

ORDINANCE NO. 2010-01

CASTLE ROCK TOWNSHIP
DAKOTA COUNTY, MINNESOTA

AN ORDINANCE AMENDING
CASTLE ROCK TOWNSHIP ZONING ORDINANCE,
ESTABLISHING STANDARDS FOR CLUSTERING RESIDENTIAL
DWELLINGS IN THE AG DISTRICT.

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 the AG district. The Township further recognizes the need to prevent the encroachment of residential housing upon the agricultural lands of the Township. The provisions of this Subsection are intended to allow the construction of more than one residential dwelling unit per quarter-quarter section provided that any additional residential dwelling unit built within a quarter-quarter section is pursuant to the transfer of the building right(s) of another quarter-quarter section located within the same quarter section subject to the provision of this Subsection 6.11.

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 section;
2. Building Rights means the right to construct a residential dwelling unit in a quarter-quarter section within the Township as permitted in this zoning ordinance and any other ordinance of the Township;
3. Building Rights Transfer Permit means the permit required to transfer building rights;
4. Building Rights Transfer Fee means the fee required to be paid with a building rights transfer permit application;
5. Dominant Quarter-Quarter Section means the quarter-quarter section to which the building rights will be transferred;
6. Servient Quarter-Quarter Section means the quarter-quarter section from which the building rights will be transferred.

C. Application

An application for a building rights transfer permit providing all information as set forth herein and the building rights transfer fee shall be submitted to the Town Clerk. The building rights transfer fee shall be set by a duly adopted Town Board Resolution.

The application shall contain the following information:

1. The name, address, and contact telephone number of the applicant;
2. The names, addresses, and contact telephone numbers for each owner of land within the servient quarter-quarter section(s);
3. The legal description for the servient quarter-quarter section;
4. The legal description for the dominant quarter-quarter section;
5. A statement that the dominant quarter-quarter section meets all requirements of the ordinances of the Township;
6. When one owner owns the entire proposed servient quarter-quarter section, the owner shall sign a document established by the Town Board, consenting to transfer building rights to the proposed dominant quarter-quarter section;
7. When there are multiple owners of a parcel or parcels within the proposed servient quarter-quarter section, each and every owner of each and every parcel within the proposed servient quarter-quarter section shall sign a document established by the Town Board consenting to the transfer of building rights to the dominant quarter-quarter section; 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 section located within the AG district shall be transferable only after the applicant receives a Building Rights Transfer Permit in accordance with this Subsection. The transfer of building rights shall only occur after the issuance of the Building Rights Transfer Permit. Following the submission of a complete application, the Planning Commission and Town Board shall verify the eligibility of the transfer from the servient quarter-quarter section to the dominant quarter-quarter section. The 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 section is located within the same quarter section as the dominant quarter-quarter section;
3. The servient and dominant quarter-quarter sections are located within the AG district;

4. The servient quarter-quarter section is not subject to an orderly annexation agreement;
5. The servient quarter-quarter section is not a parcel for which a mining permit has been issued;
6. The servient quarter-quarter section is not a parcel used for commercial, recreational, educational, religious, or public purposes;
7. The servient quarter-quarter section is a parcel upon which a residential dwelling unit may be permissibly built under the ordinances of this Township. Quarter-quarter sections 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 number of residential dwelling units in a quarter-quarter section shall not exceed the number of residential dwelling units that may be built within all quarter-quarter sections of the quarter section under the provisions of the zoning ordinance and other regulations. Notwithstanding the maximum residential dwelling units restriction, one (1) residential unit may be built upon each quarter-quarter section of a quarter section, even if it would cause there to be more than four (4) residential dwelling units in the quarter section, provided that the following conditions are met:
 - a. The quarter-quarter section upon which the residential dwelling unit is to be built meets all other provisions of this Subsection and all ordinances of the Township;
 - b. No residential dwelling unit existed within the quarter-quarter section on or after the effective date of this Subsection; and
 - c. No building rights have been transferred from the quarter-quarter section.

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 section.
2. No residential dwelling units clustered within a quarter-quarter section shall share a well, driveway, or septic system.
3. 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.
4. The transfer of building rights of a servient quarter-quarter section shall be permanent and run with the dominant and servient quarter-quarter sections.
5. The transfer of building rights from the servient quarter-quarter section to the dominant quarter-quarter section is permanent and the Building Rights

Transfer Permit shall be recorded with the County Recorder or Registrar of Titles.

F. Violation a Misdemeanor

Every person who violates a 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 9th day of November, 2010, by the Board of Supervisors of Castle Rock Township.

BY: _____
Russell H. Zellmer, Town Board Chair

ATTEST:

Jane Bistodeau, Clerk

Published in the *Farmington Independent* and the *Cannon Falls Beacon* this 18th day of November, 2010.