

**CITY OF NORTHFIELD RESOLUTION NUMBER** [REDACTED]

**TOWNSHIP OF WATERFORD RESOLUTION NUMBER** [REDACTED]

STATE OF MINNESOTA

OFFICE OF ADMINISTRATIVE HEARING

IN THE MATTER OF THE JOINT RESOLUTION OF  
THE CITY OF NORTHFIELD AND THE TOWNSHIP  
OF WATERFORD DESIGNATING AN AREA AS IN  
NEED OF ORDERLY ANNEXATION PURSUANT  
TO MINNESOTA STATUTES, SECTION 414.0325

**JOINT RESOLUTION FOR ORDERLY  
ANNEXATION**

WHEREAS, the Township of Waterford (“Township”) and the City of Northfield (“City”) desire to enter into this Joint Resolution for Orderly Annexation (the “Agreement” or “Joint Resolution”) designating the area legally described in Exhibit A, which is attached hereto and incorporated herein by reference, (the “Orderly Annexation Area” or “OAA”) for future orderly annexation; and

WHEREAS, for ease of reference, the OAA designated for orderly annexation in accordance with this Joint Resolution and legally described in Exhibit A is shown on the boundary map, Exhibit B, which is attached hereto and incorporated herein by reference; and

WHEREAS, the Township and City have agreed to work cooperatively through this Agreement to establish certain terms and conditions applicable to future annexations within the OAA described in Exhibit A and depicted on Exhibit B; and

WHEREAS, the City and Township agree that orderly annexation is in the best interest of the Parties hereto and the property owners within the OAA, and would benefit the public health, safety, and welfare of the community by facilitating planned land use and growth, municipal services and annexation; and

WHEREAS, the City and Township agree that the OAA legally described in Exhibit A is designated for and is in need of future orderly annexation; and

WHEREAS, the City and Township desire to accomplish the future orderly annexation of properties within the OAA without the need for any hearing(s) before the Minnesota Office of Administrative Hearings (“OAH”).

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Northfield and the Township Board of Supervisors of the Township of Waterford, as follows:

1. Designation of Orderly Annexation Area (OAA). The City and Township hereby designate the OAA legally described in Exhibit A for orderly annexation pursuant to Minn. Stat. § 414.0325.
2. Boundary Map. A boundary map depicting the OAA legally described in Exhibit A is attached hereto as Exhibit B.
3. Events Triggering Future Orderly Annexation. With respect to all or any portion of the land located within the designated OAA legally described in Exhibit A and depicted on Exhibit B, the Township and City agree that the City may annex all or any portion of the land located within the OAA pursuant to the process contained in paragraph 4 of this Agreement following the occurrence of any of the following triggering events/conditions:
  - a. The Township, pursuant to a duly adopted resolution of the Township Board of Supervisors, requests in writing that a parcel(s) of land located within the OAA be provided one or more City utility services, including but not limited to water, sanitary sewer or storm sewer services; or

- b. The City is ordered by the Minnesota Pollution Control Agency, Department of Health, or similar State agency to provide sewer or water service to a parcel(s) of land located within the OAA for the protection of the public health, safety or welfare, abatement of pollution, and/or because of an immediate environmental threat; or
  - c. Subject to majority approval of the Township Board:
    - i. Following receipt by the City of a written petition from the property owner(s) of a parcel(s) of land located within the OAA; or
    - ii. A parcel(s) of land located within the OAA is completely surrounded by the City; or
    - iii. A parcel(s) of land located within the OAA is owned by the City; or
  - d. The City and Township otherwise mutually agree in writing.
- 4. No Hearing Permitted for Annexations Within OAA. In the event that any of the events/conditions triggering annexation occurs, as provided in paragraph 3 of this Agreement, the City shall provide notice thereof to the Township Clerk at least 30 days prior to taking action as provided in this Paragraph. Pursuant to Minnesota Statutes, Section 414.0325, the City may thereafter adopt a resolution (referred to as the "Annexation Resolution") legally describing such land(s) within the OAA to be annexed and file the same, along with a copy of this Joint Resolution, with the Office of Administrative Hearings or its successor agency. The City and Township agree that no alteration of the stated boundaries as described in the Annexation Resolution adopted by the City is appropriate, that no consideration thereof by the Office of Administrative Hearings, or its successor agency, is necessary, and that all terms and conditions for annexation thereof are provided for in this Joint Resolution. In accordance with Minnesota Statutes, section 414.0325, subd. 1(h), upon the execution and filing of an Annexation Resolution by the City as provided in this Paragraph, the Office of Administrative Hearings, or its successor agency, may review and comment thereon, but shall, within 30 days of receipt of an Annexation Resolution, order the annexation of the subject area legally described in the Annexation Resolution in accordance with the terms and conditions contained in this Joint Resolution.
- 5. Tax Reimbursement. Pursuant to Minnesota Statutes, section 414.036, the City and Township agree that upon annexation of any portion of the OAA legally described in Exhibit A, the City shall reimburse the Township for the loss of taxes from the property so annexed in an amount equal to one hundred (100) percent of the property taxes distributed to the Township in regard to the annexed area in the last year that property taxes from the annexed area were payable to the Township for a period of four (4) years. The City will not make any additional tax reimbursement payment to the Township with respect to property designated in an Annexation Resolution pursuant to paragraph 4 of this Agreement and so annexed to the City following the fourth year thereof.
- 6. Notice of Intent to Designate OAA. The City and Township agree that Minnesota Statutes, section 414.0325, subd. 1b, applies to the designation of the OAA and requires that at least ten days before the parties adopt this Agreement that a notice of the intent to include property in the OAA must be published in a newspaper of general circulation clearly identifying the boundaries of the OAA. The City and Township agree to cooperatively develop the notice. The City shall publish the notice in the Northfield News. The City and Township agree to equally divide the cost of publication of the same.
- 7. Agricultural Preservation and Zoning. The Township's primary goal and objective for land use in the Township is agricultural use and preservation of agricultural land as provided in the Township Comprehensive Plan and as defined in the Waterford Township Zoning Ordinance and Zoning Map, dated July 14, 2001, as the same exists on the effective date of this Agreement (the "zoning ordinance"). Increased residential and commercial uses and densities should be encouraged to occur within the City of Northfield, which more appropriately provides an urban or suburban setting for such development as well as municipally provided utility services.

Based on the foregoing, the Township agrees not to expand the Township's Rural Residential (RR) District beyond the district boundaries as established in the zoning ordinance and zoning map as the same exists on the effective date of this Agreement. The Township agrees not to create new zoning districts permitting uses other than agricultural uses in its zoning ordinance. The Township agrees not to amend, modify, repeal, adopt or replace either the Agricultural Preservation (AG) zoning designation or the Rural Residential (RR) zoning designation, including but not limited to those permitted, conditional and interim uses contained in the zoning ordinance as the same exists on the effective date of this Agreement. The Waterford Township Zoning Ordinance and Zoning Map, dated July 14, 2001, is attached hereto and incorporated herein by reference as Exhibit C.

8. Term. This Joint Resolution shall remain in full force and effect until one of the following conditions takes place, whichever comes first:
  - a. Termination by mutual written joint resolution of the City and Township;
  - b. Upon completion of annexation of the entire designated OAA and corresponding tax reimbursement to the Township as provided in this Joint Resolution;
  - c. The Township amends, modifies, repeals, adopts or replaces provisions of the zoning ordinance contrary to or inconstant with Paragraph 8 above; or
  - d. Ten years from the effective date of this Joint Resolution.
9. Filing. The City and Township agree that upon adoption and execution of this Joint Resolution, the City shall file the same with the Office of Administrative Hearings - Municipal Boundary Adjustments Unit and pay the filing fee.
10. Governing Law. The City and Township agree that this Joint Resolution is made pursuant to, and shall be construed in accordance with the laws of the State of Minnesota.
11. Headings and Captions. The Township and City agree that the headings and captions contained in this Joint Resolution are for convenience only and are not intended to alter any of the provisions of this Joint Resolution.
12. Entire Agreement. The terms, covenants, conditions, and provisions of this Agreement shall constitute the entire agreement between the parties hereto superseding all prior agreements and negotiations between the parties.
13. Severability. In the event that any provision of this Joint Resolution is determined and adjudged to be unconstitutional, invalid, illegal or unenforceable by a court of competent jurisdiction, the remaining provisions of this Joint Resolution shall remain in full force and effect.
14. Recitals. The recitals hereto are made a part hereof.
15. Legal Description and Mapping. The City and Township agree that in the event there are errors, omissions or any other problems with the legal description provided in Exhibit A or mapping provided in Exhibit B, in the judgment of the Office of Administrative Hearings, the City and Township agree to make such corrections and file a new Exhibit A or Exhibit B making the corrections requested or required by the Office of Administrative Hearings in accordance with the terms of this Joint Resolution.
16. Notice. Any notices required under the provisions of this Joint Resolution shall be in writing and sufficiently given if delivered in person or sent by mail, postage prepaid, as follows:

If to the City:

City Administrator  
City of Northfield  
801 Washington St.  
Northfield, MN 55057

If to the Township:

Town Clerk  
Waterford Township  
P.O. Box 531  
Northfield, MN 55057

17. Effective Date. This Joint Resolution shall be effective on the date that the last party hereto signs and dates this Agreement.
18. Authorized Signatories. The parties each represent and warrant to the other that the persons signing this Agreement are authorized signatories for the entities represented; each party indemnifies and holds the other harmless against any breach of the foregoing representation and warranty.
19. Counterparts. This Agreement may be executed in counterparts, each of which shall be deemed an original, and which together shall constitute a single, integrated contract.

*[Signature pages to follow.]*

Passed, adopted, and approved by the Township Board of Supervisors of the Township of Waterford, Dakota County, Minnesota, this [redacted] day of [redacted], 20[redacted].

ATTEST:

TOWNSHIP OF WATERFORD

By: \_\_\_\_\_  
Elizabeth Wheeler, Township Clerk

By: \_\_\_\_\_  
Liz Messner, Chair

Passed, adopted, and approved by the City Council of the City of Northfield, Rice County, Minnesota,  
this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

ATTEST:

CITY OF NORTHFIELD

By: \_\_\_\_\_  
Deb Little, City Clerk

By: \_\_\_\_\_  
Dana Graham, Mayor

**EXHIBIT A**  
**Legal Description**

The OAA designated in the attached Joint Resolution is legally described as follows:

**EXHIBIT B**  
**Boundary Map**

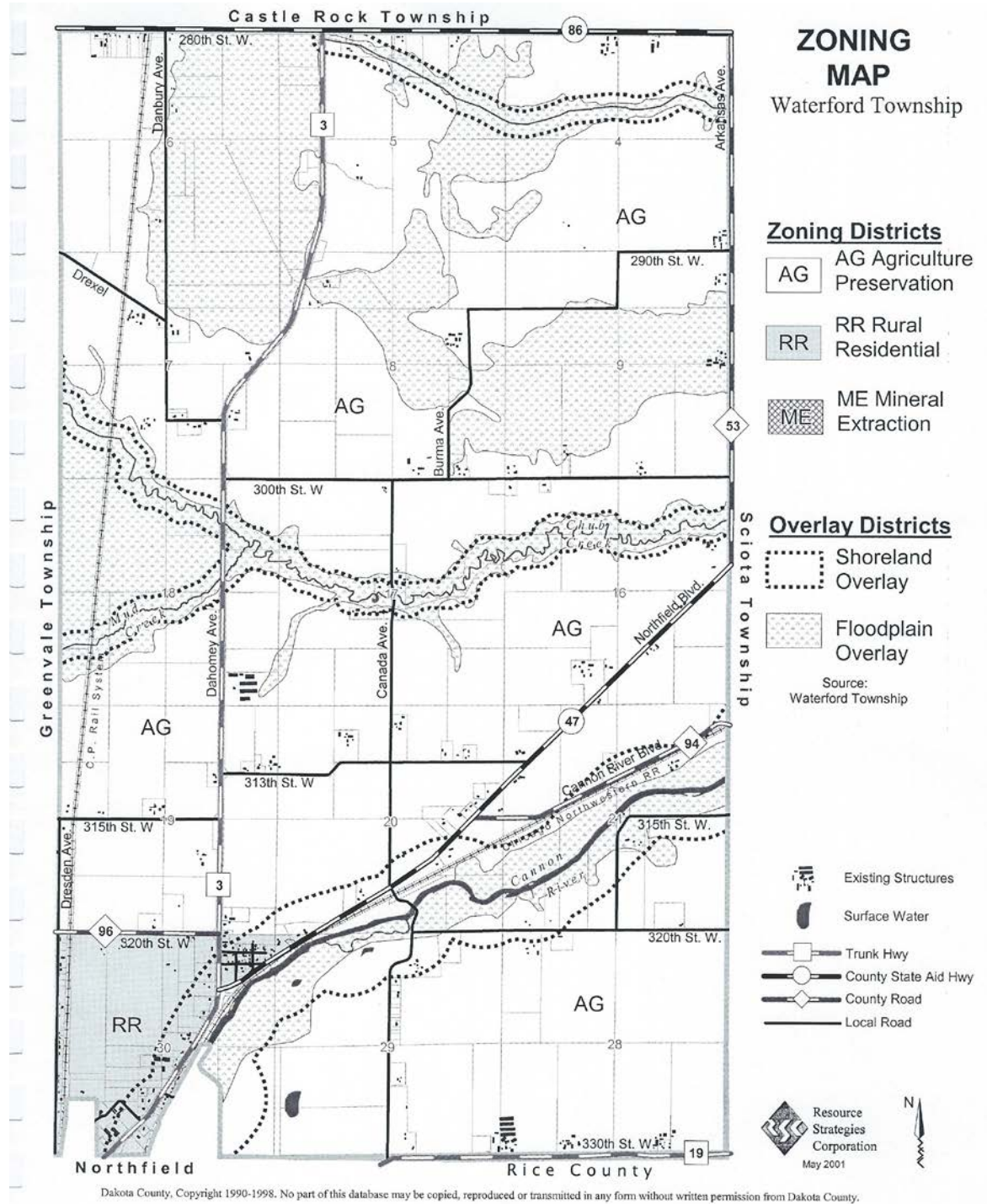
The municipal boundary map referenced in the attached Joint Resolution, showing the current City of Northfield and its relation to the OAA, legally described in Exhibit A, is attached hereto.



### EXHIBIT C

#### Waterford Township Zoning Map and Zoning Ordinance, dated July 14, 2001

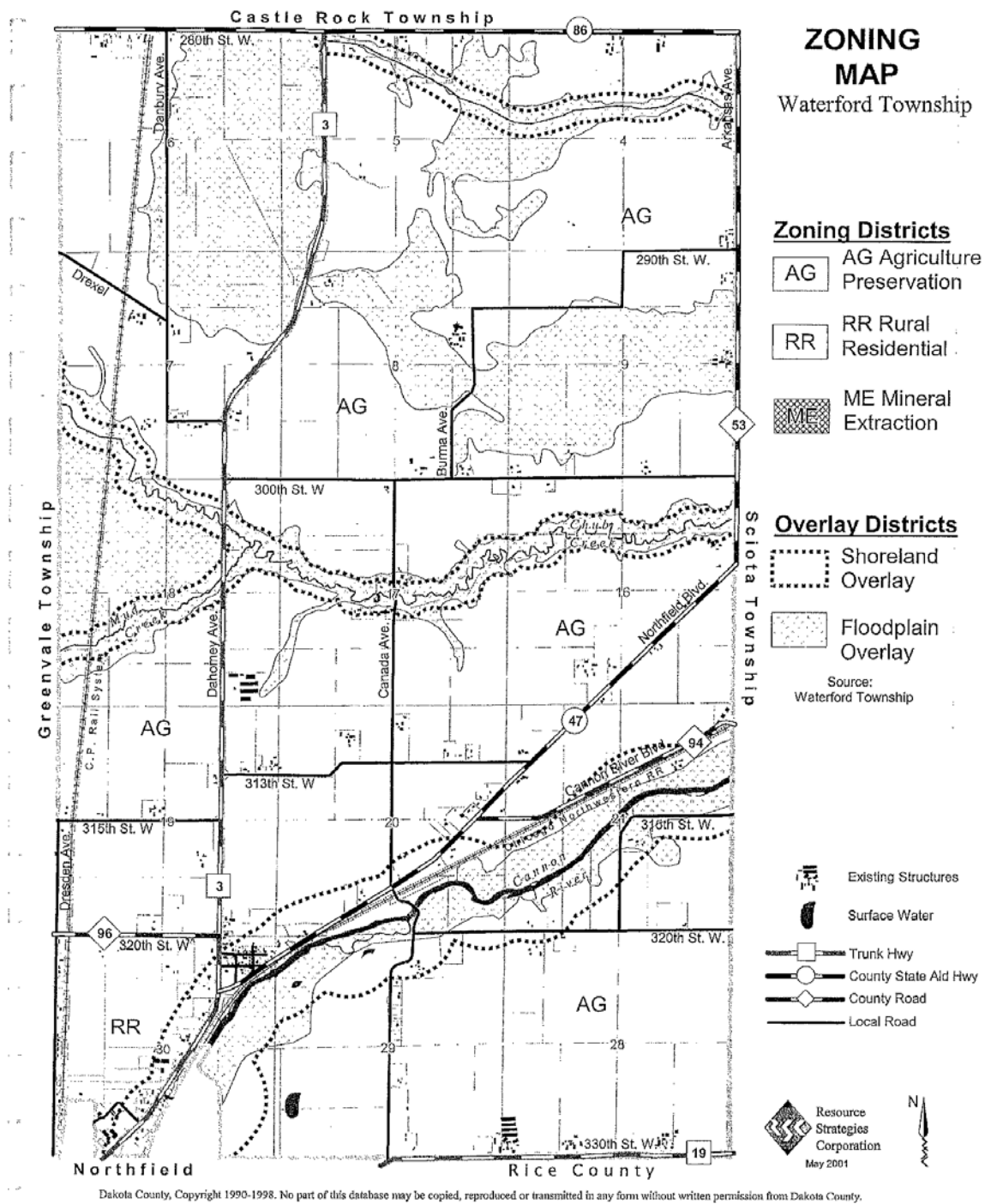
The Waterford Township Zoning Map and Zoning Ordinance, dated July 14, 2001 referenced in the attached Joint Resolution is attached hereto.



# **WATERFORD TOWNSHIP ZONING ORDINANCE**

**Adopted by the Town Board of Supervisors  
May 30, 2001**

**Effective Date of Publication  
July 14, 2001**



## Table of Contents

SECTION 1	NAME .....	1
SECTION 2	PURPOSE .....	1
SECTION 3	DEFINITIONS.....	1
SECTION 4	GENERAL PROVISIONS.....	13
4.01	Scope and Interpretation.....	13
A.	Scope .....	13
B.	Relationship to Comprehensive Plan.....	13
C.	Minimum Requirements .....	13
D.	Uses Not Identified.....	13
E.	Deadline for Actions.....	13
4.02	Rules of Construction.....	13
4.03	Right to Farm.....	14
4.04	Lot Provisions.....	14
A.	Substandard Lot.....	14
B.	One Building per Lot.....	15
C.	Principal Use Required.....	15
4.05	Nonconforming Uses and Structures .....	15
4.06	Street Access Required.....	15
4.07	Relocated Buildings or Structures.....	15
4.08	Single-Family Dwelling Requirements .....	16
4.09	Dwelling Units Prohibited.....	16
4.10	Home Occupations .....	16
4.11	Site Plan Review Required.....	17
A.	Submittal Requirements .....	17
B.	Review Requirements.....	18
C.	Exceptions .....	18
SECTION 5	ADMINISTRATION AND ENFORCEMENT .....	19
5.01	Administration/Enforcement Officer.....	19
5.02	Maintenance of Records.....	19
5.03	Board of Appeals and Adjustments .....	19
A.	Powers of the Board .....	19
B.	Variance Procedures.....	20
5.04	Zoning Amendments .....	21
5.05	Conditional Use Permits.....	21
A.	Criteria for Granting Conditional Use Permits.....	21
B.	Procedure.....	22
C.	Termination .....	23
5.06	Interim Use Permits .....	24
A.	Purpose .....	24
B.	Application, Public Hearing, and Procedure .....	24
C.	Termination .....	24
D.	Standards .....	24
E.	Conditions.....	24
5.07	Building Permits.....	25
A.	Procedure.....	25
5.08	Violations .....	25
5.09	Fees and Licensing .....	26
5.10	Validity .....	26
5.11	Repeals .....	26
SECTION 6	ZONING DISTRICTS/USE REGULATIONS.....	27

6.01	Establishment of Districts.....	27
6.02	Zoning Map .....	27
6.03	Interpretation of the Zoning Map .....	27
6.04	AG Agriculture Preservation District .....	28
	A. Intent .....	28
	B. Permitted Uses and Structures.....	28
	C. Conditional Uses .....	29
	D. Standards for Granting Conditional Use Permits .....	30
	E. Prohibited Uses and Structures.....	30
	F. Interim Uses.....	30
6.05	RR Rural Residential District.....	30
	A. Intent .....	30
	B. Permitted Uses and Structures.....	30
	C. Conditional Uses .....	31
	D. Prohibited Uses and Structures.....	32
	E. Interim Uses.....	32
	F. Legal Nonconforming Businesses .....	32
6.06	ME Mineral Extraction District.....	32
	A. Intent .....	32
	B. Permitted Uses.....	33
	C. Conditional Uses .....	33
	D. Interim Uses.....	33
6.07	FO Floodplain Overlay District.....	33
	A. Intent .....	33
	B. Township Regulations .....	33
	C. County Regulations .....	33
	D. Disclaimer of Liability.....	33
6.08	SO Shoreland Overlay District.....	34
	A. Intent .....	34
	B. Township Regulations .....	34
	C. County Regulations .....	34
6.09	Dimensional Standards for District Uses.....	35
SECTION 7	PERFORMANCE STANDARDS .....	36
7.01	Intent .....	36
7.02	Individual Sewage Treatment Systems.....	36
7.03	Waste .....	37
7.04	Odors and Emissions .....	37
7.05	Dust and Particulates .....	37
7.06	Noise and Vibrations .....	37
7.07	Explosives.....	37
7.08	Glare .....	38
7.09	Miscellaneous Nuisances.....	38
7.10	Bulk Storage .....	38
7.11	Surface Water Management .....	38
7.12	Wetland Protection and Management.....	39
7.13	Woodland Preservation.....	39
7.14	Erosion and Sedimentation Control.....	40
7.15	Preservation of Natural Drainageways .....	40
	A. Waterways .....	40
	B. Water Velocity.....	41
	C. Sediment Control .....	41

D.	Maintenance of Erosion Control System.....	41
7.16	Landscaping and Fencing Maintenance.....	42
7.17	Traffic Control/Access Spacing.....	42
7.18	Parking .....	42
7.19	Relocating Structures.....	42
7.20	Animal Feedlots and Manure Handling.....	43
A.	Intent and Purpose .....	43
B.	Permit Required.....	43
C.	Permit Application.....	44
D.	Action .....	44
E.	Certification.....	44
F.	Acreage and Setback Requirements .....	45
G.	Land Application of Manure .....	45
H.	Manure Storage and Transportation .....	46
I.	Other Regulations .....	47
7.21	Off-Street Parking.....	47
7.22	Sign Regulations.....	47
A.	Intent .....	47
B.	Permit Required.....	47
C.	General Provisions.....	48
D.	Signs in Agricultural District.....	49
B.	Signs in Rural Residential District .....	49
7.23	Mineral Extraction.....	50
A.	Purpose .....	50
B.	Permit Required.....	51
C.	Application .....	52
D.	Supporting Documentation.....	52
E.	Interim Use Permit Procedure .....	53
F.	Performance Standards .....	55
G.	Termination .....	58
H.	Enforcement .....	59
I.	Fees and Reimbursements .....	59
J.	Liability Insurance.....	59
K.	Financial Guarantee.....	60
7.24	Commercial Wireless Telecommunications	
Services Towers and Antennae.....		60
A.	Interim Use Permit Required.....	60
B.	Tower Height.....	60
C.	Co-location on Existing Structures.....	60
D.	Co-location Requirements for New Structures.....	60
E.	Tower and Antenna Design .....	61
F.	Tower Setbacks .....	61
G.	Lighting .....	61
H.	Security .....	61
I.	Accessory Structures .....	61
J.	Signs .....	61
K.	Interference.....	61
L.	Construction Requirements .....	62
M.	Abandonment .....	62
N.	Other Requirements.....	62
SECTION 8	EFFECTIVE DATE.....	63

**ORDINANCE NO. 2001-5**  
**AN ORDINANCE ESTABLISHING ZONING REGULATIONS**  
**IN WATERFORD TOWNSHIP**

The Board of Supervisors of Waterford Township, Dakota County, Minnesota ordains as follows:

**SECTION 1      NAME**

This Ordinance shall be known as "*Ordinance No. 2001-5 Waterford Township Zoning Ordinance*" except as referred to herein as "this Ordinance."

**SECTION 2      PURPOSE**

It is the purpose of this Ordinance to provide for and protect the public health, safety, and general welfare in Waterford Township through the following objectives:

- To preserve long term agriculture in the Township.
- To preserve natural resources and the environmental quality of the Township.
- To establish land use regulations consistent with the land use provisions and goals and policies of the Comprehensive Plan.
- To establish regulations that preserve the agricultural character and quality of living in the Township.
- To establish regulations that maintain compatibility of land uses and protect property investments and property values within an agricultural setting.
- To establish regulations that discourage premature conversion of agricultural land to non-farm uses.
- To establish regulations that limit non-farm intrusions and discourage land speculation for non-farm uses.
- To prevent the overcrowding of land.
- To limit congestion and promote safety in the public rights-of-way.

**SECTION 3      DEFINITIONS**

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

Accessory Use or Structure	A customary use or structure serving, subordinate to and clearly incidental to a principal use or structure.
Agricultural Use	The use of land for the production of livestock, dairy animals, dairy products, poultry and poultry products,

horticultural and nursery stock, sod, fruit, vegetables, forage, grains, bees, and apiary products. Wetlands, pasture and woodlands accompanying land in agricultural use shall be considered to be in agricultural use.

**Alley**

A public right-of-way which affords a secondary means of access to abutting property.

**Animal Feedlot**

A lot or building or combination of lots and buildings intended for the confined feeding, breeding, raising or holding of animals and specifically designed as a confinement area in which manure may accumulate, or where the concentration of animals is such that a vegetative cover cannot be maintained within the enclosure. Open lots used for the feeding and rearing of poultry (poultry ranges or operations) shall be considered animal feedlots, but pastures shall not be considered animal feedlots.

**Animal Unit**

A unit of measure used to compare differences in the production of manure produced on a regular basis by a slaughter steer or heifer. For purposes of this Ordinance, the following equivalents shall apply:

<b>Animal</b>	<b>Unit</b>
One (1) mature dairy cow	1.4 animal
One (1) slaughter steer or heifer	1.0 animal
One (1) horse	1.0
One (1) sheep or goat	0.4
One (1) swine	0.4
One (1) duck	0.2
One (1) turkey	0.018
One (1) chicken	0.01

For animals not listed above, the number of animal units shall be defined as the average weight of the animal divided by one thousand (1,000) pounds. Maximum densities of animals may be regulated in separate zoning districts.

**Animal Waste Storage Facility**

A structure where lot runoff, manure effluent or other diluted animal waste is stored or treated, including earthen manure storage basins, earthen lagoons, concrete storage or glass-lined storage.

**Antenna**

Any structure or device used for the purpose of collecting or transmitting electromagnetic waves, including but not



	limited to directional antennae, such as panels, microwave dishes, and satellite dishes, and omni-directional antennae, such as whip antennae.
Basement	A portion of a building located partly underground but having half or more of its floor-to-ceiling height below the average grade of the adjoining ground.
Berm	A shelf or raised flat area of land that breaks the continuity of the slope of the land.
Board	The Town Board of Supervisors of Waterford Township.
Building	Any structure having roof which may provide shelter or enclosure of persons, animals, chattel, or property of any kind and when such a structure is divided by party walls without openings, each portion of such building so separated shall be deemed a separate building.
Building Line	A line parallel to the street right-of-way line at any story level of a building and representing the minimum distance which all or any part of the building is set back from said right-of-way line.
Building Height	The vertical distance to be measured from the grade of a building line to the top to the cornice or a flat roof, to the deck line of a mansard roof, to a point on the roof directly above the highest wall of a shed roof, to the uppermost point on a round or other arch type roof, to the mean distance of the highest gable on a pitched or hip roof.
Carport	An automobile shelter having one or more sides open.
Cluster Development	A grouping of residential dwellings within a specified area of a zoning district, which maintains the same overall allowable density in that same district.
Commercial Wireless Telecommunication Services	Licensed commercial wireless telecommunication services including cellular, personal communication services (PCS), specialized mobilized radio (SMR), enhanced specialized mobilized radio (ESMR), paging, and similar services.
Community Utility System	Utility systems serving a group of buildings, lots or any area of the community, with the design and construction of such utility systems as approved by the Board and the State of Minnesota.

Comprehensive Plan	A compilation of goals, policy statements, standards, programs and maps for guiding the physical, social and economic development, both public and private, of the municipality and its environs, as defined in Minnesota Statutes, and may include, but is not limited to statements of policies, goals, standards, a land use plan, a community facilities plan, a transportation plan, and recommendations for plan execution. A comprehensive plan represents the community's recommendations for the future development of the community.
Conditional Use	A specified use which, because of the potential problems it may create, requires additional conditions or performance standards to assure its compatibility with uses permitted in the district.
Curb Level	The grade elevation established by the governing body of the curb in front of the center of the building. Where no curb level has been established, an engineer selected by the Board shall determine a curb level or its equivalent for the purpose of this Ordinance.
Drainage System	Any natural or artificial device for the conveyance or storage of water used to drain or store surface or underground water, including but not limited to streams, rivers, creeks, ditches, channels, conduits, gullies, ravines or washes, including structures connected therewith such as culverts, drainage tile, dams and bridges, and water storage basins such as lakes, ponds, natural or man-made.
Day Care Facility	A state licensed day care facility, as defined in Minnesota Statutes Chapter 462, serving no more than twelve (12) persons in a single-family residential district or a state licensed day care facility serving no more than sixteen (16) persons in a multiple-family residential district.
Density	The number of dwelling units allowed on a specified amount of land.
Dwelling	A residential building or portion thereof intended for occupancy by a single family but not including hotels, motels, boarding or rooming houses or tourist homes.
Dwelling, Attached	A dwelling which is joined to another dwelling.
Dwelling, Detached	A dwelling which is entirely surrounded by open space on the same lot.

Dwelling Unit	See "Dwelling."
Essential Services	Public and private utilities required by the resident and working population.
Exterior Storage	The storage of goods, materials, equipment, manufactured products and similar items not fully enclosed by a building.
Extraction Area	Any non-agricultural artificial excavation of earth exceeding one thousand (1,000) square feet of surface area or one (1) foot in depth, excavated or made by the removal from the natural surface of the earth, sod, soil, sand, gravel, stone or other natural matter, or made by turning braking, or undermining the surface of the earth.
Family	An individual, or two or more persons related by blood, marriage or adoption living together, or a group of not more than five persons not related by blood, marriage or adoption, living together as a single housekeeping unit in a dwelling unit.
Farm	Real property used for agriculture, which is owned and operated by a single family, family corporation, individual or corporate enterprise.
Farm Building	All buildings other than dwellings which are incidental to the farming operation, including but not limited to barns, granaries, silos, farm implement storage buildings and milk houses.
Farm Dwelling	A dwelling located on a farm, occupied by the farm owner or an employee of the farm owner.
Floor Area	The sum of the gross horizontal area of the floors of a building, measured from the interior side of the exterior walls or from the centerline of party walls separating buildings, including basements and attics that are permitted for occupancy.
Garage	An accessory structure or accessory portion of the principal building which is intended for and used to store vehicles and belongings of the building occupants.
Historic Site	A structure or body of land or water of historic archeological, paleontological, or architectural content or value which has been designated as an historic site in the federal register of Historical Landmarks, by the Minnesota

	Historical Society, or by resolution of a local governmental unit.
Home Occupation	Any gainful occupation or profession engaged in by the occupant of a dwelling when carried on in the dwelling and not an accessory structure, provided that no signs other than those normally utilized in a residential district are present, no stock in trade is stored on the premises, over-the-counter retail sales are not involved, and entrance to the home occupation is gained from within the structure.
Horticulture	The use of land for production and sale of seeds, fruits, vegetables, flowers, nursery stock, and cultured sod.
Individual Sewage Treatment System	A privately-owned and maintained wastewater treatment system, designed according to Minnesota Pollution Control Agency standards and intended for use solely by the occupants of the property on which the system is located.
Industry	Manufacturing, compounding, processing, packaging or assembly and storage of products and materials, except waste management or mineral extraction.
Interim Use	A temporary use of property until a particular date, until the occurrence of a particular event, or until zoning regulations no longer permit the use.
Irrigation System	Any structure of equipment, mechanical or otherwise, used to supply water to cultivate fields or supplement normal rainfall, including but not limited to wells, pumps, motors, pipes, culverts, gates, dams, ditches, tanks, ponds, and reservoirs.
Local Government Building	A building which houses public facilities or services including, but not limited to a town hall, police station, fire station, library, highway maintenance facility, public recreation facility, but excluding schools or churches.
Lot	A parcel of land, subdivided or otherwise, capable of legal description, and having a principal frontage along a public road.
Lot Area	The area of a lot in a horizontal plane bounded by the lot lines.

Lot, Corner	A lot situated at the junction of, and abutting on two or more intersecting streets, or a lot at the point of deflection in alignment of a continuous street, the interior angle of which does not exceed one-hundred-thirty-five degrees.
Lot Depth	The mean horizontal distance between the front lot line and the rear lot line of a lot.
Lot Line	The property line bounding a lot, except that where any portion of a lot extends into the public right-of-way or roadway easement, the edge of the right-of-way or easement shall be the lot line for applying this Ordinance.
Lot Line, Front	The boundary of a lot which abuts an existing or dedicated public street.
Lot Line, Rear	The boundary of a lot which is opposite from the front lot line.
Lot Line, Side	Any boundary of a lot which is not a front lot line or a rear lot line.
Lot of Record	<p>A lot which is part of a subdivision or plat, an Auditor's Subdivision or a registered Land Survey or a parcel of land not so platted, which has been approved by the Township or meets the following conditions:</p> <ul style="list-style-type: none"> <li>a. was a separate parcel of record as of April 1, 1945 or the date of adoption of subdivision regulations under Laws 1945, Chapter 287, whichever is later, or as of the adoption of subdivision regulations pursuant to a home rule charter;</li> <li>b. was the subject of a written agreement to convey entered into prior to such time;</li> <li>c. was a separate parcel of not less than two and a half (2 1/2) acres in area and one hundred fifty (150) feet in width on January 1, 1966;</li> <li>d. was a separate parcel of not less than five (5) acres in area and three hundred (300) feet in width on July 1, 1980;</li> <li>e. was a parcel created consistent with the requirements of the <i>Waterford Township Zoning Ordinance</i> after its adoption November 9, 1981;</li> </ul>

f. is a single parcel of agricultural land of not less than twenty (20) acres and having a width of not less than five hundred (500) feet and its conveyance is not the result of a division of land which creates two (2) or more parcels, any of which is less than twenty (20) acres in area or five hundred (500) feet in width.

Lot, Substandard	A lot which does not meet the minimum lot area, structure setbacks or other dimensional standards of this Ordinance.
Lot, Through	A lot fronting on two substantially parallel streets.
Lot Width	The minimum horizontal distance between the side lot lines, measured at the minimum front yard setback line.
Manufactured Home	A structure that is transportable in one (1) or more sections which, in the traveling mode, is eight body feet or more in width or forty (40) body feet or more in length, or, when erected on site, is three hundred twenty (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 state and complies with the standards established by the state.
Mineral Extraction	The excavation and removal of sand, gravel, rock, soil or other material from the land.
Multiple Dwelling	Three or more dwelling units in one structure.
Nonconforming Use	A use which does not conform to the requirements of this Ordinance.
Open Space	Any unused land or land unoccupied by structures.
Parking Space	A suitably surfaced and permanently maintained area on privately-owned property, either within or outside of a building of sufficient size to store a vehicle.
Performance Standard	A criterion established to control appearance, noise, odor, toxic or noxious matter, vibration, fire and explosive hazards, glare, heat, waste and other potential impacts generated by or inherent in uses of land or building.

Planned Unit Development	A development generally having a mixture of land uses or a clustering of residences, planned as a single development, protecting and providing common and public open space maintained either by the owners of the development or a designated entity, and which may include a waiver of conventional dimensional standards applying to the development in exchange for higher site design standards, preservation techniques and other public benefit.
Planning Commission	The planning Commission of Waterford Township.
Plat	The drawing or map of a division of land prepared for filing of record pursuant to Minnesota Statutes and local regulations.
Poultry Operation	A confined area or structure used for raising, feeding, breeding, or holding chickens, turkeys, and other poultry for eventual sale; or the production of eggs, in which animal wastes may accumulate.
Principal Use or Structure	The specified primary or main use of land or buildings in a district, as distinguished from the subordinate, incidental or accessory use of land or structures.
Public Land	Land owned or operated by municipal, school district, university, county, state, federal government or other public entity.
Public Utility Buildings	A structure or facility designed for the operation of public utilities, including power stations, substations, pumping stations and reservoirs, communications equipment buildings, gas regulation stations, and transmission lines.
Quarter - Quarter Section	A land area in the aliquot system description of the U.S. Public Land System consisting of one-sixteenth of a section (1/16 of one (1) square mile) of land, or approximately forty (40) acres in area.
Recreation, Commercial	A privately-owned business offering recreational facilities, services, or equipment for a fee, including but not limited to golf courses, bowling alleys, boat launches, and the like. Also includes the sale and service of recreational equipment such as snowmobiles, boats, campers, and the like.
Recreation, Public	A public parcel of land (which may include water bodies) and building incidental thereto maintained for recreation,

including but not limited to parks, golf courses, preserves, ski and snowmobile trails, ball parks, swimming pools (except privately-owned residential pools, skating arenas, and similar privately-owned facilities.).

Residential Facility	A state-licensed residential facility, defined in Minnesota Statutes Chapter 462, serving six (6) or fewer persons in a single-family residential district and no more than sixteen (16) persons in a multiple-family residential district.
Road	A public thoroughfare supporting access by pedestrians and vehicles to abutting properties, including without limitation streets, highways, freeways, parkways, thoroughfares, roads avenues, boulevards, lanes, or places, however described; however, not including privately-owned driveways and access routes.
Schools	Includes public and private learning facilities.
Single-Family Dwelling	A free-standing (detached) permanent structure designed for and occupied by one family only.
State	The State of Minnesota.
Structural Alteration	Any change, other than incidental repairs, which would prolong the life of the supporting members of a building, such as bearing walls, columns, beams, girders or foundations.
Structure	Anything constructed, the use of which requires a location on the ground, or attached to something having a permanent location on the ground.
Tower	Any ground- or roof-mounted pole, spire, structure, or combination thereof taller than fifty (50) feet, including supporting lines, cables, wires, braces, and masts, intended primarily for the purpose of mounting an antenna, meteorological device, or similar apparatus above grade.
Townhouse	A building with three (3) or more single-family dwellings, attached to each other and oriented so that all exits open to the outside.
Two-Family Dwelling	A building with two (2) single-family dwellings, attached to each other and oriented so that all exits open to the outside.



Use, Permitted	A use which may be lawfully established in a particular district or districts, and which conforms with all requirements, regulations, and performance standards of such district.
Variance	A modification or variation of the provisions of this Ordinance where it is determined that by reason of special and unusual circumstances relating to a specific lot, strict application of this Ordinance would cause an undue or unnecessary hardship, or that strict conformity with the provisions of this Ordinance would be unreasonable, impractical or unfeasible under the circumstances.
Warehouse	An enclosed building used primarily for the storage of equipment and materials and including packing and crating.
Wholesale	Structures used for selling goods, equipment or materials by bulk to another business, that in turn sells through retail outlets.
Yard	A required open space on a lot which is unoccupied and unobstructed by a structure from its lowest level to the sky, except as permitted in this Ordinance. The yard extends along the lot line at right angles to such lot line to a depth or width specified in the setback regulations for the zoning district in which such lot is located.
Yard, Front	A yard extending along the full width of the front lot line between side lot lines and extending from the abutting street right-of-way line to depth required in the setback regulations for the zoning district in which such lot is located.
Yard, Rear	The portion of the yard on the same lot with the principal building located between the rear line of the building and the rear lot line, and extending for the full width of the lot.
Yard, Side	The yard extending along the side lot line between the front and rear yards to a depth or width required by setback regulations for the zoning district in which such lot is located.
Zoning Amendment	A change in this Ordinance, authorized by the governing body, according to the procedures herein.

**Zoning District**

An area of land identified in this Ordinance, on which a uniform set of standards, conditions and requirements are established to govern uses of the land and improvements on the land.

## **SECTION 4      GENERAL PROVISIONS**

### **4.01   Scope and Interpretation**

#### **A.   Scope**

No structure, or part, thereof, shall be erected, converted, enlarged, reconstructed, altered or moved without a permit approved by the Township. No structure or land shall be used for any purpose or altered in any manner that is not in conformity with the provisions of this Ordinance.

#### **B.   Relationship to Comprehensive Plan**

Interpretation and enforcement of the provisions of this Ordinance are intended to be consistent with the implementation of goals, policies and land use elements of the Waterford Comprehensive Plan to the extent practical or required by law. The application of or amendments to this Ordinance which are determined to be inconsistent with the Comprehensive Plan shall require amendments to the Comprehensive Plan, this Ordinance or both.

#### **C.   Minimum Requirements**

In their interpretation and application, the provisions of this Ordinance shall be held to be the minimum requirements for the promotion of the public health, safety and general welfare.

#### **D.   Uses Not Identified**

Uses not specifically identified in this Ordinance as permitted uses, conditional uses or interim uses shall be prohibited. Amendments to this Ordinance shall be required to allow any use that is not clearly permitted by right or with conditions.

#### **E.   Deadline for Actions**

It is the intent of the Township to comply with State requirements for timely review and actions requiring formal approval by the Township. In the event that multiple approvals are involved in any action, such as an environmental review, a site plan review requiring a variance or a Zoning Ordinance amendment requiring a Comprehensive Plan amendment, each action shall require a separate, independent timeline for action.

### **4.02   Rules of Construction**

For clarity and consistency in the understanding and application of this Ordinance the following shall apply:

1. The use of specific gender references includes both the masculine and the feminine, unless specifically stated otherwise.
2. References made in the singular include the plural and the plural shall include the singular, unless otherwise specifically stated.
3. References to the present tense include the past and future, and references to the future include the present.

4. The word "shall" means mandatory; whereas the word "may" is permissive and does not imply obligation.
5. Whenever in any zoning district a use is neither specifically permitted nor specifically prohibited, the use shall be considered prohibited.

#### **4.03 Right to Farm**

The Township has found that protecting and preserving land for agriculture is in the best interests of the community and protects the public health, safety and welfare by implementing community goals and policies. Agriculture often includes such activities as the intense use of farm equipment and machinery; plowing during dry and windy conditions; the raising of livestock and fowl; the use of irrigators over extended periods of time; and the use of soil amendments, including manure, herbicides and pesticides. These activities may be considered nuisances or inconveniences in more urban settings; however, these activities are common in an agricultural community and vital to the sustenance of an agricultural economy. For the purposes of this Ordinance, farm activities or agricultural activities shall not be considered a public nuisance, provided that such activities do not violate any State statute or rule or any other laws or ordinances.

#### **4.04 Lot Provisions**

##### **A. Substandard Lot**

A legal lot of record, which does not meet the dimensional criteria of this Ordinance, shall be deemed a buildable lot provided it:

1. Has appropriate frontage on a public right-of-way.
2. Was under separate ownership from abutting lands upon or prior to the effective date of the November 9, 1981 *Waterford Township Zoning Ordinance*.
3. Its area and dimensional measurements are within sixty percent of the requirements of this Ordinance.
4. Its development for single-family residential purposes will not violate the general intents and purposes of this Ordinance, including but not limited to the prevention of pollution of applicable waters and surrounding lands, and the preservation of the health, safety, and welfare of the general public.
5. Its development for any other purpose will conform with existing zoning regulations and building specifications, and that all other standards and regulations of this and other ordinances can be met.

**B. One Building Per Lot**

No more than one (1) principal building shall be located on a lot unless specifically permitted herein.

**C. Principal Use Required**

Except for authorized agricultural structures, no accessory structure(s) may be constructed without a principal structure.

**4.05 Nonconforming Uses and Structures**

Any structure or use existing upon the effective date of the adoption of this Ordinance, which does not conform to the provisions of the Ordinance, may be continued for a certain period of time subject to the following conditions:

1. No such use shall be expanded or enlarged, except in conformity with the provisions of this Ordinance.
2. If a nonconforming use is discontinued for a period of one year, further use of the structures or property shall conform to this Ordinance. The County Assessor shall notify the Building Inspector or Planning Commission in writing of all instances of nonconforming uses, which have been discontinued for a period of twelve consecutive months.
3. If a nonconforming use is replaced by another use, the new use shall conform to this Ordinance.
4. If a nonconforming structure is destroyed by any cause, to an extent exceeding fifty percent of its fair market value as indicated by the records of the County Assessor, a future structure on the site shall conform to this Ordinance.
5. Normal maintenance of a building or other structure containing or related to a lawful nonconforming use is permitted, including necessary non-structural repairs and incidental alterations which do not extend or intensify the nonconforming use.

**4.06 Street Access Required**

Every building hereafter erected shall be located on a lot having frontage on a public street, except as specifically permitted herein.

**4.07 Relocated Buildings or Structures**

No existing building or structure may be relocated anywhere in the Township without a permit. The Town Board shall not issue a permit for the relocation of any building or structure without

approval of a site plan. The Town Board shall not approve a site plan without certifying the following:

1. The building or structure is compatible in appearance, age and character with existing buildings and structures in the area.
2. The building or structure can meet all code requirements for new buildings or structures.
3. The building or structure is compatible with any other buildings or structures existing on the same property.
4. The building or structure meets all other requirements of this Ordinance and any other Township ordinances.

#### **4.08 Single-Family Dwelling Requirements**

All dwelling units built or brought into Waterford Township shall conform to the following standards:

1. All dwelling units shall meet the minimum standards of Uniform Building Code or other applicable construction codes.
2. All dwelling units shall have an outside minimum width of twenty-four (24) feet.
3. All dwelling units, except earth-sheltered homes, shall possess a pitched roof, with at least a twenty-five (25) percent roofline slope.
4. A dwelling unit shall be properly anchored to a permanent foundation in accordance with the Uniform Building Code or other applicable construction codes.
5. A dwelling unit shall contain a minimum of seven hundred fifty (750) square feet of habitable floor area.

#### **4.09 Dwelling Units Prohibited**

The use and occupancy of non-residential structures or a tent, recreation vehicle or other temporary dwellings for the purpose of living quarters is not permitted in the Township.

#### **4.10 Home Occupations**

Home occupations in the Township must meet the following criteria:

1. Home occupations shall be conducted solely by persons residing in the residence.

2. All business activities shall take place within the residence and not accessory buildings.
3. There shall be no alteration to the exterior of the residential dwelling, accessory building or yard that in any way alters the residential character of the premises.
4. No sign, display or device identifying the occupation shall be used.
5. The home occupation use shall not be visible or audible from any property line.
6. The occupation may not involve storage or rental or retail sale of products on the premises.
7. Unless completely enclosed within an approved structure, no vehicle used in the conduct of the occupation shall be parked, stored or otherwise present at the premises other than such as is customarily used for domestic or household purposes.
8. Only on-site off-street parking facilities typically associated with a residence shall be used.
9. The conduct of an occupation or the use of substances which may be hazardous to or in any way jeopardize the health, safety, or welfare or enjoyment of neighbors and neighboring property shall not be permitted.

#### **4.11 Site Plan Review Required**

A site plan review is required for all non-residential zoning actions or permit applications. Any change or intensification of a use shall also require a site plan review.

##### **A. Submittal Requirements**

1. Boundary survey of parcel including identification of all monuments.
2. Scaled location of all buildings, structures, driveways, sidewalks, trails, parking stalls and curbing.
3. Scaled identification of all setback dimensions from property lines.
4. Scaled locations of all existing and proposed utilities and easements.
5. Scaled depictions of floor plans for each level of structures.
6. Scaled depictions of each building elevation and descriptions of exterior building materials and color schemes.

7. Scaled site-grading plans, including erosion and sedimentation control mechanisms and procedures.
8. Scaled delineations of any shoreland, floodplain or wetland areas on the site.
9. Identification of any floodplain or wetland encroachments and detailed mitigation plans.
10. Detailed landscape plans, illustrating size, types and locations of all materials, a description of site seeding or sodding, a description of the timetable for site landscaping and the identification of any irrigation systems.
11. Detailed descriptions of any site fencing, including type, location and height.

All plans shall be dated and bear the preparer(s) name(s), including professional registrations or certifications when appropriate or required.

#### **B. Review Requirements**

1. Applicants shall submit twelve (12) sets of site plans with a required application form to the Township Clerk for distribution. Site plans will be evaluated for consistency with documentation requirements. Upon acceptance of the application, site plans will be distributed to the appropriate Township entity for review and recommendation, according to Section 4.01 E. (Deadline for Actions) of this Ordinance. Application fees and reimbursement of the Township's out-of-pocket expenses shall be in accordance with Section 5.09 (Fees and Licensing) of this Ordinance.
2. Action to approve, modify or deny site plan applications will be based upon consistency of the application with the Township's Comprehensive Plan, Zoning Ordinance, other policies and official controls and the compatibility of the proposed action with existing area land uses, existing area investments and neighborhood character, capacity of public streets and utilities and future planned land uses.

#### **C. Exceptions**

The Township may waive certain submittal requirements for applications, including the number of site plan sets, when it is determined that submittal requirements are not applicable or are not necessary to complete a review of the proposed action. The Township may also waive certain submittal requirements for other actions, when site plan information for the subject property has previously been submitted to the Township and may be more appropriately supplemented with new information.



## **SECTION 5      ADMINISTRATION AND ENFORCEMENT**

### **5.01 Administrator/Enforcement Officer**

The Town Clerk shall administer and enforce this Ordinance. The Town Clerk or assigned personnel shall perform the following duties:

1. Assist residents and other applicants in the interpretation and procedures of this Ordinance.
2. Provide applications and background materials to the Planning Commission, the Board of Appeals and Adjustments, and the Town Board for review and appropriate action.
3. Inspect land uses and structures to ensure compliance with this Ordinance.

### **5.02 Maintenance of Records**

The Town Clerk shall perform the following duties:

1. Maintain permanent and current records of this Ordinance, including but not limited to: all maps, amendments, special uses, variances, appeals and applications.
2. Receive, file and forward all applications for appeals, variances, special uses or other matters to the designated official bodies.

### **5.03 Board of Appeals and Adjustments**

#### **A. Powers of the Board**

The Town Board of Waterford shall, pursuant to the authority contained in Minnesota Statutes Chapter 462, as amended, act as the Board of Appeals and Adjustments. The Board of Appeals and Adjustments shall have the following powers with respect to the Zoning Ordinance:

1. To hear and decide appeals where it is alleged that there is an error in any order, requirement, decision or determination made by an administrative officer in the enforcement of this Ordinance.
2. To hear requests for variances from the literal provisions of this Ordinance in instances where their strict enforcement would cause undue hardship because of circumstances unique to the individual property under consideration, and to grant such variances only when it is demonstrated that such actions will be in keeping with the spirit and intent of this Ordinance.

## **B. Variance Procedures**

1. Applications provided by the Township must be completed in writing prior to any consideration of variance petitions. Fees for variances are established by resolution of the Town Board.
2. The Board of Appeals and Adjustments may require the applicant to provide ten (10) copies of plans, maps, surveys, etc., as deemed necessary, to ensure proper review and consideration of variance petitions.
3. After filing an application, the Town Clerk shall set a date for a public hearing. Notice of the hearing shall be posted and published at least ten (10) days prior to the date of the hearing, and notice shall be mailed to each property owner within three hundred fifty (350) feet of the property to which the variance relates. Defects in the notice or failure to notify individual property owners shall not invalidate the proceedings, provided a good faith effort was made to comply with these provisions.
4. Upon the hearing request, the Board of Appeals and Adjustments shall either approve or deny the variance and shall state the reasons for said action. Conditions for approval may be attached to any variance granted.
5. The Board of Appeals and shall not grant a variance from this Ordinance, unless all of the following findings can be met:
  - a. Exceptional or extraordinary circumstances apply to the property which do not apply generally to other properties in the same zone or vicinity, and result from lot size or shape, topography, or other circumstances over which the owners of property since enactment of the Ordinance have had no control.
  - b. Literal interpretations of the provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this Ordinance.
  - c. The special conditions or circumstances do not result from the actions of the applicant.
  - d. Granting the variance requested will not confer on the applicant any special privilege that is denied by this Ordinance to owners of other lands, structures or buildings in the same district.
  - e. The variance will not allow any use that is not permitted under this Ordinance for a property in the zone where the affected applicant's land is located.
6. A variance granted but not used shall become void one (1) year after its effective date.

7. No application for the same or essentially the same variance shall be made within twelve (12) months of the date of denial.
8. All approved variances shall be filed with the County Recorder.

#### **5.04 Zoning Amendments**

1. An amendment to the text of this Ordinance or the Zoning Map may be initiated by the Town Board, the Planning Commission or by application of an interested party. Individuals wishing to initiate an amendment to the Zoning Ordinance shall fill out an application and submit it to the Town Clerk, together with a fee in accordance with the fee schedule kept by the Town Clerk.
2. Property owners or occupants within one-half (½) mile of the property in question may be notified of the proposed zoning amendment in a call, or in writing. All property owners within three hundred fifty (350) feet of any rezoning shall be notified in writing of the proposed action. Notification beyond three hundred fifty (350) feet is voluntary, but may be initiated by the Town Board.
3. A public hearing on the ordinance amendment shall be held by the Planning Commission. Notice of the hearing shall be published in the official newspaper and posted at the meeting place at least ten (10) days prior to the hearing. Defects in the notice or failure to notify individual property owners shall not invalidate the proceedings, provided a good faith effort was made to comply with these provisions. The Planning Commission shall make its report to the Town Board following the hearing, and shall recommend approval, denial or modified approval of the proposed amendment.
4. The Town Board must take action on the application within the timeframe prescribed by law. The person making the application shall be notified of the action taken. The Town Clerk shall maintain records of amendments to the text and Zoning Map of this Ordinance.
5. No application of a property owner for an amendment to the text of this Ordinance or the Zoning Map shall be considered by the Planning Commission within the one-year period following a denial for such request, except the Planning Commission may permit a new application, if in the opinion of the Planning Commission, new evidence or a change of circumstances warrant it.

#### **5.05 Conditional Use Permits**

##### **A. Criteria for Granting Conditional Use Permits**

In granting a Conditional Use Permit, the Town Board shall consider the advice and recommendations of the Planning Commission and the effect of the proposed use upon the

health, safety, and general welfare of occupants of surrounding lands, existing and anticipated traffic conditions including parking facilities on adjacent streets and land, the effect on values of property and scenic views in the surrounding area, and the effect of the proposed use on the Comprehensive Plan. In permitting a new conditional use or the alteration of an existing conditional use, the Planning Commission or Town Board may impose, in addition to these standards and requirements expressly specified by this Ordinance, additional conditions which they consider necessary to protect the best interest of the surrounding area or the community as a whole. These conditions may include, but are not limited to the following:

1. Increasing the required lot size or yard dimension.
2. Limiting the height, size or location of buildings.
3. Controlling the location and number of vehicle access points and number of vehicle trips associated with a particular use.
4. Increasing the street width; providing turn lanes and signalization; and improving street surfaces.
5. Increasing the number of required off-street parking spaces.
6. Limiting the number, size, location or lighting of signs.
7. Requiring diking, fencing, screening, landscaping, or other facilities to protect adjacent or nearby property.
8. Designating sites for open space.

Any change involving structural alterations, enlargements, intensification of use, or similar change not specifically permitted by the Conditional Use Permit issued, shall require an amended Conditional Use Permit and all procedures shall apply as if a new permit were being issued. The Town Clerk shall maintain a record of all Conditional Use Permits issued including information on the use, location, and conditions imposed by the Town Board, time limits, review dates, and such other information as may be appropriate.

#### **B. Procedure**

1. The person applying for a Conditional Use Permit shall fill out an application and submit it to the Town Clerk, together with a fee which shall be set on an annual basis by resolution of the Town Board. The application shall be submitted to the Town Clerk at least one Town Board meeting prior to discussion of the request by the Town Board.
2. The application shall be referred to the Planning Commission.
3. The petitioner or a representative shall appear before the Planning Commission in order to answer questions concerning the proposed conditional use.

4. The Planning Commission shall hold a public hearing on the proposal. A notice of the time, place and purpose of the hearing shall be published in the official newspaper and posted at the official meeting place at least ten (10) days prior to the day of the hearing. Property owners within three hundred fifty (350) feet of the property in question shall be notified. Defects in the notice or failure to notify individual property owners shall not invalidate the proceedings provided a good faith effort was made to comply with these provisions.
5. The Planning Commission shall act on the application within the timeframe prescribed by law and shall recommend approval of the permit with conditions or denial of the permit, based upon written findings. The report of the Planning Commission shall be placed on the agenda of the Town Board at its next regular meeting following referral from the Planning Commission.
6. The Town Board must take action on the application within the timeframe prescribed by law. If it grants the Conditional Use Permit, the Town Board may impose additional conditions it considers necessary to protect the public health, safety and welfare. And such conditions may include a periodic review of the use.
7. No application for a Conditional Use Permit, which has been denied, shall be resubmitted for a period of twelve (12) months from the date of the denial.
8. If a periodic review is included as a condition by which a Conditional Use Permit is granted, the Conditional Use Permit may be reviewed at a public hearing with notice and publication of the hearing, according to the procedures identified above. A public hearing for annual review of a Conditional Use Permit may be ordered at the discretion of the Town Board. Fees and reimbursement of the Township's costs shall be the responsibility of the permit holder.
9. All Conditional Use Permits shall be filed with the County Recorder.

#### **C. Termination**

All Conditional Use Permits shall terminate on the happening of any of the following events, whichever first occurs:

1. Upon a violation of a condition under which the permit was issued, but only after the Township has first provided written notice to the permit holder, describing with particularity the specific violation(s) and the steps necessary to cure the violation(s). Excepting threats to public health, safety and welfare or violations with simple remedy, the permit holder shall have a period not exceeding sixty (60) consecutive days to cure the specific violation(s). Upon notice of violation(s) which may threaten the public health, safety and welfare or are easily remedied, the operator shall respond promptly and cure the violation(s) in the shortest reasonable timeframe.

2. Upon a change in the Township's zoning regulations which renders the use nonconforming.
3. Upon a determination that the use has been inactive for a period of at least twelve (12) consecutive months.

## **5.06 Interim Use Permits**

### **A. Purpose**

In addition to the purposes stated in Section 2 of this Ordinance, it is intended that the Interim Use Permit procedures allow flexibility in the use of land or structures in the Township, when such uses are not permanent and when such uses meet appropriate conditions and performance standards that protect the public health, safety and welfare.

### **B. Application, Public Hearing, and Procedure**

The application, public hearing, notice and procedure requirements for Interim Use Permits shall be the same as those for Conditional Use Permits, as provided in Section 5.05 of this Ordinance. If a proposed interim use is not listed as a permitted interim use in this Ordinance, a text amendment to this Ordinance will be required before an Interim Use Permit may be considered.

### **C. Termination**

All Interim Use Permits shall terminate on the happening of any of the following events, whichever first occurs:

1. The date of termination stated in the permit.
2. Upon violation of the condition under which the permit was issued.
3. Upon change in the Township's zoning regulations that renders the use nonconforming.

### **D. Standards**

1. The interim use must be allowed in the zoning district where the property is located.
2. The interim use must meet or exceed the performance standards set forth in this Ordinance and other applicable ordinances.
3. The interim use must comply with the specific standards for the use identified in this Ordinance, and must comply with all conditions of approval, which shall be included in an Interim Use Permit agreement.

### **E. Conditions**

The Town Board may attach conditions to the approval of a permit to mitigate anticipated adverse impacts associated with the use, to ensure compliance with the standards of approval, to

protect the value of other property, and to achieve the goals and objectives of the Comprehensive Plan.

## **5.07 Building Permits**

### **A. Procedure**

For the purpose of enforcing this Ordinance, a building permit shall be required of all persons intending to erect, alter, wreck or move any building, the cost of which would exceed one thousand (1,000) dollars.

1. Persons requesting a building permit shall fill out a building application permit form available from the Town Clerk.
2. Completed building permit forms and a fee based on building valuation shall be returned to the Town Clerk, who shall forward them to the Planning Commission Chair, so that the permit request may be placed on the agenda of the Planning Commission. No inspection fee will be charged for farm buildings. The Planning Commission Chair shall inform the applicant requesting a building permit of the date upon which the Planning Commission will review the request. The applicant shall be present at the Planning Commission meeting to answer questions regarding the permit.
3. The Planning Commission shall take action on the permit at the next Regular Meeting after the completed permit application was filed. If, however, the petitioner fails to appear before the Planning Commission or fails to answer their questions, the Planning Commission may delay action on the request until the next regular meeting.
4. The Town Board shall take action to approve, reject, or modify the building permit request within the timeframe prescribed by law.

## **5.08 Violations**

Any person who violates or fails to comply with the provisions of this Ordinance or who builds or alters a building in violation of any detailed statement of plan submitted and approved hereunder shall be guilty of a misdemeanor and, upon conviction, may be punished to the maximum extent allowed by law. The owner of any building or premise or part thereof where anything in violation of this Ordinance shall be placed or shall exist and any architect, builder, contractor, agent or other person employed therewith and who may have assisted in the commission of any such violation shall be guilty of a separate offense. Each day's violation existing in excess of thirty (30) days after notification shall constitute a separate offense. In addition, the Town Board may enforce any provision of this Ordinance by mandamus, injunction, or any other appropriate remedy in any court of competent jurisdiction.

### **5.09 Fees and Licensing**

Fees and licensing provisions, affecting the administration and enforcement of this Ordinance, shall be established by resolution of the Town Board. The Township requires reimbursement for its legal, planning and engineering expenses, resulting from the review of proposed actions in the Township. The Town Board may require full payment of fees and an estimate of out-of-pocket expenses incurred in the review of proposed actions at the time an application or request for action is initiated or will require full payment prior to taking final action.

### **5.10 Validity**

Should any provision of this Ordinance be declared by the courts to be invalid, such decision shall not affect the validity of this Ordinance as a whole or any other part thereof, unless so specified in the judgment. If the courts declare the application of any of the provisions of this Ordinance to any individual, use, property or structure to be invalid, such judgement shall not affect the validity of said application of any provision to any other individual, use, property or structure, unless so specified in the judgement.

### **5.11 Repeals**

Ordinance No. \_\_\_, Waterford Township Zoning Ordinance, adopted by the Waterford Township Board on November 9, 1981, and all subsequent amendments are hereby repealed.



## **SECTION 6      ZONING DISTRICTS/USE REGULATIONS**

### **6.01 Establishment of Districts**

The zoning districts are designed to implement the land use strategies of the Comprehensive Plan. Before any amendment to the boundary lines of existing zoning districts are made, or the establishment of a new district is made, amendments may first be required to the land use designations in the Comprehensive Plan.

For the purposes of this Ordinance, Waterford Township is hereby divided into the following zoning districts:

AG	Agricultural Preservation District
RR	Rural Residential District
ME	Mineral Extraction District
FO	Floodplain Overlay District
SO	Shoreland Overlay District

### **6.02 Zoning Map**

The locations and boundaries of the districts established by this Ordinance are set forth on the Zoning Map of Waterford Township, which is made part of this Ordinance and attached hereto.

### **6.03 Interpretation of the Zoning Map**

Where due to the scale, lack of detail or illegibility of the Zoning Map there is an uncertainty, contradiction or conflict as to the intended location of any zoning district boundary as shown thereon, the Town Clerk shall make an interpretation of the map upon request of any person. Any person aggrieved by any such interpretation may appeal such interpretation to the Board of Appeals and Adjustments. The Board of Appeals and Adjustments, in interpreting the Zoning Map or similar appeal, shall apply the following standards:

1. Zoning district boundary lines are intended to follow lot lines, or be parallel or perpendicular thereto, or along the centerlines of streets, rights-of-way or watercourses, unless dimensions shown on the Zoning Map define such boundary lines.
2. Where zoning district boundary lines indicate that they approximately follow lot lines, such lot lines shall be construed as such boundary lines.
3. Where a zoning district boundary line divides a lot, the location of any such zoning district boundary line shall be determined using the map scale thereon, unless indicated by dimensions shown on the Zoning Map.

4. If uncertainty still exists as to the exact location of a zoning district boundary line after applying the preceding rules, the boundary line shall be determined in a reasonable manner, considering past uses of the property, the history of zoning ordinances and amendments in the Township, as well as other relevant facts.

#### **6.04 AG Agriculture Preservation District**

##### **A. Intent**

The AG Agriculture Preservation District is intended primarily for application to those areas of the Township where it is necessary and desirable, because of the high quality of the soils, availability of water, and/or highly productive agricultural capability and the use of land, to preserve, promote, maintain, and enhance the use of the land for agricultural purposes and to protect such land from encroachment by non-agricultural uses, structures or activities.

##### **B. Permitted Uses and Structures**

The following shall be permitted uses:

1. Any and all forms of commercial agriculture and commercial horticulture as defined by this Ordinance.
2. Farm buildings and accessory structures.
3. Farm drainage and irrigation systems.
4. Forestry, grazing and gardening.
5. One single-family farm dwelling unit per farm.
6. One single-family non-farm dwelling unit per each quarter-quarter section not containing a farm or non-farm dwelling unit, provided:
  - a. The dwelling unit shall be located on a separately conveyed parcel, which shall be equal to at least one (1) acre in area exclusive of roadway easement, but not greater than three (3) acres in area, and said parcel shall be entirely located within a quarter-quarter section.
  - b. The parcel on which the dwelling unit is located shall have at least one hundred (100) feet of frontage along a public road.
  - c. The driveway serving the parcel shall be separated from adjacent driveways on the same side of the road by the following distances:
    - 1.) Local roads: one hundred (100) feet;

- 2.) Collectors and arterials: one-quarter (1/4) mile, unless modified by the appropriate jurisdiction.
- d. The following standards shall also apply to driveways:
  - 1.) Minimum distance from intersection of two or more roads: one hundred (100) feet;
  - 2.) Minimum distance from side lot line: thirty (30) feet
- e. The dwelling shall be separated from animal feedlots or manure storage facilities, according to the requirements in Section 7.20.
- 7. Historic sites.
- 8. Home occupations.

#### **C. Conditional Uses**

The following conditional uses may be approved by the Town Board in the AG Agriculture Preservation District, provided that the provisions and requirements of Section 5 of this Ordinance are fulfilled:

- 1. Public Outdoor Recreation areas;
- 2. Churches, cemeteries, schools, local government buildings and facilities and government-owned facilities for the maintenance of roads and highways.
- 3. Agricultural service establishments primarily engaged in performing agricultural animal husbandry or horticultural services on a fee or contract basis including: corn shelling; hay baling; and thrashing; sorting, grading and packing fruits and vegetables for the grower; agricultural produce milling and processing; horticultural services; crop dusting; fruit picking; grain cleaning; land grading; harvesting and plowing; farm equipment service and repair; veterinary services; boarding and training of horses; commercial hunting and trapping; and the operation of game reservations and the operation of roadside stands for the sale of agricultural produce grown on the site.
- 4. Public utility, public service structures, and other utility lines, including but not limited to: overhead and underground wires, conduits and pipes for the transmission of electricity, crude petroleum, oil, gasoline, natural and artificial gas, and other petroleum products (but not including direct service lines from a main line to a consumer); distribution substations; gas regulator stations; communications equipment buildings; pumping stations and other utility structures; all are subject to the performance standards in this Ordinance and all other applicable standards and regulations.
- 5. Residential clustering for property involving two (2) or more contiguous quarter-quarter sections.

6. Feedlots and poultry operations, subject to the requirements of Section 7.20.

**D. Standards for Granting Conditional Use Permits**

In addition to the requirements in Section 5.05 of this Ordinance, the following regulations shall apply as minimum requirements for granting Conditional Use Permits in the AG Agricultural Preservation District:

1. Non-farm structures shall be sited on a separately surveyed and described parcel;
2. Access to the parcel shall be in accordance with the thoroughfare plan;
3. The activity, use or structure is not incompatible with the conduct of agriculture;
4. The activity use or structure will not promote the establishment of non-agricultural uses or structures in the district, and
5. Any use involving business, service or process not completely enclosed in this structure shall be located on a lot appropriately fenced and buffered or landscaped so as to minimize the danger to the public health and safety.

**E. Prohibited Uses and Structures**

All other uses and structures which are not specifically permitted by right, by Conditional Use Permit or by Interim Use Permit shall be prohibited in the AG Agricultural Preservation District.

**F. Interim Uses**

The following interim uses may be approved by the Town Board in the AG Agriculture Preservation District, subject to the requirements in Section 5.06:

1. One temporary manufactured home per farm, provided the temporary residence is used exclusively for farm employees.
2. Communication towers not exceeding seventy-five (75) feet in height and subject to the requirements of Section 7.24.

**6.05 RR Rural Residential District**

**A. Intent**

The RR Rural Residential District is intended for application in those areas of the Township identified in the Comprehensive Plan for lower density non-farm single-family residential development.

**B. Permitted Uses and Structures**

The following shall be permitted uses:

1. Any and all forms of commercial agriculture and commercial horticulture as defined by this Ordinance except animal feedlots and poultry operations.
2. Farm buildings and accessory structures.
3. Farm drainage and irrigation systems.
4. Forestry and gardening.
5. One single-family dwelling unit, at a maximum density of one (1) home per ten (10) acres.
6. No more than fifty (50) percent of the gross acreage used in the calculation above may consist of surface water, wetlands or floodplain. Non-farm, single-family dwelling units must also meet the requirements of Section 6.04 B. 6, except that the lot size shall be at least two (2) acres in size, and there is no maximum lot size.
7. Historic Site.
8. Home Occupations.

**C. Conditional Uses**

The following conditional uses may be approved by the Town Board in the RR Rural Residential Districts, provided that the provisions and requirements of Section 5 of this Ordinance are fulfilled:

1. Public outdoor recreation areas.
2. Churches, cemeteries, schools, local government buildings and facilities and ~~government-owned facilities for the maintenance of roads and highways.~~
3. Feedlots and poultry operations.
4. Public utility and public service structures and other utility lines, including but not limited to: overhead and underground wires, conduits and pipes for the transmission of electricity, crude petroleum, oil, gasoline, natural and artificial gas, and other petroleum products (but not including direct service lines from a main line to a consumer); distribution substations; gas regulator stations; communication equipment buildings; pumping stations and other utility structures; are subject to the performance standards in this Ordinance and all other applicable standards and regulations.
5. Legal nonconforming businesses, consistent with Section 6.05.

#### **D. Prohibited Uses and Structures**

All other uses and structures which are not specifically permitted uses, conditional uses or interim uses shall be prohibited in the RR Rural Residential District.

#### **E. Interim Uses**

The following interim uses may be approved by the Town Board in the RR Rural Residential District, subject to the requirements in Section 5.06:

1. Commercial wireless telecommunications services towers located in the area described in Subd. F. below and subject to the requirements of Section 7.24.
2. Off-premise advertising signs subject to the requirements in Section 7.22.

#### **F. Legal Nonconforming Businesses**

A small area of existing commercial buildings and parcels, located west of the Cannon River and south and west of Enebak Road, as extended, is included in the RR Rural residential District. This area was identified as District RR-1 in the *Waterford Township Zoning Ordinance*, adopted November 9, 1981.

The purpose of this commercial area has been, and continues to be, to provide a location in the township for agricultural support businesses. In an effort to assure reasonable opportunities for the use of this land and building area, and to assure land use compatibility, the following new or expanded uses will be allowed by Conditional Use Permit, subject to the requirements in Section 5.05:

1. Implement sales and service businesses
2. Agricultural service businesses
3. Construction and trade businesses
4. Repair and service businesses, except body shops
5. Passenger bus storage and maintenance facility
6. Storage facilities for public lease ("mini storage")

### **6.06 ME Mineral Extraction District**

#### **A. Intent**

The ME Mineral Extraction District is intended to regulate areas in the Township that may be appropriate for mineral extraction, for terms longer than seasonal mineral extraction. ME Districts shall not be established in areas of the Township other than those identified as Mineral Extraction Overlay in the Waterford Township Comprehensive Plan.

**B. Permitted Uses**

1. Commercial agriculture, except animal feedlots and poultry operations.
2. Farm buildings and accessory structures.
3. Farm drainage and irrigation systems.

**C. Conditional Uses**

(None at this time.)

**D. Interim Uses**

1. Mineral extraction, subject to the requirements of Section 7.23.

**6.07 FO Floodplain Overlay District**

**A. Intent**

The Floodplain Overlay District is intended to be applied to lands in the AG Agricultural Preservation District, the RR Rural Residential District and ME Mineral Extraction District which lie within a primary floodway, which for the purposes of this Ordinance, shall be construed to be a stream channel and the portions of the adjacent floodplain as are required to efficiently carry the flood flow of the stream, and on which properties special regulations are necessary for the minimum protection of the public health and safety, and for the protection of property and improvements from hazards and damage resulting from flood waters.

**B. Township Regulations**

Zoning regulations in the FO Floodplain Overlay District shall be the same as the AG Agricultural Preservation District, the RR Rural Residential District, or the ME Mineral Extraction District which the Floodplain District overlays.

The heights, yard areas, lot widths and depth regulations of the Rural Residential or Agricultural Preservation District shall apply for all uses permitted in this district.

**C. County Regulations**

The Dakota County Floodplain Ordinance prescribes additional land use regulations for the Floodplain Overlay District. If any specific regulation in the Dakota County Floodplain Ordinance differs from any Township regulation contained herein, the most restrictive specific regulation shall apply.

**D. Disclaimer of Liability**

The FO Floodplain District herein established is intended to provide a reasonable approach to flood control based on present information. As additional information becomes available, the extent of the various boundaries shall be so altered to maintain this reasonableness. This

Ordinance does not imply that areas beyond the district limits will be free from flooding; nor shall this Ordinance, or districts established therein, create a liability on the part of, or cause action against Waterford Township or any office, official, or employee thereof, for any flood damage that may result from reliance upon this Ordinance for flood district so established.

## **6.08 SO Shoreland Overlay District**

### **A. Intent**

The SO District is intended to apply to land which lies within one thousand (1,000) feet of the stream channel of the Cannon River and within three hundred (300) feet of the stream channel of Chub Creek. Such properties require special regulations for the minimum protection of public health, safety, and aesthetics.

### **B. Township Regulations**

Zoning regulations in the SO Shoreland Overlay District shall be the same as the AG Agricultural Preservation District, the RR Rural Residential District, or the ME Mineral Extraction District which the Shoreland District overlays. The heights, yard, area, and lot width and depth regulations of the applicable Agricultural Preservation and Rural Residential District shall apply for all uses permitted in the Shoreland Overlay zone.

### **C. County Regulations**

The *Dakota County Shoreland and Floodplain Management Ordinance* prescribes additional land use and placement regulations for the Floodplain Overlay District. If any specific regulation in the *Dakota County Shoreland and Floodplain Management Ordinance* differs from any said regulation contained herein, the most restrictive specific regulation shall apply.



## 6.09 Dimensional Standards for District Uses

The lot area, density, lot width, setback, height, and lot acreage for the districts regulated by this Ordinance shall be those set out in the following schedule:

6.09 Dimensional Standards for District Uses								
Use District	Lot Area Minimum/Maximum	Residential Density	Lot Width	Front Setbacks <sup>1</sup>		Side/Rear Setbacks	Max. Height	Lot Coverage <sup>2</sup>
				State/Co.	Local Street			
AG (farm)	1 ac./NA	1 unit/farm	120 ft.	130 ft.	110 ft.	10 ft.	75 ft.	25%
AG (non-farm)	1 ac./3 ac.	1 unit/40 ac.	120 ft.	130 ft.	110 ft.	10 ft.	35 ft.	25%
RR	2 ac./NA	1 unit/10 ac.	120 ft.	130 ft.	110 ft.	10 ft.	35 ft.	25%
ME (farm)	1 ac./NA	1 unit/40 ac.	120 ft.	130 ft.	110 ft.	10 ft.	75 ft.	25%
ME (mining)	NA/NA	NA	NA	50 ft. <sup>3</sup>	50 ft. <sup>3</sup>	50 ft.	75 ft.	25%

<sup>1</sup>. Front setbacks as measured from centerline of abutting road, except in the case of mineral extraction operations (see Note 3.).

<sup>2</sup>. Lot coverage is the maximum percentage of impervious surface on any parcel.

<sup>3</sup>. Mineral extraction setback is measured from property line.