sewage treatment and setback requirements of this ordinance are met.
- B. A variance from setback requirements must be obtained before any use, sewage treatment system, or building permit is issued for a lot. In evaluating the variance, the board of adjustment shall consider sewage treatment and water supply capabilities or constraints of the lot and shall deny the variance if adequate facilities cannot be provided.
- C. If, in a group of two or more contiguous lots under the same ownership, any individual lot does not meet the requirements of Section 907.05 Subdivision 1 of this ordinance the lot must not be considered as a separate parcel of land for the purposes of sale or development. The lot must be combined with the one or more contiguous lots so they equal one or more parcels of land, each meeting the requirements of Section 907.05 Subdivision 1 of this ordinance as much as possible. However, nonconforming sales of or uses on contiguous lots of record may be allowed to be replaced, established or expanded by conditional use permit and/or variance provided that the sale, use, replacement, establishment or expansion is consistent with existing uses in the area.

Subdivision 2. Additions/Expansions to Nonconforming Structures.

- A. All additions or expansions to the outside dimensions of an existing nonconforming structure must meet the setback, height, and other requirements of Section 907.05 of this ordinance. Any deviation from these requirements must be authorized by a variance.

- B. Deck additions may be allowed without a variance to a structure not meeting the required setback from the ordinary high water level if all of the following criteria and standards are met:
 - 1. The structure existed on the date the structure setbacks were established;
 - 2. A thorough evaluation of the property and structure reveals no reasonable location for a deck meeting or exceeding the existing ordinary high water level setback of the structure;
 - 3. The deck encroachment toward the ordinary high water level does not exceed 15 percent of the existing setback of the structure from the ordinary high water level or does not encroach closer than 30 feet, whichever is more restrictive; and
 - 4. The deck is constructed primarily of wood, and is not roofed or screened.
- C. Nonconforming uses on lots of record may be allowed to be replaced, established or expanded by conditional use permit and/or variance provided that the replacement, establishment or expansion is consistent with existing uses in the area.

Subdivision 3. Nonconforming Sewage Treatment Systems.

- A. A sewage treatment system not meeting the requirements of Section 907.05, Subdivision 8 of this ordinance must be abandoned, and replaced by connection to the city sewer system, at any time a permit or variance of any type is required for any improvement on, or use of, the property. Reconstruction or replacement of an existing non-conforming sewage treatment system may be allowed only by variance. For the purposes of this provision, a sewage treatment system shall not be considered nonconforming if the only deficiency is the sewage treatment system's improper setback from the ordinary high water level.
- B. The governing body of the city of Pelican Rapids has by formal resolution notified the commissioner of its program to identify nonconforming sewage treatment systems. The city of Pelican Rapids will require upgrading or replacement of any nonconforming system identified by this program within a reasonable period of time which will not exceed 2 years. Sewage systems installed according to all applicable local shoreland management standards adopted under Minnesota Statutes, Section 105.485, in effect at the time of installation may be considered as conforming unless they are determined to be failing, except that systems using cesspools, leaching pits, seepage pits, or other deep disposal methods, or systems with less soil treatment area separation above groundwater than required by the Minnesota Pollution Control Agency's Chapter 7080 for design of on-site sewage treatment systems, shall be considered nonconforming.

907.07 SUBDIVISION/PLATTING PROVISIONS

Subdivision 1. Land Suitability. Each lot created through subdivision including planned unit developments authorized under Subdivision 907.08 of this ordinance, must be suitable in its natural state for the proposed use with minimal alteration. Suitability analysis by the local unit of government shall consider susceptibility to flooding, existence of wetlands, soil and rock formations with severe limitations for development, severe erosion potential, steep topography, inadequate water supply or sewage treatment capabilities, near-shore aquatic conditions unsuitable for water-based recreation, important fish and wildlife habitat, presence of significant historic sites, and any feature of the natural land likely to be harmful to the health, safety, or welfare of future residents of the proposed subdivision or of the community.

Subdivision 2. Consistency with Other Controls. Subdivisions must conform to all official controls of this community. A subdivision will not be approved where a later variance from one or more standards in official controls would be needed to use the lots for their intended purpose. In areas not served by publicly owned sewer and water systems, a subdivision will not be approved unless public sewer and water are made available and installed to the lot line, or adequate private sewer and water services are available or can be provided for every lot consistent with Section 907.05, Subdivisions 2 and 8. Use of the city sewer system shall be required, unless a variance is granted for on-site private sewage treatment systems. Each lot shall meet the minimum lot size and dimensional requirements of Section 907.05, Subdivision 1, including at least a minimum contiguous lawn area, that is free of limiting factors sufficient for the construction of two standard soil treatment systems. Lots that would require use of holding tanks shall not be approved.

Subdivision 3. Information Requirements. Sufficient information must be submitted by the applicant for the city to make a determination of land suitability. The information shall include at least the following:

- A. Topographic contours at ten-foot intervals or less from United States Geological Survey maps or more accurate sources, showing limiting site characteristics;
- B. The surface water features required in Minnesota Statutes, Section 505.02, Subdivision 1, to be shown on plats, obtained from United States Geological Survey quadrangle topographic maps or more accurate sources;
- C. Adequate soils information to determine suitability for building and on-site sewage treatment capabilities for every lot from the most current existing sources or from field investigations such as soil borings, percolation tests, or other methods;
- D. Information regarding adequacy of domestic water supply; extent of anticipated vegetation and topographic alterations; near-shore aquatic conditions, including depths, types of bottom sediments, and aquatic vegetation; and proposed methods

for controlling stormwater runoff and erosion, both during and after construction activities;

- E. Location of 100-year flood plain areas and floodway districts from existing adopted maps or data; and
- F. A line or contour representing the ordinary high water level, the “toe” and the “top” of bluffs, and the minimum building setback distances from the top of the bluff and the lake or river.

Subdivision 4. Dedications. When a land or easement dedication is a condition of subdivision approval, the approval must provide easements over natural drainage or ponding areas for management of stormwater and significant wetlands.

Subdivision 5. Platting. All subdivisions that create five or more lots or parcels that are 2-1/2 acres or less in size shall be processed as a plat in accordance with Minnesota Statutes, Chapter 505. No permit for construction of buildings or sewage treatment systems shall be issued for lots created after these official controls were enacted unless the lot was created in conformity with the provisions of this Section 907.07.

Subdivision 6. Controlled Access or Recreational Lots. Lots intended as controlled accesses to public waters or for recreational use areas for use by nonriparian lots within a subdivision must meet or exceed the sizing criteria in Section 907.05, Subdivision 1 of this ordinance.

907.08 PLANNED UNIT DEVELOPMENTS (PUD’S)

Subdivision 1. Types of PUD’S Permissible. Planned unit developments (PUD’S) are allowed for new projects on undeveloped land, redevelopment of previously built sites, or conversions of existing buildings and land. The land use districts in which they are an allowable use are identified in the land use district descriptions in Section 907.04, Subdivision 2 of this ordinance and the official zoning map.

Subdivision 2. Processing of PUD’S. Planned unit developments must be processed as a conditional use, except that an expansion to an existing commercial PUD involving 6 or less new dwelling units or sites since the date this ordinance was adopted is permissible as a permitted use provided the total project density does not exceed the allowable densities calculated in the project density evaluation procedures in Subdivision 5, below. Approval cannot occur until the environmental review process (EAW/EIS) is complete.

Subdivision 3. Application for a PUD. The applicant for a PUD must submit the following documents prior to final action being taken on the application request:

- A. Site plan and/or plat for the project showing locations of property boundaries, surface water features, existing and proposed structures and other facilities, land alterations, sewage treatment and water supply systems (where public systems will not be provided), and topographic contours at ten-foot intervals or less.

When a PUD is a combined commercial and residential development, the site plan and/or plat must indicate and distinguish which buildings and portions of the project are residential, commercial, or a combination of the two.

- B. A property owners association agreement (for residential PUD’s) with mandatory membership and all in accordance with the requirements of Section 907.08, Subdivision 6 of this ordinance.
- C. Deed, covenants, permanent easements or other instruments that: 1) properly address future vegetative and topographic alterations, construction of additional buildings, beaching of watercraft, and construction of commercial buildings in residential PUD’s; and 2) ensure the long-term preservation and maintenance of open space in accordance with the criteria and analysis specified Section 907.08, Subdivision 6 of this ordinance.
- D. When necessary, a master plan/drawing describing the project and the floor plan for all commercial structures to be occupied.
- E. Those additional documents as requested by the Zoning Administrator or city council that are necessary to explain how the PUD will be designed and will function.

Subdivision 4. Site “Suitable Area” Evaluation. Proposed new or expansions to existing planned unit developments must be evaluated using the following procedures and standards to determine the suitable area for the dwelling unit/dwelling site density evaluation in Section 907.08, Subdivision 5.

- A. The project parcel must be divided into tiers by locating one or more lines approximately parallel to a line that identifies the ordinary high water level at the following intervals, proceeding landward:

Shoreland Tier Dimensions

	Unsewered (feet)	Sewered (feet)
General development lakes first tier	200	200
General development lakes second and additional tiers	267	200
Recreational development lakes	267	267
Natural environment lakes	400	320
All river classes	300	300

- B. The suitable area within each tier is next calculated by excluding from the tier area all wetlands, bluffs, or land below the ordinary level of public waters. This suitable area and the proposed project are then subjected to either the residential

or commercial planned unit development density evaluation steps to arrive at an allowable number of dwelling units or sites.

Subdivision 5. Residential and Commercial PUD Density Evaluation: The procedures for determining the “base” density of a PUD and density increase multipliers are as follows. Allowable densities may be transferred from any tier to any other tier further from the waterbody, but must not be transferred to any other tier closer.

A. Residential PUD “Base” Density Evaluation:

1. The suitable area within each tier is divided by the single residential lot size standard for lakes or, for rivers, the single residential lot width standard times the tier depth, unless the local unit of government has specified an alternative minimum lot size for rivers which shall then be used to yield a base density of dwelling units or sites for each tier. Proposed locations and numbers of dwelling units or sites for the residential planned unit developments are then compared with the tier, density, and suitability analyses herein and the design criteria in Section 907.08, Subdivision 6.

B. Commercial PUD “Base” Density Evaluation:

1. Determine the average inside living area size of dwelling units or sites within each tier, including both existing and proposed units and sites. Computation of inside living area sizes need not include decks, patios, stoops, steps, garages, or porches and basements, unless they are habitable space.
2. Select the appropriate floor area ratio from the following table:

Commercial Planned Unit Development
Floor Area Ratios*
Public waters classes

*Average unit floor area (sq. ft)	Sewered general development lakes; first tier on unsewered general development lakes; agricultural river segments	Second and additional tiers on unsewered general development lakes; recreational development lakes;
200	.040	.020
300	.048	.024
400	.056	.028
500	.065	.032
600	.072	.038

700	.082	.042
800	.091	.046
900	.099	.050
1,000	.108	.054
1,100	.116	.058
1,200	.125	.064
1,300	.133	.068
1,400	.142	.072
1,500	.150	.075

*For average unit floor areas less than shown, use the floor area ratios listed for 200 square feet. For areas greater than shown, use the ratios listed for 1,500 square feet. For recreational camping areas, use the ratios listed at 400 square feet. Manufactured home sites in recreational camping areas shall use a ratio equal to the size of the manufactured home, or if unknown, the ratio listed for 1,000 square feet.

3. Multiply the suitable area within each tier by the floor area ratio to yield total floor area for each tier allowed to be used for dwelling units or sites.
4. Divide the total floor area by tier computed in Item 3. above by the average inside living area size determined in Item 1. above. This yields a base number of dwelling units and sites for each tier.
5. Proposed locations and numbers of dwelling units or sites for the commercial planned unit development are then compared with the tier, density and suitability analyses herein and the design criteria in Section 907.08, Subdivision 6.

C. Density Increase Multipliers:

1. Increases to the dwelling unit or dwelling site base densities previously determined are allowable if the dimensional standards in Section 907.05 are met or exceeded and the design criteria in Section 907.08, Subdivision 6 are satisfied. The allowable density increases in Item 2. below will only be allowed if structure setbacks from the ordinary high water level are increased to at least 50 percent greater than the minimum setback, or the impact on the waterbody is reduced an equivalent amount through vegetative management, topography, or additional means acceptable to the local unit of government and the setback is at least 25 percent greater than the minimum setback.
2. Allowable Dwelling Unit or Dwelling Site Density Increases for Residential or Commercial Planned Unit Developments:

Density evaluation tiers	Maximum density increase
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within each tier (percent)

First	50
Second	100
Third	200
Fourth	200
Fifth	200

Subdivision 6. Maintenance and Design Criteria.

- A. Maintenance and Administration Requirements.
1. Before final approval of a planned unit development, adequate provisions must be developed for preservation and maintenance in perpetuity of open spaces and for the continued existence and functioning of the development.
 2. Open space preservation. Deed restrictions, covenants, permanent easements, public dedication and acceptance, or other equally effective and permanent means must be provided to ensure long-term preservation and maintenance of open space. The instruments must include all of the following protections:
 - a. commercial uses prohibited (for residential PUD's);
 - b. vegetation and topographic alterations other than routine maintenance prohibited;
 - c. construction of additional buildings or storage of vehicles and other materials prohibited; and
 - d. uncontrolled beaching of watercraft prohibited.
 3. Development organization and functioning. Unless an equally effective alternative community framework is established, when applicable, all residential planned unit developments must use an owners association with the following features:
 - a. membership must be mandatory for each dwelling unit or site purchaser and any successive purchasers;
 - b. each member must pay a pro rata share of the association's expenses, and unpaid assessments can become liens on units or sites;

- c. assessments must be adjustable to accommodate changing conditions; and
 - d. the association must be responsible for insurance, taxes, and maintenance of all commonly owned property and facilities.
- B. Open Space Requirements. Planned unit developments must contain open space meeting all of the following criteria:
 - 1. at least 50 percent of the total project area must be preserved as open space;
 - 2. dwelling units or sites, road rights-of-way, or land covered by road surfaces, parking areas, or structures, except water-oriented accessory Zoning Administrator structures or facilities, are developed areas and shall not be included in the computation of minimum open space;
 - 3. open space must include areas with physical characteristics unsuitable for development in their natural state, and areas containing significant historic sites or unplatted cemeteries;
 - 4. open space may include outdoor recreational facilities for use by owners of dwelling units or sites, by guests staying in commercial dwelling units or sites, and by the general public;
 - 5. open space may include subsurface sewage treatment systems if the use of the space is restricted to avoid adverse impacts on the systems;
 - 6. open space must not include commercial facilities or uses, but may contain water-oriented accessory structures or facilities;
 - 7. the appearance of open space areas, including topography, vegetation, and allowable uses, must be preserved by use of restrictive deed covenants, permanent easements, public dedication and acceptance, or other equally effective and permanent means; and
 - 8. the shore impact zone, based on normal structure setbacks, must be included as open space. For residential PUD's, at least 50 percent of the shore impact zone area of existing developments or at least 70 percent of the shore impact zone area of new developments must be preserved in its natural or existing state. For commercial PUD's, at least 50 percent of the shore impact zone must be preserved in its natural state.
- C. Erosion Control and Stormwater Management. Erosion control and stormwater management plans must be developed and the PUD must:

1. be designed, and the construction managed, to minimize the likelihood of serious erosion occurring either during or after construction. This must be accomplished by limiting the amount and length of time of bare ground exposure. Temporary ground covers, sediment entrapment facilities, vegetated buffer strips, or other appropriate techniques must be used to minimize erosion impacts on surface water features. Erosion control plans approved by a soil and water conservation district may be required if project size and site physical characteristics warrant; and
 2. be designed and constructed to effectively manage reasonably expected quantities and qualities of stormwater runoff. Impervious surface coverage within any tier must not exceed 25 percent of the tier area, except that for commercial PUD's 35 percent impervious surface coverage may be allowed in the first tier of general development lakes with an approved stormwater management plan and consistency with Section 907.05, Subdivision 3.
- D. Centralization and Design Facilities. Centralization and design of facilities and structures must be done according to the following standards:
1. planned unit developments must be connected to publicly owned water supply and sewer systems, unless a variance is obtained for a private system. On-site water supply and sewage treatment systems must be centralized and designed and installed to meet or exceed applicable standards or rules of the Minnesota Department of Health and Sections 907.05, Subdivision 2 and 907.05, Subdivision 8 of this ordinance. On-site sewage treatment systems must be located on the most suitable areas of the development, and sufficient low area free of limiting factors must be provided for a replacement soil treatment system for each sewage system;
 2. dwelling units or sites must be clustered into one or more groups and located on suitable areas of the development. They must be designed and located to meet or exceed the following dimensional standards for the relevant shoreland classification: setbacks from the ordinary high water level, elevation above the surface water features, and maximum height. Setbacks from the ordinary high water level must be increased in accordance with Section 907.08, Subdivision 5.C. of this ordinance for developments with density increases;
 3. shore recreation facilities, including but no limited to swimming areas, docks, and watercraft mooring areas and launching ramps, must be centralized and located in areas suitable for them. Evaluation of suitability must include consideration of land slope, water depth, vegetation, soils, depth to groundwater and bedrock, or other relevant factors. The number of spaces provided for continuous beaching, mooring, or docking of

watercraft must not exceed one for each allowable dwelling unit or site in the first tier (notwithstanding existing mooring sites in an existing commercially used harbor). Launching ramp facilities, including a small dock for loading and unloading equipment, may be provided for use by occupants of dwelling units or sites located in other tiers;

4. structures, parking areas, and other facilities must be treated to reduce visibility as viewed from public waters and adjacent shorelands by vegetation, topography, increased setbacks, color, or other means acceptable to the local unit of government, assuming summer, leaf-on conditions. Vegetative and topographic screening must be preserved, if existing, or may be required to be provided;
5. accessory structures and facilities, except water oriented accessory structures, must meet the required principal structure setback and must be centralized; and
6. water-oriented accessory structures and facilities may be allowed if they meet or exceed design standards contained in Section 907.05, Subdivision 2 of this ordinance and are centralized.

Subdivision 7. Conversions. Local governments may allow existing resorts or other land uses and facilities to be converted to residential planned unit developments if all of the following standards are met:

- A. Proposed conversions must be initially evaluated using the same procedures for residential planned unit developments involving all new construction. Inconsistencies between existing features of the development and these standards must be identified.
- B. Deficiencies involving water supply and sewage treatment, structure color, impervious coverage, open space, and shore recreation facilities must be corrected as part of the conversion or as specified in the conditional use permit.
- C. Shore and bluff impact zone deficiencies must be evaluated and reasonable improvements made as part of the conversion. These improvements must include, where applicable, the following:
 1. removal of extraneous buildings, docks, or other facilities that no longer need to be located in shore or bluff impact zones;
 2. remedial measures to correct erosion sites and improve vegetative cover and screening of buildings and other facilities as viewed from the water; and

3. if existing dwelling units are located in shore or bluff impact zones, conditions are attached to approvals of conversions that preclude exterior expansions in any dimension or substantial alterations. The conditions must also provide for future relocation of dwelling units, where feasible, to other locations, meeting all setback and elevation requirements when they are rebuilt or replaced.
- D. Existing dwelling unit or dwelling site densities that exceed standards in Section 907.08, Subdivision 5 may be allowed to continue but must not be allowed to be increased, either at the time of conversion or in the future. Efforts must be made during the conversion to limit impacts of high densities by requiring seasonal use, improving vegetative screening, centralizing shore recreation facilities, installing new sewage treatment systems, or other means.

PART 8. MOBILE HOME PARKS

908.01. PURPOSE

The purpose of this part is to maintain property values and otherwise promote the health, safety, order, convenience, and general welfare by defining a certain class of manufactured housing as mobile homes, by regulating the location and use of mobile homes; and by establishing minimum standards for the design, construction, alteration and enlargement of mobile home parks; providing for the inspection of mobile home parks, the licensing of operators thereof, and fixing penalties for violations of the provisions herein.

908.02. DEFINITIONS

Subdivision 1. General. Unless the context clearly indicates otherwise, the following terms have the meaning given them in this section.

Subdivision 2. Driveway. A driveway means a minor private way used by vehicles on a mobile home lot.

Subdivision 3. License. A license is a written document issued by the council, allowing a person to establish, operate, and maintain a mobile home park under the provisions and regulations of this chapter.

Subdivision 4. Mobile home. A mobile home is a manufactured home that is less than 20 feet wide over at least 30 feet of its length in the erected mode, suitable for year-around occupancy, and containing the same water supply, waste disposal, and electrical conveniences as immobile housing and subject to tax or registration under state law, and having no foundation other than wheels, jacks, footings or skirtings. Width measurement shall not take account of overhangs and other projections beyond the principal exterior walls.

Subdivision 5. Mobile home lot. Means a plot of ground within a mobile home court designed and designated for the accommodation of one mobile home.

Subdivision 6. Mobile home court. Any site, lot, field, or tract of land upon which two or more occupied mobile homes are harbored, either free of charge or for revenue purposes, and shall include any building, structure, tent, vehicle, or enclosure used or intended for use as an accessory building or part of the equipment of such mobile home court. The term mobile home court shall include the terms trailer park, trailer court, and mobile home park. Mobile home courts shall be allowed in the R-4 zone, subject to the R-4 zone requirements.

Subdivision 7. Mobile home pad. A mobile home pad means that part of an individual lot which has been reserved for the placement of one mobile home unit.

Subdivision 8. Park manager. A park manager means the person who owns or has charge, care, or control of the mobile home park.

Subdivision 9. Park street. A park street means a private way which affords principal means of access to individual mobile home lots, or auxiliary buildings.

Subdivision 10. Permit. A permit means a written permit or certification issued by the building inspector permitting the construction, alteration, and extension of any permanent structure within the mobile home park under provisions of this ordinance and regulations issued hereunder.

Subdivision 11. Person. A person means any individual, firm, trust, partnership, public or private association, corporation, or any other legal entity.

Subdivision 12. Service building. A service building means a structure housing toilet, lavatory, laundry, and such other facilities as may be required by this part.

Subdivision 13. Inspector. An inspector means the city clerk or other person designated by the Council.

908.03. GENERAL PROVISIONS

Subdivision 1. Mobile homes regulated. Unless meeting the requirements of the applicable district zoning regulations, no mobile home shall be permitted on any lot or parcel within the city which is not located within an approved mobile home park as established herein.

Subdivision 2. Mobile homes prohibited. Mobile homes shall be prohibited that:

- A. Do not conform to the requirements of the vehicle code of the State of Minnesota;
- B. Are in any unsanitary condition or having an exterior in bad repair;
- C. Are structurally unsound and do not protect the inhabitants against the elements.

Subdivision 3. Outdoor camping prohibited. There shall be no outdoor camping anywhere in a mobile home park.

Subdivision 4. Sales lot prohibited. No sales lot for new or used mobile homes shall be permitted within a mobile home park.

Subdivision 5. Purchase as a condition of rent. No person shall be required to purchase a mobile home from any particular person or place as a condition of rental of a lot.

Subdivision 6. Advertising. Advertising shall be limited to one sign complying with the requirements of City Code Section 905.05, Subdivision 1.

Subdivision 7. Registry required. The operator of every mobile home park shall maintain a registry of the mobile home park showing:

- A. The name and address of each guest or permanent resident;
- B. The make, type, and license number of each mobile home;
- C. The date each unit entered and departed the park.

Subdivision 8. Building permits required. All buildings shall require a building permit.

Subdivision 9. Skirting. The area beneath a mobile home in a mobile home park shall be skirted or enclosed, provided that such enclosure must be designed to provide a door for maintenance and inspection purposes.

Subdivision 10. Clothes lines. Laundry and clothes shall be hung out to dry only on lines located in approved areas established and maintained exclusively for that purpose in mobile home parks.

Subdivision 11. Sewer and water. A mobile home park shall be required to use city sewer and city water systems for all mobile homes in the park.

Subdivision 12. Screening. All mobile home parks and expansions shall be screened in a manner approved by the Council to protect the privacy of adjacent lot owners.

Subdivision 13. Appearance. All mobile home parks and campgrounds shall be constructed and maintained in a manner compatible with the appearance and use of the surrounding area.

908.04. PERMITS

Subdivision 1. Permit required. It shall be unlawful for any person to construct, alter, or expand any mobile home park or to construct, alter, or expand any building, fence, sidewalk, road, utility or other permanent structure as part of a mobile home park within the limits of the city without first obtaining a special use permit. Such special use permit shall contain the name

of the person under whose ownership or control such construction, alteration, or expansion is proposed.

Subdivision 2. Application for special use permits. Each application for a **special use permit to construct a new mobile home park or expand or alter an existing mobile home park** shall contain the following information:

- A. The name and address of the applicant;
- B. The legal description and size in acres of the property proposed for a mobile home park;
- C. A sketch of the existing topography of the property;
- D. The number, location and size of all mobile home lots;
- E. The location and width of roadways and walkway;
- F. The location of all water and sewer lines, including the location of riser pipes;
- G. Plans and specifications of the water supply sewage disposal, and refuse disposal facilities;
- H. Plans and specifications of all existing and proposed buildings constructed or to be constructed within the mobile home park;
- I. The location and details of lighting and electrical systems, including street lighting facilities;
- J. A landscaping plan;
- K. A plan of the park ground area and recreation facilities;
- L. A survey by a registered surveyor of the boundaries of the proposed park;
- M. A plan showing existing and proposed streets designed to

Such application shall be submitted to the City Clerk, who shall process the application as a special use permit application.

Subdivision 3. Permits rendered void. Any special use permit for a mobile home park **or its expansion or alteration** issued hereunder shall be conditioned upon compliance with the terms hereof and any conditions attached to the permit. Any substantial and continued violation of these terms after issuance of the permit shall void the permit.

Subdivision 4. Occupancy. After issuance of a permit, the park may be constructed or expanded, but may not be occupied until it has been inspected by the inspector and an occupancy permit issued. An occupancy permit may be issued by the inspector when it is found that construction is complete and that all terms of the permit have been complied with. A temporary occupancy permit may be issued for and upon completion of a portion of the park, allowing occupancy of the completed portion if the developer or applicant furnished the city with a public contractors performance bond, with corporate surety in an amount equal to the total cost of the uncompleted portion of the project. A bond shall be subject to approval by the council and filed with the clerk.

908.05. ANNUAL PERMITS.

Subdivision 1. Permit required. It shall be unlawful for any person to operate any mobile home park within the limits of the city unless the person holds a valid permit issued annually by the clerk in the name of such person for the specific mobile home park. All applications for permits shall be made to the council. The council shall issue a permit upon compliance by the applicant with provisions of this chapter.

Subdivision 2. Transfer of permit. Every person holding a permit shall give notice in writing to the inspector within 72 hours after having sold, transferred, given away, or otherwise disposed of interest in or control of any mobile home park. Such notice shall be made to the inspector to include the name and address of the person succeeding to the ownership or control of such mobile home park. Upon application in writing for transfer of the permit, the permit shall be transferred.

Subdivision 3. Application and renewal of permit.

- A. Application for original permit shall be in writing, signed by the applicant, accompanied by an affidavit of the applicant as to the truth of the application, together with a fee of \$10.00 to cover the inspections required herein, and shall contain the applicant's name and address, the location and legal description of the mobile home park and a site plan of the mobile home park, showing all mobile home lots, structures, roads, walkways, and other service facilities.
- B. Applications for the renewal of a permit shall be made in writing by the holder(s) of the permit; shall be accompanied by a fee of \$10.00 for the inspections required herein; and shall contain any change in the information which has occurred since the original permit was issued or the latest renewal granted.
- C. These fees may be changed by Council resolution.

Subdivision 4. Suspension and revocation. Whenever, upon inspection of any mobile home park, the inspector finds that conditions or practices exist which are in violation of this ordinance, the inspector shall give notice in writing to the person to whom the permit was issued, stating the nature of the conditions or practices which constitute a violation hereunder, and stating that such conditions or practices shall be corrected within a period of 30 days following

the delivery of such notice by the inspector. The date of mailing said notice by certified mail shall constitute delivery. Upon expiration of the 30-day period, the inspector shall re-inspect the mobile home park in violation and, if such conditions or practices have not been corrected, shall notify the council and the council will give notice in writing of the suspension of the permit to the person to whom the permit was issued.

Subdivision 5. Time within which to comply. If the work necessary to correct the conditions or practices which are the subject of a notice cannot be completed in the 30-day period, written extensions may be granted by the council if reasons for hardship prevail and can be verified.

Subdivision 6. Hearing. Any person affected by any notice which has been issued in connection with the enforcement of any provisions of these regulations may request and shall be granted a hearing of the same before the council.

Subdivision 7. Final suspension. If after the 30-day period of notice has expired, the conditions and practices which constitute a violation of these regulations have not been corrected, and the permittee has not within the prescribed 30-day period requested a hearing, the council may suspend or revoke the permit previously issued for such mobile home park by sending by certified mail or delivered personally a notice of such suspension or revocation to the permittee. Upon receipt of the notice of suspension or revocation, the permittee shall cease operation of such mobile home park.

Subdivision 8. Emergency. Whenever the inspector finds that an emergency exists which requires immediate action to protect the public health, the inspector may, without notice or hearing, issue an order reciting the existence of such an emergency and requiring that such action be taken as the inspector may deem necessary to meet the emergency, including the suspension of the permit. Notwithstanding any other provision of these regulations, such order shall be effective immediately. Any person to whom such an order is directed shall comply therewith immediately, but upon petition to the inspector shall be afforded a hearing before the planning commission as soon as possible. Pending such hearing, such emergency orders shall be in full force and effect until and unless later removed, modified, or changed by the inspector, planning commission, or the council.

908.06. INSPECTION

Subdivision 1. Compliance with ordinance. The inspector is hereby authorized to make such inspections as are deemed necessary by the inspector to determine satisfactory compliance with these regulations, including the power to enter at reasonable times upon any private or public property for said purposes.

Subdivision 2. Registration record. The inspector, chief of police, or their duly authorized representatives, shall have the power to inspect the register containing a record of all residents of the mobile home park.

Subdivision 3. Access. It shall be the duty of the park management to give the inspector free access to all lots at reasonable times for the purpose of inspection.

Subdivision 4. Repairs. It shall be the duty of every occupant of a mobile home park to give the owner thereof or the owner's agent or employee access to any part of such mobile home park at reasonable times for the purpose of making such repairs or alterations as are necessary to effect compliance with this chapter.

908.07. ENVIRONMENTAL, OPEN SPACE, AND ACCESS REQUIREMENTS

Subdivision 1. General requirements. The condition of all soil, groundwater level, drainage, and topography shall not create hazards to the property or the health and safety of the occupants. The site should not be exposed to objectionable smoke, noise, odors, or other adverse influences, and no portion subject to unpredictable or sudden flooding.

Subdivision 2. Soil and ground cover requirements. Exposed ground surfaces in all parts of every mobile home park shall be paved or covered with stone, screenings, or other solid materials, or protected with a vegetative growth that is capable of preventing soil erosion and of eliminating objectionable dust.

Subdivision 3. Site drainage requirements. The ground surface in all parts of every mobile home park shall be graded and equipped to drain all surface water in a safe, efficient manner consistent with drainage in the area.

Subdivision 4. Use requirements. No part of any park shall be used for non-residential purposes, except such uses that are required for the direct servicing and well-being of park residents and for the management and maintenance of the park or such other uses as are permitted in single-family dwellings and approved by the park management.

Subdivision 5. Required separation between mobile homes. Mobile homes shall be separated from each other and from other buildings and structures by at least 10 feet on all sides. An accessory structure such as an awning, cabana, storage cabinet, carport, windbreak, or porch which has a floor area exceeding 25 feet, and has an opaque top or roof, shall for purposes of all separation requirements, be considered to be a part of the mobile home; and minimum lot sizes shall be as outlined in Table 1-A.

Subdivision 6. Open space. A minimum of 400 square feet per mobile home shall be provided for definable play areas and open space within the mobile home park. Such areas of open space and play area shall not be areas included within any setback nor shall they include any areas of less than 20 feet in length or width.

Subdivision 7. Required setbacks, buffer strips, and screening. All mobile homes shall be located at least 10 feet from any property line abutting upon a public street or highway and at least 10 feet from other property boundary lines; there shall be a minimum distance of 10 feet between the mobile home stand and abutting park street; and all mobile home parks located adjacent to residential, recreational, commercial, or industrial land uses may provide screening such as fences, shrubs, trees, along the property boundary line separating the park and such uses, and shall be maintained in a neat and orderly fashion.

Subdivision 8. Maximum density. Notwithstanding the type of development concept used, the maximum density shall be seven mobile homes per acre.

Subdivision 9. Park street system and car parking.

- A. General requirements. All mobile home parks shall be provided with safe and convenient vehicular access from abutting public streets or roads to each mobile home lot. Such access shall be provided by streets, driveways, or other means.
- B. Park entrance. Entrances to mobile home parks shall be designed to minimize congestion and hazards and allow free movement of traffic on adjacent streets.
- C. Internal streets. Roadways shall be of adequate width to accommodate anticipated traffic, and in any case shall meet the following minimum requirements.
 - 1. All streets except minor streets shall be a minimum of 30 feet in width from face of curb to face of curb. Streets without curb shall be considered minor streets.
 - 2. Dead-end streets shall be limited in length to 500 feet and shall be provided at the closed end with a cul-de-sac having an outside roadway diameter of at least 100 feet. All dead-end streets shall be marked with approved signs at the entrance to the dead-end street.
- D. Street construction and design standards.
 - 1. Pavements. All streets shall be provided with a paved concrete or bituminous surface. Pavement edges shall be protected to prevent raveling of the wearing surface and shifting of the pavement base. Street surfaces shall be maintained reasonably free of cracks, holes, and other hazards.
 - 2. Grades. Longitudinal grades of all streets shall range between 0.4 percent and 8.00 percent. Transverse grades (crown) of all streets shall be sufficient to insure adequate transverse drainage.
 - 3. Storm sewers. If conditions warrant, an adequate storm sewer system shall be provided to dispose of all runoff water. The storm sewer system shall be connected to existing city storm sewer systems upon city approval.
 - 4. Intersections. Within 50 feet of an intersection, streets shall be at right angles. Intersections of more than two streets at one point shall be avoided.

5. Car parking. For all new mobile home parks or additions to present parks off-street parking areas for the use of park occupants and guests are required. Such areas shall be furnished at a rate of at least two car spaces for each mobile home lot, of which at least one-half of the spaces may be in compounds.

Subdivision 10. Trees. A minimum of one tree per lot is required. In open area and park area, a minimum of 20 trees per acre is required.

908.08. SERVICE BUILDING AND OTHER COMMUNITY SERVICE FACILITIES

Subdivision 1. General. The requirements of this section shall apply to service buildings, recreation buildings, and other community service facilities such as management offices, repair shops, storage areas, sanitary facilities, laundry facilities, indoor recreation areas, and commercial uses supplying essential goods or services for the exclusive use of park occupants.

Subdivision 2. Structural requirements for buildings. All portions of the structure shall be properly protected from damage by ordinary uses and by decay, corrosion, termites, and other destructive elements. Exterior portions shall be of such materials and be so constructed and protected as to prevent entrance or penetration of moisture and weather.

Subdivision 3. Barbecue pits, fireplaces, stoves, and incinerators. Cooking shelters, barbecue pits, fireplaces, woodburning stoves, and incinerators shall be so located, constructed, and maintained and used as to minimize fire hazards and smoke nuisances both on the property on which used and on neighboring property, and shall comply with all appropriate ordinances, laws, or other regulations.

908.09. REFUSE HANDLING

The storage, collection, and disposal of refuse in the mobile home parks shall be so constructed as to create no health hazards, rodent harborage, insect breeding, accident or fire hazards, or air pollution.

908.10. INSECT AND RODENT CONTROL

Subdivision 1. Grounds, buildings, and structures. Grounds, buildings, and structures shall be maintained free of insects and rodent harborage and infestation. Extermination methods and other measures to control insects and rodents shall conform with the requirements of the state and county health code.

Subdivision 2. Parks. Parks shall be maintained free of accumulation of debris which may provide rodent harborage or breeding places for flies, mosquitoes, and other pests.

Subdivision 3. Storage areas. Storage areas shall be so maintained as to prevent rodent harborage.

Subdivision 4. Screens. Where the potential for insect and rodent infestation exists, all exterior openings in or beneath any structure shall be appropriately screened with wire mesh or other suitable materials.

Subdivision 5. Brush, weeds, and grass. The growth of brush, weeds, and grass shall be controlled to prevent harborage of ticks, chiggers, and other noxious insects. Parks 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. Open areas shall be maintained free of heavy undergrowth of any description.

908.11. FIRE PROTECTION

Subdivision 1. Litter, rubbish, etc. Mobile home parks shall be kept free of litter, rubbish, and other flammable material.

Subdivision 2. Fire extinguishers. Portable fire extinguishers rated for classes A, B, and C fires shall be kept visible and in service buildings and at other locations conveniently maintained in good operating condition. Their capacity shall be not less than 10 pounds.

Subdivision 3. Fires. Fires shall be made only in stoves, indoor incinerators, and other equipment intended for such purposes.

Subdivision 4. Fire hydrants. Fire hydrants shall be installed if the park water supply system is capable to serve them in accordance with the following requirements: a) The water supply system shall permit the operation of standard city fire hydrants; and b) Fire hydrants, if provided, shall be located within 300 feet of any mobile home, service building, or other structure in the park.

908.12. RESPONSIBILITIES OF THE PARK MANAGEMENT

Subdivision 1. General requirements. The person to whom a license for a mobile park is issued shall operate the park in compliance with this part and shall provide adequate supervision to maintain the park, its facilities, and equipment in good repair and in a clean and sanitary condition; and shall be responsible for any violations of this park.

Subdivision 2. Inspection of register. The park manager shall keep the required register available for inspection at all times by law enforcement officers, public health officers, and other officials whose duty necessitates acquisition of the information contained in the register. The register record for such occupant registration shall not be destroyed for a period of three years following the date of departure of the registrant from the park.

Subdivision 3. Access to utilities and meters. The person to whom a license for a mobile home park is issued shall provide reasonable, unobstructed, and safe access to all public utilities, including but not limited to all water meters, valves and lines, electrical meters and lines and gas meters, valves and lines for purposes of meter reading, and also for purposes of the use and maintenance of the public portions of said utilities.

PART 9. REPEAL OF MINNESOTA BUILDING CODE AND STATE BUILDING CODE

909.01. REPEAL OF MINNESOTA BUILDING CODE AND STATE BUILDING CODE

The City of Pelican Rapids opts out of all obligations and responsibilities with regard to the enforcement of the Minnesota Building Code and State Building Code. The purpose of this Ordinance is to repeal any and all prior ordinances reflected in the City Code of the City of Pelican Rapids that adopted the Minnesota Building Code and State Building Code so that the said City of Pelican Rapids no longer is required to enforce and administer said Minnesota Building Code and State Building Code. In the event of any inconsistency between the provisions contained in this Section 909.01 and any other portions of said City Code of the City of Pelican Rapids, then this Section 909.01 shall control.