

## ELIZABETH TOWNSHIP ZONING ORDINANCE

### Section I General Provisions

- A. Title - This ordinance is enacted pursuant to Minnesota Statutes 462.351 - 462.3597 and shall be known as the Elizabeth Township Zoning Ordinance.
- B. Purpose - The purpose of this ordinance is to protect the rural agricultural and natural environmental features of the township, and to promote the public health, safety, comfort and general welfare of the people of the township.
- C. Other existing regulations - This ordinance does not replace any existing or future enacted regulation of Otter Tail County, the State of Minnesota, or agencies of the Federal Government. All land owners in the township must comply with such regulations.
- D. Land and building use in existence at the time of adoption of this ordinance shall be allowed to continue.

### Section II Definitions

Agriculture: use of land for agricultural purposes including farming, dairying, pasturage agriculture, horticulture, floriculture, viticulture, and animal and poultry husbandry.

Commercial: use of land or buildings for the sale, lease, storage or repairing of goods or products or for the provision of personal services.

Industrial: use of land or buildings for the production, destruction, disposal or assembly of goods or products.

### Section III Zoning Districts

The entire township is zoned for agriculture or single family dwellings. It is recognized that a sizable portion of the township consists of areas regulated by The Shoreland Management Ordinance of Otter Tail County.

#### Section IV Permitted Uses

No township permit is required

- A. Single family residential use in areas where a permit is required under the Shoreland Ordinance, including garages and storage buildings, if on a lakeshore lot or a lot of 5 acres or more.
- B. Single family residential in other areas of the township where lot size is 5 acres or greater including garages and storage buildings.
- C. Farm structures including residential and farm buildings. If residential units including mobile homes on the farm exceed 2 units, a permit is required.
- D. Remodeling of any of the above.

#### Section V Special Uses

Township permit is required

- A. Multiple family residential units.
- B. Commercial activities exclusive of farming conducted on the premises. This includes resorts, campgrounds, bar/restaurant, and other recreational activities.
- C. Single family dwellings on less than 5 acres, except for lakeshore lots.
- D. Industrial uses. This is prohibited in areas regulated by the Shoreland Management Ordinance.
- E. Remodeling of any existing building for A through D above, including those in existence at the time of adoption of this ordinance.
- F. Any other use not specified in Section IV or Section V above.

## Section VI Permit Process

- A. Any proposed special use shall be presented to the town board for the determination of its applicability to the township as a whole. The township supervisors may require supporting documentation such as surveys, drawings, building sketches etc. The town board may approve the project or may determine that a public hearing should be held before a proposed project is approved or denied. No special use shall be recommended and/or approved by the township supervisors unless said Board shall find:
- (1) That the special use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purpose already permitted, nor substantially diminish and impair property values within the general vicinity.
  - (2) That the establishment of the special use will not impede the normal and orderly development and improvement of surrounding vacant property for uses predominant in the area.
  - (3) That adequate utilities, access roads, drainage, and other necessary facilities have been, or can be provided.
  - (4) That adequate measures have been, or will be taken to prevent or control offensive odor, fumes, dust, noise, and vibration so that none of these will constitute a nuisance and to control lighted signs and other lights in such a manner that no disturbance to neighboring residents will result.
- B. Hearing process:
1. The town board will determine and notify the applicant of the time and place of the hearing, to be held within 45 days from the date of complete application.
  2. Require the applicant to give at least a 10 day written notice of the application and hearing date to each property owner within one mile of the site including a notice to the City of Elizabeth if within one mile of the City. The applicant must provide documentation that this has been done.
  3. At the hearing the town board shall examine the applicant and hear all persons and review all evidence presented at the hearing concerning the application.
  4. The town board shall take action on the application within 60 days of the completed application, unless the town board extends the time limit by providing written notice of the extension to the applicant.
- If the board grants the special use permit, it may

impose any special conditions it considers necessary to protect the public health, safety, comfort and general welfare of the people of the township.

5. If the applicant failed to appear at the hearing, failed to file proof of mailing of the required notices or failed to answer questions concerning the proposed use of the property, the hearing shall not be considered complete and a permit shall not be issued. The applicant may reapply for a permit which will require another hearing.
6. The fee for filing for a special use permit will be \$50.00.

#### Section VII Appeal Process

Any applicant who is denied a permit may appeal to the town board. After this administrative process is completed, the applicant may initiate action in District Court.

#### Section VIII Enforcement

- A. Township supervisors and/or their designated consultants may inspect any property where the use requires a permit.
- B. If any violations in property use exist, the supervisors will direct the town clerk to issue a citation of violation.
- C. After issuance of the citation of violation the property owner will have 30 days to correct the violation.
- D. If the violation is not corrected, the township may initiate action in District Court.

#### Section IX Amendment

- A. An amendment may be initiated by the town board, or by petition of 20 property owners.
- B. A time period of at least 60 days shall occur before a hearing is held.
- C. Notice of the hearing time, place, and purpose shall be published in the official newspaper at least 10 days prior to the hearing.
- D. A copy of the proposed amendment shall be made available to persons requesting it.
- E. The town board may act on the proposed amendment at the next regular town board meeting after the hearing.

Section X Validity

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

Section XI Effective Date

This ordinance is in effect on the date that it is enacted by the town board following a public hearing.

Approved and Adopted by the Elizabeth Township Board of Supervisors on the 8th day of April, 1997.

David Holt

Chairman

Edwin S. Carlson

Supervisor

Pat Madden

Supervisor

ATTEST:

Barbara Melkert

Clerk

I certify that I posted a copy of this zoning ordinance in a public place at the Elizabeth Community Center.

Dated:

8th day of April 1997

Barbara Melkert

Clerk