

CASTLE ROCK TOWNSHIP



ORDINANCE No. 2002 ZONING ORDINANCE

Public Hearing Date: May 13, 2002

Adoption Date: June 11, 2002

Effective Date: June 20, 2002



Resource
Strategies
Corporation

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APPENDIX A: PUBLIC HEARING APPLICATION FORM

CASTLE ROCK TOWNSHIP

2537-240th Street, Farmington, MN 55024

(651) 460-2221 FAX (651) 463-3569

Public Hearing Application Form

Type of Request:

Application Fees:

- Variance/Appeal
- Conditional Use Permit
- Interim Use Permit
- Rezoning/Ordinance Amendment
- Comprehensive Plan Amendment

\$ _____ Non-refundable Application Fee
 +\$ _____ Consulting Escrow Fee
 \$ _____ **Total Application Payment Due**

Property Location:

Parcel I.D.: _____
 Subdivision Name: _____
 Street Address: _____
 Current Zoning: _____
 Current Plan Designation: _____

Lot: _____ Block: _____
 Legal Description Attached: _____
 Proposed Zoning: _____
 Proposed Land Use: _____

Applicant:

Fee Owner:

Name: _____
 Street: _____
 City: _____
 State: _____ ZIP: _____

Name: _____
 Street: _____
 City: _____
 State: _____ ZIP: _____

Description of Request:

Agreement:

I am the fee owner or authorized representative of the fee owner of the property for the above proposed action. I understand that there may be property descriptions, property surveys, site plans, building plans, and other information that may be required for submittal in duplicate form before the application is accepted and the public hearing is set. I understand that the application fee is non-refundable. I understand the consulting escrow fee is required to cover the Township's out-of-pocket expenses caused by the review of the application. I understand that this is an escrow only and full payment for consulting fees in excess of the escrow will be required prior to the issuance of any permits or final action on the request. Any unexpended escrow funds will be refunded.

Signature of applicant: _____ Date: _____

Township Use:

_____ **Date Application Complete**
_____ **Date Public Hearing Set**

_____ **Date Payment Received**

Board of Adjustments and Appeals Action: _____ **Date:** _____

Planning Commission Action: _____ **Date:** _____

Town Board Action: _____ **Date:** _____

ORDINANCE No. 2002

**AN ORDINANCE ESTABLISHING ZONING REGULATIONS IN
CASTLE ROCK TOWNSHIP**

The Board of Supervisors of the Township of Castle Rock ordains as follows:

SECTION I: TITLE

This Ordinance shall be known, cited, and referred to as the Castle Rock Township Zoning Ordinance, herein referred to as this Ordinance.

SECTION II: INTENT AND PURPOSE

It is the intent of this Ordinance to identify and classify all lands within the boundaries of Castle Rock Township, Minnesota, according to their most logical and appropriate long-term use, as established in the Castle Rock Township Comprehensive Plan.

It is the purpose of this Ordinance to:

- A. protect the public health, safety, morals, comfort, convenience, and general welfare.
- B. protect and preserve lands identified for long-term agricultural use.
- C. promote well-managed and staged development of residential, commercial, industrial, recreational, and public areas.
- D. conserve and manage the use of natural resources, wetlands, and floodplain areas.
- E. provide for the compatibility of different land uses and the most appropriate use of land throughout the Township.

SECTION III: RULES OF INTERPRETATION

3.01 Rules of Construction

The language set forth in the text of this Ordinance shall be interpreted in accordance with the following rules of construction, except where specifically indicated otherwise:

- A. The singular number includes the plural and the plural number includes the singular.
- B. The present tense includes the past and future tenses, and the future the present.
- C. The word “shall” is mandatory and the word “may” is permissive.
- D. The masculine gender includes the feminine and neuter genders.
- E. Whenever a word or term defined hereinafter appears in the text of this Ordinance, its meaning shall be constructed as set forth in such definition. If no set definition is given in this Ordinance, the Board of Adjustment and Appeals shall interpret and define any word or section of the Ordinance.
- F. All measured distances expressed in feet shall be to the nearest tenth of a foot.
- G. In event of conflicting provisions, the more restrictive provision shall apply.

3.02 Separability

It is hereby declared to be the intention that the several provisions of this Ordinance are separable in accordance with the following:

- A. If any court of competent jurisdiction shall adjudge any provisions of this Ordinance to be invalid, such judgment shall not affect any other provision of this Ordinance not specifically included in said judgment.
- B. If any court of competent jurisdiction shall adjudge invalid the application of any provision of this Ordinance to a particular property, building, or structure, such judgment shall not affect other property, buildings, or structures.

SECTION IV: DEFINITIONS

The following words and terms, whenever they occur in this Ordinance, are defined as follows:

Accessory Use or Structure	A use, or structure, or portion of a structure subordinate to and serving the principal use or structure on the same lot and customarily incidental thereto.
Agricultural Use	The use of land for the production of livestock, dairy animals, dairy productions, poultry or poultry products, fur-bearing animals, horticultural or nursery stock including sod, fruit, vegetables, forage and cash grains, forestry, or bees and apiary productions. Wetlands, pasture, and woodlands accompanying land in agricultural use shall also be considered to be in agricultural use.
Agriculture, Animal	The use of land for Animal Feedlots or Animal Waste Storage Facilities.
Agriculture, Commercial	The use of land for the growing and/or protection of field crops, livestock, and livestock products, including but not limited to the following: <ol style="list-style-type: none">field crops; including but not limited to: barley, soybeans, corn, hay, oats, potatoes, rye, sorghum, sunflowers, carrots and radishes.livestock, including but not limited to: dairy and beef cattle, goats, horses, sheep, hogs, poultry, game birds and other animals including dogs, ponies, deer, rabbits, and mink.livestock products; including but not limited to: milk, butter, cheese, eggs, meat and furs.
Agriculture, Crop	The use of land for the production of row crops, field crops, tree crops, timber, bees, apiary products, and fur-bearing animals.
Animal	Any mammal, reptile, amphibian, fish, bird (including all fowl and poultry) or other member commonly accepted as a part of the animal kingdom.
Animal, Domestic	Any animal commonly accepted as a domesticated household pet. Unless otherwise defined, such animals shall include dogs, caged birds, gerbils, hamsters, guinea pigs, domesticated rabbits, fish, non-poisonous, non-venomous, and non-constricting reptiles or amphibians, and other similar animals.
Animal, Farm	Any animal commonly associated with farms or with performing work in an agricultural setting. Such animals shall include members of the equestrian family (horses, mules), bovine family (cows, bulls), sheep, poultry (chickens, turkeys), fowl (ducks, geese), swine (including

Vietnamese pot-bellied pigs), goats, bees, llamas, ostriches, emus, burros, donkeys, and other animals associated with a farms, ranches, or stables.

Animal Feedlot A lot, 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) shall be considered animal feedlots, but pastures shall not be considered animal feedlots.

Animal, Non-Domestic Any animal commonly considered to be naturally wild and not naturally trained or domesticated, or which is commonly considered to be inherently dangerous to the health, safety, and welfare of people. Unless otherwise defined, such animals shall include:

- a. Any member of the large cat family (family felidae) including lions, tigers, cougars, bobcats, leopards and jaguars.
- b. Any naturally wild member of the canine family (family canidae) including wolves, foxes, coyotes, dingoes, and jackals, but excluding commonly accepted domesticated dogs.
- c. Any crossbreeds such as the crossbreed between a wolf and a dog, unless the crossbreed is commonly accepted as a domesticated house pet.
- d. Any member or relative of the rodent family including any skunk (whether or not descended), raccoon, squirrel, or ferret, but excluding those members otherwise defined or commonly accepted as domesticated pets.
- e. Any poisonous, venomous, constricting, or inherently dangerous member of the reptile or amphibian families including rattlesnakes, boa constrictors, pit vipers, crocodiles, and alligators.
- f. Any other animal which is not explicitly listed above but which can be reasonably defined by the terms of this subpart, including but not limited to bears, deer, monkeys and game fish.

Animal Owner See *Owner, Animal*.

Animal Unit A unit of measure used to compare differences in the production of animal manures that employs as a standard the amount of manure produced on a regular basis by a slaughter steer or heifer. For purposes of this Ordinance, the following equivalents shall apply:

Animal Type	No. Of Animal Units
<i>Dairy</i>	
one calf (less than 500 lbs.)	0.2
one youngstock (500-1000 lbs.)	0.7
one heifer	1.0
one cow	1.4
<i>Beef</i>	
one calf (less than 500 lbs.)	0.2
one cow/calf unit	1.2
one cow, slaughter steer, or heifer	1.0
<i>Swine</i>	
one swine (less than 55 lbs.)	0.05
one swine (55 lbs. or more)	0.4
one sow with piglets less than 14 days old	0.4
<i>Turkeys</i>	
one pullet	0.005
one hen or tom	0.018
<i>Chickens</i>	
one pullet	0.002
one layer or broiler	0.01
<i>Horses</i>	
one horse	1.0

For animals not listed above, the number of animal units shall be defined as the average weight of the animal divided by 1,000 pounds.

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, or glass-lined storage.
Arterial Road	A road designated as such in the Comprehensive Plan, as identified on the map entitled "Transportation Characteristics."
At Large	The condition of an animal off the premises of the owner and not under the custody and control of the owner or other person, either by leash, cord, chain, or otherwise restrained or confined.
Attached Dwelling	See <i>Dwelling, Attached</i> .
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 that breaks the continuity of the slope of the land.
Boarding House	A building other than a hotel or motel where, for compensation and by pre-

(Rooming or Lodging House)	arrangement for definite periods, meals or lodging are provided for three or more persons, but not to exceed twenty persons.
Building	Any structure having a roof which may provide shelter or enclosure of persons, animals, chattel, or property of any kind and when said structures are 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 upper most point on a round or other arch type roof, to the mean distance of the highest gable on a pitched or hip roof.
Building Permit	Written permission by Castle Rock Township for the construction, repair, alteration or addition to a structure.
Carport	An automobile shelter having one or more sides open.
Cartway	A means of access to a tract or tracts of land that is not maintained by the Township, as authorized by MS 164.08-164.10 and 164.15.
Certificate of Occupancy	A written approval by an authorized official of Castle Rock Township required prior to occupancy of any building issued a permit in the Township
Club and Lodge	A public or private hall or building used primarily as a meeting place by one or more public or private organizations.
Collector Road	A road designated as such in the Comprehensive Plan, as identified on the map entitled "Transportation Characteristics."
Commercial Agriculture	See <i>Agriculture, Commercial</i> .
Commercial Recreation	See <i>Recreation, Commercial</i> .
Commercial Retail	See <i>Retail, Commercial</i> .
Community Water and Sewer Systems	Utilities 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 Castle Rock Township and the State of Minnesota.

Comprehensive Plan	Comprehensive Plan of Castle Rock Township, approved by the Town Board.
Corner Lot	See <i>Lot, Corner</i> .
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, the engineering staff shall determine a curb level or its equivalent for the purpose of this Ordinance.
Detached Dwelling	See <i>Dwelling, Detached</i> .
Dog	Both the male and female of the canine species, commonly accepted as domesticated household pets, and other domesticated animals of a dog kind
Domestic Animal	See <i>Animal, Domestic</i> .
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, Drainage System gullies, ravines or washes and including structures connected therewith including culverts, drainage tile, dams and bridges and water storage basins such as lakes, ponds, natural or manmade.
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	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.
Earth-Sheltered Home	A single-family residential dwelling in which at least 50% of the exterior, by design, is covered by earth which is used as a barrier and moderator with the natural environment. An earth-sheltered home is a dwelling which, by design, will not allow for the construction of any upper floor at some future date.
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 fifty square feet of surface area or two feet in depth, excavated or made by the removal

from the natural surface of the earth, or sod, soil, sand, gravel, stone or other natural matter, or made by turning, or breaking 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 who need not be related by blood, marriage or adoption, living together as a single housekeeping unit in a dwelling unit.
Farm	Real property used for commercial/agriculture comprising 40 contiguous or more acres and which may comprise additional acreage which may or may not be contiguous to the principal 40 acres, all of which is owned and operated by a single family, family corporation, individual or corporate enterprise.
Farm Animal	See <i>Animal, Farm</i> .
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 structure designed for habitation by human beings located on a farm, the occupant of which owns or is employed thereon.
Fence	An artificially constructed barrier of any material or combination of materials erected to enclose, screen or separate areas.
Floor Area	The sum of the gross horizontal areas of the several floors of a building or portion thereof devoted to a particular use, including accessory storage areas located within selling or working space and including any basement floor area devoted to retailing activity to the production or processing of goods, or to business or professional offices. However, the floor area shall not include: basement floor area other than area devoted to retailing activities, the production or processing of goods, or to business or professional offices.
Front Lot Line	See <i>Lot Line, Front</i> .
Front Yard	See <i>Yard, Front</i> .
Garage, Private	An accessory building or accessory portion of the principal building which is intended for and used to store the private passenger vehicles of the family or families resident upon the premises.
Greenhouse	A building whose roof and sides are made largely of glass or other transparent or translucent material and in which the temperature and humidity can be regulated for the cultivation of delicate or out-of-season

plants for subsequent sale or other agricultural uses.

Historic Site	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 or by the Minnesota Historical Society or by resolution of a local governmental unit.
Home Occupation	Any gainful occupation or profession engaged in by occupants of a dwelling, at or from the dwelling, when carried on within a dwelling unit or in an accessory building, provided that no signs are used to advertise the home occupation neither on the premises nor off the premises, limited stock in trade is stored on the premises, over-the-counter retail sales are not involved, and persons working in the home occupation are limited exclusively to persons residing in the above mentioned dwelling.
Horticulture	The use of land for production or sale of fruits, including apples, grapes and berries, vegetables, flowers, nursery stock, including ornamental shrubs and trees and cultured sod.
Interim Use	See <i>Use, Interim</i> .
Irrigation System	Any structure of equipment, mechanical or otherwise, used to supply water to cultivated fields or supplement normal rainfall, including but not limited to wells, pumps, motors, pipes, culverts, gates, dams, ditches, tanks, ponds, and reservoirs.
Junk	Any scrap, waste, reclaimable material or debris, whether or not stored, for sale or in the process of being dismantled, destroyed, processed, salvaged, stored, baled, disposed, or other use or disposition.
Junk Yard	Any area, lot, land parcel, building or structure, or part thereof, used for the storage, collection, processing, purchase, sale, salvage, or disposal of junk.
Junked Vehicle	Any motor vehicle which: a) is not in operable condition for a period of 30 days or more; b) is partially dismantled; c) is used for sale or parts as a source of repair or replacement parts for other vehicles; d) is kept for scrapping, dismantling, or salvage of any kind, or e) is, for a period of 30 days or more, not properly licensed for operation in the State of Minnesota.
Kennel	<p>A commercial establishment in which dogs or domestic animals are housed, groomed, bred, boarded, trained, or sold, all for a fee or compensation.</p> <p>A kennel shall also mean any residence or business in which six (6) or more domestic animals over the age of six (6) months are kept at any time.</p>

Local Road	A road not designated as a “Collector” or “Arterial” in the Comprehensive Plan, as identified on the map entitled “Transportation Characteristics.”
Lot	A parcel of land, subdivided or otherwise, capable of legal description, and having a principal frontage along a public road.
Lot of Record	Any lot which is one (1) unit of a plat heretofore duly approved and filed, or one (1) unit of an Auditor Subdivision or a Registered Land Survey, or a parcel of land not so platted, subdivided or registered but for which a Deed of Contract for Deed, Auditor’s Subdivision or Registered Land Survey has been recorded in the office of the Register of Deeds or Registrar of Titles for Dakota County, Minnesota, prior to August 31, 1978.
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, the line of such public right-of-way 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, and in the case of a corner lot it shall be the shortest dimension on a public street. If the dimensions of a corner lot are equal, the front lot line shall be designated by the owner and filed with the designated local official.
Lot Line, Rear	That boundary of a lot which is opposite the front lot line. If the rear line is less than ten feet in length, or if the lot forms a point at the rear, the rear lot line shall be a line ten feet in length within the lot, parallel to, and at the maximum distance 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, Substandard	A lot or parcel of land for which a deed has been recorded in the office of the Dakota County Recorder upon or prior to the effective date of this Ordinance which does not meet the minimum lot area, structure setbacks or other dimensional standards of this Ordinance.

Through Lot	A lot which has a pair of opposite lot lines abutting two substantially parallel streets, and which is not a corner lot. On a through lot, both street lines shall be front lines for applying this Ordinance.
Lot Width	The maximum horizontal distance between the side lot lines of a lot measured within the first thirty feet of a lot depth.
Manufactured Home	A structure, transportable in one or more sections, which in the traveling mode is eight body feet or more in width or 40 body feet or more in length, or, when erected on site, is at least 320 square feet, and which is built on a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained herein.
Multiple Family Dwelling	Two or more dwelling units in one structure.
Nonconforming Use	See <i>Use, Nonconforming</i> .
Non-Domestic Animal	See <i>Animal, Non-Domestic</i> .
Non-Farm Dwelling	A structure intended for occupancy by human beings, the occupant of which is not employed or an owner of the farm on which it is located.
Nutrient Management Plan	A plan that provides procedures and application rates, and identifies crop nutrient requirements that are based upon projected crop yields, soil fertility results, and manure nutrient availability. All guidelines are based on University of Minnesota guidelines for best management practices.
Open Sale Lot (Exterior Storage)	Any land used or occupied for the purpose of buying and selling any goods, materials, or merchandise and for the storing of same under the open sky prior to sale
Owner, Animal	Any person or persons, firm, association, or corporation owning, keeping, or harboring an animal.
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 one standard automobile.
Permitted Use	See <i>Use, Permitted</i> .
Planning Commission	The Planning Commission of Castle Rock Township

Portable Building	A building, as defined in this Ordinance, which is not secured to the ground by a foundation, anchors, tie-downs or other similar method for securing a structure on a permanent basis, and does not exceed one hundred twenty (120) square feet in area.
Principal Structure or Use	The purpose or activity for which the land structure or building thereon is designed, arranged, or intended, or for which it is occupied or maintained.
Private Garage	See <i>Garage, Private</i> .
Public Recreation	See <i>Recreation, Public</i> .
Public Utility Building	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	An approximately 40-acre parcel of land constituting the northeast, northwest, southwest, or southeast quarter of a quarter section in the United States Government System of land survey.
Rear Lot Line	See <i>Lot Line, Rear</i> .
Rear Yard	See <i>Yard, Rear</i> .
Recreation Area	A parcel of land which may include water bodies and incidental buildings thereto maintained for active or passive recreation, including but not limited to parks, playground, golf courses, hunting preserves, polo grounds, nature trails, bike trails, bridle paths, beaches, campsites, ski and snowmobile trails, and canoe routes; but not including stadiums, arenas, bowling alleys, swimming pools (except privately-owned pools not open to the public), and other recreational activities for which a structure is required to house
Recreation, Commercial	A privately-owned business offering recreational facilities, services, or equipment for a fee, including but not limited to private golf courses, bike trails, theaters, bowling alleys, boat launches, etc. Also includes the sale and service of recreational equipment such as snowmobiles, boats and campers.
Recreation, Public	A public parcel of land (which may include water bodies) and buildings incidental thereto maintained for recreation, including but not limited to parks, golf courses, preserves, ski and snowmobile trails, bike trails, ball parks, swimming pools (except privately owned residential pools) skating arenas, etc.

Recreational Vehicle	A vehicular-type portable structure without permanent foundation that can be towed, hauled or driven and primarily designed as a temporary living accommodation for recreational, camping and travel use, including but not limited to, travel trailers, truck campers, camping trailers, and self-propelled motor homes.
Registered Animal Feedlot	An active or inactive animal feedlot with a specified designated maximum number of animal units that is registered with the Town Board and recorded with the County Feedlot Officer, according to the Animal Feedlot and Manure Handling sections of this Ordinance.
Release Permit	A permit issued by the Sheriff’s Department for the release of any animal that has been taken to the pound. A release permit may be obtained upon payment of a fee in accordance with the regular license requirement if the animal is unlicensed and license is required, payment of a release fee, and any maintenance costs incurred in capturing and impounding the animal.
Retail, Commercial	Structures used for the display and sale of goods and services (including eating and drinking establishments).
Road	A public thoroughfare supporting access by pedestrian 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.
Side Lot Line	See <i>Lot Line, Side</i> .
Side Yard	See <i>Yard, Side</i> .
Single Family Dwelling	A freestanding (detached) permanent structure designed for habitation by human beings, designed for and occupied by one family only.
Spill Response Plan	A Plan that establishes procedures and actions required to be carried out in the event of a spill or release of hazardous materials, including notification of the Minnesota Duty Officer and Dakota County Feedlot Officer.
Story	That portion of a building included between the surface of any floor and the surface of the floor next above. A basement shall be counted as a story.
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 more or less permanent location on the ground; or attached to something having a permanent

	location on the ground.
Substandard Lot	See <i>Lot, Substandard</i> .
Through Lot	See <i>Lot, Through</i> .
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.
Use, Interim	A temporary use of property until a particular date or occurrence of an event or until zoning regulations no longer permit it.
Use, Nonconforming	A use of land, building or structures lawfully existing at the time of adoption of this Ordinance which does not comply with all the regulations of this Ordinance or any use of land, building or structure lawfully existing prior to the adoption of an amendment which would not comply with all of the regulations.
Use, Permitted	A use which may be lawfully-established in a particular district or districts, provided it conforms with all requirements, regulations, and performance standards of such district.
Warehouse	An enclosed building used principally 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.

SECTION V: GENERAL PROVISIONS

5.01 Application of This Ordinance

- A. 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, morals, and welfare.
- B. Where the conditions imposed by any provision of this Ordinance are either more restrictive or less restrictive than comparable conditions imposed by any other law, ordinance, statute, resolution, or regulation of any kind, the regulations which are more restrictive or which impose higher standards or requirements shall prevail.
- C. Except as in this Ordinance specifically provided, no structure shall be erected, converted, enlarged, reconstructed, or altered, and no structure or land shall be used, for any purpose nor in any manner which is not in conformity with this Ordinance.

5.02 Substandard Lot Provisions

A substandard lot or parcel of land for which a deed has been recorded in the office of the Dakota County Register of Deeds upon or prior to the effective date of this Ordinance shall be deeded a buildable lot provided it:

- A. has frontage on a public right-of-way;
- B. was under separate ownership from abutting lands upon or prior to the effective date of this Ordinance;
- C. its area and dimensional measurements are within sixty percent of the requirements of this Ordinance;
- D. its development 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.

5.03 Nonconforming Uses and Structures

Any structure or use existing upon the effective date of the adoption of this Ordinance and which does not conform to the provisions of the Ordinance may, be continued for a certain period of time subject to the following conditions:

- A. No such use shall be expanded or enlarged except in conformity with the provisions of this Ordinance.

- B. In 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.
- C. If a nonconforming use is replaced by another use, the new use shall conform to this Ordinance.
- D. 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.
- E. 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.

5.04 State Building Code

A. Building Code

The Minnesota State Building Code, established pursuant to Minnesota Statutes 16B.59 to 16B.76, is hereby adopted as the building code for the Township. The code is hereby incorporated into this Ordinance as if fully set forth herein.

1. The Minnesota State Building Code includes the following Chapters of Minnesota Rules:
 - a. 1300 Minnesota Building Code
 - b. 1301 Building Official Certification
 - c. 1302 State Building Construction Approvals
 - d. 1305 Adoption of the *1997 Uniform Building Code* including Appendix Chapters:
 - 1.) 3, Division I, Detention and Correction Facilities
 - 2.) 12, Division II, Sound Transmission Control
 - 3.) 15, Reroofing
 - 4.) 15, Division I, Snowload Design
 - 5.) 29, Minimum Plumbing Fixtures
 - 6.) 31, Division II, Membrane Structures
 - e. 1307 Elevators and Related Devices
 - f. 1315 Adoption of the *1996 National Electrical Code*
 - g. 1325 Solar Energy Systems

- h. 1330 Fallout Shelters
- i. 1335 Floodproofing Regulations
- j. 1340 Facilities for the Handicapped
- k. 1346 Adoption of the *1991 Uniform Mathematical Code*
- l. 1350 Manufactured Homes
- m. 1360 Prefabricated Homes
- n. 1361 Industrialized/Modular Building
- o. 1370 Storm Shelters (Manufactured Home Parks)
- p. 4715 Minnesota Plumbing Code
- q. 7670 Minnesota Energy Code

2. The following optional appendix chapters of the *1997 Uniform Building Code* are hereby adopted and incorporated as part of the building code for this Township:

- a. Appendix chapter 3, Division III, *1992 One and Two Family Dwelling Code*.
- b. Appendix chapter 33, Excavation and Grading.

B. Application, Administration, and Enforcement

The application, administration, and enforcement of the code shall be in accordance with Minnesota Rule part 1300.2100 and as modified by chapter 1305.

C. Permits and Fees

The issuance of permits and collection of fees shall be as authorized in Minnesota Statute Section 16B.62 subdivision 1 and as provided for in chapter 1 of the *1997 Uniform Building Code* and Minnesota Rules 1305.0106 and 1305.0107.

Permit fees shall be assessed for work governed by this code in accordance with resolutions adopted by the Town Board. In addition, a surcharge fee shall be collected on all permits issued for work governed by this code in accordance with Minnesota Statute Section 16B.70.

D. Violations and Penalties

A violation of the code is a misdemeanor (Minnesota Statute Section 16B.69).

5.05 Site Plan Review Required

For all zoning actions or permit applications, other than single family residential new construction building permits, a site plan review is required. A change in existing uses or an intensification of existing uses shall 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, curbing, and site lighting.
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 story.
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.
12. 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. Application fees and reimbursement of the Township's out-of-pocket expenses shall be in accordance with adopted requirements.
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 future planned land uses.
3. The Township shall approve or deny the application within sixty (60) days of receipt of a completed application or will notify the applicant in writing prior to the end of the sixty-day period of the reason that action cannot be completed within the sixty-day period and that action will be completed within 120 days of the date of receipt of the completed application. The applicant may also waive the sixty-day review period by notifying the Township in writing.

C. Exceptions

The City may waive certain submittal requirements for residential variance applications, when it is determined that submittal requirements are not applicable or are not necessary to complete a review of the proposed action. The City may also waive certain submittal requirements for other actions, when site plan information for the subject property has previously been submitted to the City and may be more appropriately supplemented with new information.

5.06 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.

SECTION VI: DISTRICT PROVISIONS

6.01 Purpose

The zoning districts are designed to implement the intents and purposes of the Comprehensive Plan. Before any amendment to the boundary lines of the established zoning districts are made, any necessary amendments must first be made to the Comprehensive Plan.

For the purposes of this Ordinance, Castle Rock Township is hereby divided into the following zoning districts when the regulations outlined herein will apply:

AG	Agriculture District
RR-I	Rural Residential District
RR-II	Rural Residential-Platted District
C/I	Commercial/Industrial District
SO	Shoreland Overlay District
FO	Floodplain Overlay District
ME	Mineral Extraction District

The locations and boundaries of the districts established by this Ordinance are hereby set forth on the Zoning Map of Castle Rock Township, and said map is hereby made part of this Ordinance.

6.02 Zoning Map

The areas comprising these zoning districts and the boundaries of said districts as shown upon the map attached hereto are made a part of this Ordinance, being designated as the Zoning Map of the Township of Castle Rock, with all proper notations, references, and other information shown thereon.

6.03 Interpretation of the Zoning Map

Where, due to the scale, lack of detail, or illegibility of the Zoning Map attached hereto, there is an uncertainty, contradiction or conflict as to the intended location of any zoning district boundary as shown thereon, the Planning Commission shall make an interpretation of said map upon request of any person. Any person aggrieved by any such interpretation may appeal such interpretation to the Board of Adjustment and Appeals. The Board of Adjustment and Appeals, in interpreting the Zoning Map or deciding any appeal, shall comply to the following standards:

- A. 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 such boundary lines are fixed by dimensions shown on the Zoning Map.

- B. Where zoning district boundary lines are so indicated that they approximately follow lot lines, such lot lines shall be construed to be such boundary lines.
- C. Where a zoning district boundary line divides a lot, the location of any such zoning district boundary line, unless indicated by dimensions shown on the zoning map, shall be determined by the use of the map scale shown thereon.
- D. If, after the application of the foregoing rules, uncertainty still exists as to the exact location of a zoning district boundary line, the boundary line shall be determined in a reasonable manner, considering the history of the uses of the property and the history of zoning ordinances and amendments in Castle Rock Township as well as all other relevant facts.

6.04 AG Agriculture District

A. Intent

This 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 the 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 as uses by right:

- 1. Any and all forms of commercial agriculture and horticulture as defined by this Ordinance.
- 2. Animal Agriculture, subject to the standards and requirements of Section 7.16 or this Ordinance.
- 3. Crop Agriculture
- 4. Farm buildings, greenhouses, and accessory structures, including farm buildings used for inside storage.
- 5. Farm drainage and irrigation systems.
- 6. Forestry, grazing, and gardening.
- 7. One single-family farm dwelling unit per farm.
- 8. One single-family non-farm dwelling unit per each quarter-quarter section not containing a farm or non-farm dwelling unit, provided that:
 - a. the dwelling unit shall be located on a separately conveyed parcel which shall equal or exceed one acre in area and said dwelling unit shall be entirely located within a quarter-quarter section.

- b. the quarter-quarter section on which the dwelling unit is located shall be adjacent to the parcel on which the farm dwelling is located, and have at least 165 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: 100 feet;
 - 2.) collectors and arterials: 300 feet.
 - d. the following standards shall also apply to driveways:
 - 1.) minimum distance from intersection of two or more roads: 300 feet;
 - 2.) minimum distance from centerline of driveway: 50 feet.
 - e. the dwelling shall be set back at least 110 feet from the road centerline and be separated at least 300 feet from the nearest farm building.
- 9. historic sites.
 - 10. fairgrounds and other similar agriculturally-related uses.
 - 11. state-licensed day care facilities serving 12 or fewer persons, in accordance with the provisions of Minnesota Statutes Section 462.357 Subd. 7.
 - 12. state-licensed residential facilities serving six or fewer persons, in accordance with the provisions of Minnesota Statutes Section 462.357 Subd. 7.

C. Conditional Uses

The following conditional uses may be approved by the Town Board in the AG Agriculture District provided that the provisions and requirements of Sections 8.05 and 6.04D. of this Ordinance are fulfilled:

- 1. Outdoor Recreation areas.
- 2. Churches, cemeteries, airports, 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 baling 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, the operation of game reservations, and 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. Single-family dwelling provided that:
 - a. The requirements of Section 6.04B.8. of this Ordinance are met;
 - b. The parcel of land upon which a single-family dwelling is to be erected was a lot of record upon or prior to August 31, 1978;
 - c. There are no existing dwellings on the parcel to be built upon; and
 - d. The owner of the parcel does not own any other lots of record adjacent to that parcel, or connected to that parcel by other contiguous land owned by him, upon which there is an existing dwelling, provided, however, that this restriction shall not apply to lots in platted areas previously approved by the Board.
6. Home occupations.
7. Kennels.
8. Communications towers and antennae, subject to the provisions of Section 7.14 of this Ordinance.

D. Standards for Granting Conditional Use Permits

In addition to the standards described in Section 8.05A. of this Ordinance, the following regulations shall apply as minimum requirements for granting conditional use permits in AG Agriculture District:

1. Non-farm structures shall be sited on a separately surveyed and described parcel;
2. Access to the parcel shall be from a public road;
3. The activity or use of structure is not incompatible with the conduct of agriculture.
4. The activity or use of structure will not promote the establishment of non-agricultural uses or structures in the district.
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 public health and safety.

E. Prohibited Uses and Structures

All other uses and structures which are not specifically permitted as of right or by conditional use permit shall be prohibited in the AG Agricultural District.

F. Minimum Lot Sizes

For permitted uses: one acre.
For conditional uses: one acre.

G. Minimum Lot Dimension Requirements

For permitted and conditional uses:

1. Lot width: 165 feet.
2. Lot depth: 165 feet.
3. Side yard setbacks for structures: 10 feet.
4. Rear yard setbacks for structures: 15 feet.
5. Structures setback from:
 - a. Local Road: 110 feet from centerline.
 - b. Collectors and Arterials: 130 feet from centerline.

H. Setback of Residence from Animal Feedlots

Residences applying for a permit after July 1, 1999 shall be required to meet the following setbacks from a Registered Animal Feedlot or Animal Waste Storage Facility:

Animal Units	Minimum Distance
1-50	100 feet
51-150	500 Feet
151-750	1,000 feet
751 or more	1/4 mile

This provision shall not apply to dwelling units that are accessory to the Animal Feedlot or Animal Waste Storage Facility from which the separation is required.

I. Distance Between Structures

Residential structures shall be separated at least 500 feet from the nearest building used for the housing of livestock.

J. Maximum Height

Thirty-five (35) feet.

K. Interim Uses

1. Mineral Extraction, subject to the requirements of Ordinance No. 99-1 Castle Rock Mineral Extraction Ordinance, and subsection L., below.
2. Seasonal Mineral Extraction, subject to the requirements of Ordinance No. 99-1 Castle Rock Mineral Extraction Ordinance, and subsection L., below.

L. Standards for Granting Interim Use Permits

In addition to Section 8.08 of this Ordinance and other requirements of this Ordinance, the issuance of an Interim Use Permit shall be subject to the Township's findings for the following conditions:

1. The interim use shall not have an unmitigated negative impact on any environmental system, natural feature, or adjacent property.
2. The interim use shall not negatively impact the Township's goal for agricultural preservation.
3. The interim use shall not be incompatible with area land uses.
4. The interim use shall not lead to the premature conversion of adjacent land uses to unplanned or incompatible land uses.
5. The interim use shall not create transportation access, congestion, or safety hazards or create undue burden and increased maintenance on local, collector, or arterial roadways.

6.05 RR-I Rural Residential District

A. Intent

This district is intended for application in those areas of the Township where untillable, vacant land has become subject to increased amounts of single family residential development. However, because the Township wishes to limit residential development in this area, because urban services such as central sewer and water are not immediately available, and because significant amounts of residential development will adversely affect surrounding agricultural operations, residential development in this district must be kept to a reasonable density.

B. Permitted Uses and Structures

The following shall be permitted uses by right:

1. Any and all forms of commercial agriculture and horticulture as defined by this Ordinance

2. Farm buildings, greenhouses, and accessory structures.
3. Farm drainage and irrigation system
4. Forestry, grazing, and gardening
5. One single-family farm dwelling unit per farm.
6. Non-farm single-family residential subdivisions shall be permitted on lots or parcels of land for which a deed has been recorded in the Office of the Dakota County Recorder upon or prior to August 31, 1978, or a lot or parcel of land that would have been a lot of record in the document conveying the lot had been recorded on the date of its execution, provided they are able to meet all applicable standards and requirements of this Ordinance and all other applicable Township and County ordinances, subject to the following area and dimensional regulations. The maximum number of lots, including existing principal dwelling, that may be created shall be based on the gross area of that tract which is to be subdivided, and which constitutes the lot of record existing prior to August 31, 1978, as follows:

Area of Lot of Record on <u>August 31, 1978</u>	Maximum Number of Lots <u>Permitted</u>
1 - 15 acres	1
16 - 25 acres	2
26 - 35 acres	3
36 - 45 acres	4
45+ acres	1 additional unit for every 10 acres of land

7. Non-farm single-family dwelling units must also meet the requirements of Section 6.04B.8. of this Ordinance.
8. Historic Sites.
9. Home Occupations.
10. State-licensed day care facilities serving 12 or fewer persons, in accordance with the provisions of Minnesota Statutes Section 462.357 Subd. 7.
11. State-licensed residential facilities serving six or fewer persons, in accordance with the provisions of Minnesota Statutes Section 462.357 Subd. 7.

C. Conditional Uses

The following conditional uses may be approved by the Town Board in the RR-1 Rural Residential District provided that the provisions and requirements of Section 8.05A. of this Ordinance are fulfilled:

1. Outdoor recreation areas.
2. Churches, cemeteries, airports, 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 baling and threshing, sorting, grading, and packing fruits and vegetables for the grower, agricultural produce, milking 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, the operation of game reservations, and roadside stands for the sale of agricultural produce grown on the site.
4. Public utility and public service structures, including electric transmission lines and distribution substations, gas regulator stations, communications equipment buildings, pumping stations, and reservoirs.

D. Prohibited Uses and Structures

All other uses and structures which are not specifically permitted as a right or as a conditional use permit shall be prohibited in the RR-I Rural Residential District.

E. Minimum Lot Size

1. For farm dwellings: one acre
2. For non-farm single-family dwellings: one acre.
3. For conditional uses: one acre.

F. Minimum Lot Dimension Requirements

For permitted and conditional uses:

1. Lot width: 165 feet.
2. Lot depth: 165 feet.
3. Side yard setback for structures: 10 feet.
4. Rear yard setback for structures: 15 feet.
5. Structure setback from:
 - a. Local Road: 110 feet from centerline.
 - b. Collectors and Arterials: 130 feet from centerline.

G. Maximum Height

1. For farm uses: 35 feet
2. For non-farm and conditional uses: 35 feet.

6.06 RR-II Rural Residential/Platted District

A. Intent

This district is intended for application to certain platted areas within the Township that existed prior to January 1, 1998. These areas were previously platted at a higher density than is currently allowed under the RR-I District in this Ordinance. The Township desires to protect the integrity, safety, and land use compatibility of these areas by regulating uses to a greater degree than in the RR-I District. Some platted areas in the Township are also governed by covenants that may be more restrictive than the provisions of this Ordinance. Property owners are responsible for being aware of and conforming to those covenants, if applicable.

B. Permitted Uses and Structures

The following shall be permitted uses by right:

1. Single family dwellings and accessory uses.
2. Home occupations.
3. Public parks and recreation facilities.
4. Greenhouses for cultivation only of plants.
5. State-licensed day care facilities serving 12 or fewer persons, in accordance with the provisions of Minnesota Statutes Section 462.357 Subd. 7.
6. State-licensed residential facilities serving six or fewer persons, in accordance with the provisions of Minnesota Statutes Section 462.357 Subd. 7.

C. Conditional Uses

The following conditional uses may be approved by the Town Board in the RR-II Rural Residential/Platted District provided that the provisions and requirements of Section 8.05 of this Ordinance are fulfilled.

1. Churches, synagogues, and temples.
2. Schools.
3. Day care centers licensed by the State of Minnesota serving twelve (12) or fewer persons.

D. Prohibited Uses/Structures

All other uses and structures which are not specifically permitted as a right or by conditional use permit, shall be prohibited in the RR-II Rural Residential/Platted District.

- E. Minimum Lot Requirements
 - 1. Single family dwellings: one (1) acre.
 - 2. Conditional uses: one (1) acre.

- F. Minimum Lot Dimension Requirements
 - 1. For permitted and conditional uses:
 - a. Lot width: 165 feet.
 - b. Lot depth: 165 feet.
 - c. Side yard setback: 10 feet.
 - d. Rear yard setback: 15 feet.
 - e. Front yard setback: 40 feet.

- G. Maximum Height
 - For permitted and conditional uses: 35 feet.

6.07 C/I Commercial/Industrial District

- A. Intent

The purpose of this district is to provide locations for light manufacturing processes and limited commercial uses. For the most part, the manufacturing intended in this District is composed of processing or assembly of previously processed materials. While some commercial uses are allowed, it is not the purpose of this district to promote or encourage the use of land within the district for retail services or planned business centers normally expected to be located within an established business district. It is the intent of the Township to limit uses in this district only to those that meet the standards of MPCA Chapter 7080 and can demonstrate that waste treatment resulting from the operation can be managed through individual on-site treatment systems. Uses that cannot operate under the standards of MPCA Chapter 7080 and other applicable regulations will not be permitted.

- B. Permitted Uses

The following uses shall be permitted in the Commercial/Industrial District:

- 1. Uses of a light industrial nature including, but not limited to, the following:
 - a. Manufacture and assembly of electrical appliances, electronics and communication equipment, professional, scientific, and controlling instruments, and photographic or optical products.

- b. Manufacturing, compounding, assembling, or treatment of articles or merchandise from previously prepared materials such as cloth, fiber, canvas, leather, cellophane, paper, glass, plastics, stone, textiles, wood, and metals, including light steel or other light metal, light metal mesh, pipe, rods, shapes, strips, wire, or similar component parts.
 - c. Laboratories with or without outdoor storage.
 - d. Blacksmith, welding, machine, or similar shops.
2. The following commercial businesses, trades and services
- Bottling of soft drinks or milk and associated distribution stations, carpentry or woodworking shops, printing shops, sheet metal shops, sign painting shops, truck or motor freight terminals or warehouses, wholesale business, warehousing or service establishments, building materials sales and storage yards, feed and grain sales, milling and/or storage, veterinary clinics, vehicle repair shops, and miscellaneous repair shops, equipment, and storage yards.
3. Any other use that is determined by the Township to be of the same general character as the above permitted uses.

C. Accessory Uses

- 1. Uses customarily accessory and incidental to any principal permitted use or authorized conditional use, provided a principal use exists.
- 2. Storage modules subject to the following standards:
 - a. the exterior surface shall be painted and kept in good repair,
 - b. the storage module shall be vented as needed for safety purposes,
 - c. the storage module shall be screened from the adjacent roadway.

D. Height Regulations

No structure shall exceed fifty (50) feet in height.

E. Minimum Lot Size

- 1. Commercial Businesses, Trades and Service Uses: two (2) acres
- 2. Light Industrial Uses: five (5) acres

F. Setback and Access Requirements

The following setback requirements from lot lines shall be met:

1. Platted front yard setback for structures: fifty (50) feet
2. Side yard setback for structures: thirty (30) feet.
3. Rear yard setback for structures: thirty (30) feet.

The following setback requirements for unplatted property shall be met:

1. Local road structure setback 110 feet from centerline
2. County / State road structure setback 130 feet from centerline

Access shall be in conformance with State or County guidelines, where applicable. Road rights-of-way shall be identified in order to insure that sufficient land is available to provide for a service road, if required by the Township, in order to meet State or County access requirements.

G. Minimum Landscaping Requirements

For permitted and conditional uses:

1. One (1) overstory tree per 3,000 square feet of land area.
2. One (1) foundation planting per 100 square feet of building area.
3. At least sixty (60) percent of the overstory trees must be deciduous trees.
4. Minimum planting size:
 - a. Deciduous: 2-1/2" caliper.
 - b. Coniferous: 6 feet in height.
 - c. Foundation: 1/3 mature size at planting.
5. Impervious surfaces shall not exceed twenty-five (25%) of the total lot area.
6. Existing uses may expand if there is no additional runoff of surface water.

H. Conditional Uses

Adult establishments, when the location of such use shall have been authorized by the Township, and subject to the regulations thereof in Castle Rock Township Ordinance No. R95-1-1. No adult establishment may be located within 1,000 feet of another adult establishment, residential use, day care provider, on- or off-sale liquor establishment, park or public facility. No two (2) adult establishments shall be located in the same building.

6.08 SO Shoreland Overlay District

A. Intent

The SO District is intended to apply to properties within 300 feet of the shoreline of public waters, which for the purpose of this Ordinance shall be construed to be the stream channel of the Vermillion River, Chub Creek, and certain tributaries. Such properties require special regulations for the minimum protection of the quality of the shoreland area, and the health and safety of shoreland residents.

B. Permitted Uses and Structures

Permitted uses in the Shoreland Overlay District shall be the same as the permitted uses that are allowed within the zoning district that underlies the Shoreland District. Consult the zoning map to determine which District provisions would apply to the parcel(s) of land being considered.

C. Conditional Uses and Structures

Conditional uses in the Shoreland Overlay District shall be the same as the conditional uses that are allowed within the zoning district that underlies the Shoreland District. Consult the zoning map to determine which District provisions would apply to the parcel(s) of land being considered.

D. Prohibited Uses and Structures

All other uses and structures which are not specifically allowed as permitted or conditional uses, or cannot be considered as an accessory use, shall be prohibited in the SO Shoreland Overlay District.

E. Minimum Lot Requirements, Minimum Land Dimensions, and Maximum Heights

Areas and height regulations for the Shoreland Overlay District shall be the same as the regulations required within the zoning district which underlies the Shoreland District. Consult the zoning map to determine which district regulations would apply to the parcel(s) of land being considered.

F. County Regulations

The Dakota County Shoreland Ordinance prescribes additional land use regulations for the Shoreland Overlay District. If any specific regulation in the County Ordinance differs from any specific Township regulation, the most restrictive specific regulation shall apply.

6.09 FO Floodplain Overlay District

A. Intent

The FO District is intended for application in those areas of the Township that are subject to periodic flooding which results in potential loss of life, loss of property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely effect the public health, safety, and general welfare. It is the purpose of this Ordinance to protect the public health, safety, and general welfare by regulating the placement of structures and facilities in flood-prone areas.

B. Permitted Uses

The following shall be permitted uses by right:

1. Any and all form of commercial agriculture and horticulture as defined by this Ordinance; structures are subject to the requirements of the Dakota County Floodplain Ordinance.
2. Forestry, grazing, and gardening.
3. Private and public recreational uses such as golf courses, tennis courts, driving ranges, picnic grounds, boat launching sites, swimming areas, parks, wildlife and nature preserves, target ranges, game farms, fish hatcheries, shooting preserves, hunting and fishing areas, hiking and horseback riding trails; structures are subject to the requirements of the Dakota County Floodplain Ordinance.
4. Residential open space uses such as lawns, gardens, parking areas, and play areas.

C. Prohibited Uses and Structures

All uses and structures which are not specifically permitted as of right shall be prohibited in the Floodplain Overlay District.

D. County Regulations

The Dakota County Floodplain Ordinance prescribes additional land use regulations for the Floodplain Overlay District. If any specific regulation in the County ordinance differs from any specific Township regulation, the most restrictive specific regulation shall apply.

E. Disclaimer of Liability

The FO 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 FO Floodplain Overlay District limits will be free from flooding; nor shall this

Ordinance, or districts established herein, create a liability on the part of, or cause action against, Castle Rock Township or any office, official, or employee thereof, for any flood damage that may result from reliance upon this Ordinance or flood district so established.

6.10 ME Mineral Extraction District

A. Intent.

The ME District is intended to allow mineral extraction within the Township in areas in which it would have little or no impact on adjacent land uses, would not negatively impact agricultural preservation efforts of the Township, would not impact existing roadways or require improvements to existing roadways, would not impact natural areas, and would not impact administrative requirements of the Township.

B. Interim Uses

Mineral Extraction is allowed as an interim use, subject to the requirements of Section 8.08 of this Ordinance and the standards and conditions of the Ordinance No. 99-1 Castle Rock Mineral Extraction Ordinance. Accessory uses to mineral extraction may be considered as part of an Interim Use Permit, subject to the requirements of Ordinance No. 99-1 Castle Rock Mineral Extraction Ordinance.

C. Standards for Granting Interim Use Permits

In addition to the provisions of Section 8.08 of this Ordinance and other requirements of this Ordinance, the issuance of an Interim Use Permit shall be subject to the Township's findings for the following conditions:

1. The interim use shall not have an unmitigated negative impact on any environmental system, natural feature, or adjacent property.
2. The interim use shall not negatively impact the Township's goal for agricultural preservation.
3. The interim use shall not be incompatible with area land uses.
4. The interim use shall not lead to the premature conversion of adjacent land uses to unplanned or incompatible land uses.
5. The interim use shall not create transportation access, congestion, or safety hazards or create undue burden and increased maintenance on local, collector, or arterial roadways.

SECTION VII: 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, unless stated otherwise. 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, locations of road rights-of-way, boundary lines, equipment and construction processes to be used, hours of operation, and provisions for disposal of all wastes produced by the use. It may occasionally be necessary for a developer to employ specialized consultants to demonstrate that a given use will not exceed the performance standards.

7.02 Home Occupations

- A. Home occupations shall be conducted solely by persons residing in the residence.
- B. All business activity and storage shall take place within structures.
- C. 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.
- D. No sign, display, or device identifying the occupation shall be used without prior approval by the Township.
- E. The occupation shall not be visible or audible from any property line.
- F. The occupation shall not involve the retail sale or rental of products on the premises.
- G. 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.

- H. Only on-site, off-street parking facilities typically associated with the residence shall be used.
- I. 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 of neighbors and neighboring property shall not be permitted.

7.03 Structures and Accessory Uses

- A. Foundation: All residential structures in the community shall be firmly anchored to a wood or concrete block foundation below the frost line, and attached with anchor bolts, in accordance with the State of Minnesota Building Code in effect at the time the building permit is granted, and as required by the manufacturers installation instructions.
- B. Square Footage: All residential structures consisting of one single level, shall possess a minimum of 960 sq. ft. of livable floor area, excluding any basement floor area. All multi-level or split-level residential structures shall possess a minimum of 1,248 sq. ft. of livable floor area, excluding any basement floor area.
- C. Wall Joist Construction: All residential structures shall possess wall joist construction consisting of framing materials of at least 1 1/2" x 3 1/2" dimensions.
- D. Roof Pitch: All residential structures, except earth sheltered homes shall possess pitched roofs and snow load capacity to meet minimum requirements of the State Building Code.

7.04 Dwelling Units Prohibited

No basement, garage, tent, trailer, or accessory building shall be at any time be used as a dwelling. The basement portion of a finished home may be used for normal eating and sleeping purposes provided it is properly damp-proofed, has suitable fire protection and exits, and is otherwise approved by the Building Inspector. Earth-sheltered homes, as defined by this Ordinance, are exempt from this Section.

7.05 Landscaping Maintenance

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

7.06 Traffic Control

The traffic generated by any use shall be channeled 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 to materially impede vision between a height of two and one half (2 ½) and ten (10) feet above the centerline grades of the intersecting streets to a distance, not exceeding front yard setback requirements, such that a clear line of vision of the intersecting street is maintained.

7.07 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. All parking areas shall be located on the same property as the principal use. Overnight parking on public streets is prohibited. 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. All commercial and industrial parking areas shall include handicapped parking requirements.

<u>LAND USES</u>	<u>PARKING REQUIRED</u>
Residences	2/dwelling unit
Restaurant/Church	1/3 seats
Offices	5/1000 sf gross floor area
General Retail	5/1000 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

7.08 Sewage Disposal General Provisions

- A. Installations, alterations, repairs, and maintenance shall be performed in accordance with the latest Minnesota Rule 7080 standards published by the Minnesota Pollution Control Agency.
- B. No person shall install, repair, or alter an on-site sewer system without first obtaining a permit as provided herein. 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.

- C. Installation, repair, pumping, and hauling of private on-site sewer systems requires licensing per Dakota County Ordinance #113.
- D. Soil percolation tests must be completed and results must be favorable for the operation of an on-site sewer system before a permit will be issued.
- E. No private on-site sewer system shall be permitted on any site less than one acre in area, with the exception of substandard lots consistent with the provisions of this Ordinance.

7.09 Refuse

All waste materials, debris, refuse, or garbage shall be kept in an enclosed building or be properly contained in a closed container designed for such purposes. The owner of vacant land shall be responsible for keeping such land free of refuse and weeds.

7.10 Relocating Structures

A conditional use permit shall be required for all permanent relocation of structures, including relocation within the same property boundaries. Relocation of construction sheds and other temporary structures to be located on a lot for less than 18 months requires no permit. For relocation of structures requiring a permit, the applicant shall submit photographs showing all sides of the structure 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 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 or lots surrounding the lot upon which it is to be moved, then the permit shall be denied.

7.11 Trees and Woodlands Preservation

The following restrictions shall apply to all residential development occurring in wooded areas:

- A. Structures shall be located in such a manner that the maximum number of trees shall be preserved.
- B. No trees shall be cut, except those occupying the actual physical space in which a structure is to be erected.

- C. Prior to the granting of a building permit, it shall be the duty of the person seeking the permit to demonstrate that there are no feasible or prudent alternatives to the cutting of trees on the site and that if trees are cut, he or she will restore the density of trees to that which existed before development, but in no case shall he or she be compelled to raise the density above ten (10) trees per acre.
- D. Forestation, reforestation, or landscaping shall utilize a variety of tree species and shall not utilize any species presently under disease epidemic. Species planted shall be hardy under local conditions and compatible with the local landscape.
- E. Development, including grading and contouring, shall take place in such a manner that the root zone aeration stability of existing trees shall not be affected and shall provide existing trees with a watering equal to one-half the crown area.
- F. Development in woodlands shall not reduce the existing crown cover greater than fifty (50) percent and shall be conducted in such a manner that the understory and litter is preserved.
- G. Notwithstanding the above, the removal of trees seriously damaged by storms or other acts of God or the removal of diseased trees shall not be prohibited.

7.12 Nuisance Characteristics

No noise, odors, vibration, smoke, air pollution, liquid or solid wastes, heat, glare, dust, or other such adverse influences shall be permitted in any district that will in any way have an objectionable effect upon adjacent or nearby property. All wastes in all districts shall be disposed of in a manner that is not dangerous to public health and safety, nor will damage public waste transmission or disposal facilities. The following minimum standards apply to all uses in all districts:

A. Odors

Odors shall not be allowed to exceed the standards stated in the Minnesota State Air Pollution Control Regulations.

B. Toxic Matter

All toxic matters emitted from a use shall conform to those standards set forth by the Minnesota State Air Pollution Control Regulations. In the event the toxic matter being considered is not specifically regulated by Minnesota State Air Pollution Control Regulations the measurement of toxic matter shall be at the lot boundary line and measured at ground level or habitable elevation and shall be the average of any 24 hour period. The release of any airborne toxic matter shall not exceed 1/30th of the Threshold Limit Values adopted by the American Conference of Governmental Industrial Hygienists. If a toxic substance is not contained in this

listing, the applicant shall satisfy the Township that the proposed levels will be safe to the general population.

C. Exhaust Emission

No flue, chimney, or exhaust pipe shall emit an emission that exceeds those standards set forth in Minnesota State Air Pollution Control Regulations.

D. Animals

The keeping of farm animals shall be consistent with the requirements of Section 7.16 of this Ordinance. The keeping of domestic animals shall be consistent with Section 7.17 of this Ordinance.

E. 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 residential or agricultural districts.
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, or safety of any person.
4. The following are declared to be nuisances affecting public health:
 - a. The effluence from any cesspool, septic tank, drainfield or human sewage disposal system, discharging upon the surface of the ground, or dumping the contents thereof at any place except as authorized.
 - b. The pollution of any public well, cistern, stream, lake, canal, or body of water by sewage, industrial waste, or other substances.
 - c. Carcasses of animals not buried or destroyed or otherwise disposed of within 48 hours after death.
5. The following could warrant to be nuisances affecting public peace and safety:
 - a. The placing or throwing on any street, alley, road, highway, sidewalk, or other public property of any glass, tacks, nails, bottles, or other nuisance which may injure any person or animal or damage any pneumatic tire when passing over the same.
 - b. The ownership, possession, or control of any unused refrigerator or other container with doors which fasten automatically when closed, of sufficient size to retain any person, to be exposed and accessible

to the public without removing the doors, lids, hinges, or latches or providing locks to prevent access by the public.

- c. It shall be unlawful for any person to store any inoperable vehicles, machinery, or equipment outside of an enclosed building in Rural Residential or Agricultural Districts.

7.13 Water and Soil Resource Management

A. Purpose and Administration

1. Introduction

Uncontrolled and inadequately planned use of natural resources adversely affects the public health, safety, and general welfare by contributing to pollution, erosion, flooding, and other environmental problems, and by creating nuisances, impairing the local tax base, and hindering the ability of the Township to provide adequate flood protection. The Township further finds that:

- a. the public health, safety, and welfare is adversely affected by poor ambient water quality and by flooding that results from inadequate management of both the quality and quantity of stormwater;
- b. every parcel of real property, both public and private, either uses or benefits from the maintenance of the stormwater conveyance system; and
- c. growth in the Township will contribute to and increase the need for improvement and maintenance of the stormwater conveyance system.

2. Intent

The intent of this Section is to provide for:

- a. The protection, preservation, property maintenance, and use of the water and soil resources of the Township in order to minimize disturbance to them and to prevent damage from erosion.
- b. The use of controls and regulations to secure safety from floods, to prevent loss of life, property damage, and other losses and risk associated with flood conditions, to reduce the financial burdens imposed upon the Township through rescue and relief efforts occasioned by the occupancy or use of areas subject to periodic flooding, to protect individual and community riparian rights, and to preserve the location, character, and extent of natural and artificial water storage and retention areas.

- c. The enforcement of this Section and the coordination of the enforcement of appropriate and applicable local, state, and federal statutes and regulations.
- d. To allow the Township to adopt the Vermillion River and Cannon River Watershed Management Plans as the local watershed plans.

3. Exemptions

“Land Disturbing Activities” do not include:

- a. Minor land disturbance activities such as home gardens and individuals’ landscaping, repairs, and maintenance work.
- b. Construction, installation, and maintenance of electric, telephone, or cable television utility lines or individual service connections to these utilities, except where 10,000 or more square feet of land or 100 or more lineal feet of shoreline is anticipated to be disturbed, or where 50 or more cubic yards of materials are anticipated to be moved in such activities.
- c. Septic tank lines or drainage fields.
- d. Tilling, planting, or harvesting of agricultural, horticultural, or silvicultural crops, except where such practices have resulted in the deposition of sediment into a natural or artificial water storage or retention area, including public waters.
- e. Preparation of land for single-family residences separately built, unless:
 - 1.) in conjunction with multiple construction in a subdivision development, or
 - 2.) 10,000 or more square feet of land or 100 or more lineal feet of shoreline is anticipated to be disturbed in such activities, or where 50 or more cubic yards of materials are anticipated to be moved in such activities.
- f. Disturbed land areas for commercial or noncommercial uses of less than 10,000 square feet in size, except where any natural or artificial storage and retention areas or public waters are anticipated to be filled or drained.
- g. Installation of fence, sign, telephone, or electric poles and other kinds of posts or poles.
- h. Emergency work to protect life, limb, or property, and emergency repairs, provided the land area disturbed is adequately shaped and stabilized when appropriate in accordance with the requirements of the Township and District.

4. Application for Permit to Conduct Land Disturbing Activity

- a. Any developer intending to conduct a land disturbing activity within the Township shall be responsible for first making application to the Town Board for a permit. All applications for a permit to conduct a land disturbing activity shall be made on forms provided by the Township and shall be accompanied by a resource management plan, a nonrefundable fee set by resolution of the Town Board, and a cash escrow to reimburse the Township for its out-of-pocket costs.
- b. No developer shall conduct any land disturbing activity, unless exempted as described in subsection A.3., above, prior to receiving an approved permit from the Township.

5. Review of Application for Permit

Upon the Town Board's receipt of an application for permit from a developer, the Town Board shall review the application and resource management plan compatibility with this Section and other Township, county, state, and federal laws and regulations. If the Town Board determines that the proposed actions are in compliance, the Town Board shall approve the application permit

6. Resource Management Plan

a. Plan Consistency

The management plan shall be consistent with the approved local watershed management plan of the areas where the land is located and shall not be contrary to the goals of any existing land use controls. The resource management plan shall address the following criteria:

- 1.) stabilization of exposed soil areas and soil stockpiles;
- 2.) establishment of permanent vegetation;
- 3.) prevention of sediment damages;
- 4.) scheduling of erosion and sediment practices;
- 5.) use of temporary sediment basins;
- 6.) construction of slopes
- 7.) control of stormwater discharge to minimize downstream erosion potential;
- 8.) stabilization of waterways and outlets;
- 9.) protection of storm sewer inlet from sediment;
- 10.) working in or crossing water bodies;
- 11.) underground utility construction;
- 12.) construction access routes

- 13.) disposal of temporary erosion and sediment control measures; and
- 14.) maintenance of erosion and sediment control practices.

b. Plan Content

The resource management plan shall include:

- 1.) location map with major streets and landmarks;
- 2.) project description;
- 3.) property boundary and lot lines;
- 4.) utility lines;
- 5.) existing contours;
- 6.) existing drainage flow patterns and receiving water body(ies);
- 7.) existing public waters and natural or artificial water storage and retention areas, and their individual 100-year flood elevations;
- 8.) existing vegetation;
- 9.) soils mapped;
- 10.) critical erosion area(s);
- 11.) final contours;
- 12.) final drainage flow patterns;
- 13.) final vegetation and permanent stabilization measures;
- 14.) location and description of erosion and sediment control practices;
- 15.) location and description of stormwater management control practices;
- 16.) description of the maintenance of all erosion and sediment and stormwater management control practices.

c. Review of the Resource Management Plan

The Town Board may consult with the Dakota Soil and Water Conservation District in review of the resource management plan for determination of the technical adequacy and effectiveness of the proposed plan. The Township shall notify the applicant of its decision after receipt of comments from the District.

d. Approval of Resource Management Plan; Permit Issuance; Letter of Credit/Cash Deposit

If the Township determines that the resource management plan meets the requirements of this Ordinance, the Town Board shall issue a permit valid for a specified period of time, that authorizes

the land disturbing activity contingent upon the satisfactory implementation and completion of the approved resource management plan. The permit shall reference the specific approved plan or approved revision thereof and shall contain provisions deemed necessary to ensure the maintenance of any permanent or temporary practices.

Upon approval of the resource management plan, the Township shall require the developer to provide a letter of credit or cash deposit in favor of the Township sufficient to insure the satisfactory installation, completion, and maintenance of the measures and procedures as required in the approved resource management plan.

e. Denial of Resource Management Plan

If the Township determines that the resource management plan does not meet the requirements of this Ordinance and approval is unwarranted, the Town Board shall deny the issuance of a permit to the applicant. The developer may seek to revise the proposed resource management plan and reapply for a permit. If the developer seeks to reapply for a permit, the proposed resource management plan must be changed so as to become compatible with the provisions of this Ordinance. After the developer has revised the resource management plan, the revised plan should be sent to the Town Board for review pursuant to subsection A.6.d., above. The revised plan should be accompanied by a request to reapply for a permit.

f. Inspection

The Town Board, in cooperation with the Soil and Water Conservation District, shall inspect the developer's or landowner's progress of implementing the resource management plan. If the Town Board finds that insufficient progress or a non-compliant activity is occurring, the Town Board shall immediately notify the developer or landowner of the problem and demand compliance.

g. Certification of Completion of Resource Management Plan

After all of the required measures and procedures as described in the resource management plan have been executed by the developer, the Town Board, in consultation with the Soil and Water Conservation District, shall conduct a review to ensure that all

required measures and procedures have been properly executed by the developer.

- 1.) If the Town Board determines that the resource management plan has been adequately executed, the Town Board shall issue a certification of completion certificate to the developer.
- 2.) If the Town Board determines that the developer has not adequately executed the resource management plan, as approved, the Town Board shall require the developer to initiate and complete measures to rectify the deficiencies and to bring the overall project into compliance with the provisions of this Ordinance.

h. Restoration Required

If the developer does not implement the resource management plan, the Town Board may order the developer to restore the development site, in whole or in part, to compliant conditions as they existed prior to the initiation of the land disturbing activity.

i. Maintenance of Permanent Measures

The developer, his/her heirs or assigns, normally shall be responsible for the long term maintenance of any permanent measure designed to control erosion, sedimentation, or stormwater runoff, or to protect natural or artificial water storage or retention areas, or to protect public waters, unless the Township has accepted an easement from the developer.

B. Stormwater Runoff Control

1. Purpose

The purpose of this Section is to prevent or reduce, to the most practicable extent, stormwater runoff and its associated effects within the Township and to provide for the protection of natural and artificial water storage and retention areas and public waters.

Further, this Section clarifies the performance standards as they pertain to the permit system, including standards and specifications for conservation practices and planning activities, to minimize stormwater runoff damages in order to prevent degradation of water and soil resources.

2. Performance Standards

Proper stormwater management shall be considered and planned for within the Township as described in this Section. The Town Board shall refer to the following standards in all reviews, approvals, and permit issuance pursuant to all of the land use controls, including building codes, of the Township. The Town Board shall also refer to the following standards in all reviews of complaints received regarding alleged land disturbing activities:

a. The following are general standards:

- 1.) To the most practicable extent and so as not to degrade existing water quality, existing natural drainageways, public waters, natural or artificial water storage or retention areas, and vegetated soil surfaces must be used to convey, store, filter and retain stormwater runoff before discharge to any public waters of the state.
- 2.) Development must 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. Disturbed areas must be stabilized and protected as soon as possible and facilities or methods used to retain sediment on the site.
- 3.) When development density, topographic features, and soil vegetation conditions are not sufficient to adequately handle stormwater runoff using natural features and vegetation, various types of constructed facilities such as diversion, settling basins, skimming devices, dikes, 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.

b. The following are specific standards:

- 1.) Measures shall be taken to maintain runoff rates generated within a subwatershed to pre-development levels. Landlocked depressions which presently do not typically overflow may be allowed a positive outlet, contingent on an approved drainage plan. The capacity of the outlet shall be limited to the runoff rate for the land tributary to this depression in an undeveloped condition.
- 2.) Drainage plans for a conveyance system will be designed on a 10 year occurrence to a rainfall of 4.2 inches. Stormwater ponding will be based on a 6.0 inch rainfall over a 24-hour period (100-year occurrence).

- 3.) Impervious surface coverage of lots must not exceed 25 percent of the lot area. Existing uses may expand if there is no increase in surface water runoff.
- 4.) When construction facilities are used for stormwater management, they must be designed and installed consistent with watershed standards.
- 5.) New constructed stormwater outfalls to any public waters must provide for filtering or settling of suspended solids and skimming of surface debris before discharge.
- 6.) All stormwater treatment ponds shall be designed and constructed in accordance with National Urban Runoff Program (NURP) criteria.

C. Erosion Sedimentation Control

1. Purpose

The purpose of this Section is to prevent or reduce, to the most practicable extent, erosion and sedimentation and their associated effects within the Township and to provide for the protection of natural and artificial water storage and retention areas and public waters. Further, this Section clarifies the performance standards as they pertain to the permit system, including standards and specifications for conservation practices and planning activities, to minimize erosion and sedimentation and their associated impacts in order to prevent degradation of water and soil resources.

2. Performance Standards

a. The following are general standards:

- 1.) No land occupier or developer shall cause or conduct any land disturbing activity which causes excessive erosion or sedimentation or which results in damages to water or soil resources or off-site impacts.
- 2.) All development shall conform to the natural limitations presented by the topography and soil types in order to minimize soil erosion and sedimentation.
- 3.) Land disturbing activities shall only 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.

b. The following are specific standards:

- 1.) For agricultural land disturbing activities, sheet and rill erosion or wind erosion shall not exceed the soil loss tolerance for the affected soil series, and active gully erosion shall be prohibited.
- 2.) For development land disturbing activities, active gully erosion and off-site impact shall be prohibited.
- 3.) No land disturbing activity shall cause an increase in channel erosion in any watercourse, whether permanent or intermittent, at any time during or following development.
- 4.) No land disturbing activity shall cause the creation of unstable slopes persisting after the completion of the development.
- 5.) Permanent or temporary soil stabilization must be applied to disturbed areas (areas where vegetation has been removed or where cuts have been made), as soon as possible, not to exceed 15 days after a subsection portion of rough grading has been conducted, unless an extension is granted by the Township. Soil stabilization measures should be selected to be appropriate for the time of year, site conditions, and estimated duration of use. Soil stockpiles must be stabilized or protected with sediment trapping measures to prevent soil loss.
- 6.) A permanent vegetative cover shall be established on disturbed areas not otherwise permanently stabilized.
- 7.) Properties adjacent to the site of a land disturbance shall be protected from sediment deposition.
- 8.) Sediment basins and traps, perimeter dikes (for diversion), sediment barriers (silt curtains or hay bales), and other measures intended to trap sediment on-site must be constructed as a first step in grading and be made functional before upslope land disturbance takes place. Earthen structures such as dams, dikes, and diversions must be seeded and mulched within 15 days of installation.
- 9.) Stormwater runoff from drainage areas with more than five acres of disturbed area must pass through a sediment trapping basin or other suitable sediment trapping facility.
- 10.) Cut and fill slopes must be designed and constructed in a manner which will minimize erosion. Slopes which are found to be eroding excessively within one year of construction must be provided with additional slope stabilizing measures until the problem is corrected.
- 11.) Properties and waterways downstream from development sites shall be protected from erosion due to increases in volume, velocity, and peak flow rate of stormwater runoff.

- 12.) All on-site stormwater conveyance channels shall be designed and constructed to withstand the expected velocity of flow from a 5-year frequency storm without erosion.
- 13.) All storm sewer inlets which are made operable during construction shall be protected so that sediment-laden water will not enter the conveyance system without first being filtered or otherwise treated to remove sediment.
- 14.) Construction vehicles should be kept out of watercourses to the extent possible.
- 15.) The construction of non-exempt underground utility lines shall be subject to the following criteria:
 - a.) No more than 5090 feet of trench are to be opened at one time unless approved by the Township;
 - b.) Where consistent with safety and space considerations, excavated material is to be placed on the uphill side of trenches.
 - c.) Trenched watering devices shall discharge in a manner which will not adversely affect flowing streams, drainage systems, or off-site property.
- 16.) Wherever construction vehicle access routes intersect paved roads, provisions must be made to minimize the transport of sediment by runoff or vehicle tracking onto the paved surface.
- 17.) All temporary erosion and sediment control measures shall be disposed of within 30 days after final site stabilization is achieved or after the temporary measures are no longer needed, unless otherwise authorized by the Township.
- 18.) All temporary and permanent erosion and sediment control practices must be maintained and repaired as needed to assure continued performance of their intended function.

D. Soil Loss Control

1. Purpose

The purpose of this Section is to prevent the degradation of lands, lakes, streams, rivers, and wetlands. This policy applies to all land within the Township, including agricultural land, woodland, pasture, and developed lands.

2. Soil Loss Limit

Soil Loss Limit means the maximum amount of soil loss from water or wind erosion leaving the property where it is located, expressed in tons per acre per year, for lands in agricultural use, and expressed as cubic feet for non-agricultural lands. The soil loss limits for soils in agricultural use is two times the specified soil loss tolerances for each soil series as described in the Field Office Technical Guide. The official Dakota County Soil Survey is adopted by reference and declared to be a part of this policy.

- a.) The soil loss limit for each soil on agricultural land is shown in the table below.

Soil Series (symbol)	Soil Loss Tolerance T (tons/acre)	Soil Loss Tolerance for this Policy 2T (tons/acre)	Soil Series (symbol)	Soil Loss Tolerance (tons/acre)	Soil Loss Tolerance for this Policy 2T (tons/acre)
Aa	5	10	Hc	4	8
Ab	5	10	Hd	5	10
Ba	5	10	He	5	10
Bb	5	10	Ia	5	10
Bc	5	10	Ka	4	10
Bd	4	8	La	4	8
Be	3	6	Lb	3	6
Ca	5	10	Lc	5	10
Cb	4	8	Ld	4	8
Cc	5	10	Le	5	10
Cd	2	4	Lf	5	10
Da	4	8	Ma	2	4
Db	4	8	Oa	5	10
Dc	5	10	Pa	2	4
Dd	5	10	Pb	2	4
De	5	10	Ra	5	10
Df	5	10	Sa	2	4
Dg	5	10	Sb	5	10
Ea	3	6	Sc	2	4
Eb	3	6	Ta	3	6
Fa	4	8	Tb	5	10
Ga	5	10	Tc	5	10
Ha	5	10	Wa	4	8
Hb	5	10	Wb	5	10
			Wc	5	10
			Za	5	10

- b.) For non-agricultural land, excessive soil loss is defined as the accumulation of 100 cubic feet of soil onto an adjacent property.

3. Performance Standards

A person may not cause, conduct, contract for, or authorize an activity that causes excessive soil loss to an adjacent property. A land occupier shall:

- a. prevent excessive soil loss and ensure that proper management and conservation practices are being applied to the land;

- b. if using wooded or open land for pasture, ensure that proper management is used to prevent excessive soil loss due to overgrazing or cattle paths;
- c. if a body of water, water source, or wetland is located within an agricultural use area, rural area, wooded or open land for pasture, or a wooded area used for timber harvest, ensure that proper management and conservation practices are being applied to the surrounding land.

E. Wetland Conservation

1. Purpose

This Section is adopted to implement the Wetland Conservation Act of 1991, (Minn. Laws 1991 Chapter 354, as amended), and the accompanying rules of the Minnesota Board of Water and Soil Resources (Minn. Rules chapter 8420, as amended).

2. Incorporation By Reference

This Section incorporates by reference the Act and the Rules. Terms used in this Section which are defined in the Act or the Rules have the meanings given there.

3. Scope

This Section regulates the draining and filling of wetlands and parts of wetlands within the Township. It is part of the official controls of the Township. Conflicts with other official controls must be resolved in favor of providing the most wetland protection.

4. Procedure

a. Exemption and no-loss determinations

Exemption and no-loss determinations under Minn. Rule Parts 9420.0210 and .0220 shall be made by the Town Board. The Town Board may seek the advice of the technical evaluation panel on questions of wetland delineation and type. The Town Board's decision is final unless appealed to the Board of Adjustment and Appeals within 30 days.

b. Sequencing and replacement plan decisions

Sequencing and replacement plan decisions under Minn. Rule part 9420.0520-.0550 shall be made following the same procedures as for conditional use permits plus the additional notice and time requirements of part 8420.0230. If the amount of wetland to be drained or filled is less than one-tenth of an acre, the sequencing determination under Minn. Rule part 8420.0520 shall be made by the Town Board.

c. Monitoring

The Town Board shall assure that the replacement plan monitoring and enforcement requirements of Minn. rule parts 8420.0600-.0630 are fulfilled.

d. Wetland banking

Wetlands may be restored or created within the Township for purposes of deposit in the wetland bank in accordance with Minn. Rules parts 8420.0700-.0760. The Town Board is responsible for approving bank plans, certifying deposits, and monitoring of banked wetlands and enforcement under the rules.

e. Appeals

Decisions made under this Section may be appealed to the Board of Water and Soil Resources under Minn. Rule part 8420.0250, after administrative appeal rights under the official controls have been exhausted.

f. Variances

The Township may issue variances from the official controls of the Township so long as the variances do not vary requirements of the Act or the Rules.

g. Technical evaluation panel

The Township shall appoint a person to serve on the technical evaluation panel. The person must be a technical professional with expertise in water resources management. Decisions under this Section must not be made until after receiving the determination of the technical evaluation panel regarding wetland public values,

location, size and/or type if the decision-maker, the landowner, or a member of the technical panel asks for such determinations. This requirement does not apply to wetlands for which such data is included in an approved comprehensive wetland management plan per part 8420.0240. The Township shall consider recommendations, if any, made by the technical evaluation panel in making replacement plan decisions.

7.14 Communication Towers and Antennae

A. Conditional Use Permit Required

A conditional use permit is required for the construction or erection of any communications towers. Co-location uses are exempt from the CUP process, but require Planning Commission and Town Board approval.

B. Co-location on Existing Structures

New towers or antennae must be co-located on existing structures in the Township, unless it can be documented that it is impractical to co-locate on an existing structure because of the technical performance, system coverage, or system capacity of an existing structure not being able to support co-location from a structural engineering standpoint, or the lease rate of an existing structure is not "Rate Reasonable." Rate Reasonable shall mean that the co-location lease rate is not more than one hundred fifty (150) percent of the co-location lease rate for towers within ten miles for which such lease rate information can be obtained. 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.

C. Co-location Requirements for New Structures

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

<u>Height of Structure</u>	<u>Number of Co-location Required</u>
Less than 120'	No co-location required
Between 120' and 160'	1 additional user accommodated
Greater than 160'	2 additional users accommodated

In the event a tower must be constructed in excess of one hundred sixty (160) feet in height, the owner of the tower shall reserve the right of co-location for one (1)

of the two (2) additional users to the Township for the use by the Township for government communication services including but not limited to uses such as fire, police, or rescue. 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 users' equipment needs. Nothing in these regulations shall prevent the owner of the tower from requiring a remuneration from a co-location user, excepting the co-location use reserved for the Township, and provided such remuneration is Rate Reasonable. The owner of the tower may also establish reasonable technical requirements for co-location to protect the owner's investment and guarantee effective telecommunications service.

The Township may utilize its reserved right for co-location in any manner consistent with the safe and efficient operation of communications services. The owner of the tower shall have the authority to determine whether the Township's use of the tower is compatible with commercial wireless telecommunications services users on the tower. The owner of the tower shall have the authority to review all plans for co-location uses and require reasonable modifications for such plans to ensure safe and efficient operation of the communications services and to protect the owner's investment.

D. Tower Height and Antenna Design

No tower shall exceed 200 feet in height. Towers and antennae shall be located and designed to blend into the surrounding environment to the maximum extent possible. Towers shall be of a mono-pole 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.

E. Tower Setbacks

All towers shall be set back from structures, rights-of-way, and property lines at a distance equal to the height of the towers and antennae. 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.

F. Lighting

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

G. 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.

H. 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.

I. 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.

J. 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.

K. Construction Requirements

All wireless telecommunications 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.

L. 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.

M. Other Requirements

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

7.15 Signs

A. Intent

The regulations established in this chapter are designed to protect property values, create a more attractive environment, enhance and protect the physical appearance of the community, prevent and reduce potential traffic hazards caused by distracting and obstructing signs, and to remove safety hazards to pedestrians that may be caused by signs projecting over public rights-of-way.

B. Permit Required

A permit shall be required for approval by the Township prior to installation of any sign that is required to conform to the provisions of this Ordinance. Permit fees shall be established by resolution of the Town Board.

C. Public Right-of-Way

Only official identification, directional, or traffic control signs shall be allowed within the public right-of-way.

D. On-Site Advertising Signs

All new signs larger than 20 square feet in area shall require a conditional use permit. No advertising sign may exceed 80 square feet or 20 feet in height.

E. Off-Site Signs

Off-site signs shall be allowed in all districts as conditional uses, but are limited to non-commercial messages or directional information and may not exceed 12 square feet in area.

F. Electronic Message Signs

Electronic message signs in excess of 12 square feet are prohibited, except for display of time and temperature.

G. Poorly-Maintained Signs

Unpainted signs, broken signs, and signs on vacated buildings shall be removed from the premises on order of the Town Board.

H. Symbolic Signs

Symbolic signs, such as a barber pole, that are traditional in nature and size shall be permitted. Small identifying signs under canopies or on retractable awnings shall also be permitted.

I. Announcement Signs

Signs for the following purpose not exceeding ten (10) square feet in area and placed back twenty (20) feet from front lot line shall be permitted in all districts:

1. A sign advertising only the sale, rental, or lease of the building or premises on which it is maintained.
2. An announcement sign or bulletin board for the use of a public, charitable, or religious institution occupying the premises.
3. An advertising sign in connection with a lawfully maintained nonconforming use.
4. Political signs.

J. Portable Signs/Lighting

Portable signs and signs illuminated by flashing, intermittent rotating, or moving light or lights are prohibited, except for temporary uses, which require conditional use permits. In all districts, any lighting used to illuminate a lot or structure (including signs) thereon shall be arranged so as to deflect light away from adjacent lots and streets. The source of light shall be hooded or shielded so as to prevent beams or rays of light from being directed at any portion of adjoining properties or streets.

K. Nonconforming Signs

Signs erected prior to the date of enactment of this Ordinance which do not conform with the sign regulations contained herein shall not be expanded, modified, or changed in any way except in conformity with these sign regulations.

L. General

No sign may exceed twenty feet in height or eighty square feet in area. Wall signs may not exceed eighty square feet or twenty percent of the wall area, whichever is less. Roof signs are prohibited. One freestanding sign is permitted for each authorized non-residential use. Small directional, advisory, or information signs (less than three square feet) are permitted in addition to freestanding signs.

7.16 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 Castle Rock Township. Livestock, poultry, dairy products, and other agricultural commodities are produced in Castle Rock Township. The continued viability of the agricultural community and production of these products is essential to the economic well-being of Castle Rock 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 Castle Rock Township

The purpose of this Section is to establish an application process for permitting animal feedlots, regulating location, development, operation, and expansion of animal feedlots, promoting best farm management practices, and ensuring land use compatibility.

B. Administration

1. 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 VIII of this Ordinance, if any of the following conditions exist:

- a. A new animal feedlot is proposed;

- b. A change in operation of an existing feedlot is proposed. A change in operation includes:
 - 1.) An increase beyond the permitted maximum number of animal units.
 - 2.) An increase in the number of animal units that are confined at an unpermitted lot;
 - 3.) A change in the construction or operation of an animal feedlot that would affect the storage, handling, utilization, or disposal of animal manure, included but not limited to the following:
 - a.) Ownership of an existing animal feedlot is changed;
 - b.) A National Pollutant Discharge Elimination System (NPDES) permit application is required under state or federal rules or regulations;
 - c.) An inspection by authorized MPCA or County staff determines that the animal feedlot creates or maintains a potential pollution hazard.

2. Permit Application

A permit application shall include the following:

- a. Owner's and operator's names and addresses;
- b. Proposed location, including quarter section, township, and range;
- c. Animal types and maximum number of animals of each type which will be confined at the feedlot;
- d. A sketch identifying dimensions of the feedlot, all setbacks required in subsection C., below, 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;
- e. Plans for buildings or structures as required by this Ordinance.

3. Township Action

Action by Castle Rock Township on an Animal Feedlot application is conditional upon the following additional requirements being met by the applicant:

- a. Receipt of a Feedlot Permit from the Dakota County Feedlot Officer;
- b. Approval of a Spill Response Plan by the County Feedlot Officer;

- c. Approval of a Nutrient Management Plan by the County Feedlot Officer, in consultation with the Dakota County Soil and Water Conservation District.

4. Certification

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.

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.

C. Acreage and Setback Requirements

1. Minimum Area

Minimum land requirements for an animal feedlot will be based upon the minimum amount of land required to meet the setback requirements in subsection C.2., below, and the requirements for spreading of manure as identified in the Nutrient Management Plan.

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>
1-50	100 feet
51-150	500 Feet
151-750	1,000 feet
751 or more	1/4 mile

- b. From 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.

D. 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.

E. 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, spreaders

All vehicles used to transport animal manure on county, state, interstate, township, or city roads shall be leakproof. Manure spreaders with endgates shall be in compliance with this provision provided the endgates work 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 or her 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 this Section.

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 or her 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.

F. Other Regulations

Compliance with all other applicable local, state, and federal standards shall be required, including State feedlot regulations (MN. Regulations Chapter 7020) and Shoreland Development (MN Statutes 103F.201).

7.17 Animal Control

A. Running at Large Prohibited

It shall be unlawful for the dog of any person who owns, harbors, or keeps a dog, or the parents or the guardians of any such person under 18 years of age, to run at large. Dogs on a leash and accompanied by a responsible person or accompanied by and under the control and direction of a responsible person so as to be effectively restrained by command as by leash, shall be permitted in streets or on public land unless the Town Board has posted an area with signs reading “Dogs Prohibited,” or other applicable signs.

B. Impounding

Any animal running at large may be declared a public nuisance. Any law enforcement officer may impound any dog or other animal found running at large and shall give notice of the impounding to the owner of such dog or other animal, if known. In case the owner is unknown, the officer shall post notice at the Town Hall that if the dog or other animal is not claimed within the time specified in subsection C., below, it will be sold or otherwise disposed of. Except as otherwise provided by law, it shall be unlawful to kill, destroy, or otherwise cause injury to any domestic animal, including dogs running at large.

C. Reclaiming

All animals conveyed to the pound shall be kept, with humane treatment and sufficient food and water for their comfort, at least five regular business days, unless the animal is a dangerous animal as defined under subsection J., below. In case the owner or keeper shall desire to reclaim the animal from the pound, the following shall be required, unless otherwise provided for in this Ordinance or established from time to time by resolution of the Town Board:

1. Payment of the release fee. The release fee shall be as established from time to time by resolution of the Town Board, but not less than \$25.00 the first time an animal is impounded, \$50.00 the second time it is impounded, and \$75.00 for the third and each subsequent time the same animal is impounded. For the purpose of a release permit, any change in the registered ownership of an animal subsequent to its impoundment and release shall reset that animal’s impoundment count to the beginning of the fee scale;
2. Payment of maintenance costs, as provided by the pound, per day or any part of day while animal is in said pound; and
3. If a dog is unlicensed, payment of a regular license fee if required and valid certificate of vaccination for rabies and distemper shots is required.

D. Unclaimed Animals

At the expiration of the times established in subsection C., above, if the animal has not been reclaimed in accordance with the provisions of this Section, the officer appointed to enforce this Section may let any person claim the animal by complying with all provisions in this Section, or the officer may sell the animal to the University of Minnesota or may cause the animal to be destroyed in a proper and humane manner and shall properly dispose of the remains thereof. Any money collected under this subsection shall be payable to the Township Clerk.

E. Vaccination

1. All dogs kept harbored, maintained, or transported within the Township shall be vaccinated at least once every three years by a licensed veterinarian for rabies with a live modified vaccine and distemper.
2. A certificate of vaccination must be kept on the premises of the owner, on which is stated the date of vaccination, owner's name and address, the animal's name (if applicable), sex, description, and weight, the type of vaccine, and the veterinarian's signature. Upon demand made by the Town Clerk or a law enforcement officer, the owner shall present for examination the required certificate(s) of vaccination for the animal(s). In cases where certificates are not presented, the owner or keeper of the animal(s) shall have seven days in which to present the certificate(s) to the Town Clerk or sheriff. Failure to do so shall be deemed a violation of this subsection.

F. Biting Animals

Any animal that has not been inoculated by a live modified rabies vaccine and which has bitten any person, wherein the skin has been punctured or the services of a doctor are required, shall be confined in the Town Pound for a period of not less than ten days, at the expense of the owner. The animal may be released at the end of such time if healthy and free from symptoms of rabies, and by the payment of all costs by the owner. However, if the owner of the animal shall elect immediately upon receipt of notice of need for such confinement by the officer to voluntarily and immediately confine the animal for the required period of time in a veterinary hospital of the owner's choosing, not outside of Dakota County, and provide immediate proof of such confinement in such manner as may be required, the owner may do so. If, however, the animal has been inoculated with a live modified rabies vaccine and the owner has proof of the vaccination by a certificate from a licensed veterinarian, the owner may confine the dog or other animal to the owner's property.

G. Non-Domestic Animals

It shall be illegal for any person to own, possess, harbor, or offer for sale, any non-domestic, non-farm animal within the Town limits. Any owner of such an animal at the time of adoption of this Ordinance shall have thirty days in which to remove the animal from the Town after which time the Town may impound the animal as provided for in this Section. An exception shall be made to this prohibition for animals specifically trained for and actually providing assistance to the handicapped or disabled, and for those animals brought into the Town as part of an operating zoo, veterinarian clinic, scientific research laboratory, or licensed show or exhibition.

H. Nuisances

Animals kept contrary to this Section are subject to impoundment.

1. Habitual Barking

It shall be unlawful for any person to keep or harbor a dog, which habitually barks or cries. Habitual barking shall be defined as barking for repeated intervals of at least three minutes with less than one minute of interruption. Such barking must also be audible off of the owner or caretaker's premises.

2. Damage to Property

It shall be unlawful for any person's dog or other animal to damage any lawn, garden, or other property, whether or not the owner has knowledge of the damage. Any animal covered by this subsection may be impounded as provided in this Section or a complaint may be issued by anyone aggrieved by an animal under this Section against the owner of the animal for prosecution under this Section.

3. Cleaning Up Litter

The owner of any animal, or the person having the custody or control of any animal, shall be responsible for cleaning up any feces of the animal and disposing of such feces in a sanitary manner whether on their own property, on the property of others, or on public property. Any person who is found guilty of violations of this subsection shall be punished by a fine of at least \$25.00 but not more than \$100.00.

I. Seizure of Animals

Any law enforcement officer or animal control officer may enter upon private property and seize any animal provided that following conditions exist:

1. There is an identified complainant other than the law enforcement officer or animal control officer making a contemporaneous complaint about the animal;
2. The officer reasonably believes that the animal meets either the barking dog criteria set out in subsection H.1., above, or the criteria for an at large animal set out in subsection A., above;
3. The officer can demonstrate that there has been at least one previous complaint of a barking dog; inhumane treatment of the animal, or that the animal was at large at this address on a prior date;
4. The officer has made a reasonable attempt to contact the owner of the property and those attempts have either failed or have been ignored;
5. The seizure will not involve the forced entry into a private residence. Use of a pass key obtained from a property manager, landlord, innkeeper, or other authorized person to have such key shall not be considered unauthorized entry; and
6. Written notice of the seizure is left in a conspicuous place if personal contact with the owner of the animal is not possible.

J. Animals Presenting a Danger to Health and Safety of the Township

If, in the reasonable belief of any person or law enforcement officer, an animal presents an immediate danger to the health and safety of any person, the animal is threatening imminent harm to any person, or the animal is in the process of attacking any person, the officer may destroy the animal in a proper and humane manner. Otherwise the person or officer may apprehend the animal and deliver it to the pound for confinement under subsection I., above. If the animal is destroyed, all costs of disposal including veterinarian costs are to be paid by the owner of the animal. If the animal is found not to be a danger to the health and safety of the Town, it may be released to the owner or keeper in accordance with subsection C., above.

K. Diseased Animals

1. Running at Large

No person shall keep or allow to be kept on his or her premises, or on premises occupied by them, nor permit to run at large in the Town, any animal which is diseased so as to be a danger to the health and safety of the Town, even though the animal be properly licensed under this Section.

2. Confinement

Any animal reasonably suspected of being diseased and presenting a threat to the health and safety of the public, may be apprehended and confined in the pound by any person or law enforcement officer. The law enforcement officer shall have a qualified veterinarian examine the animal. If the animal is found to be diseased in such a manner so as to be a danger to the health and safety of the Town, the officer shall cause such animal to be painlessly killed and shall properly dispose of the remains. The owner or keeper of the animal killed under this subsection shall be liable for at least \$75.00 to cover the cost of maintaining and disposing of the animal, plus the costs of any veterinarian examinations.

3. Release

If the animal, upon examination, is not found to be diseased within the meaning of this subsection, the animal shall be released to the owner or keeper free of charge.

L. Interference with Officers

No person shall in any manner molest, hinder, or interfere with any person authorized by the Township to capture dogs or other animals and convey them to the pound while engaged in such operation. Nor shall any unauthorized person break open the pound or attempt to do so, or take or attempt to take from any agent any animal taken up by him or her in compliance with this Section, or in any other manner to interfere with or hinder such officer in the discharge of his or her duties under this Section.

M. Kennels

A conditional use permit shall be required for the operation of a kennel, according to the provisions in Section 8.05 and all other requirements of this Ordinance.

N. Farm Animals

The keeping of farm animals shall require a minimum lot size of two (2) acres and AG Agriculture zoning. The number of farm animals allowed on any AG property shall be governed by the following:

2.0 to 5.0 acres:	no more than 3 animal units
5.01 acres to 10.0 acres:	no more than 6 animal units

more than 10.0 acres: see feedlot standards

O. Violations and Penalties

1. Separate Offenses

Each day a violation of this Section is committed or permitted to continue shall constitute a separate offense and shall be punishable as such under this Section.

2. Misdemeanor

Unless otherwise provided, violation of this Section shall constitute a misdemeanor punishable by a fine of up to \$700.00 or imprisonment for up to ninety days.

7.18 Uses Requiring Public Improvements

Any new or intensified use authorized by this Ordinance or permitted by the Township that requires private or public improvements, including but not limited to driveways, turn lanes, bypass lanes, public streets, signage, signalization, storm sewers, stormwater ponds, and similar improvements, shall be the sole responsibility of the party responsible for the use.

7.19 Commercial/Industrial Development Standards

All new or intensified commercial and industrial uses shall be subject to the following minimum performance standards:

- A. Site plan review requirements in Section 5.05.
- B. Water and soil resource management requirements in Section 7.13.
- C. Exterior building materials shall not include unpainted metal surfaces or untextured concrete block. The exterior walls of all building facing public roads, residential land uses, or public/institutional uses, and not set back more than 500 feet from such roads or land uses, shall include a minimum 25% of the wall area constructed with face brick, natural stone, textured stone, textured block, stucco, wood, or similar decorative treatment.
- D. Rooftop mechanical systems shall be appropriately screened from public view.
- E. Outside storage shall be appropriately screened from view from public roads, residential land uses, or public/institutional land uses.

- F. Solid waste and authorized hazardous materials shall be kept in containers specifically designed for such use and contained completely within buildings or approved enclosures.
- G. Yard and security lighting on any site shall be directed away from public roads and adjacent properties and include shrouds to prevent off-site glare, including upward glare.
- H. Approved accessory structures shall be compatible with principal structure in architectural style and appearance.
- I. Security and decorative fencing may be located on the property line on the side and rear yards and at the front building setback line. No fence shall exceed eight (8) feet in height, unless authorized by conditional use permit. No fence shall be designed, constructed, or located in manner which obstructs the view of motorists.

SECTION VIII: ADMINISTRATION AND ENFORCEMENT

8.01 Enforcing Officer

The Township Building Inspector or other designee of the Town Board shall enforce this Ordinance and perform the following duties:

- A. Conduct inspections of buildings and use of land to determine compliance with the terms of this Ordinance.
- B. Serve as an ex-officio, non-voting member of the Planning Commission.

8.02 Maintenance of Records

The Town Clerk shall perform the following duties:

- A. Maintain permanent and current records of this Ordinance, including but not limited to: all maps, amendments, special uses, permits, appeals, and applications.
- B. Receive, file, and forward all applications for permits, amendments, appeals, special uses, or other matters to the designated official bodies.

8.03 Appeals and the Board of Adjustment and Appeals

- A. The Town Board of Castle Rock shall, pursuant to the authority contained in Minnesota Statutes 462.354, Subd. 2, act as the Board of Adjustment and Appeals.
- B. The Board of Adjustment and Appeals shall have the power 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 the Zoning 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 the Ordinance. The Board may not permit as a variance any use that is not permitted under this Ordinance for property in the zone where the affected person's land is located. The Board may impose conditions in the granting of variances to ensure compliance and to protect adjacent properties.
 - 3. In the event a permit for a building is denied, the Board, upon an appeal filed by the owner of the land, shall have the power to grant a permit for a

building in such location in any case in which the Board finds upon the evidence and arguments presented to it:

- a. That the entire property of the appellant of which such area identified for public purposes forms a part cannot yield a reasonable return to the owner unless such a permit is granted, and
 - b. That balancing the interest of the municipality, preserving the integrity of the official map and of the comprehensive municipal plan, and the interest of the owner of the property in the use of his property and benefits of ownership, the grant of such permit is required by considerations of justice and equity. The Board shall specify the exact location, ground area, height, and other details as to the extent and character of the building for which the permit is granted.
- C. Hearings by the Board of Adjustment and Appeals shall be held within such time and upon such notice to interested parties as is provided in Section 8.06. The Board shall, within a reasonable time, make its order deciding the matter and shall serve a copy of such order upon the appellant or petitioner by mail. Any party may appear at the hearing in person or by agent or attorney.
- D. The Board of Adjustment and Appeals may reverse, affirm wholly or partly, or may modify the order, requirement, decision, or determination and shall have all the powers of the officer from whom the appeal was taken and may issue or direct the issuance of a permit. The reasons for the Board's decision shall be stated. The decision of such Board shall not be final and any person having an interest affected by such decision shall have the right to appeal to the County District Court on questions of law and fact.
- E. The meetings of the Board of Adjustment and Appeals shall be held at the call of the chairman and at such other times as the Board in its rules of procedure may specify.
- F. The Board of Adjustment and Appeals shall elect a chairman and vice-chairman from among its members and shall appoint a secretary who need not be a member of the Board. It shall adopt rules for the transactions of its business and such rules may include provisions for the giving of oaths to witnesses and the filing of written briefs by the parties. The Board shall provide a public record of its proceeding which shall include the minutes of its meetings, its findings, and the action taken at each matter heard by it, including the final order.
- G. The members of the Board shall be paid at rates established by the Town Board and their necessary expenses in attending meetings of the Board and in the conduct of the business of the Board.

8.04 Zoning Amendments

- A. An amendment to the text of this Ordinance or to the Zoning Map may be initiated by the Town Board, the Planning Commission, or other party. Parties wishing to initiate an amendment to the Zoning Ordinance shall fill out an application furnished by the Township (Appendix A) and submit it to the Town Clerk, together with a filing fee in the amount established by resolution of the Town Board.
- B. Owners of property near the property in question shall be notified at least 10 days prior to the hearing. Persons notified shall be all property owners within one-half mile of the property in question. In the Rural Residential and Commercial Industrial Districts, 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.
- C. A public hearing on the amendment application shall be held by the Planning Commission after the completed request for the zoning amendment has been received. Notice of said hearing shall be published in the official newspaper at least ten (10) days prior to the hearing. The Planning Commission shall make its report to the Town Board at the next regular meeting of the Town Board following the hearing recommending approval, disapproval or modified approval of the proposed amendment.
- D. 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 time frame is extended by the applicant or the application is withdrawn.
- E. No re-application for an amendment to the text of this Ordinance, or to the Zoning Map, which has been denied shall be considered by the Planning Commission within the one-year period following a denial of 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.
- F. 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.

8.05 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 on the health, safety, morals, and general welfare of occupants of surrounding lands, the effect of 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 consistency 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 the 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.
4. Increasing the street width.
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, enlargement, 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, annual review dates, and such other information as may be appropriate.

B. Procedure.

1. The person applying for a conditional use permit shall fill out and submit to the Planning Commission Secretary or Town Clerk an application together with a fee in the amount established by resolution of the Town Board.
2. The application shall be referred to the Planning Commission for consideration at a public hearing. Owners of the 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 conditional use.
4. 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.
5. 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 conditional use permit, the Town Board may impose conditions it considers necessary to protect the public health, safety, and welfare, and such conditions may include a time limit for the use to exist or operate.
6. Any intensification of conditional uses or other changes in conditional uses, including any requests by the permittee for amended conditions, shall require an amendment to the conditional use permit. An amended conditional use permit application shall be administered in a manner similar to that required for a new conditional use permit, with a fee established by resolution of the Town Board.
7. No application for a conditional use permit that has been denied shall be resubmitted for a period of twelve (12) months from the date of said order of denial.
8. If a time limit or 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 at the discretion of the Township with notice of said hearing following the requirements prescribed above.
9. 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.

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; and
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.
6. Findings of the Board of Adjustment and Appeals 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 Board of Adjustment and Appeals shall hold a public hearing on the proposal. 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 Board of Adjustment and Appeals 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 Board of Adjustment and Appeals 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 Board of Appeals and Adjustments 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 Board of Adjustment and Appeals may impose conditions (including time limits) it considers necessary to protect the public health, safety, and welfare.
6. 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.

8.07 Building Permits

A. Procedure

For the purposes of enforcing this Ordinance, a building permit shall be required of all persons intending to erect, alter, wreck, or move any building with footings or anchors.

1. Persons requesting a building permit shall fill out a building permit form available from the Town Clerk or designee.
2. Completed building permit forms and a fee based on building valuation shall be returned to the Town Clerk or designee so that the permit request may be reviewed by the Building Inspector. The applicant shall be available for consultation with the Building Inspector to answer questions regarding the permit.
3. The Building Inspector shall review the permit application within a reasonable period of time and any time limitation prescribed by law. Failure of the applicant to furnish required permit information shall delay the permit review. The Building Inspector shall forward the permit review findings and recommendations to the Town Board.
4. In the event an existing building is to be moved, or a building is destroyed to allow a replacement, a performance bond in an amount determined by the Town Board shall be required.
5. The Town Board shall approve, modify, or deny the permit application at its next regular meeting, or within any other timeframe prescribed by law, unless the applicant withdraws the application.

B. Certificate of Occupancy

A Certificate of Occupancy must be issued by the Township prior to any occupancy of a building that is issued a permit by the Township.

C. Permit Review Financial Responsibility

A permittee and/or developer shall be responsible for any expenses related to plan reviews or other tasks, as directed by the Town Board, by Township consultants that may be necessary in order for the Township to make an informed decision under this Ordinance.

8.08 Interim Use Permits

A. Application, Public Hearing, Notice, and Procedure

The application, public hearing, notice, and procedure requirements for interim use permits shall be the same as those for amendments as provided in Section 8.04 of this Ordinance.

B. Termination

An interim use permit shall terminate on the happening of any of the following events, whichever first occurs:

1. The date stated in the permit.
2. A violation of the condition under which the permit was issued.
3. A change in the Township's zoning regulation which renders the use nonconforming.

C. 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 Township 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.

D. Conditions

The Township may attach conditions to 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.

E. Reapplication

No application for an interim use permit that has been denied shall be resubmitted for a period of twelve (12) months from the date of said order of denial.

8.09 Penalties

In the event of a violation or a threatened violation of this Ordinance, the Town Board or the Planning Commission, in addition to other remedies, may request the Township Attorney to institute appropriate actions or proceedings to prevent, restrain, correct or abate such violations, or threatened violations.

Any person, firm, or corporation who shall violate any of the provisions hereof, or who shall fail to comply with any of the provisions hereof, or who shall make any false statement in any document required to be permitted under the provisions hereof, shall be guilty of a misdemeanor and upon conviction thereof, shall be punished by a fine not to exceed seven hundred dollars (\$700.00) or by imprisonment not to exceed ninety (90) days, or both, or the maximum extent allowable by law. Each day that a violation continues shall constitute a separate offense.

8.10 Responsibility; Effect

Neither the issuance of a permit nor compliance with the conditions thereof, nor with the provisions of this Ordinance shall relieve any person from any responsibility otherwise imposed by law for damage to persons or property; nor shall the issuance of any permit hereunder serve to impose any liability on the Township of Castle Rock or its officers or employees for injury or damage to persons or property. A permit issued pursuant to the Ordinance does not relieve the permittee of the responsibility for securing and complying with any other permit which may be required by any other law ordinance or regulation.

8.11 Fees and Reimbursements

The Town Board shall establish by resolution a schedule of fees and deposits required to be paid with any application to or related action necessary of the Township. In general, applicants shall be required to pay reasonable fees to cover administrative costs and shall be required to cover the Township's out-of-pocket expenses in review and required actions including, but not limited to, legal fees, engineering fees, and planning fees.

8.12 Repealer

The Castle Rock Zoning Ordinance, adopted April 6, 1999, and all amendments thereto, is hereby repealed. Parts of other ordinances in conflict with this Ordinance, to the extent of such conflict and no further, are hereby repealed.

8.13 Effective Date

The effective date of this Ordinance shall be after its passage and publication according to law.

Adopted by the Board of Supervisors this 11th day of June, 2002.

Town Board Chair

ATTEST:

Town Clerk

Published in the *Farmington Independent* and the *Cannon Falls Beacon* this 20th day of June, 2002.

ORDINANCE NO. 2002-A

**CASTLE ROCK TOWNSHIP
DAKOTA COUNTY, MINNESOTA**

AN ORDINANCE AMENDING *ORDINANCE NO. 2002,*

**CASTLE ROCK TOWNSHIP ZONING ORDINANCE,
ESTABLISHING ADDITIONAL PERFORMANCE STANDARDS
FOR NON-RESIDENTIAL USES**

THE BOARD OF SUPERVISORS OF CASTLE ROCK TOWNSHIP ORDAINS:

SECTION 1. The introductory paragraph of Section 7.19 “Commercial/Industrial Development Standards” of the *Castle Rock Township Zoning Ordinance* is amended in its entirety to read:

In addition to other applicable requirements and provisions of this Ordinance, all new, intensified, or modified commercial, industrial, agricultural service, public, institutional, or other non-residential and other non-agricultural uses shall be subject to the following minimum performance standards:

SECTION 2. Section 7.19 “Commercial/Industrial Development Standards” of the *Castle Rock Township Zoning Ordinance* is amended by adding the following subsections:

- J. Public streets, private streets, driveways, parking, loading and maneuvering areas must be designed for all-weather conditions and minimum 9-ton weight usage pertinent to the projected average daily traffic (ADT) and appropriate soil factor (SF) and must be designed and constructed according to the Castle Rock Township recommended design standards and as approved by the Township engineer.
- K. All required improvements including, but not limited to, site grading, erosion control, roads, and stormwater ponding must be constructed according to Township approved plans before building permits will be issued. Community well and fire protection systems may be required to be designed and constructed within developments, depending on the intensity and nature of the uses.
- L. A cash escrow, letter of credit, performance bond, or other form of surety approved by the Township Attorney shall be required to guarantee compliance of plans approved by the Township and compliance with the provisions of this Ordinance.

SECTION 3. Effective Date. This Ordinance shall be effective upon its passage and publication according to law.

ADOPTED this 8th day of October, 2002, by the Board of Supervisors of Castle Rock Township.

BY: _____

ATTEST:

Ken Betzold, Chair

Maralee Rother, Clerk

Published in the *Farmington Independent* and the *Cannon Falls Beacon* this 14th day of November, 2002.

ORDINANCE NO. 2002-B

**CASTLE ROCK TOWNSHIP
DAKOTA COUNTY, MINNESOTA**

AN ORDINANCE AMENDING *ORDINANCE NO. 2002,*

CASTLE ROCK TOWNSHIP ZONING ORDINANCE,
CORRECTING THE TABLE OF CONTENTS AND CLARIFYING INTERIM USES IN THE
AGRICULTURE ZONING DISTRICT

THE BOARD OF SUPERVISORS OF CASTLE ROCK TOWNSHIP ORDAINS:

SECTION 1. The Table of Contents “Section VI District Provisions” of the *Castle Rock Township Zoning Ordinance* is amended to read:

6.10 ME Mineral Extraction District.....Page 35

SECTION 2. Section 7.19 AG Agriculture District, Subsection K. “Interim Uses” of the *Castle Rock Township Zoning Ordinance* is amended is amended in its entirety to read:

1. Seasonal Mineral Extraction, subject to the requirements of Ordinance No. 2007-ME Castle Rock Township Mineral Extraction Ordinance, and Subsection L., below.

SECTION 3. Effective Date. This Ordinance shall be effective upon its passage and publication according to law.

ADOPTED this ____ day of _____, 2006, by the Board of Supervisors of Castle Rock Township.

ATTEST:

, Chair

Maralee Rother, Clerk

Published in the *Farmington Independent* and the *Cannon Falls Beacon* this ____ day of _____, 2006.