

**NEW DOSEY TOWNSHIP LAND USE ORDINANCE**

**AN ORDINANCE ESTABLISHING  
LAND USE DISTRICTS  
WITHIN NEW DOSEY TOWNSHIP**

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# **New Dosey TOWNSHIP LAND USE ORDINANCE**

Pursuant to Minnesota Statutes, Chapters 462, the Town Board of New Dosey Township does ordain and establish as follows:

## **ARTICLE I**

### **PURPOSE**

The purpose of this ordinance is to insure, promote, and protect the health, safety, and general welfare of present and future inhabitants of New Dosey Township by securing the most appropriate use of the land, by preventing undesirable uses of the land, by preventing undue concentration of population, by providing for the orderly development of undeveloped areas, by encouraging and facilitating adequate and economical provision of transportation, water supply, sewage disposal, and other public facilities, and by otherwise protecting and preserving the attractive, stable, and wholesome, rural environment of New Dosey Township.

## **ARTICLE II**

### **JURISDICTION**

This Ordinance shall apply to all land located within the boundaries of New Dosey Township, unless said land is under the jurisdiction of the Pine County Shoreland Management Ordinance. It is the responsibility of the property owner to comply with all rules and regulations enforced by other jurisdictions. Existing land uses within the Township shall not require a land use permit under this Ordinance. All existing nonconforming uses shall be allowed to continue including through repair, replacement, restoration, maintenance, or improvement, but not including expansion. Expansions of uses, additional structures or change of land uses shall be subject to the provisions of this Ordinance.

## **ARTICLE III**

### **DISTRICTS**

The land use zoning Districts in New Dosey Township are identified as follows:

The official map of New Dosey Township shall be posted and maintained at New Dosey Township Hall and updated as required.

For purpose of complying with the provisions of this Ordinance, lands of New Dosey Township are divided into the following land use districts:

Residential / Agricultural District "AR"  
Rural Town Center District "RTC"

The Districts above named are hereby established and shown on the map which shall be referred to as the official zoning map of New Dosey Township and which is incorporated herein and made a part hereof.

The official map of the township is a part of this Ordinance. Copies of this Ordinance and the Official Map are available upon request from the township.

## **ARTICLE IV**

### **DEFINITIONS**

For purposes of this Ordinance, the following terms shall have the meaning hereinafter indicated in this Article unless specifically stated otherwise. Words used in the present tense shall include the future; words used in the future tense shall include the present tense; words used in the singular shall include the plural; words used in the plural shall include the singular; the word "shall" is mandatory and not discretionary; the word "persons" includes any individual, firm, association, syndicate, partnership, joint enterprise, corporation, trust, or any other legal entity.

1. Accessory structure: Any subordinate structure, except residential structures, incidental to and customarily connected with the principal building or use and which is located on the same parcel with such principal building or use. Examples of such structures and facilities include but are not limited to: Swimming pools; tennis courts; saunas; solar collectors; wind generators; satellite dishes; transmitters and receivers; detached garages and storage buildings.
2. Agricultural Use: The production of livestock, dairy animals, dairy products, poultry or poultry products, fur-bearing animals, horticultural or nursery stock, fruit, vegetables, forage, grains, timber, trees, or bees and apiary products. Also includes wetlands, pasture, forest land, wildlife land, and other uses that depend on the inherent productivity of the land.
3. Agricultural Structure: Any structure existing or erected and used principally for agricultural purposes, with the exception of dwelling units.
4. Amendment: A revision to the content of this Land Use Ordinance whether it be deleting or adding of words to clarify intent or the adding or deleting of entire sections.
5. Board of Adjustment: A three-person board which will hear appeals to action taken by the Zoning Administrator or the Planning Commission.
6. Board of Supervisors: The New Dosey Town Board of Supervisors.
7. Buildable Land : Buildable land does not include road right of way, wetlands as defined by the Pine County Soil and Water Conservation District, floodplains or excessive slopes.

8. Building: Any structure, either temporary or permanent, having a roof or other covering, and used for shelter or enclosure of any person, animal or property of any kind, situated on private property and used for purposes of a building.
9. Building Line: That line measured across the length or width of a lot at the point at which the principal structure cannot extend without violating the setback provisions.
10. Building setback: The minimum horizontal distance between the building and specified lot line as prescribed in this Ordinance.
11. Cemetery: Public and private cemeteries as defined under Minnesota Statutes Section 306.
12. Church: A building, together with its accessory buildings and uses, where persons regularly assemble for religious worship and which building, together with its accessory buildings and uses, is maintained and controlled by a religious body organized to sustain public worship.
13. Commercial Use: The principal use of land or buildings for non-residential revenue producing activities.
14. Conditional Use: A land use or development as defined by ordinance that would not be allowed generally, but may be allowed with appropriate restrictions as provided by official controls upon a finding that standards and criteria stated in this Ordinance will be satisfied.
15. District: An area of New Dosey Township in which the regulations governing the use of land are uniform.
16. Dwelling unit: Any building, structure, or portion of a building or 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.
17. Extractive Use: The use of land for surface or subsurface removal of sand, gravel, rock, industrial minerals, other non-metallic minerals and peat not regulated under Minnesota Statutes.
18. Farming: The cultivation of land for the production of agricultural crops, the raising of poultry, the production of eggs, the production of milk, the production of fruit or other horticultural crops, grazing, the production of livestock, aquaculture, hydroponics, or the production of forest products.
19. Footprint: The area of a building measured from the outermost part, including eaves, decks, etc.
20. Hardship: For purposes of this Ordinance, a hardship is defined in Minnesota Statute Section 462 and 394 as amended. A hardship exists when the property in question cannot be put to reasonable use under the strict interpretation of the official controls of this Ordinance; the plight of the landowner is due to circumstances unique to his/her property and was not created by the landowner; and the variance, if granted, would not alter the essential character of the locality. Economic considerations alone shall not constitute a hardship if a reasonable use for the property exists under terms of the official controls.

21. Home Occupation: A commercial business conducted on the same property on which the business owners' home is situated, which is a type or character consistent with rural residential lifestyle, and which is established and operated under such conditions that the use may not be a nuisance to or otherwise incompatible with the surrounding area.
22. Individual Sewage Treatment System: Any sewage treatment system, or part thereof, serving a dwelling, or other establishment, or group thereof.
23. Kenel: Housing or broading of any number of dogs or other domestic pets for commerical purposes.
24. Land Use Permit: A permit allowing a property owner to construct on or to move a structure on to his/her property.
25. Lot: A parcel of land designated by plat, metes and bounds, registered land survey, auditor's plat or other accepted means and separated from other parcels or portions by said description.
26. Lot Area: The area of land within the boundaries of a lot.
27. Lot Line: The line marking a boundary of a lot.
28. Lot of Record: A parcel of land individually recorded as of the effective date of this Ordinance or amendment of this Ordinance.
29. Lot Width and Lot Depth: Lot width is defined as a horizontal distance between the side lot lines of a lot measured at right angles to the depth. Lot depth is defined as the distance measured from a public road at the centerline to the back end of the lot. Lot depth measured from a cartway would be the distance from the access place. For property that does not abut with a public road, the width is the shorter distance and the depth is the longer distance.
30. Mobile Home/Manufactured Home: A structure designed or used for residential occupancy built upon or having frame or chassis to which wheels may be attached by which it may be moved upon a highway, whether or not such structure actually has, at any given time, such wheels attached, or is jacked up or skirted.
31. Multiple Dwelling: A structure designed or used for residential occupancy by more than one family, with or without separate kitchen or dining facilities, including apartment houses, rooming houses, boarding houses, townhouses, row houses and similar housing types.
32. Non-conformity: A non-conformity, including the lawful use or occupation of land or premises existing at the time of the adoption of an official control under this ordinance, may be continued, including through repair, replacement, restoration, maintenance, or improvement, but no including expansion. If the non-conformity or occupancy is discontinued for a period of more than one year, or any nonconforming building or structure is destroyed by fire or other peril to the extent of 50 per cent of its market value, any subsequent use of occupancy of the land or premises shall be a conforming use of occupancy.

33. Parcel of Record: Any parcel, tract, or area of land which is individually recorded in the Office of the Pine County Recorder on or before the effective date of this Ordinance.
34. Plat: The preliminary and/or final map, drawing or chart indicating the proposed layout of the subdivision to be submitted to the Pine County Planning Commission and the New Dosey Township Board for their consideration.
35. Principal building: A building or structure in which is conducted the main or principal use of the premises on which said building or structure is situated.
36. Principal use: The primary or main use of the premises.
37. Road: A right of way which affords the principal means of access to abutting property, a road may be designated as a highway, thoroughfare, street, parkway, boulevard, avenue, land, drive, cartway, easement, place, or other appropriate designation.
38. Setback: The minimum horizontal distance between a structure, individual sewage treatment system, well, or other facility and road, highway, or property line.
39. Shoreland Management Ordinance: An ordinance in Pine County regulating the Shoreland Management Districts.
40. Sign: An identification, description, illustration, or device which directs attention to a product, place, activity, person, institution, or business.
41. Conditional Use Permit: A permit to allow a use, which requires reasonable limitations particular to the use for the protection of public welfare, and the integrity of the Town's Land Use Ordinance, and requiring a permit and review process.
42. Structure: Anything built, constructed or erected, the use of which required permanent or temporary location on the ground or attachment to something having a permanent or temporary location on the ground, including, but not limited to, signs and buildings.
43. Subdivision: The process of subdividing land as defined in the Subdivision and Platting Ordinance of Pine County as well as the process outlined in this Ordinance.
44. Variance: Relief from certain provisions of this Ordinance may be granted when, due to the particular physical surroundings, shape or topographical condition of the property, compliance would result in a hardship upon the property owner. A hardship is distinguished from a mere inconvenience or a desire to increase the value of the property. A variance shall not be used to permit a use in a district where it is not allowed under the terms of this Ordinance. Variances shall only be granted in compliance with Minnesota Statute Section 462, any amendments to said Section subsequently adopted, and the provisions of this Ordinance.



## **ARTICLE V**

### **GENERAL REGULATIONS**

#### **Section 1 Compliance with Land Use Ordinance:**

No land, structure or part thereof may be used, constructed, reconstructed, altered, maintained or occupied except in conformity with the provisions of this Ordinance.

#### **Section 2 Permits:**

A Land Use Permit is required for all land use activities as identified by this Ordinance.

#### **Section 3 Conditional Use Permits:**

**A Conditional Use Permit may be required prior to the use of the property. Example of Conditional Uses are listed in Article VII, Section 2, of this ordinance. Also, a manufactured home park, as defined in MN 327.14, subdivision 3, is a conditional use in a zoning district that allows the construction or placement of a building used or intended to be used by two or more families.**

#### **Section 4 Number of Dwellings:**

One principle dwelling per parcel is allowed in any District except as noted within this Ordinance, subject to limited exceptions related to (1) health (2) elderly (3) or disabled family member.

#### **Section 5 Dwelling/Housing Standards:**

1. Foundation: All permanent residential dwellings in the township shall be firmly anchored to a suitable foundation.
2. Septic Systems: All land owners shall obtain the required septic system permits from the Township. A sewer permit shall be required for all structures permitted by the Township which have an on-demand water source connected to the structure. The current landowner shall be responsible to ensure that a sewer compliance inspection is performed by a licensed sewer inspector, prior to recording a transfer of property. The compliance inspection may be performed by any State of Minnesota licensed sewer inspector.
3. Land Use Permits: Land Use Permits are required before any excavation, construction on or moving a structure onto any property in the Township as defined and required by this Ordinance. Land Use Permits are valid for one (1) year from the date of issuance and all current taxes must be paid to obtain a land use permit. Permits are required for all buildings of greater than one hundred twenty (120) square feet, or structures set on a permanent foundation regardless of size.. Additions to existing structures require a Land Use Permit provided said addition will increase the

value of the building by one-thousand dollars (\$1,000.00) or more.. All bedroom additions to a dwelling require a land use permit from the Township and also require sewer system permits as required by the Township Sewer Code.

## **Section 6 Setback Regulations:**

All structures,RTC exempt, regardless of size, shall be setback a distance of not less than the following:

1. Eighty-three (83) feet from the centerline of a township road;
2. One hundred (100) feet from the centerline of a county road;

Where a parcel of property borders more than one public roadway, the appropriate setback shall be applied on all sides of the property bordering the public roadway.

All structures, regardless of size, shall be set back a distance of not less than twenty (20) feet from the side and rear lot lines.

## **Section 7 Excavation of Mineral Materials:**

The commercial use of land for the excavation or removal of mineral materials, peat, top soil, sand, or gravel is permitted by obtaining a Conditional Use Permit. A Conditional Use Permit shall be required only when the extraction of materials is for commercial purposes and transported off-site. Individuals extracting materials on their own property for use on the same property shall not require a Conditional Use Permit from the Township. The Town Board may, as a condition of granting the Conditional Use Permit, impose all conditions on said use which will guarantee the health, general well being, welfare and safety of the inhabitants of the township and individuals neighboring said excavation area. In addition, the Town Board may also impose as a provision of granting the Conditional Use Permit, that certain steps and procedures be undertaken in order to insure the proper management of the use, reclamation of the site and the aesthetic value of the neighborhood. The Town Board may require a reclamation bond prior to any work in excavation of the materials. The bond shall be set at a value as determined by the Town Board. A reclamation plan is required to be implemented on a schedule as stated in the Conditional Use Permit. Reclamation of an extraction site is intended to ensure that following removal of materials the site is reclaimed by appropriate grading, replacing topsoil and establishing vegetation as determined by the Town Board through a site reclamation plan.

## **Section 8 Home Occupations:**

From and after the effective date of this Ordinance persons starting a home occupation must comply with the following provisions of this Ordinance:

- a. Any persons wishing to engage in a home occupation must obtain a Conditional Use Permit.
- b. Home occupations shall be conducted by the permanent occupants of the dwelling on which the business is located.

- c. Home occupations which create odor, noise, electrical interference, dust or vibrations or other nuisance that may harm neighboring properties shall not be permitted.
- d. Home occupations shall be conducted in a manner that will not disrupt the character of the zone district where located.

## **ARTICLE VI**

### **SUBDIVISION OF LANDS**

Subdivision of Lands: Subdivision of lands shall be consistent with the New Dosey Township and the Pine County Subdivision and Platting Ordinances. A subdivision is as defined by the Pine County Subdivision and Platting Ordinance and subdivision approval is required when a parcel of record or any quarter – quarter section, as identified by the original government survey, is subdivided.

Land use permits shall not be issued for new structures to be located on lots created after August 1, 1995 unless a Certificate of Minor Subdivision is issued by Pine County or Plat is recorded as required by the Pine County Subdivision and Platting Ordinance.

## **ARTICLE VII**

### **RESIDENTIAL / Agricultural DISTRICT "AR"**

**SECTION 1: Permitted Uses:** The following uses shall be permitted within the Residential / Agricultural District:

1. Agricultural uses; Agricultural buildings;
2. Forest uses, forestry management,
3. Accessory structures associated with permitted uses;
4. Single-family dwellings and seasonal, non permanent dwellings; subject to the following conditions:
  - A. Each permanent or seasonal dwelling shall be located on a minimum of twenty acres (20). Before a land use permit is issued, the Township may request verification that the parcel has been subdivided under the Pine County Subdivision and Platting Ordinance or evidence that the parcel was created consistent with any county or township regulations at the time the parcel was created.
  - B. A land use permit shall not be issued by the Township until an individual on-site sewage system permit has been issued by the Township.

**SECTION 2: Conditional Uses:** The following are some examples of some of the uses that may require a Conditional Use Permit pursuant to the ordinance.

1. Excavation of materials;

2. Adult and child care facilities;
3. Commercial greenhouses and nurseries;
4. Farm implement sales and repairs;
5. Motels and bed and breakfast type accommodations;
6. Churches and places of worship;
7. Gasoline service stations;
8. motor sports events, motor sport club uses, including permanent and temporary ATV events, automobile or motorcycle facilities and events;
9. permanent or temporary recreation activities including "paint ball" type combat simulation uses;
10. Restaurants;
11. Communications towers and transmitters;
12. Public utilities including electrical power transmission lines, communication cables, municipal water and sewer facilities;
13. Cemeteries;
14. Private air strips;
15. Kennels; or the keeping of exotic, wild or otherwise regulated animals or species;
16. Government buildings;
17. camping facilities including RV parks, tent camp grounds, or any use providing permanent or temporary sites or accommodations serving the general public or private, lease and camping club type facilities and uses;
18. Accessory structures to any Conditional Use permitted;
19. Second dwellings located on the same parcel necessary for health care purposes. Such dwellings shall be subject to all other provisions of this Ordinance;
20. Other uses, as determined by the New Dosey Town Board, as being of the same character as the Conditional Uses identified in this Ordinance.

**SECTION 4: Area Regulations:** No land use permits shall be permitted on any lot having a width at the building line of less than three hundred (300) feet nor on any lot having an area of less than twenty (20) contiguous acres, and at least 5 acres of buildable land. One principal seasonal or permanent dwelling is permitted on any one parcel.

**SECTION 5: Conditional Use Area Standards:** In acting on Conditional Use Applications, the Town Board shall evaluate the total parcel size required to adequately accommodate all reasonable conditions required. Such total parcel size may be in excess of twenty (20) acres as required by this Ordinance.

## **ARTICLE VIII**

### **RURAL TOWN CENTER DISTRICT "RTC"**

**SECTION 1: Permitted Uses:** The RTC District is intended to coincide with the those platted and recorded lots as identified by the original townsites of Cloverton, Kingsdale and the Timber Ridge area. The District boundaries include all platted areas as recorded in the Office of the Pine County Recorder. The following uses shall be permitted within the Rural Town Center Districts:

1. All permitted uses as stated in the Residential / Agricultural District

**SECTION 2: Conditional Uses:** The following uses may require a Conditional Use permit pursuant to this Ordinance:

1. All Conditional Uses as stated in the Residential / Agricultural District.;

**SECTION 4: Area Regulations:** Only one principle dwelling per parcel is permitted. The Town Board may require that multiple lots the townsites and of single ownership ,may to combined to identify one taxable parcel, as required by the county auditor or vacated in accordance with MN Statute 505.14, for the purpose of determining adequate land area to accommodate intended use.

**SECTION 5: Conditional Use Area Standards:** In acting on Conditional Use Applications, the Town Board shall evaluate the total parcel size required to adequately accommodate all reasonable conditions required.

**SECTION 6: Parcels of record:** From and after the date of enactment of this Ordinance the Town Board may require that multiple parcels as identified within the original townsite of Cloverton may be required before land use of building permits are issued. The Town Board may request applicants for permits to present information to the Township that the lot, or multiple lots, are adequately sized to accommodate the uses intended and the lot or multiple lots contain adequate area for an individual on-site sewage treatment system and secondary system.

## **ARTICLE IX**

### **ADMINISTRATION**

**SECTION 1:** The New Dosey Township Board of Supervisors shall serve as the administrative authority of this Ordinance. The Town Board, in the course of its duties shall:

1. Receive all information and recommendations from the Planning Commission as necessary and approve or deny all Conditional Use Applications, and Variance Applications.
2. Enforce and administer the terms and provisions of this Ordinance through supervision and review of the recommendations of the Zoning Administrator.
3. Set policy regarding enforcement of this Ordinance.
4. Appoint a Zoning Administrator to assist in the administration of this Ordinance.

**SECTION 2:** The duties of the Zoning Administrator shall be as follows:

1. Administer all provisions of this Ordinance. Issue Land Use Permits as provided in this Ordinance.
2. Receive information and prepare recommendations regarding Conditional Use Permits to the Planning Commission and Variances to the Town Board.
3. Take necessary steps to ensure that the provisions of this Ordinance are being complied with,

which may include providing assistance in the enforcement of the Ordinance through inspections.

4. Maintain all records necessary for the proper enforcement of the terms and provisions of this Ordinance.
5. Schedule actions for hearing before the Planning Commission, Town Board and Board of Adjustment.
6. Update and maintain the Official Map of the township.
7. Coordinate with other agencies regarding enforcement and maintenance of this Ordinance.
8. Perform all other duties as requested by the Town Board

SECTION 3: Board of Adjustment: This body is required by MN Statute 462.354, Subd. 2. The duties of this body in stated in MN statutes 462.357, subd. 6 and MN Statute 462.359, Subd. 4

#### **SECTION 4: Land Use Permits:**

##### **A. Required Applications:**

A Land Use Permit or Conditional Use Permit shall be obtained as required by Article VII and VIII of this Ordinance, before excavation for a basement, construction of a structure of more than one hundred twenty (120) square feet in footprint, or any sized structure with a permanent foundation or add bedrooms to an existing dwelling, or move a structure onto a parcel.

##### **B. Application Process:**

Application for a Land Use Permit, Conditional Use Permit or Variance shall consist of a completed application form, signed by the applicant and accompanied by the required permit fee, a sketch describing structure dimensions, the location of the improvement in relation to adjoining boundary lines, right-of-way lines, existing buildings or structures, and such other information as may be required by the Zoning Administrator. The complete application shall be submitted in its entirety to the zoning administrator prior to consideration for approval and issuance of the permit. The Land Use Permit must be displayed on the property during the excavation, moving, changing, or altering any part of the structure or part thereof.

##### **C. Penalties:**

Failure to obtain a land use permit prior to commencing the above activities renders the landowner subject to penalties under this Ordinance.

##### **D. Fees:** (See Appendix A) (Back Page)

#### **SECTION 4: Conditional Use Permits:**

Upon receipt of the completed Conditional Use Permit Application, a public hearing date will be scheduled at the next regularly scheduled meeting of the New Dosey Township Planning Commission. The Planning Commission shall consider all testimony, comments and recommendations and apply the provisions of this Ordinance in consideration of the application. Following the hearing, the Planning Commission may request additional information, plans or drawings to further the implementation of this Ordinance.

The Planning Commission may recommend conditions to all Conditional Use applications to ensure that the provisions of the New Dosey Township Ordinance are implemented.

Prior to the public hearing, published and posted notice must be given at least ten (10) days prior to said hearing by publishing in the designated legal newspaper and notice shall be posted at the places designated as legal for posting notices. Owners of adjoining property within the township within five hundred (500) feet of a boundary line of the property for which a Conditional Use Permit is requested shall be notified at least ten (10) days prior to said hearing by first-class mail as to the time, place and purpose of the public hearing. Failure of any such property owner to receive such mailed notice shall not affect the validity of the hearing or the result thereof.

The criteria and standards reviewed by the Planning Commission in recommending an action, and Town Board in determining whether to grant or deny an application for a Conditional Use Permit, include the following, in addition to any other criteria or standards specifically set forth in this Ordinance or unique to the special circumstances of the requested use:

1. Whether the Conditional Use will be injurious to the use and enjoyment of other property and the environment in the immediate vicinity for the purposes already permitted.
2. Whether the Conditional Use will substantially diminish or impair the property values and the environment in the immediate vicinity.
3. Whether the establishment of the Conditional Use will impede the normal and orderly development of the surrounding vacant property for uses permitted in the area.
4. Whether adequate utilities, access roads, drainage and other necessary facilities and controls have been, are being, or can be provided.
5. Whether adequate measures have been or will be taken to prevent or control offensive odor, fumes, dust, noise, vibration, scenic blight or other annoyances so that said Conditional Use will not constitute a nuisance.
6. Whether lighted signs or other signs will impair the enjoyment of property and/or property owners in the vicinity.
7. Whether the use permitted under the terms and conditions of any Conditional Use Permit issued can be established and conducted in conformity with the current land use district setbacks and standards.

8. Whether provisions for: adequate parking; management of current and anticipated traffic; and, traffic safety have been provided so as not to constitute a nuisance.

9. Whether provisions for management of potential pollution, odor, noise, blight of the proposed use have been adequately addressed so as not to constitute a nuisance to adjoining landowners.

Upon consideration of the criteria listed above, and other criteria which in the opinion of the Planning Commission are necessary to ensure implementation of the standards of this Ordinance, the Planning Commission may recommend such conditions, as it deems necessary to achieve the purposes of this Ordinance.

The Planning Commission's recommendation on the Conditional Use Permit Application shall be sent to and considered by the Town Board. The Town Board shall accept, reject or alter the recommendation of the Planning Commission.

Violation of any of the conditions shall be deemed a violation of this Ordinance and shall constitute grounds for revocation of the Conditional Use Permit with fines and penalties as set forth by Minnesota law.

#### **SECTION 5: Variances:**

Upon receipt of the completed Variance Application, established fee and conclusion of the review by the township zoning administrator, a public hearing date shall be scheduled at the next regularly scheduled meeting of the New Dosey Township Board .

Said hearing shall be noticed and carried out in accordance with the provisions of Article IX, Section 4, Conditional Use Permits.

After the hearing provided for above, the Town Board, acting as the township Board of Adjustment, shall determine if the strict enforcement of any provisions of this Ordinance would cause unnecessary hardship or if that strict enforcement would be unreasonable, impractical or infeasible under the circumstances. The Board of Adjustment shall consider all other criteria relating to the issuance of a Variance which are set forth in other applicable provisions of this Ordinance. If so determined, the Town Board of Adjustment may permit a Variance from the terms and provisions of this Ordinance, provided that:

1. The conditions causing the hardship are unusual and unique to the property and not to the applicant.
2. The Variance is necessary in order to secure for the applicant a right or rights in the property that are enjoyed by other owners in the same district.
3. The need for the Variance was not created by the current landowner .
4. The granting of the Variance will not be damaging to the environment and property rights of other persons or to property values in the vicinity.
5. The granting of the Variance will not be contrary to management policies of the area or district in which the property is located.



6. The granting of the Variance will not be contrary to the public interest.
7. The granting of the Variance is necessary to allow the reasonable use of the land.
8. A Variance shall not be granted simply because there is no objection to the granting of the variance or because those who do not object outnumber those who do.

Upon consideration of the criteria listed above, and in the event that the Town Board decides to grant the requested Variance, the Town Board may attach such conditions, in addition to any other conditions required by this Ordinance, to the Variance so as to minimize the inconsistency of the Variance with the standards as set forth in this Ordinance. Violation of the conditions of the Variance shall constitute a violation of this Ordinance and shall be grounds for revocation of the Variance.

## **SECTION 6:**

Appeals concerning action by the Zoning Administrator or Planning Commission may be taken to the Town Board.

ARTICLE X- MISCELLEANOUS- Camping in New Dosey Township is permitted ONLY in designated camping sites.

## **ARTICLE X1**

### **AMENDMENTS**

Amendments to this Ordinance shall be initiated and carried out in accordance with applicable state statutes. All amendments shall be initiated by one of the following methods and may be effected by a majority vote of the Town Board:

1. Resolution of the Town Board.
2. Resolution or recommendation of the Planning Commission to the Town Board.

## **ARTICLE XI**

### **ENFORCEMENT**

The New Dosey Town Board shall bear the responsibility for administration and enforcement of this Ordinance. The Town Board, Zoning administrator or duly authorized Township representative has the power to enforce this Ordinance upon the owner of a property and/or their agent.

This Ordinance shall be enforced with the imposition of civil and/or criminal penalties provided for under Minnesota Law.

The Town Board, the Zoning Administrator or an authorized Township representative shall conduct Land Use Ordinance compliance inspections during the course of construction of permitted activities.

No person shall hinder or otherwise interfere with the Town Board, Zoning Administrator or authorized Township representative in the performance of their duties and responsibilities.

**ARTICLE XII**

**VALIDITY**

Should any section or provision of this Ordinance be declared by a Court of competent jurisdiction to be invalid, such decision shall not affect the validity of this Ordinance as a whole or any part thereof other than the part specifically and necessarily declared by said Court to be invalid. Furthermore, in construing this Ordinance, a Court of competent jurisdiction should delete or otherwise change the

language of this Ordinance so as to insure its validity if said deletion or change would be consistent with the intent and purpose of this Ordinance

**ARTICLE XIII**

**EFFECTIVE DATE**

This Ordinance shall take effect and be in force from and after its passage, posting, and recording according to law. Copies of this Ordinance shall be kept by the Township Clerk and shall be available for public inspection.

Adopted this date: June 1, 2007

~~Dave Fornengo, (Signature on original copy in county recorder's office)~~ \_\_\_\_\_  
By: Chairperson New Dosey Township Board of Supervisors

~~Fran Levings (Signature on original copy in county recorder's office)~~ \_\_\_\_\_  
Attest: Township Clerk, New Dosey Township

Notice of Public Hearing Published: March 29 and April 5, 2007  
Public Hearing Held: April 13, 2007  
Adopted by the Town Board: June 1, 2007  
Publication of Ordinance: Summary –Nov. 22, 2007 in 2 newspapers  
Filed with County Recorder: June 11, 2007  
Effective Date: June 11, 2007

TO OBTAIN AN APPLICATION FOR A LAND USE PERMIT, CONDITIONAL USE PERMIT, OR VARIANCE, CALL CLERK FRAN LEVINGS AT (320) 242-3933

APPENDIX A- FEE SCHEDULE

LAND USE PERMIT-	\$25.00
CONDITIONAL USE PERMIT-	\$100.00
REQUEST FOR A VARIANCE-	\$100.00
REZONING REQUEST-	\$100.00

COPIES OF THE TOWNSHIP COMPREHENSIVE PLAN, THE MINOR-SUBDIVISION ORDINANCE, AND THE SEWAGE AND WASTE WATER TREATMENT ORDINANCE ARE ON FILE AT THE TOWN HALL. COPIES CAN BE OBTAINED BY CALLING THE TOWN CLERK FRAN LEVINGS AT (320) 242-3933.