

Section 1. General Provisions

A. This ordinance is enacted pursuant to Minnesota Statutes 366.10 To 366.19 and shall be known as the **Dunn Township Zoning Ordinance.**

B. This ordinance covers all of the unincorporated territory within the town of Dunn, Otter Tail County, MN.

C. The provisions of this ordinance are in addition to land use regulations and ordinances of other regulatory authority.

D. No building or other structure shall be constructed, erected, altered, repaired or used, nor shall any land be used, improved or developed other than by permit issued by the town clerk pursuant to and in compliance with this ordinance. "Use", as referred to herein shall include all activities conducted or occurring on premises. Repairs shall be defined as labor or materials used on an existing structure which change the dimensions, size and shape or use of said structure.

Section II. Definitions

Farm-The aggregate area operated by any one person, family, partnership, corporation or joint venture for agricultural or (farming purposes).

Lot-Any parcel less than ten acres in area.

Person-Includes natural persons, corporations and associations

Section III. Zoning Districts

A. The entire unincorporated area of the town of Dunn is hereby established as an "Agricultural Zone".

Section IV. Permitted and Prohibited Buildings and Uses

A. Permitted uses in a "Agricultural Zone" are as follows:

1. Agricultural uses-The use of the land for agriculture or farming purposes, including grain farming, dairying, pasturage, horticulture, floriculture, and animal and poultry husbandry and the necessary accessory uses for packing, treating and storing the produce secondary to that of normal agriculture or farming activities.

Provided, use of land shall not be considered as used for agriculture or farming purposes if the aggregate acres owned, rented or operated for such purposes do not equal ten acres in area.

2. Residential uses-The use of land for residential purposes by a person and persons related to him.

B. Permitted buildings or structures in an "Agricultural Zone" are as follows:

1. Farm buildings used in the operation of a farm, including barns, silos, machine sheds, granaries and other storage buildings, and structures accessory to such buildings.

2. On any one farm, one two-family dwelling or two single-family dwellings, including mobile homes, used by the owners, renters or operators of the farm in connection with the farm operation.

3. Garages used for private storage only and not for commercial purposes.

4. Single family dwellings used for residential purposes, erected, placed or located.

(a) a minimum of 60 feet from the right-of-way line of a public road,

(b) a minimum of 20 feet from the boundary line of real estate owned by others, and on a lot,

(c) not less than 60,000 square feet in area subject to any additional restrictions imposed by virtue of the Shoreland Management Ordinance of Otter Tail County, MN.

(d) having a minimum frontage of 200 feet, subject to any additional restrictions by virtue of the Shoreland Management Ordinance of Otter Tail County, Minnesota.

C. Special Uses-The following special uses may be compatible within the Agricultural Zoning district but the town board shall review the proposed use to ascertain such compatibility:

1. The offices of members of the recognized professions, such as doctors of medicine and dentistry, chiropractors and engineers, lawyers and architects, provided such professions are carried on in their respective residences.

2. Federal, state or local government buildings and facilities.

3. Nursing homes, hospitals, or sanatoria.

4. Resorts, camp grounds and other recreation oriented commercial use.

5. Customary home occupations in the residence, provided that such occupation shall be carried on in the main building, and provided further that no more than 25 percent of the floor space of the residence is used for this purpose.

6. Churches, chapels, temples and other houses of worship.

7. Junior and senior high schools, and incidental uses when situated of the same site or unit of property.

8. Cemeteries.

9. Dual-family and multi-family dwellings.

10. Junk auto and machinery salvage yards.

11. Location of a mobile home or other dwellings upon a lot which already contains a business or a dwelling. Such use shall be permitted only when it is found that it is compatible with existing nearby uses as well as with the overall plans, and it shall be presumed that such uses are incompatible with existing uses until shown to the contrary.

12. Mobile home parks and R.V. Parks.

13. Parks and playgrounds.

14. Railroad right-of-way, regional pipelines, power transmission lines and relay towers.

15. Establishment and maintenance of any public firing range or public hunting area.

16. Such other uses and structures as may from time to time be approved by the town board upon proper application.

(a) that the special use will not be injurious to the use and employment of the other property in the immediate vicinity for the purpose already permitted, nor substantially diminish and impair property values within the general vicinity:

(b) that the establishment of the special use will not impede the normal and orderly development and improvement of surrounding vacant property for uses predominate in the area;

(c) that adequate utilities, access roads, drainage, and other necessary facilities have been, or can be provided.

D. Uses specifically prohibited-The following uses and actions are specifically prohibited:

1. Discharge of firearm with the muzzle pointed toward any building, road, person, domestic bird or animal, machinery, equipment or vehicle.

2. Discharge of a firearm within 500 feet of any building without the permission of the owner or occupant of said building.

3. No private driveway or field approach shall be constructed to connect to a township road except by permit furnished by the town board.

Section V. 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 except as follows:

A. No non-conforming use shall be renovated, expanded or reconstructed, except that it may be restored to its original use and size if damaged by any cause not to exceed fifty (50) percent of its present replacement cost as satisfactorily demonstrated to the town board.

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

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

Section VI. Application For Permits

Written applications (or permits shall be filed with the town clerk on forms to be furnished by the clerk for that purpose, shall be complete and signed by the owner of the land upon which the building or use is contemplated and shall be accompanied by the necessary application fee or the application shall be deemed to be not filed.

Section VII. Application Fees

Application fees shall be non-refundable and shall be filed with the applications for permits as follows:

1. Applications for permitted uses or building....No Fee....

2. Applications for Special Uses or buildings....\$10.00.....

3. Applications for other uses or buildings....\$25.00.....

Section VIII. Administration

A. The town clerk shall issue permits for permitted uses upon the filing of the application without any approval of the town board.

Provided, the clerk shall refer the application to the town board if the clerk has any questions concerning the application or the requested permit.

B. The town clerk shall issue permits for other uses only upon approval of the town board after hearing. Upon receipt of an application for a permit for other than a permitted use, the town clerk shall:

1. Issue a notice of hearing, using the next regularly scheduled meeting of the board of supervisors of the town, if practicable.

2. Notify the applicant of the time and place of the hearing.

3. Require the applicant to give written notice of the pending application to each owner of real estate located within on half mile of the site or 500 feet of the site in Lake Shore Management area of the proposed building or use and to each city within two miles of such site or use by depositing in the U.S. Mail, postage pre-paid, for the delivery as first class mail, a copy of such application and of the notice of hearing, not less than seven days in advance of said hearing, and to file with the said clerk proof of the giving of such notice in advance of the hearing. Failure to receive such notice, however, shall not invalidate the proceedings.

4. Mail to each member of the board of supervisors and the Zoning Commission a copy of the notice of hearing.

5. Keep all necessary records and otherwise administer the terms of this ordinance.

C. At such hearing the Zoning Commission shall:

1. Examine the applicant, whose attendance at the hearing is required, concerning the application.

2. Consider possible adverse effects and hear all persons and review all evidence presented to the hearing concerning such application.

3. Advise the town board whether it recommends approval or disapproval and any recommended conditions to be met before approval.

D. The town board shall consider the recommendation of the Zoning Commission and shall take action on the application within 60 days after the hearing. If it grants the special use permit, the board may impose any special conditions it considers necessary to protect the public health, safety and welfare. Provided, if the applicant failed to file proof of mailing of the required notices, failed to appear at the hearing or failed to answer questions concerning the proposed use or building, the hearing shall not be considered as complete until such failure is remedied.

E. Enforcement and Penalties

1. This ordinance shall be administered and enforced by the town board with the advice of the zoning commission.

2. Any person who shall knowingly, violate, infract, or disobey any of the terms, provisions or this ordinance shall be guilty of a misdemeanor. Each 24 hour day that a violation continues shall constitute a separate offense. All fines and cash receipts shall be credited to the General Revenue Fund.

F. Validity

1. 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.

G. Effective Date:

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

H. Zoning Commission:

1. The zoning commission is hereby established as six persons appointed by the town board, two to be appointed each year for a term of three years to succeed the members whose terms then expire. No person shall serve as a member for more than six consecutive years.

The initial commission shall be composed of two members whose terms expire in one year. Two members whose terms expire in two years and two members whose terms expire in three years.

A quorum shall consist of three members.

Section IX. Amendment

This ordinance may be amended by the town board of supervisors but only after holding a public hearing on the proposed amendment, notice of the time and place of such hearing to be given by at least one publication in a newspaper of general circulation in Otter Tail County.

Provided, that no change in the boundary line of a zoning district shall be made unless 50 percent of the owners of the lands proposed to be changed shall file a petition for such a change.

NOTICE OF ORDINANCE ESTABLISHING PLANNING COMMISSION

The town board of Dunn Township ordains: a town planning commission for the town is hereby established. The planning commission shall be the planning agency and shall have the powers and duties given such agencies generally by Minnesota Statutes 462.351 through 462.365. It shall also exercise the duties conferred upon it by this ordinance. Passed by the board the 8th day of October, 1987.

Hilbert Isaacson, Town Board Chairman

Attest: Herbert Johnson, Clerk

10-15-1 c

AMENDMENTS TO DUNN TOWNSHIPS ZONING ORDINANCE

AN ORDINANCE OF DUNN TOWNSHIP, OTTER TAIL COUNTY, MINNESOTA, AMENDING ITS ZONING ORDINANCE SECTION IV ENTITLED "PERMITTED AND PROHIBITED BUILDINGS AND USES" BY CLARIFYING PROVISIONS RELATING TO SINGLE FAMILY DWELLINGS USED FOR RESIDENTIAL PURPOSES; BY ADDING RESTRICTIONS RELATING TO RESORTS AND CAMPGROUNDS, MOBILE HOME PARKS AND R.V. PARKS; BY CLARIFYING AND ADDING RESTRICTIONS RELATING TO USES SPECIFICALLY PROHIBITED; BY AMENDING SECTION VIII "ADMINISTRATION" BY CHANGING PROVISIONS RELATING TO THE ZONING COMMISSION; AND, BY ADOPTING, BY REFERENCE, SECTION VIII E OF THE ZONING ORDINANCE WHICH, AMONG OTHER THINGS, CONTAINS PENALTY PROVISIONS.

The Town Board of Dunn Township does Ordain:

Section 1. Section IV (B) 4 of the Dunn Township Ordinance is amended so as to read as follows:

4. Single family dwellings used for residential purposes erected, placed or located:

(a) If within a Shoreland Management District as defined in the Shoreland Management Ordinance of Otter Tail County, Minnesota, then subject to all requirements and conditions contained in said Shoreland Management Ordinance.

(b) If outside of a Shoreland Management District as defined in the Shoreland Management Ordinance of Otter Tail County, Minnesota, then subject of the following:

- (1) A minimum of 60 feet from the right-of-way line of a public road.
- (2) A minimum of 20 feet from the boundary line of real estate owned by others.
- (3) On a lot not less than 60,000 square feet in area.
- (4) On a lot having a minimum frontage of 200 feet.

Section 2. Section IV (C) 4 and 12 of the Dunn Township Zoning Ordinance are amended so as to read as follows:

4. Resorts and campgrounds with a minimum lot size of 60 feet by 100 feet for each resort or campground unit; and other recreation oriented commercial use.

12. Mobile home parks and R. V. parks with a minimum lot size of 60 feet by 100 feet for each mobile home or R. V. unit.

Section 3. Section IV (D) 2 of the Dunn Township Zoning Ordinance is amended and a new paragraph 4 is added so as to read as follows:

2. Discharge of a firearm within 500 feet of any building without the permission of the owner or occupant of said building.

4. No private crops, trees, shrubs or fences may be planted, constructed or located within 33 feet of the center line of any public road.

Section 4. Section VII (H) is amended so as to read as follows:

H. Zoning Commission:

1. The Zoning Commission is hereby established as six persons appointed by the town board, two persons to be appointed each year for a term of three years to succeed the members whose terms then expire. No person shall serve as a member for more than six consecutive years.

The Chairman of the Zoning Commission shall be chosen from and by the commission membership at it's first regular meeting following the Annual Town Meeting of the Township and shall serve as such for the term of one year.

The Chairman shall have a vote as a member of the Zoning Commission only in case of a tie.

A quorum shall consist of three members.

Section 5. Section VIII (E) entitled "Enforcement and Penalties" is hereby adopted in it's entirety, by reference, as though repeated verbatim herein.

Section 6. Effective Date. This Ordinance shall be effective on the day following it's publication in a qualified newspaper having general circulation in the town.

THIS ORDINANCE was introduced on April 10, 1989, and adopted by the Board of Supervisors by the following vote:

AYES: Hilbert Isaacson, Cecil Poss, John Carlson.

NAYS: None

Attest: Herbert Johnson, Clerk

Approved: Hilbert Isaacson, Chairman

Published in the Pelican Rapids Press on Wednesday, April 19, 1989.

**Amendments to the
Dunn Township Zoning Ordinances**

The Town Board of Dunn Township does ordain:

Section VII (1) of the Dunn Township Ordinance is to read as follows:

1. Applications for permitted uses or buildings shall be \$20.00.

2. Applications for Special Uses or buildings shall be \$40.00.

THIS ORDINANCE was adopted by the Board of Supervisors on **May 8, 2000** after a Special Hearing was held. It was adopted by the following vote:

AYES: Merle Miller, Emery Kraft, Bob Dalman.

NAYS: None

Attest: Judy Sumpter, Clerk

Approved: Merle Miller, Chairman

**AMENDMENTS TO THE DUNN
TOWNSHIP ZONING
ORDINANCE**

AN ORDINANCE OF DUNN TOWNSHIP, OTTER TAIL COUNTY, MINNESOTA, AMENDING IT'S ZONING ORDINANCE SECTION VIII ADMINISTRATOR/PART B. CONCERNING SPECIAL USE PERMITS AND ADDING NUMBER 3 TO SECTION VII CONCERNING PERMITS FOR PERMITTED USES:

The Town Board of Dunn Township does ordain:

Section VIII (B) of the Dunn Township Zoning Ordinance shall be amended to read as follows:

B. The town clerk shall issue permits for other uses only upon approval of the Town Board. Upon receipt of an application for a permit for other than a permitted use, procedures under B.1 may be followed. If the application is not accepted under B.1., the procedure under B.2. shall be followed:

1. Upon notification for Special Uses or buildings, the Dunn Township Zoning Board shall inspect the site. With approval for a Special Use permit by a quorum of the Zoning Board, which will consist of three (3) members, **and with** a signed letter of approval written to the Dunn Town Board **by the Zoning Board**, the Town Board may accept the Special Use Permit Application at their next regular meeting upon unanimous vote of the Town Board and reflected in the minutes of the Town Board meeting. Written notice to property owners within one half mile under Section VIII B.2. and C. shall not be required.

2. (a) Issue a notice of hearing, using the next scheduled meeting of the board of supervisors of the town, if practicable. (b) Notify the applicant of the time and place of the hearing. (c) Require the applicant to give written notice of the pending application to each owner of real estate located within one half mile of the site or 500 feet of the site in Lake Shore Management area of the proposed building or use and to each city within two miles of such site or use by depositing in the U.S. Mails, postage prepaid, for the delivery as first class mail, a copy of such application and of the notice of hearing, not less than seven days in advance of said hearing, and to file with the said clerk proof of the giving of such notice in advance of the hearing. Failure to receive such notice, however, shall not invalidate the proceedings. (d) Mail to each member of the board of supervisors, and zoning commission a copy of the notice of hearing. (e) Keep all necessary records and otherwise administer the terms of this ordinance.

Section VII Add number three (3) which shall read as follows:

3. Any permits issued for permitted, non-permitted, or special uses shall expire one (1) year from date of issue.

THIS ORDINANCE was adopted by the Dunn Town Board of Supervisors on **December 11, 2006** after a Special Hearing was held. It was adopted by the following vote:

AYES: Wayne Olson, Mike Johnson, and Robert Dalman

NAYES: None

Approved: Wayne Olson, Chairman

Attested: Judy Sumpter, Clerk

Published in the January 10 and January 17th, 2007 editions of the Pelican Rapids Press.

**AMENDMENTS TO THE DUNN
TOWNSHIP ZONING
ORDINANCE**

AN ORDINANCE OF DUNN TOWNSHIP, OTTER TAIL COUNTY, MINNESOTA, AMENDING ITS ZONING ORDINANCE BY CHANGING THE DESCRIPTION OF SECTION IV, AND ALSO UNDER SECTION IV, C. UNDER SPECIAL USES, CHANGE DESCRIPTION OF #15 AND CHANGE #15 & #16 TO #16 AND #17:

The Town Board of Dunn does ordain: The descriptive name of Section IV of the Dunn Township Zoning Ordinance shall be changed to read as follows:

Section IV. Permitted, Prohibited Buildings and Special Uses.

Under Section IV C. under special uses we are changing #15 to Wind Turbines and Wind Towers. Then changing #15 & #16 to numbers #16 and #17 respectively.

THIS ORDINANCE was adopted by the Dunn Township Board of Supervisors on **MAY 12, 2008** after a Special Hearing was held. It was adopted by the following vote:

AYES: Mike Johnson, Bob Dalman and Wayne Olson

NAYS: None

Approved: Mike Johnson, Chairman

Attest: Judy Sumpter, Clerk

Published in the May 21 and May 28, 2008 editions of the Pelican Rapids Press