

ORDINANCE NO. 2002-D

**CASTLE ROCK TOWNSHIP
DAKOTA COUNTY, MINNESOTA**

**AN ORDINANCE AMENDING *ORDINANCE NO. 2002*,
CASTLE ROCK TOWNSHIP ZONING ORDINANCE,
REVISING PROCEDURES FOR VARIANCE APPLICATIONS AND
APPROVAL.**

THE BOARD OF SUPERVISORS OF CASTLE ROCK TOWNSHIP ORDAINS:

SECTION 1. Section VIII entitled “Administration and Enforcement” of the *Castle Rock Township Zoning Ordinance* is amended by modifying Subdivision 8.06 to read as follows:

8.06 Variances

A. Criteria for granting variances

A variance may be granted only in the event that all of the following circumstances exist:

1. 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, shape, topography, or other circumstances over which the owners of the property since enactment of this Ordinance have had no control;
2. That literal interpretation 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;
3. That the special conditions or circumstances do not result from the actions of the applicant;
4. That granting the variance requested will not confer on the applicant any special privilege that is denied by this Ordinance to others of other lands, structures, or buildings in the same district;
5. The variance will not allow any use that is not permitted under this Ordinance for a property in the zone where the affected applicants’ land is located; and
6. Findings of the Planning Commission include evidence of a particular hardship affecting the subject property.

B. Procedure

1. The person applying for a variance shall fill out and submit to the Town Clerk an application provided by the Township (Appendix A) together with a fee established by the Town Board.

2. The application shall be referred to the Planning Commission for consideration at a public hearing. Notice of the hearing shall be published in the official newspaper at ten (10) days prior to the public hearing. Owners of property near the property in question shall be notified at least ten (10) days prior to the hearing. Persons notified shall be all property owners within one-half mile of the property in question, except in the Rural Residential and Commercial/Industrial Districts, where persons notified shall be all property owners within 350 feet of the property in question. Notification shall be by regular first class mail. Failure of any property owner to receive notification shall not invalidate the proceedings. The Town Board or City Council of any City or Township within 350 feet of the property shall likewise be notified.
3. The applicant or a representative shall appear before the Planning Commission in order to answer questions concerning the proposed variance.
4. Notice requirements and procedures that are set forth in this Section in excess of those required by state law are directory. Failure to comply with such procedures will not invalidate the proceedings.
5. 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. It is recommended that the applicant attend the Town Board meeting.
6. The Town Board shall attempt to take action on the proposed amendment within sixty (60) days of the receipt of the completed application. If action cannot be taken within sixty days, the Township will notify the applicant in writing of the reason for failing to act within sixty (60) days and the proposed timetable for action. The Town Board must act no later than one hundred twenty (120) days of the receipt of the completed application, unless the timeframe is extended by the applicant or the application is withdrawn. If it grants the variance, the Town Board may impose conditions (including time limits) it considers necessary to protect the public health, safety, and welfare.
7. No application for a variance that has been denied shall be resubmitted for a period of twelve (12) months from the date of said order of denial.

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

