

# **ORDINANCE NO. 2001 – 5 B**

## **AN ORDINANCE AMENDING ORDINANCE NO. 2001 – 5 WATERFORD TOWNSHIP ZONING ORDINANCE**

The Board of Supervisors of Waterford Township ordains the following amendments to Ordinance No. 2001-5 Waterford Township Zoning Ordinance:

**SECTION I.** Section 3 “Definitions” is amended by substituting the existing definition of “Farm” with the following:

Farm                    Real property used for agriculture, which is owned and operated by a single family, family corporation, individual or corporate enterprise and contains at least 40 contiguous acres in area.

**SECTION II.** Section 6.04B. “AG District Permitted Uses and Structures” is amended in its entirety to read as follows:

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

The following shall be permitted uses:

1. Agricultural uses, except animal feedlots.
2. Farm buildings and accessory structures.
3. Farm drainage and irrigation systems.
4. Forestry and horticulture.
5. Sod farming.
6. One single-family farm or one single-family non-farm dwelling unit per each quarter-quarter section, provided all of the following conditions are met:
  - a. There are no existing single-family farm or single-family non-farm dwellings located in the same quarter-quarter section.
  - b. The applicant for a residential building permit (and any corresponding subdivision) must own the entire quarter-quarter section (approximately 40 acres in a standard quarter-quarter section), except that when a vacant quarter-quarter section is currently split into more than one ownership parcel all of the owners of parcels within the quarter-quarter section may jointly apply for a single residential building permit.

- c. The dwelling unit shall be located on a separately conveyed parcel, which may be a quarter-quarter section parcel, or if subdivided from a quarter-quarter section shall be equal to at least one (1) acre in area, exclusive of roadway easement, wetlands, lakes, floodplains, and other unbuildable areas, but not greater than three (3) acres in area, and said parcel shall be entirely located within the quarter-quarter section.
- d. In any instance when an eligible residential dwelling is proposed to be constructed on a parcel subdivided from an existing quarter-quarter section, the subdivider shall be required to prepare and record against the remaining parcel(s) within the quarter-quarter section a covenant, deed restriction, easement or other acceptable document that verifies there is no further residential building eligibility on the parcel(s).
- e. A lot of record, as defined in this Ordinance, having legal access and being capable of supporting an Individual Sewage Treatment System (Section 7.02 ISTS Performance Standards), may be eligible for one residential dwelling, subject to variance proceedings verifying building suitability and authorizing exceptions to dimensional standards affecting the lot of record.
- f. The parcel on which the dwelling unit is located shall have at least one hundred (100) feet of frontage along a public road.
- g. 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.
- h. 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.
- i. The dwelling shall be separated from animal feedlots or manure storage facilities, according to the requirements in Section 7.20.

7. Home occupations.

8. Historic sites.

**SECTION III.** Section 6.04C. “AG District Conditional Uses,” subsection 5. is amended in its entirety to read as follows:

- 5. Clustering of eligible residential dwellings involving two or more contiguous quarter-quarter sections, provided all of the following conditions are met:
  - a. Each quarter-quarter section involved in a residential cluster development must be vacant of any existing residential dwellings.

- b. Each quarter-quarter section involved in a residential cluster development must contain a buildable area and be a whole quarter-quarter section (approximately 40 acres in a standard quarter-quarter section), except that when a vacant quarter-quarter section is currently split into more than one ownership parcel, all of the owners of parcels within the quarter-quarter section may jointly apply for a residential cluster development.
- c. Shared or common access driveways may be required to meet access spacing requirements on public roads.
- d. In all residential cluster developments the subdivider shall be required to prepare and record against all of the quarter-quarter sections involved in the cluster development a covenant, deed restriction, easement or other acceptable document that verifies there is no further residential building eligibility in the affected quarter-quarter sections.

**SECTION IV.** Section 7.02 “Individual Sewage Treatment Systems,” subsection 1. is amended in its entirety to read as follows:

- 1. No person shall install, repair, or alter an ISTS without first obtaining a permit. Emergency repairs may be completed with the approval of the Building Inspector. Applications provided by the Township must be completed in writing prior to issuance of a permit. Permit fees are established by the Town Board.

**SECTION V.** Section 7.20 “Animal Feedlots and Manure Handling,” subsection H.7. is amended in its entirety to read as follows:

- 7. Abandoned Manure Storage Facilities  
All animal waste must be removed by the owner from an animal waste storage facility that has not been operational for one year.

**SECTION VI.** Section 7.20 “Animal Feedlots and Manure Handling,” subsection H.8. is amended in its entirety to read as follows:

- 8. Emergency Notification  
In the event of a leak, spill or other emergency related to the handling of animal manure that presents a potential opportunity for pollution of a natural resource or inconvenience to the public, the owner of the animal feedlot or individual or business responsible for transport or spreading of animal manure shall notify the Minnesota Duty Officer and the Dakota County Feedlot Officer or his agent to review alternative solutions and to receive authorization to take appropriate actions to remedy the situation within twenty-four (24) hours. The operator or owner of a feedlot, or the individual or business responsible for transport or spreading of animal manure is responsible for costs associated with clean-up and other remedies related to the emergency.

**SECTION VII.** Ordinance No. 2001 – 5B was adopted by the Board of Supervisors on February 6, 2006 and shall become effective upon publication in the official newspaper.

ATTEST:

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John Dudley, Chairman

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Lori Coleman, Clerk

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