

WATERFORD TOWNSHIP



"where the path from the past and the future meets"

ZONING ORDINANCE No. 2001-5 AMENDMENT No. 2019-1

Section 3, Section 4, Section 5, Section 6, Section 7

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

SECTION I. Amendment to Waterford Township Ordinance 2001-5 - Section 3, Section 4, Section 5, Section 6, Section 7 is hereby amended as follows:

3.00 Definitions – Amended by adding the following definitions:

Adult Uses - Adult uses include adult bookstores, adult motion picture theaters, adult motion picture rental, adult mini-motion picture theaters, adult massage parlors, adult steam room/bathhouse/sauna facilities, adult companionship establishments, adult rap/conversation parlors, adult health/sport clubs, adult cabarets, adult novelty businesses, adult motion picture arcades, adult modeling studios, adult hotels/motels, adult body painting studios, and other premises, enterprises, establishments, businesses or places open to some or all members of the public, at or in which there is an emphasis on the presentation, display, depiction or description of specified sexual activities or specified anatomical areas that are located within 2 miles of any church, school or day care.

Construction Businesses - Construction company is a capital-intensive business often involving heavy equipment and deployment of bulk materials

Implement Sales, Service and Similar Agricultural Support Businesses - Businesses in support of agricultural operations including seed and agricultural producers, animal feeds, biofuels, farm machinery and sales.

Intoxicating Liquor Sales - On-sale or off-sale of products containing alcohol

Limited Auto Sales - A facility in the auto service industry that also as a secondary business offers for sale a limited number of vehicles, not to exceed three vehicles at any one time.

Medical Marijuana Facility - A building or structure for the cultivation or dispensary of medical marijuana to qualified patients.

Multiple Occupancy Building Sites - A single parcel that has multiple tenants operating on the site.

Noise - A public nuisance: All obnoxious noises in violation of Minn. Rules Chapter 7030, as they may be amended from time to time which are hereby incorporated by reference into this code.

Office Buildings - A form of commercial building which contains spaces mainly designed to be used for offices. The primary purpose of an office building is to provide a workplace and working

WATERFORD TOWNSHIP



"where the path from the past and the future meets"

ZONING ORDINANCE No. 2001-5 AMENDMENT No. 2019-1

Section 3, Section 4, Section 5, Section 6, Section 7

environment primarily for administrative and managerial workers. These workers usually occupy set areas within the office

Online Sales/Auction - A business that utilizes different online sales channels or develops its own for the purpose of offering products for sale that would then be shipped to customers without ever needing to visit the facility.

One-Year Borrow Pit - The use of land for surface or subsurface removal of sand, gravel, rock, industrial minerals, other nonmetallic minerals, and peat not regulated under Minnesota Statutes, sections 93.44 to 93.51. Such use shall be for one specific use or project and shall not exceed one year of borrowing.

Photovoltaic (PV) Device - A system of components that generates electricity from incident sunlight by means of the photovoltaic effect, whether or not the device is able to store the energy produced for later use.

Photovoltaic (PV) Effect - The phenomenon that occurs when photons, the "particles" in a beam of light, knock electrons loose from the atoms they strike. When this property of light is combined with the properties of semiconductors, electrons flow in one direction across a junction, setting up a voltage. With the addition of circuitry, current will flow and electric power will be available.

Photovoltaic (PV) - The essentially planar assembly of solar cells and ancillary module (PV Panel) parts, such as interconnections, terminals, (and protective devices such as diodes) intended to generate direct current or alternating current in direct and diffuse sunlight.

Photovoltaic (PV) System - A complete set of components for converting sunlight into electricity by the photovoltaic process, including the array and balance of system components.

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.

Retail Sales - Businesses that sell products in a brick-and-mortar storefront in which products are offered for sale on the premises.

Service Businesses - A commercial enterprise that provides work performed by an expert individual or team for the benefit of its customers.

WATERFORD TOWNSHIP



"where the path from the past and the future meets"

ZONING ORDINANCE No. 2001-5 AMENDMENT No. 2019-1

Section 3, Section 4, Section 5, Section 6, Section 7

Skilled Trade Businesses - A business which require specific training to perform work in an industry that often involves manual labor.

Solar Energy - Electromagnetic energy transmitted from the sun (solar radiation).

Solar Electric System - A set of devices whose primary purpose is to collect solar energy and convert (and possibly store) it into electric power by means of any combination of collecting, transferring, or converting solar-generated energy.

Solar Electric System - Retail (home-based) - A solar electric system established for the primary purpose of meeting all or part of the electric energy needs of the host building, whether residential, commercial, industrial, or institutional

Solar Electric System - Wholesale (solar field) - A solar electric system established for the primary purpose of generating electricity and selling it directly to a third party (e.g., electric utility company).

Solar Panel - See Photovoltaic (PV) module.

Storage Facility - A facility utilized for the storage of goods in which storage spaces such as rooms, lockers, containers, and/or outdoor space is rented to tenants.

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. Technology Support Business technology refers to applications of science, data, businesses engineering, and information for business purposes, such as the achievement of economic and organizational goals. The main element of technology is the idea of change, and how it can affect business and society.

Trade Businesses - Business that generate profit out of making multiple buys and sell transactions is various markets.

Village - A condense residential neighborhood on the north side of the Cannon River in the north-east quarter of section 30 as shown on the Waterford Township Zoning Map.

Warehousing - A warehouse building that is used for the storage of commercial goods and often utilize forklifts, cranes and loading docks for the loading, unloading and storage of bulk materials,

3.00 Definitions – amended by deleting the following definitions:

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

WATERFORD TOWNSHIP



"where the path from the past and the future meets"

ZONING ORDINANCE No. 2001-5 AMENDMENT No. 2019-1

Section 3, Section 4, Section 5, Section 6, Section 7

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.

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.

Farm Dwelling - A dwelling located on a farm, occupied by the farm owner or an employee of the farm owner.

Lot, Through - A lot fronting on two substantially parallel streets.

Multiple Dwelling - Three or more dwelling units in one structure.

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.

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.

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.

Warehouse - An enclosed building used primarily for the storage of equipment and materials and including packing and crating.

3.00 Definitions – amended by amending the following definitions:

Farm Real property used for agriculture, which is owned and operated by a single family, family corporation, individual or corporate enterprise.

Home Occupation Any gainful occupation or profession engaged in solely by the occupants of a dwelling when carried on within the dwelling or within a single existing accessory structure, provided that no signs other than those normally utilized in a residential district are present and the occupation is clearly incidental to the residential use and character of the property (see Section 4.10 Home Occupations for specific provisions).

WATERFORD TOWNSHIP



"where the path from the past and the future meets"

ZONING ORDINANCE No. 2001-5 AMENDMENT No. 2019-1

Section 3, Section 4, Section 5, Section 6, Section 7

Zoning Amendment A change in this Ordinance, whether it be an amendment to the ordinance text or zoning map, authorized by the governing body, according to the procedures herein.

4.00 General Provisions

4.10 Home Occupations – subsections 2., 6., and 7. are amended to read:

2. All business activities shall take place within the residence and accessory buildings.
6. Retail sales are limited to products made or repaired on the property or include incidental products associated with a service business.
7. Unless enclosed within an approved structure or completely screened from adjacent property and roadways, no vehicle or equipment 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 farm, domestic or household purposes.

5.00 General Provisions

5.04 Zoning Amendments – subsections 1. and 2. are amended to read:

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. Following receipt of the zoning amendment application, the Town Clerk, or if necessary, the Town Planner, shall determine completeness of application and schedule a public hearing (only held on an “as needed bases”) with the Planning Commission.
2. Property owners or occupants within one-half (1/2) 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 or Clerk.

WATERFORD TOWNSHIP



"where the path from the past and the future meets"

ZONING ORDINANCE No. 2001-5 AMENDMENT No. 2019-1

Section 3, Section 4, Section 5, Section 6, Section 7

5.05 Conditional Use Permits

B Procedure – subsections 4. and 8. are amended to read:

4. The Planning Commission shall hold a public hearing on the proposal. as scheduled by the Town Clerk. 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.
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 or Clerk. Fees and reimbursement of the Township's costs shall be the responsibility of the permit holder or applicant.

6.00 General Provisions

6.04 AG Agriculture Preservation District

F Interim Uses – amended by adding:

6. One year borrow pits

6.09 Business District is added to the ordinance providing for the following standards for the district:

A. Intent

The Commercial Business District is intended to regulate areas in the Township that may be appropriate for commercial retail businesses and services opportunities to provide a location for agricultural support businesses in the Township.

B. Permitted Uses

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

WATERFORD TOWNSHIP



"where the path from the past and the future meets"

ZONING ORDINANCE No. 2001-5 AMENDMENT No. 2019-1

Section 3, Section 4, Section 5, Section 6, Section 7

9. Existing Residential Properties
10. Restaurant, including on sale/off sale

C. Conditional Uses

1. Historic sites
2. Gasoline service stations and convenience store
3. Commercial service businesses (not to include adult use businesses).
4. Contractor and trade businesses.

D. Interim Uses

1. Telecommunication towers.
2. Wind energy conversion systems.
3. Retail solar electric
4. Wholesale solar electric systems

6.10 Dimensional Standards for District Uses – prior to publication of Ordinance No. 2019-1 Dimensional Standards for District Uses was 6.09. Ordinance No. 2019-1 added Business District (6.09) causing Dimensional Standards to re-number to 6.10.

Delete - 6.09 Dimensional Standards for District Uses in its entirety.

Add - 6.10 Dimensional Standards for District Uses as follows:

6.10 Dimensional Standards for District Uses								
District Section 6 Sub-Section	Lot Area Min/Max	Residential Density	Lot Width	Front Setbacks ¹		Side/Rear Setbacks	Max. Height	Lot Coverage ²
				State/Co.	Local Street			
AG 6.04	1 ac./3 ac.	1 unit/40 ac ⁵	120 ft.	130 ft.	75 ft.	10 ft.	35 ft.	25%
RR 6.05	2 ac./NA	1 unit/10 ac.	120 ft.	130 ft.	75 ft.	10 ft.	35 ft.	25%
Village 6.05	0.2ac./3ac.	NA	80 ft	130 ft.	40 ft.	10	35 ft.	50%
ME 6.06	NA/NA	NA	NA	130 ft. ³	50 ft. ³	50 ft.	75 ft.	25%
FO 6.07	Reference Dakota County Ordinance 50	NA	NA					
SO 6.08	Reference Dakota County Ordinance 50	NA	NA					
Business 6.09	¼ ac./3ac.	NA	120 ft	130 ft.	50 ft.	10 ft.	35 ft.	50% ⁴

WATERFORD TOWNSHIP



"where the path from the past and the future meets"

ZONING ORDINANCE No. 2001-5 AMENDMENT No. 2019-1

Section 3, Section 4, Section 5, Section 6, Section 7

- Note 1 - Front setbacks as measured from centerline of abutting road, except in the case of mineral operations (see Note 3).
Note 2 - Lot coverage is the maximum percentage of impervious surface on any parcel.
Note 3 - Mineral extract setback is measured from property line.
Note 4 - (need not from Bolton & Menk)
Note 5 - (need not from Bolton & Menk)

7.00 Performance Standards

7.06 Noise and Vibrations is amended in its entirety to read:

Noise and vibrations generated from any use shall be in compliance with and regulated by Minnesota Pollution Control Agency rules. Any excessive noise or activity at any hour that is a disturbance to the general public, including:

1. Operating power lawn mowers, power hedge clippers, chain saws, mulchers, garden tillers, edgers, drills, or other similar domestic power equipment (snow removal equipment is exempt) between the hours of 10:00 p.m. and 7:00 a.m. on any weekday or between the hours of 9:00 p.m. and 8:00 a.m. on any weekend or holiday.
2. Collecting or removing garbage or recycling materials between the hours of 10:00 p.m. and 7:00 a.m.
3. With the exception of the agricultural district, while conducting regular farm operation activities, engaging or permitting construction activities involving the use of any kind of Electric, diesel, or gas-powered machine or other power equipment between the hours of 10:00 p.m. and 7:00 a.m. on any weekday or between the hours of 9:00 p.m. and 8:00 a.m. on any weekend or holiday.

7.08 Glare is amended in its entirety to read:

Glare or illumination from any source of lighting from any use shall be aimed or deflected away from adjoining property and public rights of way, except street lighting and traffic signals. Exterior lighting shall utilize shielded outdoor light fixtures to facilitate the downward directed lighting to remain on the subject property.

7.25 Business District Hours of Operation is added:

Businesses within the commercial district may conduct business between 7am and 8pm

7.26 Development Standards for Business District is added:

1. Transportation, Emissions, Noise, and Public Service Studies. For any new or expanded business or institutional use, the Town Board may require a transportation study, groundwater or surface water study, air quality study, noise study, public service study,

WATERFORD TOWNSHIP



"where the path from the past and the future meets"

ZONING ORDINANCE No. 2001-5 AMENDMENT No. 2019-1

Section 3, Section 4, Section 5, Section 6, Section 7

or similar study to determine whether any possible impacts from a proposed use will be mitigated to protect the public health, safety, and welfare.

2. Access Roads. New or expanded businesses and institutions shall be required to use paved roads in the Township, unless specific measures and guarantees for proper maintenance and dust control of gravel roads are approved by the Town Board.
3. Loading Standards.
 - a. Loading docks or berths for trucks shall be screened by berms, landscaping and/or fencing from the property line of any adjacent public or residential use and any County or State highway. The berms, landscaping and/or fencing shall be of the height and amount necessary to reasonably screen the adjacent uses or roadways.
4. Building Standards.
 - a. Accessory buildings shall be compatible in building design and material to the primary building on the property.
 - b. Dumpsters, trash bins, and recycling receptacles shall be located within the building or screened from public view by a fence or wall designed with the same or compatible materials as the primary building.
5. Exterior Storage.
 - a. Outside storage may be allowed as a principal use, as regulated in a Conditional Use Permit, and storage that is accessory to a principal use may be allowed in designated areas to the rear of the primary building, as regulated in a Conditional Use Permit. The Township may require appropriate screening by walls or fences to effectively conceal these areas from dissimilar surrounding land uses and public roads.
6. Landscaping.
 - a. All open areas of a lot not used and improved for building, parking, loading or driving areas shall be landscaped with lawn, ground cover, trees, shrubs, etc. or left in a natural state. Any areas left natural shall be kept free of litter, debris and noxious or unsightly weeds.
 - b. Where a lot is adjacent to an existing residence or a residential district property line, a 20 ft. wide landscaped yard shall be provided along the property line adjacent to the residential use. Landscaping shall consist of deciduous trees, coniferous trees, and shrubs spaced between the trees in locations that will form a screen.
 1. The minimum planting size of landscaping is as follows:
 2. deciduous – 2 ½" diameter

WATERFORD TOWNSHIP



"where the path from the past and the future meets"

ZONING ORDINANCE No. 2001-5 AMENDMENT No. 2019-1

Section 3, Section 4, Section 5, Section 6, Section 7

3. coniferous – 6 ft. high
4. shrubs – 2 ft. in height

SECTION II. Incorporation of Amendments. The Township Zoning Administrator is hereby authorized and directed to incorporate the amendments made by this Ordinance into the Waterford Township Zoning Ordinance 2001 and such updated version shall constitute the official Waterford Township Zoning Ordinance.

SECTION III. Severability. Should any section, subdivision, clause or other provision of this Ordinance be held invalid in any court of competent jurisdiction, such decision shall not affect the validity of the Ordinance as a whole, or any part thereof, other than the part held invalid.

SECTION IV. Effective Date. This Ordinance shall be effective upon its passage and the first day of publication in summary format.

ADOPTED by the Waterford Township Board of Supervisors this 8th day of April 2019.

Liz Messner, Chairperson/Supervisor

Attest:

Elizabeth Wheeler, Clerk

:

Public Hearing – March 11, 2019

Adopted by Board – April 8, 2019

Published in the Northfield News – July 17, 2019