

WATERFORD TOWNSHIP



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

ZONING ORDINANCE No. 2001-5 AMENDMENT No. 2019-3

Section 3, 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 6, Section 7 is hereby amended as follows:

3.00 Definitions – Amended by adding the following definitions:

Dust: Airborne mineral particulate matter.

Excavation: The movement or removal of soil and minerals

Mineral: Sand, gravel, rock, clay and similar higher density non-metallic natural minerals.

Mineral Extraction Facility: Any area that is being used for removal, stockpiling, storage, and processing of sand, gravel, topsoil, clay and other minerals.

Mineral Extraction Permit: The permit required for mineral extraction facilities which may operate for several years.

Operator: Any person or persons, partnerships or corporations or assignees, including public or governmental agencies, engaging in mineral extraction.

Principal Use: The principal use of a mineral extraction facility is the extraction, crushing, screening, mixing, storage and sale of minerals from the facility.

Processing: Any activity which may include the crushing, washing, stockpiling, compounding, mixing, or treatment of sand, gravels, rocks or similar mineral products into consumable products such as construction grade sand, gravel, concrete, asphalt, and other similar products.

Rehabilitation: To renew land to self-sustaining long-term use which is compatible with contiguous land uses, present and future, in accordance with the standards set forth in this Ordinance.

Seasonal Extraction Facility: Any area where mineral extraction is permitted on a temporary, seasonal basis, not to exceed two years in operation.

Seasonal Extraction Permit: The permit required for seasonal extraction facilities which may operate for one or two years, with permit renewal required each year.

Soil: A natural three-dimensional body of the earth's surface.

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Topsoil: The upper portion of the soils present that is the most favorable material for plant growth.

6.00 General Provisions

6.04 - Agricultural Preservation District

B Permitted Uses is amended as follows:

7. RV or Camper (short-term use)
8. Mineral Extraction (subject to performance standards in Section 7.25).

F. Interim Uses is amended as follows:

8. Farm Employee Dwelling (subject to the performance standards in Section 7.28)
9. RV or Camper – 2 or more weeks of use (subject to performance standards in Section 7.29)
10. Temporary Residence Housing for Family Member with a Medical Need (subject to performance standards in Section 7.30)

6.07 - ME Mineral Extraction District - will be struck in its' entirety in favor of allowing mining as a permitted use in the agricultural district.

7.00 Performance Standards

7.20 – Animal Feedlots and Manure Handling

B. Permit Requirements is amended as follows:

Any person owning or operating a proposed or existing animal feedlot having 50 or more animal units or 10 or more animal units in shoreland areas must register the feedlot with the Minnesota Pollution Control Agency per Minn. R ch. 7020 and 7050 and obtain any applicable permit including NDPEs, SDS, CSF or an interim permit as a result of being identified as a pollution hazard

D. Action is amended as follows:

Permission to operate an Animal Feedlot application is contingent upon the following additional requirements being met by the applicant:

1. Township permit application with plan and manure storage plan
2. Receipt of a Feedlot Permit from the MPCA Feedlot Official;
3. Approval of a Spill Response Plan by the MPCA Feedlot Official;

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4. Approval of a Nutrient Management Plan by the MPCA Feedlot Official, in consultation with the Dakota County Soil and Water Conservation District.
5. Receipt of all applicable MPCA, SWCD, NRCS and MPCA Feedlot Official permits.

F. Performance Standard is amended as follows:

The following setbacks shall apply to all new animal feedlots and manure storage facilities:

- a. Residence not owned by feedlot owner, family or employee

<u>Animal Units</u>	<u>Minimum Distance</u>
Fewer than 50	Specified local building setbacks
51-500	250 feet
501 – 999	500 feet

G. Land Application of Manure is amended as follows:

1. Application procedures should comply with State Rules and MPCA guidelines.
2. Application Rates. Manure application rates for new or expanded feedlots will be based upon requirements identified in the Nutrient Management Plan.
3. Injection and Incorporation. Liquid Manure from an Animal Waste Storage Facility must be injected or incorporated into the soil within twenty-four (24) hours of spreading.

H. Manure Storage & Transportation is amended as follows:

1. Compliance with State, Local Standards ~~and agency permitting~~
All animal manure shall be stored and transported in conformance with State of Minnesota statutes and rules, and local ordinances and as regulated by MPCA, SWCD, NRCS and the MPCA Feedlot Official.
2. Potential Pollution Hazard Prohibited
No manure storage facility shall be constructed, located or operated so as to create or maintain a potential pollution hazard. A certificate of compliance or a permit must be issued by the MPCA Feedlot Official.
3. Vehicles and spreaders
All vehicles used to transport animal manure on county, state, interstate, township or city roads shall be leakproof and covered. Manure spreaders with

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end gates shall be in compliance with this provision provided the end gate works effectively to restrict leakage and the manure spreader is leakproof.

4. **Storage Capacity for New Animal Waste Storage Facility**
Storage capacity for animal manure from new Animal Waste Storage Facilities shall not be less than seven (7) months, subject to the review and approval by the MPCA Feedlot Official.
5. **Engineer Approval of Plans**
All plans for an animal manure storage facility must be prepared and approved by an engineer licensed by the State of Minnesota. A report from an engineer licensed by the State of Minnesota must be submitted to and approved by the MPCA Feedlot Official or his designee prior to use of the structure for manure storage.
6. **Monitoring of Storage Pit**
The owner of a storage pit shall conduct a test annually of the water within the perimeter tile of the storage facility, with analysis completed by a certified testing laboratory, and maintain a log of the results to be provided at the time of certification as identified in Section 7.20 E.
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.
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 MPCA Feedlot Official 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.

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I. Other regulations are amended as follows:

All other applicable local, state and federal laws and regulations shall be in effect and enforced, including but not limited to water quality standards, air quality standards, shoreland regulations, floodplain regulations, wetland regulations, facility licenses and facility permits. The SWCD, NRCS, and the MPCA have additional regulations for animal feedlots and manure spreading within Waterford Township.

7.23 Mineral Extraction is repealed and replaced in its entirety in favor of the revised performance standards:

A. Establishing Regulations and Standards for Mineral Extraction

1. Purpose and Intent:

The purpose of this Ordinance is to protect the public health, safety, and welfare through the following:

- A. Identify areas in the community where mineral extraction is most appropriate and minimizes conflicts with commercial agricultural, residential, and other land uses.
- B. Establish permitting requirements, environmental review procedures and performance standards to regulate mineral extraction.
- C. Establish standards which distinguish between longer term and shorter-term mineral extraction activities.
- D. Establish standards which prevent or minimize environmental and aesthetic impacts on extracted properties, adjacent properties, and the community as a whole.
- E. Establish standards and financial guarantees that restore extracted land to condition compatible with adjacent properties and suitable for future uses which are compatible with the Waterford Township Comprehensive Plan.

2. Permits Required:

- A. It is unlawful for any person, firm, or corporation to extract or process minerals in the Township without obtaining a permit required in this ordinance.
- B. Mineral extraction shall only be allowed in that part of the Township zoned Agricultural Preservation. The minimum site size shall be equal to that of Twenty (20) acres square at a median depth of Ten (10) feet and shall require the completion of an Environmental Assessment Worksheet (EAW) before the formal application process may continue.

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- C. Exceptions. A mineral extraction permit shall not be required for any of the following:
- a. Excavation for a foundation, cellar or basement of a building if a building permit has been issued.
 - b. Excavation by state, county, city or township author authorities in connection with construction or maintenance of roads, highways, or utilities, conducted solely within permanent easement areas or rights-of-way.
 - c. Curb cuts, utility hook-ups or street openings for which another permit has been issued by the Township.
 - d. Excavation less than one thousand (1000) square feet in area or one foot in depth.
 - e. Excavation or grading for agricultural purposes.
 - f. Other activities in which a permit has been issued site grading is allowed and mineral extraction is clearly an incidental activity.
 - g. Sod Harvesting
3. Mineral Extraction Permit Application Requirements:
- A. Application Form: An application for a mineral extraction permit shall be submitted to the Township on a form supplied by the Township. Information may include but not be limited to the following:
- a. Name, address, phone number, contact person for the operator.
 - b. Name, address, phone number of the landowner.
 - c. Acreage and complete legal description of the property on which the facility will be located, including all contiguous property owned by the landowners.
 - d. Acreage and complete legal description of the property on which the mineral extraction permit will apply.
 - e. Type and quantity of material to be extracted.
 - f. Hours of operation of the facility.
 - g. Timeframe to operate the facility.
 - h. A description of all vehicles and equipment to be used by the operator in the operation of the facility.
 - i. A description of the maximum number and average peak daily number of vehicles accessing the facility, including a breakdown of operator owned and non-operator owned vehicles.
 - l. A description of the haul routes within the Township to be used in the operation of the facility.

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- B. Supporting Documentation: Every application for a mineral extraction permit shall include submission of supporting documentation provided by a registered engineer licensed within the State of Minnesota which shall include, but may not be limited to the following (note: the findings of an EAW may be deemed as a sufficient and acceptable replacement to any portion of the following, extending through the "supporting documentation" section):
- a. A description of existing land uses on the subject property and all properties within one mile. One-quarter (1/4) mile
 - b. A description of land use designations in the Comprehensive Plan and zoning classifications of the subject property and all properties within one mile. One-quarter (1/4) mile
 - c. A description of the soil, vegetation, mineral content and current topography of the subject property. A minimum of three (3) soil boring logs representative of the site and an analysis of the subsurface materials on the subject property must be submitted by a registered engineer licensed in the State of Minnesota. Additional soil borings may be required by the Township Engineer for the subject site and any future expansion.
 - d. A general description of surface waters, existing drainage patterns and groundwater conditions within one mile one-quarter (1/4) mile of the subject property.
 - e. A general description of any wells or private sewer systems of record, pipelines, power lines and other utilities or appurtenances on the subject property and adjacent properties.
 - f. A general description of the depth, quantity, quality and intended uses of the mineral deposits on the subject property.
 - g. Current topography of the subject property, illustrated by contours not exceeding two-foot intervals.
 - h. Proposed topography of the subject property after mineral extraction has been completed, illustrated by contours not exceeding two-foot intervals.
 - i. A phasing plan which illustrates the sequencing of mineral extraction, the locations of processing equipment, mineral stockpiles, staging areas, accessory uses and access routes.
 - j. Copies of MPCA application documents, DNR application and/or review documents, EAW documents, EIS documents if required, and operating permits.
 - k. A description of the site hydrology and drainage characteristics during extraction for each phase. Identify any locations where

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drainage of any disturbed areas will not be controlled on the subject property and plans to control erosion, sedimentation and water quality of the runoff. Applicant must supply the Township a letter from the County Soil and Water District Manager or comparable official approving this description.

- l. A description of the potential impacts to adjacent properties resulting from mineral extraction and off-site transportation, including but not limited to noise, dust, surface water runoff, groundwater contamination, traffic and aesthetics.
 - m. A description of the plan to mitigate potential impacts resulting from mineral extraction.
 - n. A description of site screening, landscaping and security fencing.
 - o. A description of site rehabilitation in each phase of operation and upon completion of mineral extraction on the subject property.
 - p. A description of the method in which complaints about any aspect of the facility operation or off-site transportation are to be received and the method which complaints are to be resolved.
- C. Mineral Extraction Performance Standards: The following performance standards apply to all mineral extraction facilities in the Township:
- a. Hours of Operation. Mineral extraction facilities shall operate only between the hours of 7:00 a.m. and 6:00 p.m., Monday through Friday and 7:00 a.m. to 12:00 p.m. on Saturday.
 - i. Exceptions to the hours of operation, such as government agency contracts and other evening work, must be approved by the Town Board.
 - b. Fencing. The Board may require fencing, signs and barriers around artificial ponding areas, wetlands and steep-sloped excavation areas.
 - c. Access. All mineral extraction facilities shall have direct access to a State or County Road, which meets current design standards and weight classification of the jurisdiction responsible for the road, by the start of operation.
 - d. Haul Routes. All trucks traveling to or from the mineral extraction facility shall utilize 9-ton or greater paved roads. Operators may be granted a special permit to utilize roadways temporarily posted under 9-tons, provided adequate surety is guaranteed to cover the costs of repairing any damage to roadways.
 - e. Roadway Dust Control. Operators will be responsible for providing water trucks to control dust on all gravel roads utilized by trucks hauling to or from a mineral extraction facility. Unless waived by the

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Town Board in lieu of other remedies, watering roadways will be required when conditions warrant it and the number of one-way truck trips from a particular mineral extraction facility exceeds three (3) perhour.

- f. Mineral Extraction Facility Dust Control. The Township shall require watering in a facility when it is determined that airborne dust from extraction areas, processing activities, stockpiles or internal roadways creates a public nuisance. Other remedies to dust control may include berming, landscaping and enclosures for processing equipment.
- g. Noise. Maximum noise levels at the facility will be consistent with the most current standards established by the Minnesota Pollution Control Agency.
- h. Vibration. Operators shall use all practical means to eliminate adverse impacts of vibration from equipment on adjacent properties.
- i. Air Quality/Water Quality. All activities on the subject property will be conducted in a manner consistent with the Minnesota Pollution Control Agency's operating permits and the Department of Natural Resources.
- j. Accessory Uses. Accessory uses, such as concrete or asphalt production or stockpiling and sale of materials not extracted on the subject property may be considered for approval by the Township.
- k. Unauthorized Storage. No vehicles, equipment or materials not associated with the mineral extraction facility or not in operable condition may be kept or stored at the facility.
- l. Setbacks. No extraction activity may occur within five hundred (500) feet of any residence and seventy-five (75) feet of any adjacent property, road right-of-way or public utility. Screeners, crushers, other processing equipment and manufacturing equipment may not be located closer than five hundred (500) feet without henning. Grading plans affecting pipelines or powerline corridors will be evaluated on a case-by-case basis.
- m. Phasing. Phasing plans must be prepared for all mineral extraction facilities. The following is meant to serve as a guideline with exceptions allowable by the Town Board;
 - i. No more than ten (10) acres of land may be exposed to extraction at any one time. A maximum of thirty (30) acres may be utilized at any one time for extraction, processing, staging and stockpiling. Areas where extraction has been completed shall be rehabilitated according to the provisions of the ordinance, except for that area included in the maximum forty (40) acre operational area. The

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Town Board may allow exceptions to the phasing requirements for topsoil and clay extraction and phases of operation in existence at the time of this ordinance adoption.

- n. Berming. Earthen berms shall be constructed along all rights-of-way and along all property lines within five hundred (500) feet of any residence. Berms shall be a minimum of eight feet in height.
- o. Weed Control. The operators shall be required to control noxious weeds and mow or harvest other vegetation to maintain reasonable appearance of the site.
- p. Explosives. If the use of explosives is desired by the operator, an interim use permit shall be required for the duration of the season. If the use of explosives is deemed to be of little public consequence or disruption, an interim use permit of longer duration may be granted.
- q. General Compliance. The operators must comply with all other federal, state, regional, county and local laws and regulations applicable to the operation of the mineral extraction facility, including but not limited to floodplain management regulations, shoreland management regulations and zoning ordinance regulations.
- r. Additional Regulations. Topsoil may not be removed from the mining facility unless specifically authorized in the permit. The Township may impose additional regulations and requirements to the mineral extraction permit to protect the public health, safety, and welfare.
- s. Inactivity. In the event less than 5000 cubic yards of material has been removed from the facility in any calendar year, the Township may terminate the mineral extraction permit.
- t. Rehabilitation Plan. A rehabilitation plan must include the grading plans, topsoil replacement, seeding, mulching, erosion control and sedimentation control specifications for each phase and the final site restoration. The following minimum standards and conditions apply where applicable:
 - i. Final grades may not exceed a 4:1 ratio (25% slope).
 - ii. A minimum of three (3) inches of topsoil shall be placed and evenly spread on all graded surfaces.
 - iii. Seeding and mulching shall be consistent with Minnesota Department of Transportation specifications for rights-of-way. Exceptions to seeding and mulching include areas returned to agricultural production.

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- iv. Soil restoration, seeding and mulching must occur within each phase as soon as final grades, or interim grades identified in the phasing plans, have been reached. Exceptions to seeding and mulching include the processing, storage and staging areas within each phase.
- v. Soil erosion and sedimentation control measures shall be consistent with MPCA's publication entitled "Protection Water Quality in Urban Areas" and Section 300, Water and Soil Resource Management provisions of the Waterford Township Zoning Ordinance.
- vi. Unless otherwise amended or approved by the Township, all final grades and site restoration efforts shall be consistent with the Rehabilitation Plan.
- vii. Within six (6) months after completion of mineral extraction or after termination of the permit, all equipment, vehicles, machinery, materials and debris shall be removed from the subject property.
- viii. Within twelve (12) months after completion of mineral extraction or after termination of the permit site, rehabilitation must be completed or in a state of process deemed acceptable to the town board with the understanding of future completion.
- ix. Lake and pond end uses are acceptable. In such cases final grades shall not exceed a 4:1 ratio (25%) to a water depth of 6'.

D. Termination

- a. The mineral extraction permit shall be terminated on the happening of any of the following
 - i. The date of termination specified in the interim use permit.
 - ii. Upon a violation of a condition under which the permit was issued, but only after the Township has first provided written notice to the operator (and the landowner, if different from the operator), 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 operator shall have a period not exceeding sixty (60) consecutive days to cure the specific violation(s). If the 60-day remedy period overlaps with or occurs within a period of seasonal shutdown, and the

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violation(s) are not easily remedied or do not pose a threat to public health, safety and welfare, the 60-day period may be extended to include the seasonal shutdown period. 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.

iii. Upon a determination that the facility has been inactive.

4. Seasonal Extraction Permit

- a. Purpose. The purpose of this section is to establish provisions for mineral extraction on a smaller scale and shorter-term basis than allowed in a minalextraction permit, as indicated in Section VII A.4.b, Eligibility.
- b. Eligibility. A seasonal extraction permit may be issued in areas of the Townshipzoned AG Agriculture District.
 - i. Seasonal extraction permits are intended to allow the opportunity for mineral extraction on land which is in close proximity of projects of shortduration and a specified period of time, such as road construction, in or near the Township.
 - ii. Seasonal extraction permits are also intended to allow the opportunity for site grading, which will enhance the use of property, including land wheremineral extraction has occurred in the past and rehabilitation has not been completed.
- c. Process. A seasonal extraction permit will be processed as an Interim Use Permit, according to the provisions and procedures in the Waterford Township Zoning Ordinance.
- d. Area Limitation. The maximum site area that may be included in a seasonal extraction permit is 19 acres square at a median depth of ten (10) feet. The Boardmay expand this limitation if the subject property includes a larger area where mineral extraction has previously occurred.
- e. Duration. Seasonal extraction permits are valid for a period not exceeding one calendar year. Mineral extraction operations may only occur between April I and December 1 of the permit year. Site rehabilitation must be completed by June 1 ofthe following year. The Board may extend the permit with a limit of two (2) yearsfor operation and one year for restoration of the site.

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- f. Application. An application for a seasonal extraction permit shall be submitted to the Township on a form provided by the Township. Information requirements shall be the same as identified in Section VII.A.2 of this Ordinance.
 - g. Supporting Documentation. An application for a seasonal extraction permit shall may include portions of the supporting documentation identified in Section VII.A.3 of this Ordinance as requested by the board.
 - h. Performance Standards. The performance standards identified in Section 7 shall apply to seasonal extraction permits, with the following exceptions:
 - i. Hours of Operation. The same hours of operation apply to seasonal extraction facilities, except the days of operation are limited to Monday through Friday and no evening activities are permitted. Hours of operation may be expanded on a case by case basis by approval of the board.
 - ii. Setbacks. The Board may modify setback requirements where appropriate.
5. Enforcement.
- a. The operator grants the Township's officers and representatives access to the facility during normal operation hours to inspect the mineral extraction facility and/or seasonal mineral extraction facility and enforce the provisions of this Ordinance.
 - b. The operator shall be responsible for the repair and maintenance of public and private property in the Township which is acknowledged by the operator to be or proven to be damaged by it, its agents or employees in conduction business or any other activity associated with the mineral extraction facility.
 - c. Violations not remedied according to the terms of this agreement shall/may result in fines, suspension or revocation of the mining permit or the bringing of criminal charges as defined in Section 15 of this ordinance.
6. Fees
- a. The applicant shall pay for the application fee and any estimated expenses to be incurred by the Township before an application will be processed.
 - b. The applicant shall reimburse the Township for all out-of-pocket expenses incurred by the Township in the review of the application, public hearings, preparation of documents, inspections and enforcement of this ordinance.

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7.28 – Farm Employee Dwelling is added as follows:

A. Farm Employee Dwelling Performance Standards

1. Farm employee dwellings are available for any farmers who have a schedule form F on their state taxes, are residing on the farm and have income generated from farming. Applicants must submit an application for the dwelling. Dwellings are approved only if there is a stated need for use, justification of added benefit to the farm operation, and stated plan for basic needs for the employee residing in the home (sewage, electric, water). Dwellings that are approved are temporary housing only, and can only be lived in for a maximum of six months from the months of March 1st through December 1st. A maximum of 2 structures are allowed, interim permits if awarded will be for 5 years of length with yearly permit renewal requirements. To be considered and approved by the Planning Commission and the Township Board, the applicant must meet the below standards:
 - a) The farm is actively being farmed with income being generated from agricultural use
 - b) The structure shall be located on the farm near the principal residence, and far away from other structures.
 - c) The structure shall be removed from the site within sixty (60) days after it ceases to be farm related under criteria of the above criteria.
 - d) The interim use permit for the farm dwelling, and the structure cannot be transferred to another party if there is a sale of the farm/land.
 - e) The structure shall not be made a permanent structure, and will be kept in good conditions.
 - f) Sewage treatment systems, if applicable shall be installed in accordance with Dakota Co. Individual Sewage Treatment System Ordinance.
 - g) The applicant shall demonstrate the need for the farm related housing structure.
 - h) The Town Board shall evaluate and decide the merit of the Interim Use Permit on a yearly basis.
 - i) The Planning Commission and the Town Board may impose additional conditions.

7.29 – RV or Camper is added as follows:

A. RV or Camper Performance Standards

1. Use of a RV, or camper is permitted for short-term use only. Short-term is defined as 2 consecutive weeks long. If the land owner requests long-term, as defined as over 2 weeks long, use of a RV the land owner must complete an interim permit application, which is approved by the planning commission and Township Board. Interim permits for RV/campers are approved only if there is a stated need for use, and stated plan for basic hookup needs for the use of the RV which include sewage, electric, water. Applicants must meet the below standards:

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- a) Applicant must reside in the home where the RV or camper would be placed.
- b) Applicant must pay all fees, and provide proof of licensure for RV including insurance.
- c) Applicant must state the dates that the RV would be in use and on the property.
- d) Applicant must demonstrate where the RV will be located in relation to other structures on the property.
- e) The structure shall not be made a permanent structure.
- f) Sewage treatment systems, if applicable shall be installed in accordance with Dakota Co. Individual Sewage Treatment System Ordinance.
- g) Applicants must remove the RV at the end of the permit, if they are not removed the owner of the RV will be responsible for all fees.

7.30 – Temporary Residence Housing for Family Members with a Medical Need is added as follows:

A. Temporary Residence Housing for Family Member with a Medical Need Performance Standards

1. Use of a Temporary Residence housing for Family Member with a Medical Need (medical necessity) may be located as an interim use permit in any zoning district under the following conditions:
 - a) The parcel of property shall be a maximum of (10) acres in size and there must be a permanent residence existing on the property. Variances may be granted for smaller parcels after the Planning Commission and the Town board reviews circumstances.
 - b) An infirmed family member of the owners and residents of the parcel property shall occupy the dwelling or the primary residence pending the medical need of the individual and the abilities of the structure allows.
 - c) The owners of the property on which the interim use has been granted shall pay any funds expended by the Township in the removal of the temporary residence.
 - d) A letter shall be signed and submitted by a licensed medical doctor (letter of medical necessity) stating the medical need.
 - e) Occupation of the temporary residence by live-in caregivers will be allowed if stated in the letter of medical necessity.
 - f) The temporary residence shall meet all setback requirements of building codes as set by the state.
 - g) The Planning Commission and the Town Board may impose additional conditions.
 - h) Interim permit will be awarded for 5 years, with yearly renewal.

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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 July 2019.

ATTEST:

Liz Messner – Chairperson/Supervisor

Elizabeth Wheeler, Clerk

Public Hearing – June 6, 2019

Adopted by Board – July 8, 2019