

ORDINANCE NO. _____

CASTLE ROCK TOWNSHIP
DAKOTA COUNTY, MINNESOTA

**AN ORDINANCE AMENDING *ORDINANCE NO. 2002,*
CASTLE ROCK TOWNSHIP ZONING ORDINANCE,
ESTABLISHING STANDARDS FOR CLUSTERING RESIDENTIAL
DWELLINGS IN THE AG AND RR-I DISTRICTS.**

THE BOARD OF SUPERVISORS OF CASTLE ROCK TOWNSHIP ORDAINS:

SECTION 1. Section VI entitled “District Provisions” of the *Castle Rock Township Zoning Ordinance* is amended by adding Subdivision 6.11 to read as follows:

6.11 Clustering

A. Intent

The Township recognizes the need to allow for the construction of residential housing in both the AG and RR-I districts. The Township further recognizes the need to prevent the encroachment of residential housing upon the agricultural lands of the Township. The provisions of this Subdivision are intended to allow the construction of more than one residential dwelling unit per quarter-quarter provided, however, that for every additional residential dwelling unit built upon a quarter-quarter, the building rights of another quarter-quarter located within the same quarter shall be transferred.

B. Definitions

The following terms, as used in this Section, shall have the meanings stated:

1. *Applicant* means the owner of the dominant quarter-quarter;
2. *Building Rights* means the right to construct a residential dwelling unit on a quarter-quarter within the Township;
3. *Building Rights Transfer Permit* means the permit required to transfer building rights.
4. *Building Rights Transfer Fee* means the fee required before the building rights shall be transferred from the servient quarter-quarter to the dominant quarter-quarter. This fee shall be determined by the Town Board from time to time;
5. *Dominant Quarter-Quarter* means the quarter-quarter parcel to which the building rights will be transferred;
6. *Servient Quarter-Quarter* means the quarter-quarter parcel from which the building rights will be transferred.

C. Application

No Building Rights Transfer Permit shall issue unless and until an applicant submits an application for permit meeting the criteria set forth herein and pays the Building Rights Transfer Fee.

The application shall contain the following information:

1. The name, address, and contact telephone number for the applicant;
2. The names, addresses, and contact telephone numbers for each owner of land within the servient quarter-quarter;
3. The legal description for the servient quarter-quarter;
4. The legal description for the dominant quarter-quarter;
5. A statement that the dominant quarter-quarter meets all requirements of the ordinances of the Township;
6. When one owner owns the entire servient quarter-quarter, a proposed, but unexecuted, document established by the Town Board, the execution of which is acceptable to transfer building rights and record against the servient quarter-quarter;
7. When there are multiple owners of a parcel or parcels that shall become the servient quarter-quarter, each and every owner of each and every parcel within the proposed servient quarter-quarter shall sign a document established by the Town Board for consenting to the transfer of building rights. This is in addition to the recordable document requirement set forth in this Subsection; and
8. Such other and further information as the Planning Commission and Town Board deem necessary.

D. Requirements for Issuance of Permit

The building rights for a quarter-quarter located within the AG or RR-1 districts shall be transferable only after the applicant receives a Building Rights Transfer Permit in accordance with this Subdivision. The transfer of building rights shall only occur after the issuance of the Building Rights Transfer Permit. Following the submission of an application, the Planning Commission and Town Board shall verify the eligibility of the transfer from the servient quarter-quarter to the dominant quarter-quarter. The Planning Commission and Town Board shall not issue a permit unless:

1. The building rights to be transferred are assigned to a specific and identifiable parcel of land owned by the applicant and meeting all provisions of the Township's ordinances;
2. The servient quarter-quarter is located within the same quarter section as the dominant quarter-quarter;
3. The servient and dominant quarter-quarters are located within the AG or RR-I districts;

4. The servient quarter-quarter is not subject to an orderly annexation agreement;
5. The servient quarter-quarter is not a parcel for which a mining permit has been issued;
6. The servient quarter-quarter is not a parcel used for commercial, recreational, educational, religious, or public purposes;
7. The servient quarter-quarter is a parcel upon which a residential dwelling unit may be permissibly built under the ordinances of this Township. Quarter-quarters that are deemed non-buildable by the Town Board due to surface water, wetlands, floodplains, inaccessible building sites, easements, or other encumbrances shall be deemed to possess no building rights to transfer;
8. The transfer of building rights from the servient quarter-quarter to the dominant quarter-quarter is permanent;
9. The number of residential dwelling units clustered within the dominant quarter-quarter shall not exceed the number of servient quarter-quarters from which the building rights were received in addition to the building rights for the dominant quarter-quarter.

E. Standards and Requirements

1. All residential dwelling units for which a certificate of occupancy was issued prior to the enactment of this Ordinance shall be counted toward the total number of residential dwelling units allowed per quarter-quarter.
2. No private road serving as a cul-de-sac for residential dwelling units shall be allowed unless the cul-de-sac complies with all of the following:
 - a. The private road complies with all of the ordinances of the Township;
 - b. The end of the cul-de-sac can accommodate the turning radius of a full length school bus, garbage truck, or fire engine as determined by the Township;
 - c. The maximum length of the private road is 1,200 feet as measured from the public road; and
 - d. Each residential dwelling unit on the cul-de-sac has a private driveway.
3. All residential dwelling units clustered on private roads shall meet the provisions of the ordinances or this Township regarding driveway restrictions.
4. No residential dwelling units clustered within a quarter-quarter shall share a well, driveway, or septic system.
5. The residential dwelling unit to be built with the transferred building rights shall be setback no farther than 1,200 feet from the road used to access the residential dwelling unit; and

6. The transfer of building rights of the servient quarter-quarter shall permanently be transferred to, and run with, the dominant quarter-quarter.

F. Violation a Misdemeanor

Every person who violates a subdivision, subsection, paragraph or provision of this section when he performs an act thereby prohibited or declared unlawful or fails to act when such failure is thereby prohibited or declared unlawful and, upon conviction thereof, shall be punished as for a misdemeanor except as otherwise stated in specific provisions hereof.

SECTION 2. Effective Date. This Ordinance shall be effective upon its passage and publication according to law.

ADOPTED this ___ day of _____, 2010, by the Board of Supervisors of Castle Rock Township.

BY: _____
Russell Zelmer, Town Board Chair

ATTEST:

Jane Bistodeau, Clerk

Published in the *Farmington Independent* and the *Cannon Falls Beacon* this ____ day of _____, 2010.