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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:

Animal	Unit
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"> 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; b. was the subject of a written agreement to convey entered into prior to such time; 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; 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; e. was a parcel created consistent with the requirements of the <i>Waterford Township Zoning Ordinance</i> after its adoption November 9, 1981;

	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 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. 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

No. 2001-5B
— see Ordinance No. 2001-5C For updates
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 bailing; 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 .01
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 ¹		Side/Rear Setbacks	Max. Height	Lot Coverage ²
				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/40 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. ³	50 ft. ³	50 ft.	75 ft.	25%

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

². Lot coverage is the maximum percentage of impervious surface on any parcel.

³. Mineral extraction setback is measured from property line.

SECTION 7 PERFORMANCE STANDARDS

7.01 Intent

These performance standards are designed to prevent and eliminate those conditions that are hazardous and endanger people, private and public property, and the natural environment. The performance standards established in this section shall apply to all future structures and land uses in all zoning districts. The standards shall also apply to existing development , when permitted by law. The Town Board, Planning Commission, and Building Inspector shall be responsible for enforcing these standards.

Before any building permit is approved, the Town Board shall determine whether the proposed use will conform to the performance standards. The petitioner, developer, or landowner shall supply data necessary to demonstrate conformance with these standards at the request of the Planning Commission or Town Board. Such data may include environmental information on soils, topography, geology, water courses, wetlands, tree cover, and the like; locations or road right-of-ways, boundary lines, equipment and construction processes to be used; hours of operation; and provisions of disposal of all wastes produced by use. It may occasionally be necessary for the developer to employ specialized consultants to demonstrate that a given use will not exceed the performance standards.

7.02 Individual Sewage Treatment Systems

The installation and repair of individual sewage treatment systems (ISTS) shall be in compliance with all of the applicable rules and regulations of the Minnesota Pollution Control Agency (MPCA) rules.

1. No person shall install, repair, or alter an ISTS without first obtaining a permit. Applications provided by the Township must be completed in writing prior to issuance of a permit. Permit fees are established by resolution of the Town Board.
2. Installation, repair, pumping and hauling of waste from private ISTSs requires licensing per MPCA rules and regulations.
3. Required Conditions:
 - a. Soil percolation tests must be completed by a competent, independent tester and must be favorable for the operation of an ISTS before a permit will be issued.
 - b. Soil percolation tests and scaled site location plans must be submitted for both primary and secondary (backup) treatment systems with the initial application.
 - c. Installations, alterations, repairs and maintenance of ISTSs shall be performed in accordance with the Minnesota Pollution Control Agency.

- d. No new ISTS shall be permitted on any site less than one-half (1/2) acre, subject to all conditions or exceptions noted in this Ordinance.
 - e. Alterations, repairs and maintenance of ISTSs are permitted on all existing non-conforming parcels.
- 4. Inspections of ISTSs shall be required at least once every three (3) years, consistent with the Dakota County ISTS inspection program.
 - 5. Any ISTS found inoperable or operating in an environmentally unsafe manner or a manner that may threaten the public health safety and welfare shall be repaired or replaced upon written order of the Township.

7.03 Waste

All waste generated from any use shall be managed in compliance with and regulated by Minnesota Pollution Control Agency rules. Waste generated on any premises shall be kept in containers designed for waste collection and stored in a structure or within an enclosed or screened area. The accumulation, storage, processing or disposal of waste, compost or recyclable materials on any premises, which is not generated on that premises, is prohibited, except as specifically provided in this Ordinance.

7.04 Odors and Emissions

Odors and emissions from any use shall not exceed the regulations set forth by Minnesota Pollution Control Agency rules.

7.05 Dust and Particulates

Dust and particulate matter from any use shall be in compliance with and regulated by Minnesota Pollution Control Agency rules.

7.06 Noise and Vibrations

Noise and vibrations generated from any use shall be in compliance with and regulated by Minnesota Pollution Control Agency rules.

7.07 Explosives

Any activity or operation requiring the use, storage or manufacturing of explosives shall be located no closer than one thousand (1,000) feet from any residence, provided further that the

location of said activity or operation is such that damage from explosion, including flying debris, vibration or smoke, is limited to the site on which the activity or operation is permitted.

7.08 Glare

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.

7.09 Miscellaneous Nuisances

1. It shall be unlawful for any person to store or keep any vehicle of a type requiring a license to operate on the public highway, but, without a current license attached thereto, whether such vehicle be dismantled or not, outside of an enclosed building in any district.
2. It shall be unlawful to create or maintain a junkyard or vehicle dismantling yard except as provided herein.
3. It shall be unlawful to create a nuisance affecting the health, peace and safety of any person.

7.10 Bulk Storage

The storage of all bulk liquids, fuels, chemicals, and gases shall be in compliance with and regulated by Minnesota Pollution Control Agency rules, Minnesota State Fire Marshal rules, the Minnesota State Building Code and Dakota County licensing requirements.

7.11 Surface Water Management

Stormwater in new developments shall be managed in accordance with the National Urban Runoff Program (NURP) standards for the design of new stormwater ponds and the Minnesota Pollution Control Agency's urban "best management practices," titled *Protecting Water Quality in Urban Areas*.

Existing natural drainageways, natural water storage or retention areas, and vegetated soil surfaces should be used to the greatest extent possible to store, filter and retain stormwater runoff before discharge occurs into any public waters. When natural features and vegetation are not available to handle stormwater runoff, constructed facilities such as diversions, settling basins, skimming devices, dikes, and manmade waterways and ponds may be used. Preference shall be given to designs using surface drainage, vegetation, and infiltration rather than buried pipes and manmade materials and facilities. Development should be planned and conducted in

a manner that will minimize the extent of disturbed areas, runoff velocities, erosion potential, and reduce and delay runoff volumes.

7.12 Wetland Protection and Management

In accordance with the Wetlands Conservation Act of 1991, the following regulations shall apply to wetland areas:

1. Permanent natural buffer areas and appropriate erosion control measures be taken surrounding wetland areas to prevent sedimentation of the wetland.
2. Wetlands may not be drained or filled, wholly or partially, unless replaced by restoring or creating wetland areas of at least equal public value. Wetland encroachment must be guided by the following principles in descending order:
 - a. Avoiding the direct or indirect impact of the activity that may destroy or diminish the wetland;
 - b. Minimizing the impact by limiting the degree or magnitude of the wetland activity and its implementation;
 - c. Rectifying the impact by repairing, rehabilitating, or restoring the affected wetland environment;
 - d. Reducing or eliminating the impact over time by preservation and maintenance operations during the life of the activity;
 - e. Replacing or providing substitute wetland resources or environments.
3. Expansion or enhancements of wetlands for wildlife ponds or the creation of a runoff/wildlife pond shall be reviewed and approved by the Dakota Soil and Water Conservation District and Cannon River Water District prior to review and approval by the Town Board.

7.13 Woodland Preservation

Structures and non-farm activity shall be located or conducted in such a manner that the maximum number of woodlands shall be preserved. Clearcutting of woodlands, except for tree farming or agricultural purposes is prohibited, unless the action involves a utility or roadway, required by the public, and includes a reforestation plan approved by the Town Board.

7.14 Erosion and Sedimentation Control

No landowner, land occupant or contractor in the Township shall cause or conduct any non-farm land disturbing activity which causes excessive erosion or sedimentation, or which results in damage to water or soil resources. All development in the Township shall conform to the natural limitations presented by the topography and soil types in order to minimize soil erosion and sedimentation. Erosion and sedimentation controls shall be consistent with the MPCA's "best management practices."

Non-farm land disturbing activities shall occur in increments of workable size such that adequate erosion and sediment controls can be provided throughout all phases of the development. The smallest practical area of land shall be exposed or otherwise disturbed at any one period of time. Areas where natural vegetative barriers are not enough to contain erosion and sedimentation from penetrating water bodies, wetlands, water courses or neighboring properties shall be staked with silt fences and straw bales. Where the topsoil is removed, sufficient arable soils shall be set aside for re-spreading over the disturbed area. The topsoil shall be restored to a depth of four (4) inches, including any soil that must be imported, and shall be of a quality at least equal to the soil quality prior to development.

7.15 Preservation of Natural Drainageways

A. Waterways

1. The use of storm sewers is not an acceptable alternative to the use of the natural aboveground drainage system to dispose of runoff. Storm sewers may only be used where it can be demonstrated that the use of the aboveground natural drainage system will inadequately dispose of runoff. Aboveground runoff disposal waterways may be constructed to augment the natural drainage system. The natural and constructed waterways may be coordinated with an open space trail system. The trail system shall be confined to the edges not the bottom of the waterway. All drainage system improvements shall be reviewed and approved by the Dakota County Soil and Water Conservation District.
2. The width of a constructed waterway shall be sufficiently large to adequately channel runoff from a ten (10) year storm. Adequacy shall be determined by the expected runoff when full development of the drainage area is reached.
3. No fences or structures shall be constructed across the waterway that will reduce or restrict the flow of water.
4. The banks of the waterway shall be designed with minimum slopes and protected with a permanent turf vegetation to prevent erosion and sedimentation.
5. The gradient of the waterway bed should not exceed a grade that will result in a velocity that will cause erosion of the banks of the waterway.

6. The bed of the waterway should be protected with turf, sod or concrete. If turf or sod will not function properly, riprap may be used. Riprap shall consist of quarried limestone, fieldstone (if random riprap is used) or construction materials approved by the Dakota County Soil and Water Conservation District. The riprap shall be no smaller than two (2) inches square, not larger than two (2) feet square. Construction materials shall be used only in those areas where the waterway is not used as part of a recreational trail system.
7. If the flow velocity in the waterway is such that erosion of the turf sidewall structures, other materials may replace turf on the sidewalls, either gravel or riprap would be allowed to prevent erosion at these points.

B. Water Velocity

1. The flow velocity of runoff in waterways shall be controlled to a velocity that will not cause erosion of the waterway.
2. Flow velocity should be controlled through the installation of diversions, berms, slope drains, and other similarly effective velocity control structures.

C. Sediment Control

1. To prevent sedimentation of waterways, pervious and impervious sediment traps and other sediment controlled structures shall be incorporated throughout the contributing watershed.
2. Temporary pervious sediment traps could consist of construction of bales of hay with a low spillway embankment section of sand and gravel that permits a slow movement of water while filtering sediment. Such structures would serve as temporary sediment control features during the construction state of development. Development of housing and other structures shall be restricted from the area on either side of the waterway required to channel a twenty-five (25) year storm.
3. Permanent impervious sediment control structures consist of sediment basins (debris basins, desilting basins, or silt traps), and shall be utilized to remove sediment from runoff prior to its disposal in any permanent body of water.

D. Maintenance of Erosion Control System

1. The erosion and velocity control structures shall be maintained in a condition that will insure continuous functioning according to the provisions of this Ordinance.
2. Sediment basins shall be maintained as the need occurs to insure continuous desilting action.

3. The areas utilized for runoff waterways and sediment basins shall not be allowed to exist in an unsightly condition. The banks of the sediment basins and waterways shall be landscaped.
4. Prior to the approval of any plat for development, the developer shall make provisions for continued maintenance on the erosion and sediment control system.

7.16 Landscaping and Fencing Maintenance

All structures requiring landscaping and fences shall be maintained so as not to be unsightly or present harmful health or safety conditions.

7.17 Traffic Control/Access Spacing

The traffic generated by any use shall be channelized and controlled in a manner that will avoid: a) congestion on the public streets, b) traffic hazards, and c) excessive traffic through residential areas, particularly truck traffic. Internal traffic shall be so regulated as to ensure its safe and orderly flow.

On corner lots, nothing shall be placed or allowed to grow in such a manner as materially to impede vision between a height of two and one-half and ten feet above the centerline grades of the intersecting streets to a distance such that a clear line of vision is possible of the intersecting street, as described in the transportation policy recommendations of the Comprehensive Plan.

Access spacing of driveways and roadways shall be consistent with Dakota County Access Spacing Guidelines, the Comprehensive Plan and other provisions of this Ordinance.

7.18 Parking

Parking spaces accessory to residential dwellings shall be located on the same lot. Parking in residential areas (off – street and on-street) shall be limited to the use of the residents of those homes. Except for short – term parking (six hours or less) and guest parking, the number of vehicles parked on or in front of a residential lot shall not exceed double the number of persons residing on the premises and having an automobile driver’s license.

7.19 Relocating Structures

A building permit shall be required for all permanent relocation of structures. The Building Inspector shall inspect any structure proposed for relocation and prepare a report on the condition of the structure and any code improvements that may be required as a result of the relocation. Relocation of construction sheds and other temporary structures approved by the

Town Board, which will be located on a lot for less than eighteen (18) months, require no permit.

For relocation of structures requiring a permit, the applicant shall submit photographs showing all sides of the structures to be moved and photographs of the lot on which the structure is to be located. The Planning Commission may also require photographs of surrounding lots and structures. The Planning Commission shall consider the compatibility of the structure to be relocated with the structures and uses on surrounding lots.

The Planning Commission shall report its conclusions to the Town Board. If the Town Board decides that relocation of the structure would depreciate the value of structures of lots surrounding the lot upon which it is to be moved, the permit should be denied.

7.20 Animal Feedlots and Manure Handling

A. Intent and Purpose

The production of farm animals and other agricultural products is an important part of the environment and economy of Dakota County and Waterford Township. Livestock, poultry, dairy products, and other agricultural commodities are produced in The Township. The continued viability of the agricultural community and production of these products is essential to the economic well being of the Township and its residents.

It is the intent of this section to allow for the continued production of agricultural commodities and to maintain a healthy agricultural community while ensuring that animal feedlots and animal wastes are properly managed to protect the health of the public and maintain compatibility of land uses in the Township. It is also the purpose of this section is to establish an application process for permitting animal feedlots, regulating location, intensity, development, operation and expansion of animal feedlots, promoting best farm management practices, and ensuring land use compatibility.

B. Permit Required

Any person owning or operating a proposed or existing animal feedlot having ten (10) or more animal units shall make application to the Township in conformance with the requirements of Section 4.11 of this Ordinance, if any of the following conditions exist:

1. A new animal feedlot is proposed;
2. A change in operation of an existing feedlot is proposed. A change in operation includes:
 - a. An increase beyond the permitted maximum number of animal units;
 - b. An increase in the number of animal units that are confined at an unpermitted lot;
 - c. A change in the construction or operation of an animal feedlot that would affect the storage, handling, utilization, or disposal of animal manure;

3. Ownership of an existing animal feedlot is changed;
4. A National Pollutant Discharge Elimination System (NPDES) permit application is required under state or federal rules or regulations;
5. An inspection by authorized MPCA or County staff determines that the animal feedlot creates or maintains a potential pollution hazard.

C. Permit Application

A permit application shall include the following:

1. Owner's and operator's name and address;
2. Proposed location, including quarter section, township and range;
3. Animal types and maximum number of animals of each type which will be confined at the feedlot;
4. A sketch identifying dimensions of the feedlot, all setbacks required in Section 7.20 F., and homes, buildings, existing manure storage areas and/or structures, lakes, ponds, water courses, wetlands, dry-runs, tile inlets, sink holes, roads and wells located within the required setback areas;
5. Plans for buildings or structures as required by this Ordinance.

D. Action

Action by the Town Board on an Animal Feedlot application is conditional upon the following additional requirements being met by the applicant:

1. Receipt of a Feedlot Permit from the Dakota County Feedlot Officer;
2. Approval of a Spill Response Plan by the County Feedlot Officer;
3. Approval of a Nutrient Management Plan by the County Feedlot Officer, in consultation with the Dakota County Soil and Water Conservation District.

E. Certification

1. Any operator of an animal feedlot that has received a permit from the Township or any individual or business that stores, spreads or processes animal manure in the Township will be certified by the Dakota County Feedlot Officer for an initial period of five (5) years.
2. Animal feedlot owners and individuals or businesses that store, spread, or process animal manure in the Township shall be re-certified every five (5) years. Re-certification

shall be received upon completion of appropriate training under the supervision and provided by the University of Minnesota Extension Services, Dakota County.

F. Acreage and Setback Requirements

1. Minimum Area

Minimum land requirements for an animal feedlot will be based upon one (1) acre of land per animal unit, or the requirements for spreading of manure as identified in the Nutrient Management Plan, whichever is greater. The acreage requirements shall be based upon the applicant's contiguous farmland located solely within Waterford Township.

The maximum number of animal units associated with any feedlot shall not exceed seven hundred (700) animal units.

2. Minimum Setbacks

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 10	Specified local building setbacks
10 – 50	100 feet
51-150	500 Feet
151- 700	1,000 feet

b. Public parks

¼ mile

3. Measurements

The separation distances established in this section shall be measured from the perimeter of the animal feedlot or animal waste storage facility to the nearest referenced boundary or the exterior wall of the principal structure containing the referenced use, whichever applies. In the event a use is not contained within a structure, an imaginary perimeter boundary shall be drawn around the referenced use, and measurements shall be taken from that perimeter boundary.

G. Land Application of Manure

1. Application Rates

Manure application rates for new or expanded feedlots will be based upon requirements identified in the Nutrient Management Plan.

2. Injection and Incorporation

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 and Transportation

1. **Compliance with State and Local Standards**
All animal manure shall be stored and transported in conformance with State of Minnesota statutes and rules, and local ordinances.
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 County Feedlot Officer.
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 endgates shall be in compliance with this provision provided the endgate 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 County Feedlot Officer.
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 Dakota County Feedlot Officer 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 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 Dakota County Feedlot Officer or his agent to review alternative solutions and to receive authorization to take appropriate actions to remedy the situation. 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.

I. Other Regulations

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.

7.21 Off-Street Parking

Parking areas shall conform to the following minimum requirements. In figuring the needed area, one (1) parking space and associated access area shall equal three hundred twenty (320) square feet of area. Parking spaces shall be at least ten (10) feet by twenty (20) feet in area. Access lanes shall be at least twelve (12) feet wide for one-way directional traffic and at least twenty-four (24) feet wide for two-way directional traffic. Parking and maneuvering areas shall be constructed of an all weather surface approved by the Town Board. The minimum number of parking spaces required for each use is based upon the table below. For uses not listed below or in instances where the applicant clearly demonstrates the number of parking spaces required is inappropriate, the Town Board shall determine the number of parking spaces.

<u>LAND USES</u>	<u>PARKING REQUIRED</u>
Residences	2/dwelling unit
Offices	5/1000 sf gross floor area
General Retail	6/1000 sf gross floor area
General Service	4/1000 sf gross floor area
Trade Business	3/1000 sf gross floor area
Manufacturing	3/1000 sf gross floor area
Other Industry	3/1000 sf gross floor area
Warehousing	2/1000 sf gross floor area

7.22 Sign Regulations

A. Intent

The purpose of this section is to protect, insure, maintain and regain the natural and scenic beauty and attractiveness of the roadside throughout Waterford. By the construction of public roads, the public has created views to which the public retains the right-of-view, and it is the intent of these standards to prevent the taking of that right. Signs are recognized as accessory uses, and are permitted in all districts subject to the regulations of this Ordinance.

B. Permit Required

Except as otherwise provided in this Ordinance, no sign greater than twenty-four (24) square feet in area shall be erected, constructed, altered, rebuilt, or relocated until a permit for the same

has been issued by the Town Board. An application shall be submitted in such form as may be prescribed, and shall include such information as may be required for complete understanding of the proposed work. Permit fees shall be established by resolution of the Town Board.

C. General Provisions

1. No sign shall be allowed that is a hazard to the public health, safety, convenience, welfare, or that prevents ingress or egress from any door, window, or fire escape, that tends to accumulate debris as a fire hazard, or that is attached to a standpipe or fire escape.
2. No sign may be erected that, by reason of position, shape, movement, color, or any other characteristics, interferes with the proper functioning of a traffic sign or signal, or otherwise constitutes a traffic hazard. No sign shall be permitted which would interfere with traffic control. No unauthorized signs shall be permitted in any public easement or right-of-way.
3. Private traffic circulation signs and traffic warning signs in alleys, parking lots, or in other hazardous situations may be allowed on private property, provided that such individual signs do not exceed three (3) square feet and are utilized exclusively for the purpose intended.
4. Illuminated signs may be permitted, but flashing signs, except ones giving time, date, temperature, weather or similar public service information shall be prohibited. Signs giving off an intermittent or rotating beam or ray of light shall also be prohibited. Illuminated signs shall be diffused or indirect so as not to direct rays of light into adjacent property or onto any public way. No illuminated signs should be located within twenty-five (25) feet of a roadway surface.
5. Political signs are allowed in any district on private property, with the consent of the owner of the property. Such signs must be removed within seven (7) days following the date of the election or elections to which they applied.
6. Real estate signs may be placed in any yard, providing such signs do not exceed sixteen (16) square feet and are not closer than ten (10) feet to any property line, road easement or public right-of-way.
7. A construction sign not exceeding thirty-two (32) square feet in area, shall be allowed on the premises in any zoning district during construction. Such signs shall be removed when the project is completed.
8. Such signs shall not be painted directly on the outside wall of the building. Signs shall not be painted on a fence, tree, stone, or other similar object in any district.
9. Roof signs are prohibited in all districts. A roof sign shall include any sign attached to a building and projecting above the highest vertical point of a structural wall.

10. No sign shall have more than two (2) sides.
11. Off-premise advertising signs shall not be located closer than one thousand (1,000) feet to any other off-premise advertising sign and shall be restricted to the existing business area described in Section 6.05 F. Off-premise advertising signs shall not exceed the height or area limitations for on-premise advertising signs.
12. All signs shall be maintained in good, working condition; safe and structurally sound condition; and aesthetically proper condition.

D. Signs in Agricultural District

1. Address, farm identification, real estate, political, and agricultural business identification signs are permitted in the AG Agriculture Preservation District.
2. No sign shall exceed thirty-two (32) square feet, with an eight (8) foot maximum for any dimension.
3. No sign shall exceed ten (10) feet above grade.
4. Any sign over two (2) square feet shall be set back at least ten (10) feet from any lot line, right-of-way or road easement.

E. Signs in Rural Residential District

1. Signs on residentially-used property shall be consistent with the following provisions:
 - a. Only address, real estate and political signs are permitted.
 - b. No sign shall exceed sixteen (16) square feet in area or more than four (4) feet in any dimension.
 - c. No sign shall exceed eight (8) feet in height.
 - d. Any sign over two (2) square feet shall be set back at least ten (10) feet from any lot line, right-of-way or road easement.
2. Signs on commercially-used property described in Section 6.05 F. shall be consistent with the following provisions:
 - a. Address, real estate and political signs are permitted, not exceeding sixteen (16) square feet in area, four (4) feet in any dimension or eight (8) feet in height.

- b. One freestanding, on-premise business advertising sign, not exceeding thirty-two (32) square feet in area or twenty (20) feet in height, located at least ten (10) feet from any property line, right-of-way or road easement.
- c. One on-premise business advertising sign per street facing wall, affixed to the wall of the commercial structure, not exceeding twenty (20) percent of the wall area or thirty-two (32) square feet, whichever is less.
- d. One off-premise advertising sign, not exceeding thirty-two (32) square feet in area, twenty (20) feet in height or within one thousand (1,000) feet of any other off-premise advertising sign. Off-premise advertising signs must be set back at least ten (10) feet from all property lines, public right-of-way or road easement. All off-premise advertising signs shall require an Interim Use Permit.

7.23 Mineral Extraction

A. Purpose

In addition to the purposes stated in SECTION 2 and SECTION 7.01 of this Ordinance, it is intended that the provisions in this section protect the public health, safety and welfare through the following objectives:

1. Ensure compatibility of mineral extraction activities with the goals, policies, environmental protection and agricultural preservation emphasis of the Waterford Township Comprehensive Plan.
2. Identify areas in the community where mineral extraction is most appropriate and minimizes conflicts with commercial agricultural, residential and other land uses.
3. Protect and preserve the agricultural economy and social characteristics of the agricultural community.
4. Protect agricultural land from premature conversions to non-farm uses.
5. Prevent the permanent conversion of productive farmland to non-farm uses.
6. Protect residents from potential negative impacts associated with mineral extraction.
7. Establish standards which distinguish between longer-term and shorter-term mineral extraction activities.
8. Establish permitting requirements, environmental review procedures and performance standards to regulate mineral extraction.
9. Protect the natural environment from unnecessary and irreversible impacts from mineral extraction activities.

10. Preserve the natural landforms from uncomplementary or incompatible alterations from mineral extraction activities.
11. Restrict mineral extraction activities that create permanent depressions in the natural landscape, which are not conducive to agricultural uses because of poor drainage, permanent ponding problems or unworkable slopes.
12. Establish regulations and standards that restore or enhance extracted areas to suitable farmland conditions.
13. Protect Township roads and local highways from unsafe conditions, overuse and potential damage from mineral extraction activities.
14. Establish standards and financial guarantees that restore extracted land to a condition compatible with adjacent properties and suitable for future uses which are compatible with the Waterford Township Comprehensive Plan.

B. Permit Required

1. It is unlawful for any person, firm, or corporation to extract or process minerals in the Township without obtaining a permit required by this Ordinance. Mineral extraction shall only be allowed in that portion of the Township designated in the Mineral Extraction Overlay District of the Comprehensive Plan. Mineral extraction shall only be allowed in that part of the Township zoned Mineral Extraction District.
2. Exceptions
A mineral extraction permit shall not be required for any of the following:
 - a. Excavation and extraction for a foundation, cellar or basement of a building if a building permit has been issued.
 - b. Excavation, grading or extraction solely within permanent easement areas or rights-of-way by state, county, city or township authorities in connection with construction or maintenance of roads, highways or utilities.
 - c. Curb cuts, utility hook-ups or street openings for which another permit has been issued by the Township.
 - d. Excavation and extraction less than one thousand (1,000) square feet in area and less than one (1) foot in depth.
 - e. Excavation or grading for agricultural purposes.
 - f. Mineral extraction in which a seasonal extraction permit has been issued.

- g. Other activities in which a permit has been issued, site grading is allowed and mineral extraction is clearly an incidental activity.

C. Application

An application for a mineral extraction permit shall be submitted to the Township on a form supplied by the Township. Information shall include but not be limited to the following:

1. Name, address, phone number, contact person for the operator.
2. Name, address, phone number of the landowner.
3. Acreage and complete legal description of the property on which the facility is proposed to be located, including all contiguous property owned by the landowners.
4. Acreage and complete legal description of the property on which the mineral extraction permit will apply.
5. Estimated type and quantity of material to be extracted.
6. Estimated timeframe to operate the facility.
7. Estimated depth of extraction from average elevation of extraction area.
8. A description of all vehicles and equipment estimated to be used by the operator in the operation of the facility.
9. A description of the estimated average daily and peak daily number of vehicles accessing the facility, including a breakdown of operator owned and non-operator owned vehicles.
10. A description of the haul routes within the Township to be used in the operation of the facility.

D. Supporting Documentation

Every application for a mineral extraction permit shall include submission of supporting documentation which shall include, but may not be limited to the following:

1. A description of existing land uses on the subject property and all properties within one-half (1/2) mile.
2. A description of land use designations in the Comprehensive Plan and zoning classifications of the subject property and all properties within one-half (1/2) mile.
3. A description of the soil, vegetation, mineral content and topography of the subject property. A minimum of three (3) soil boring logs representative of the site and a description of the subsurface materials on the subject property must be submitted.

4. A general description of surface waters, existing drainage patterns and groundwater conditions within one-half (1/2) mile of the subject property, including shoreland, wetland and floodplain areas.
5. 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.
6. A general description of the depth, quantity, quality and intended uses of the mineral deposits on the subject property.
7. Existing topography of the subject property, illustrated by contours not exceeding ten-foot intervals.
8. Proposed topography of the subject property after mineral extraction has been completed, illustrated by contours not exceeding two-foot intervals.
9. A phasing plan which illustrates the sequencing of mineral extraction, the locations of processing equipment, mineral stockpiles, staging areas, accessory uses and access routes.
10. Copies of MPCA application documents and operating permits.
11. A description of the site hydrology and drainage characteristics during extraction for each phase. Identify any locations where 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.
12. 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 levels, groundwater contamination, traffic and aesthetics.
13. A description of the plan to mitigate potential impacts resulting from mineral extraction.
14. A description of site screening, landscaping and security fencing.
15. A description of site rehabilitation in each phase of operation and upon completion of mineral extraction on the subject property.
16. 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 by which complaints are to be resolved.

E. Interim Use Permit Procedure

Mineral extraction permits shall be considered and processed by the Township as Interim Use Permits. The procedures are defined in this Ordinance.

1. Applicants are encouraged to contact the Township for an administrative interpretation of the compatibility of the proposed mineral extraction activity with the Comprehensive Plan and this Ordinance.
2. Applicants are encouraged to appear before the Planning Commission to make a preliminary presentation on the conceptual nature of the proposed extraction activity.
3. A copy of the application and required supporting information shall be forwarded to the Township or its designee. Within ten (10) business days of receipt of the information a determination of the completeness of the application and supporting documentation will be made. If the application is complete, the environmental review process will begin. If the application is incomplete, the Township will identify the information which must be submitted before formal review may commence.
4. Any application which is inconsistent with the Comprehensive Plan, will be denied. The applicant has the right to submit an application to the Township to amend the Comprehensive Plan, according to procedures established by the Township.
5. Within thirty (30) days of receipt of a complete mineral extraction permit application, the Township will order an Environmental Assessment Worksheet to be prepared, according to Minnesota Rules, Chapter 4410.
6. Upon completion of the environmental review process, the Township will process the mineral extraction permit. The Township may require that the applicant submit additional information to address or clarify any issues raised in the environmental review. The formal review process will commence after completion of the environmental review or upon receipt of additional information required.
7. Within thirty (30) days of receipt of all required information and upon completion of the environmental review process, the Planning Commission shall hold a public hearing for the mineral extraction permit. The hearing will satisfy the hearing requirements of the Interim Use Permit.
8. After the public hearing, the Planning Commission shall make findings on the permit application and submit recommendations to the Town Board.
9. If the Planning Commission and Town Board cannot act upon the permit application within sixty (60) days of the receipt of all required information and completion of the environmental review process, the Township shall notify the applicant in writing of the delay and extension of review. The Planning Commission and Town Board must act upon the application within one hundred twenty (120) days of the date the final application was submitted, unless an extension of time is granted by the applicant.
10. The Town Board shall approve the permit application, deny the permit application or approve the permit application with modification.

11. A mineral extraction permit application denied by the Town Board may not be reapplied for, whether the same or modified application, for a period of twelve (12) months from the date of denial.

F. Performance Standards

The following performance standards apply to all mineral extraction facilities in the Township:

1. 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 noon on Saturday. A mineral extraction facility may be opened one-half hour before and one hour after hours of operation to allow for the staging and loading of vehicles hauling extracted materials.

2. Access

All mineral extraction facilities shall have direct access to an "A Minor Arterial" highway, as defined in the Waterford Township Comprehensive Plan. Facilities without direct access to an "A Minor Arterial" highway may be granted facility approval for indirect access to the "A Minor Arterial" highway. Such approval will be based upon minimizing the length of indirect access; minimizing potential impact on properties adjacent to the indirect access; roadway improvements; or financial assurances for adequate maintenance of and improvements to the indirect access, and authorization by the government entity with jurisdiction over the indirect access.

3. Haul Routes

Haul routes for mineral extraction facilities shall be identified by the operator. In general, the haul routes designated shall minimize the use of gravel roads. All trucks traveling to or from the mineral extraction facility shall utilize 9-ton or greater roads within the Township. 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.

4. Setbacks

No extraction activity shall be allowed within fifty (50) feet of any adjacent property, roadway easement or utility, unless the Town Board finds that a lesser setback will result in more appropriate site rehabilitation. Facility equipment shall not be located closer than one thousand (1,000) feet from a residence, unless a written waiver is received from the owner of the residence for a lesser setback. The Town Board may reduce the setback to five hundred (500) feet if it finds that the natural topography or artificial berming and screening are sufficient to protect the residence from facility impacts. No waiver or setback reductions shall be construed as a waiver of noise standards affecting the facility.

5. Depth to Groundwater

No excavations or extraction shall occur less than two (2) feet above the historical high groundwater elevation on the site.

6. 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 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) per hour.

7. Mineral Extraction Facility Dust Control

The Township may require watering in a facility when the Township determines that airborne dust from extraction areas, processing activities, stockpiles or internal roadways creates a public nuisance. Other remedies to control dust may include berming, landscaping and enclosures for processing equipment.

8. Noise

Maximum noise levels at the facility will be consistent with the standards established by the Minnesota Pollution Control Agency.

9. Vibration

Operators shall use all practical means to eliminate adverse impacts on adjacent properties from vibration of equipment.

10. 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.

11. Explosives

The use of explosives is prohibited, unless specifically authorized in the Interim Use Permit.

12. Weed Control

The facility operator shall be required to control noxious weeds on the site and mow or harvest other vegetation as needed or required by the Township.

13. Fencing

The Town Board may require the facility or portions of the facility to be fenced during operation or during the off-season. The Town Board may also require that fencing or a gate be placed at the facility entrance to prevent unauthorized access.

14. Authorized Use

The Interim Use Permit for the mineral extraction facility shall allow mineral extraction equipment, crushing equipment, screeners, conveyors, loading equipment, site rehabilitation equipment and material hauling vehicles for authorized activities and use of the facility. All other use, equipment or activities shall be considered accessory uses. Mineral extraction excludes the removal of topsoil from the site, unless specifically authorized in the permit.

15. Accessory Uses

Accessory uses are those uses not included as authorized use of the mineral extraction facility. The Town Board may consider accessory uses as part of the Interim Use Permit or an amended Interim Use Permit, provided the review and consideration for accessory uses is consistent with other provisions and purposes of this Ordinance and the Waterford Township Comprehensive Plan.

16. 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.

17. Backhauling

No material may be hauled or backhauled from an off-site location to the mineral extraction facility unless specifically authorized in the Interim Use Permit. Examples of authorized backhauling may include importation of clay for roadway mix or topsoil for site rehabilitation.

18. Phasing

Phasing plans must be prepared for all mineral extraction facilities. No more than ten (10) acres of land may be exposed 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.

19. Inactivity

In the event less than five thousand (5,000) cubic yards of material has been removed from the facility in any calendar year, the Township may terminate the mineral extraction permit.

20. 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.

21. Additional Regulations

The Township may impose additional regulations and requirements to the mineral extraction permit to protect the public health, safety, and welfare.

22. Site Rehabilitation

The rehabilitation plan must include final grade contours, topsoil replacement, seeding and fertilizing, erosion control and sedimentation control details and specifications. The plan must also identify seasonal erosion and sedimentation control measures during facility operation. Final site rehabilitation shall conform to the following minimum requirements:

- a. Final grades shall not exceed six (6) percent. During final site restoration, grading may occur within the fifty (50) foot extraction setback area, if such an allowance enhances overall site grading and the relationship with adjacent properties.
- b. All of the topsoil on the site prior to extraction must be retained on the premises and re-spread on the surface of the final grade. All stockpile areas, berms and other disturbed areas shall be seeded and maintained consistent with standard recommended in subsection 22.c below. Retained topsoil shall be spread at an even depth over the final graded surface upon rehabilitation.
- c. The exposed topsoil shall be seeded with alfalfa or pasture grasses consistent with specifications recommended by the Dakota County Soil and Water Conservation District, Minnesota Extension Service or Natural Resources Conservation Service. The Town Board may waive the above seeding requirement if the area is prepared for crop production in the same or following growing season.
- d. Soil erosion and sedimentation control practices during and after site rehabilitation shall be consistent with minimum recommendations of the Dakota County Soil and Water Conservation District.
- e. All equipment, machinery, vehicles, materials and debris shall be removed from the site prior to final site rehabilitation.

G. Termination

The Township shall have the authority to terminate the mineral extraction permit on the happening of any of the following events:

1. Occurrence of the date of termination specified in the Interim Use Permit.
2. 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 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.
3. Upon a change in the Township's zoning regulations which renders the use non-conforming.
4. Upon a determination that the facility has been inactive.

H. Enforcement

1. The operator grants the Township's officers and representatives access to the facility during normal operation hours or by special appointment to inspect the mineral extraction facility and enforce the provisions of this Ordinance.
2. 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 the operator, his or her agents or employees in conducting business or any other activity associated with the mineral extraction facility.
3. A development agreement will be required for all mineral extraction permits.
4. The operator shall hold the Township harmless against all claims by third parties for damage or costs incurred in the development of the subject property. The operator shall indemnify the Township for all costs, damages, or expenses incurred by the Township arising from such claims, including attorney's fees.

I. Fees and Reimbursements

1. The applicant shall pay for the application fee and any estimated expenses to be incurred by the Township before an application will be processed.
2. 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.
3. The Board shall establish fees for the issuance of mineral extraction permits and seasonal extraction permits by resolution. Fees must be paid at the time of issuance and thereafter on or before January 1st of each year for the renewal of permits that have not been terminated. Failure to pay renewal fees shall be a violation of this Ordinance.

J. Liability Insurance

The operator shall at all times procure and maintain at the operator's expense general public liability insurance and automobile liability insurance. This insurance shall cover claims for bodily injuries, wrongful death, and property damage occurring as a result of the operator's performance of his or her duties under this Ordinance. Such insurance shall afford protection to a limit of not less than Five Hundred Thousand Dollars (\$500,000) in respect to injuries or death to a single person, to a limit of not less than One Million Dollars (\$1,000,000) in respect to any one accident or occurrence, and to a limit of not less than Two Hundred Thousand Dollars (\$200,000) in respect to property damage. The Township shall be named an additional insured on all such policies of insurance. The operator shall file with the Township a certificate evidencing coverage before the commencement date of the term of the mineral extraction permit. The certificate shall provide that the Township must be given thirty (30) days written notice of the cancellation of insurance.

K. Financial Guarantee

The Township shall require a cash escrow or a letter of credit, in a form acceptable to the Township, to guarantee compliance with this Ordinance and the terms and conditions of the development agreement. The Township shall have the right to use the financial guarantee to remove stockpiles and complete site rehabilitation and correct other deficiencies or problems caused by the operator, in the event the operator is in default of the permit obligations. The amount of financial guarantee shall be equal to Four Thousand Dollars (\$4,000.00) for every acre authorized in the permit. The financial guarantee shall remain in full force and effect for a minimum period of one and one-half (1 1/2) years beyond the expiration date or renewal date of the permit.

7.24 Commercial Wireless Telecommunications Services Towers and Antennae

A. Interim Use Permit Required

An Interim Use Permit is required for the construction or erection of any wireless telecommunications services towers (hereafter referred to as "towers"). Co-location uses are exempt from the Interim Use process, but require Planning Commission and Town Board approval, according to the Site Plan Review procedures in Section 4.11.

B. Tower Height

Towers may be erected to a height not exceeding the maximum height in any zoning district, with the following exception: towers may be erected to a height not exceeding one hundred ninety-five (195) feet in the existing legal nonconforming business area, described in Section 6.05 F. of this Ordinance.

C. Co-location on Existing Structures

New towers or antennae must be co-located on existing structures, unless it can be documented that it is impractical to co-locate on an existing structure because of technical performance, system coverage or the system capacity of an existing structure cannot support co-location from a structural engineering standpoint. The determination that co-location on an existing structure is not practical because of technical performance, system coverage or system capacity shall be supported by findings from a qualified engineer. The Township may hire a qualified engineer, at the applicant's expense, to verify the applicant's findings.

D. Co-location Requirements for New Structures

New towers shall be designed and constructed to permit the future co-location of other commercial wireless telecommunication services, according to the following criteria:

<u>Height of Structure</u>	<u>Number of Co-location Required</u>
75' or less	No co-location required
Between 75' and 135'	1 additional user accommodated
135' or greater	2 additional users accommodated

In satisfying co-location requirements, the owner of the tower must provide adequate access to the tower site and space within the owned or leased area to accommodate co-location user's equipment needs. Nothing in these regulations shall prevent the owner of the tower from requiring a remuneration from a co-location user. The owner of the tower may also establish reasonable technical requirements for co-location to protect the owner's investment and guarantee effective telecommunication service.

E. Tower and Antenna Design

Towers and antennae shall be located and designed to blend into the surrounding environment to the maximum extent possible. Towers shall be of a monopole design unless it is determined that an alternative design would be appropriate for the particular site or circumstances. All towers shall be painted in a color best determined by the Township to blend into the particular environment.

F. Tower Setbacks

All towers shall be setback from structures, rights-of-way and property lines at a distance equal to the height of the towers and antenna. The setbacks may be reduced to a distance agreed upon by the Township, if the tower applicant furnishes an registered engineer's certification that the tower is designed to collapse or fall within a distance or zone shorter than the total tower height. The Township may waive or modify setback requirements for antennae proposed to be co-located on existing towers or structures.

G. Lighting

Towers shall not be illuminated unless required by a state or federal agency.

H. Security

The site area for new or modified commercial wireless telecommunications services towers shall be totally fenced in to discourage access by unauthorized persons. The Township shall review and approve or modify all plans for fencing and security measures.

I. Accessory Structures

The applicant shall submit site plans, elevations and construction details for all towers, antennae and accessory structures to be located on a site. All equipment must be enclosed within a building. The Township may require that any accessory structures be designed compatible with surrounding structures or natural environment and may require that landscaping materials be provided to screen accessory structures or equipment. Co-location users must construct buildings compatible with existing buildings on the premises.

J. Signs

Signs, other than warning signs, equipment labels, emergency information or owner identification, are prohibited on any towers, antennae or accessory structures or equipment. No permitted signs shall exceed three (3) square feet in area.

K. Interference

No wireless telecommunications service shall be permitted that causes any interference with commercial or private use and enjoyment of other legally operating telecommunications

devices, including but not limited to radios, televisions, personal computers, telephones, personal communications devices, garage door openers, security systems and other electronic equipment and devices. An applicant must furnish Minnesota registered engineer's certification that no such interference will occur or identify what interference may occur and how the applicant will mitigate any potential inference that may occur.

L. Construction Requirements

All wireless telecommunication towers, antennae and accessory uses shall be designed and constructed in accordance with all provisions of this ordinance and all applicable state and federal codes. All plans must be certified by an engineer registered in the State of Minnesota.

M. Abandonment

All towers and antennae not used for a period of twelve (12) consecutive months shall be considered abandoned and shall be removed. In the event any towers and antennae have not been removed within ninety (90) days written notice by the Township after abandonment, the Township shall have the right to remove the towers and antennae and assess the property. The applicant must furnish a copy of the relevant portions of an executed lease, which identifies the applicant's obligation to remove abandoned or unused towers and antennae, prior to issuance of a Conditional Use Permit to erect a tower.

N. Other Requirements

The Township may require additional information from the applicant and impose additional standards and regulations in approving plans for commercial wireless telecommunications services to ensure and protect the public health, safety and welfare.

ORDINANCE NO. 2001 – 5 A

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

The Board of Supervisors of Waterford Township ordains:

SECTION I. Section 6.04 “AG Agriculture Preservation District,” subsection F. “Interim Uses” of Ordinance No. 2001 – 5 is amended by adding the following:

3. Microwave receivers to be placed on radio broadcast antennae in existence in the Township on the effective date of this Ordinance.

SECTION II. Ordinance No. 2001 – 5 A was adopted on _____ and shall become effective upon publication in the official newspaper.

ATTEST:

John Dudley, Chairman

Mary Ellen Frame, Clerk

Published in the *Northfield News* on _____.

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:

John Dudley, Chairman

Lori Coleman, Clerk

Published in the *Northfield News* on March 29, 2006.

ORDINANCE NO. 2001-5C WATERFORD TOWNSHIP

PUBLICATION SUMMARY

The Board of Supervisors of Waterford Township adopted Ordinance No. 2001-5C, An Ordinance Amending Ordinance No. 2001 — 5 Waterford Township Zoning Ordinance on May 11, 2015 and has authorized this summary for publication. Ordinance No. 2001-5C contains eight sections, which are summarized as follows:

SECTION I. Section 3 "Definitions" is amended by adding several solar energy definitions.

SECTION II. Section 4.10 Home Occupations subsections 2., 6. and 7. are clarified regarding use of accessory structures, incidental sales of products, screening of outdoor parking.

SECTION III. Section 6.04C. "AG District Conditional Uses," subsection 2. is amended to clarify allowable public and institutional uses.

SECTION IV. Section 6.04C. "AG District Conditional Uses," is amended by deleting subsection 3. and renumbering subsections 4 through 6 as subsections 3 through 5.

SECTION V. Section 6.04F. "AG District Interim Uses," is amended by adding wholesale and retail solar electric systems.

SECTION VI. Section 6.05F. "RR District Interim Uses," is amended by adding retail solar electric systems.

SECTION VII. Section 7 Performance Standards is amended by adding a new Section 7.25 "Solar Electric Systems."

SECTION VIII. Ordinance No. 2001-5C was adopted on May 11, 2015 and becomes effective upon publication of this summary. Elizabeth Wheeler, Township Clerk

ORDINANCE NO. 2001-5C AN ORDINANCE AMENDING ORDINANCE 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 1 Section 3 Definitions is amended by adding the following new definitions:

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) module (PV Panel) - The essentially planar assembly of solar cells and ancillary 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.

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 - 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 - 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.

SECTION II Section 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.

SECTION III Section 6.04 AG Agriculture Preservation District subsection C. Conditional Uses, subcategory 2 is amended in its entirety to read:

2. Churches, schools, local government buildings and facilities and governmentowned facilities for the maintenance of roads and highways.

SECTION IV Section 6.04 AG Agriculture Preservation District subsection C. Conditional Uses, subcategory 3 is deleted and subcategories 4 through 6 are renumbered 3 through 5:

SECTION V Section 6.04 AG Agriculture Preservation District subsection F. Interim Uses is amended by adding:

4. Wholesale solar electric systems.
5. Retail solar electric systems.

SECTION VI Section 6.05 RR Rural Residential District subsection E. Interim Uses is amended by adding:

3. Retail solar electric systems.

SECTION VII Section 7. Performance Standards is amended by adding the following provisions:

7.25 Solar Electric Systems

- A. Solar electric systems require an interim use permit in all zoning districts.
- B. Wholesale solar electric systems shall be limited to the AG Agriculture Preservation District.
- C. Retail solar electric systems in residential zoning districts shall be limited to roof top systems. Rooftop solar electric systems shall be mounted parallel to the plane of the roof, shall not extend more than one foot above the plane of the roof, shall not be located any closer than three feet from any side, top or bottom edge of the roof, and shall not occupy more 75 per cent of the area of the roof plane it is affixed to.

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- D. Retail solar electric systems located in the AG Agriculture Preservation District may include roof top systems and ground mounted systems. Roof top systems shall not project more than four feet above the plane of the roof nor be located closer than six feet from the outer edge of the roof top. Ground mounted systems shall not exceed fifteen feet in height, shall not be located in any required front yard area, shall not be located closer than fifteen feet to a side or rear yard, and shall not be located closer than 100 feet to an existing adjacent residence. Ground mounted systems shall not exceed 10% lot coverage or 10,000 square feet, whichever is less. Square footage is calculated by the area encumbered by the outermost measurements of the solar equipment layout.
- E. Wholesale solar electric systems shall be set back a minimum 130 feet from the centerlines of roadways, a minimum of 50 feet from all property lines, and a minimum of 300 feet from any adjacent property residential dwelling; except, when a public roadway is located between an adjacent residential dwelling and a wholesale solar electric system the 300 feet setback shall be reduced to a minimum of 150 feet. The maximum height of wholesale solar electric system equipment, structures and

accessory appurtenances shall not exceed 15 feet. Wholesale solar electric systems shall be enclosed by a minimum six feet high security fence.

- F. Wholesale solar electric systems shall not be lighted, except for shrouded, downcast security lights on major equipment or storage buildings. Signage shall be limited to equipment labeling, security warnings and messages, entrance identification and directional signs, and a single site identification sign. No individual sign shall exceed thirty-six square feet in area or extend more than 15 feet in height.
- G. No solar energy equipment or solar electric systems shall create or cause unreasonable glare on other property or public roadways. Unreasonable glare shall mean a public safety hazard as determined by the Board of Supervisors or the appropriate roadway authority.
- H. No solar electric system shall create or constitute a public nuisance, as regulated in this Ordinance.
- I. Electric power lines within all ground mounted solar electric systems shall be buried underground.
- J. All solar energy systems shall be consistent with applicable State Building Codes, State Electrical Codes, and State Plumbing Codes.
- K. All applicable solar energy equipment shall be certified by either the Underwriters Laboratories (UL) or Canadian Electrical Code (CSA 22.1), or the Solar Rating and Certification Corporation (SRCC) for thermal systems.
- L. All solar electric systems unused, abandoned or inoperable for more than twelve months shall be removed by the system owner or the property owner.
- M. In addition to the Site Plan Review requirements of Section 4.11, solar electric system applications shall include the following details:
 - 1. Grading plan.
 - 2. Location of access roads.
 - 3. Locations of overhead and underground electric lines.
 - 4. Dimensions, location and spacing of PV panels.
 - 5. Description of the racking method, including fixed or tracking technology.

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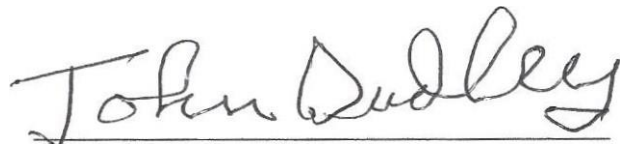
- 6. Description and location of buildings, inverters, transformers, disconnects & combiners, and other structures and equipment.
 - 7. Typical elevations or photos of sample solar arrays.
 - 8. Site lighting and signage.
 - 9. Decommissioning plan and site restoration plan, including financial assurances.
- N. Fencing, landscaping, and other screening may be required for any ground mounted or solar electric system. Deviations from dimensional standards (including setbacks) may be considered through public hearing procedures for permitting, based upon mitigation of off-site impacts through fencing, landscaping, screening, or other mitigation measures.

- O. All ground mounted solar electric systems shall prepare a stormwater management plan consistent with the North Cannon River Watershed Management Organization Model Stormwater Ordinance, "An Ordinance Establishing Erosion Control and Stormwater Management Requirements for Land Disturbances." Any site grading shall be accompanied by an erosion and sedimentation control plan consistent with Best Management Practices for control components.
- P. All permit applications for ground mounted solar electric systems shall include a description of the vegetation or material under the solar system components and the method of ground care and vegetative maintenance.

SECTION VIII Ordinance No. 2001-5C was adopted by the Waterford Township Board of Supervisors on May 11, 2015 and shall become effective upon its publication.

ATTEST:


Elizabeth Wheeler, Clerk


John Dudley, Chair

John Dudley , Chair

Published in the Northfield News May 16, 2015.

ORDINANCE NO. 2001-5D
AN ORDINANCE AMENDING ORDINANCE 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 1 The Home Occupation definition in Section 3 Definitions is amended to read:

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).

SECTION 11 Section 4.10 Home Occupations subsection 2. is amended to read:

2. All business activities shall take place within the residence or within a single existing accessory building.

SECTION III The Local Street Front Setbacks in the AG District (farm and non-farm uses), RR District, and ME District (farm uses) identified in Section 6.09 Dimensional Standards for District Uses are amended to read "75 ft.'.

SECTION IV Section 7.25A. Solar Electric Systems Performance Standards is amended in its entirety to read:

A. Retail solar electric systems require a building permit and electrical permit.
Wholesale solar electric systems require an interim use permit.

SECTION V Ordinance No. 2001-5D was adopted by the Waterford Township Board of Supervisors on July 11, 2016 and shall become effective upon its publication.

Elizabeth Wheeler, Clerk

ORDINANCE NO. 2001-5E

AN ORDINANCE AMENDING ORDINANCE 2001-5 WATERFORD TOWNSHIP ZONING ORDINANCE

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

5.07 BUILDING PERMITS – Amended in its entirety by adopting the Minnesota State Building Code as follows:

A. Purpose

1. Adopting the Minnesota State Building Code complies with the State of Minnesota’s mandate for Cities and Townships within the seven-county metropolitan area to adopt and enforce the Minnesota State Building Code;
2. Adopting the Minnesota State Building Code provides for the application, administration, and enforcement of the Minnesota State Building Code by regulating the erection, construction, enlargement, alteration, repair, moving, removal, demolition, conversion, occupancy, equipment, use, height, area, and maintenance of all buildings and/or structures within the boundaries of Waterford Township;
3. Adopting the Minnesota State Building Code provides for the issuance of permits and collection of fees thereof;
4. Adopting the Minnesota State Building Code provides penalties for violation thereof;
5. Adopting the Minnesota State Building Code perpetually includes the most current edition of the Minnesota State Building Code with the exception of the optional appendix chapters. Optional appendix chapters shall not apply unless specifically adopted.

B. Codes Adopted by Reference

The Minnesota State Building Code, as adopted by the Commissioner of Labor and Industry pursuant to Minnesota Statutes chapter 326B, including all of the amendments, rules and regulations established, adopted and published from time to time by the Minnesota Commissioner of Labor and Industry, through the Building Codes and Standards Unit, is hereby adopted by reference with exception of the optional chapters, unless specifically adopted in this ordinance. The Minnesota State Building Code has specific statutory authority, with limited exceptions and is mandatory throughout the entire state of Minnesota. The Minnesota State Building Code is hereby incorporated in this ordinance as if fully set out herein.

C. Applications, Administration and Enforcement

The application, administration, and enforcement of the code shall be in accordance with Minnesota State Building Code. The code shall be enforced within the extraterritorial limits permitted by Minnesota Statutes, 326B.121, Subd. 2(d), when so established by this ordinance.

The code enforcement agency of Waterford Township is called the Building Official.

This code shall be enforced by the Minnesota Certified Building Official designated by this Township to administer the code in accordance with Minnesota Statutes 326B.133, Subdivision 1.

D. Permits and Fees

The issuance of permits and collection of fees shall be as authorized by Minnesota Rules Chapter 1300. Permit fees shall be assessed for work governed by this code in accordance with the fee schedule adopted by Waterford Township. In addition, a surcharge fee shall be collected on all permits issued for work governed by this code in accordance with Minnesota Statutes 362B.148.

E. Violations and Penalties

A violation of the code is a misdemeanor (Minnesota Statutes 326B.082, Subd. 16).

F. Building Code Optional Chapters

Minnesota State Building Code, Chapter 1300 allows the Township to adopt by reference and enforce certain optional chapters of the most current edition of the Minnesota State Building Code.

Waterford Township does not currently adopt the three optional ordinances in the current edition of the Code as listed below:

- International Building Code Appendix J (Grading) See chapter 1300.
- Chapter 1306 Special Fire Protection Systems, either 1306.0020, subpart 2 (existing and new buildings) or subpart 3 (new buildings only)
- Chapter 1335 Floodproofing Regulations Parts 1335.0600 to 1335.1200

G. Procedure

- All building projects (new, remodeled, additions, demolition) are subject to the MN State Building Code thus building & related permits are usually required for the following:
 - New buildings (house, barn, pole shed, utility shed, storage shed, office, etc.)
 - Additions-bedrooms, bathrooms, family rooms, etc.
 - Alteration to the footprint of an existing structure
 - Work-decks, garages, fences, fireplaces, gazebos, pools, water heaters, kennels when pouring a slab, sheds over 200 square feet, etc
 - Renovations-garage conversions, basement furnishings, kitchen expansions, re-roofing, re-siding, window replacement, etc.
 - Electrical systems and/or Plumbing systems and/or Solar Energy Systems
 - HVAC-heating, ventilating & air-conditions systems
- Obtain Building & related permits:
 - Complete Building Permit application – Contact Township Clerk
 - Schedule Planning Commission review – Contact Planning Commission Chairperson
 - Schedule Township Board approval – Contact Township Clerk
 - Schedule Building Plan review- Contact Building Official
 - Pay Building Permit fees – Contact Township Clerk
 - Post approved plans and inspection record in an accessible location at construction site

H. Effective Date of Ordinance

Ordinance No. 2001-5E was adopted by the Waterford Township Board of Supervisors on December 5, 2016 and shall become effective upon its publication.

December 12, 2016	Public Hearing Date
December 12, 2016	Adopted by Resolution R2016-xxx
December 21, 2016	Publication in Northfield News
December 21, 2016	Effective date of Ordinance

ATTEST:

Liz Messner – Supervisor/Chairperson

Frank Wergin – Supervisor

Larry Odegard - Supervisor

Elizabeth Wheeler, Clerk

WATERFORD TOWNSHIP



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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/bathroom/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

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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.

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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.

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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).

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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.

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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

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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

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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,

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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

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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

WATERFORD TOWNSHIP



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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
 - j. accessing the facility, including a breakdown of operator owned and non-operator
 - k. 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 mineralextraction 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

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ZONING ORDINANCE No. 2001-5 AMENDMENT No. 2019-4

Section VI – Section 6.05 – Subsection B & E Wholesale Solar within Rural Residential District

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

SECTION 1. Amendment to Section 6. Section 6.05 – Subsection B & E of the Waterford Township Zoning Ordinance 2001 regarding permitted and interim uses is hereby amended to add the following:

6.05 Rural Residential District

B. Permitted Uses & Structures

The following shall be added as a permitted use:

9. Wholesale Solar

E. Interim Uses

The following shall be added as an interim use that maybe approved by the Town Board in the RR Rural Residential District, subject to the requirements of Section 5.06.

3. Wholesale Solar

SECTION 2. 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 3. 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 4. Effective Date. This Ordinance shall be effective upon its passage and the first day of publication in summary format.

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ZONING ORDINANCE No. 2001-5 AMENDMENT No. 2019-4

Section VI – Section 6.05 – Subsection B & E Wholesale Solar within Rural Residential District

ADOPTED by the Waterford Township Board of Supervisors this 14th day of October 2019

Liz Messner – Chairperson/Supervisor

Attest:

Elizabeth Wheeler, Clerk

Public Hearing – 10/06/19

Adopted by Board – 10/14/19

Published in Northfield News – 10/23/19

WATERFORD TOWNSHIP



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ZONING ORDINANCE #2001-5 AMENDMENT #2019-5

Section VII – Section 7.25 – Subsection E Wholesale Solar Setbacks

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

SECTION I. Amendment to Ordinance No. 2001-5C Section 7.25 (May 11, 2015) an Ordinance amending Ordinance 2001-5. Section 7.25-E is hereby amended to delete the existing language and replace it with the following:

7.25 Solar Electric Systems

E. Setbacks

Wholesale solar electric systems shall be set back a minimum 130 feet from the centerlines of State or County roadways, a minimum 75 feet from Town Roads maintained by the Township, a minimum of 50 feet from all property lines, and a minimum of 300 feet from any adjacent property residential dwelling; except, when a public roadway is located between an adjacent residential dwelling and a wholesale solar electric system the 300 feet setback shall be reduced to a minimum of 150 feet.

The maximum height of wholesale solar electric system equipment structures and accessory appurtenances shall not exceed 15 feet.

Wholesale solar electric systems shall be enclosed by a minimum six feet high security fence

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.

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ZONING ORDINANCE #2001-5 AMENDMENT #2019-5

Section VII – Section 7.25 – Subsection E Wholesale Solar Setbacks

ADOPTED by the Waterford Township Board of Supervisors this 9th day of December 2020.

Liz Messner, Chairperson/Supervisor

Attest:

Elizabeth Wheeler, Clerk

:

Public Hearing – December 9, 2019

Adopted by Board – December 9, 2019

Published in the Northfield News January 8, 2020

WATERFORD TOWNSHIP



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ZONING ORDINANCE #2001-5 AMENDMENT #2020-1

Section 5 – Section 5.03 Board of Appeals and Adjustments

SECTION 1. Amendment to Section 3. Section 5.03 of the Waterford Township Zoning Ordinance 2001 regarding the Board of Appeals and Adjustments is hereby amended to delete the existing language and replace it with the following:

5.03 Board of Appeals and Adjustments

A. Powers of the Board of Appeals and Adjustments

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 order, requirement, decision or determination made by the Zoning Official or other 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 practical difficulties 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.
3. Appeals shall be taken to the Board of Adjustment within 45 days of receipt of notice from the Zoning Official of any order, requirement, decision or determination made by him.
4. An appeal stays all proceedings in furtherance of the action appealed, unless the Board of Adjustment certifies that, by reason of the facts stated in the certificate, a stay would cause imminent peril to life or property.
5. Appeals from Planning and Zoning Commission decisions may be made as provided by law.

B. Applications, Hearings, Decisions, and Criteria

1. Applications
 - A. An application for a variance shall be filed with the Zoning Official on a proper form provided for that purpose. Appeals shall be filed in a manner prescribed by the Zoning Official.
 - B. Application forms shall be complete, and shall clearly specify the grounds of the appeal. Where required by the nature of the appeal, the application shall be accompanied by detailed plans, drawn to scale, showing all details of the land area and the nature of the circumstances surrounding the appeal.

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Section 5 – Section 5.03 Board of Appeals and Adjustments

- C. The application shall be accompanied by the required fee.
 - D. The Zoning Official shall reject, and refuse to refer to the Board of Adjustment any application not accompanied by the required fee or by other materials and information as required by this Ordinance.
2. Hearings
- A. The Board of Adjustment shall conduct a public hearing on each variance or appeal.
 - B. The Board of Adjustment shall set a reasonable time for the hearing of the variance or appeal.
 - C. The Town Clerk shall cause to be published a notice of the public hearing before the Board of Adjustment in the official newspaper at least ten (10) days prior to the hearing date. Notices shall be mailed to all owners of property within 350 feet of the parcel included in the request not less than ten (10) days prior to the hearing. Failure to give such notice or defects or errors in the notice shall not invalidate the proceedings, provided a good faith attempt to comply with the notice requirements was made.
 - D. Such hearings shall be conducted according to applicable Minnesota Statutes and to the rules of procedure of the Board of Adjustment.
3. Criteria for Decisions
- A. The Board of Adjustment shall always act with due consideration to promoting the public health, safety, and welfare, encouraging the most appropriate use of land and conserving property value, and shall permit no structure, building or use detrimental to a neighborhood.
 - B. Variances
 1. Variances shall not allow a use not provided for in a zoning district.
 2. Variances shall run with the land and are transferable with the real estate.
 3. Variances may be granted when the applicant establishes:
 - a. There are practical difficulties in complying with the zoning ordinance. "Practical difficulties," as used in connection with the granting of a variance, means that the landowner proposes to use the property in a reasonable manner not permitted by the zoning ordinance. Economic considerations alone do not constitute practical difficulties; and

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ZONING ORDINANCE #2001-5 AMENDMENT #2020-1

Section 5 – Section 5.03 Board of Appeals and Adjustments

- b. The plight of the landowner is due to circumstances unique to the property not created by the landowner; and
 - c. The variance will not alter the essential character of the locality; and
 - d. The variance is in harmony with the general purposes and intent of the ordinance; and
 - e. The variance is consistent with the comprehensive plan.
4. The Board of Adjustment may impose conditions in the granting of a variance, provided such conditions are directly related to and bear a rough proportionality to the impact created by the variance.
 5. When in the opinion of the Board of Adjustment a variance may result in a material adverse effect on the environment, the appellant may be required by the Board of Adjustment to demonstrate the nature and extent of the effect.
 6. It shall be the burden of the applicant to demonstrate sufficient practical difficulty to sustain the need for a variance. Absent a showing of practical difficulty as provided in Minnesota Statutes and this Ordinance, the Board of Adjustment shall not approve any variance.

C. Appeals

The Board of Adjustment may reverse or affirm wholly or partly, or modify the order, requirement, decision or determination appealed and to that end shall have all the powers of the officer from whom the appeal was taken and may direct the issuance of a permit.

4. Decisions

- A. The Board of Adjustment shall keep a written record of its proceedings showing the vote of each member on each question, or if absent or failing to vote indicating such fact.
- B. The Board of Adjustment shall render its decisions in writing stating its reasons in sufficient detail so that it can be determined that the decision was made in reliance on testimony given at the public hearing, and according to the criteria contained in this Ordinance.
- C. A certified copy of an approved order issued by the Board of Adjustment acting upon any variance or appeal shall be filed with the County Recorder or Registrar of Titles for record. The order shall include a legal description of the property involved. It shall be the responsibility of the Zoning Official to carry out this provision.
- D. After any variance or appeal to the Board of Adjustment has been approved the appellant shall have 60 days, after receipt of notice of the decision, to make application to the Zoning Official for any permit necessary to begin the structure or the use for which the variance or

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ZONING ORDINANCE #2001-5 AMENDMENT #2020-1

Section 5 – Section 5.03 Board of Appeals and Adjustments

appeal was made.

C. Appeals from Board of Adjustment Decisions

All decisions by the Board of Adjustment in granting variances or in hearing appeals from any administrative order, requirement, decision or determination shall be final except that any aggrieved person or persons, or any department, board or commission of the jurisdiction or of the State shall have the right to appeal within 30 days, after the receipt of notice of the decision, to the District Court of the County on questions of law and fact.

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 13th day of February 2020.

Liz Messner, Chairperson/Supervisor

Attest:

Elizabeth Wheeler, Clerk

Public Hearing – February 13, 2020

Adopted by Board – February 13, 2020

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ZONING ORDINANCE #2001-5 AMENDMENT #2020-2

Section 7 – Section 7.25 – Subsection D Retail Solar Electric Systems

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

SECTION I. Amendment to Ordinance No. 2001-5C Section 7.25 (May 11, 2015) an Ordinance amending Ordinance 2001-5. Section 7.25-D is hereby amended to delete the existing language and replace it with the following:

7.25 Solar Electric Systems

D. Retail Solar Electric Systems

Retail solar electric systems located in the AG Agriculture Preservation District may include roof top systems and ground mounted systems.

Roof top systems and Ground mounted systems shall comply with Minnesota Statutes, section 326B.121, the Minnesota Building Code, as amended.

Ground mounted systems shall not exceed fifteen feet in height, shall not be located in any required front yard area, shall not be located closer than fifteen feet to a side or rear yard, and shall not be located closer than 100 feet to an existing adjacent residence. Ground mounted systems shall not exceed 10% lot coverage or 10,000 square feet, whichever is less. Square footage is calculated by the area encumbered by the outermost measurements of the solar equipment layout.

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.

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ZONING ORDINANCE #2001-5 AMENDMENT #2020-2

Section 7 – Section 7.25 – Subsection D Retail Solar Electric Systems

ADOPTED by the Waterford Township Board of Supervisors this 13th day of February 2020.

Liz Messner, Chairperson/Supervisor

Attest:

Elizabeth Wheeler, Clerk

Public Hearing – February 13, 2020

Adopted by Board – February 13, 2020

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ZONING ORDINANCE No. 2001-5 AMENDMENT No. 2020-3

Section V – Section 5.06 – Subsection C Termination of Interim Use Permits

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

SECTION 1. Amendment to Waterford Township Ordinance 2001-5 – Section 5 is hereby amended to delete the existing language and replace it with the following:

5.06 Interim Use Permits

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 a change in the Township's zoning regulations that renders a use nonconforming, a lawfully existing interim use permit may continue until it is terminated in accordance with the terms of the interim use permit issued for the use, or until the use is discontinued for at least twelve (12) months, whichever occurs first.

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 9th day of March 2020.

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ZONING ORDINANCE No. 2001-5 AMENDMENT No. 2020-3

Section V – Section 5.06 – Subsection C Termination of Interim Use Permits

ATTEST:

Liz Messner – Chairperson/Supervisor

Elizabeth Wheeler, Clerk

Public Hearing – March 9, 2020

Adopted by Board – March 9, 2020