

ORDINANCE NO. 010124

AN ORDINANCE AMENDING ORDINANCE NO. 3,
DOUGLAS TOWNSHIP ZONING ORDINANCE

The Board of Supervisors of Douglas Township ordains the following amendments to Ordinance No. 3:

SECTION I. Section 201B. PERMITTED USES in the AGP-1 District is amended by adding the following:

Residential Clustering, subject to the requirements in Section 511 Single Family Residential Clustering.

SECTION II. Section 508 “Sewage Disposal Standards” is amended in its entirety to read:

Section 508: Sewage Treatment Systems

Standards for the installation and repair of individual sewage treatment systems (ISTS) or subsurface sewage treatment systems (SSTS) are established by the Minnesota Pollution Control Agency and implemented by Dakota County Ordinance No. 113 Subsurface Sewage Treatment Systems, which ordinance is hereby adopted by reference.

1. No person shall install, repair or alter ISTS/SSTS 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 the Town Board.
2. Installation, repair, pumping, and hauling of ISTS/SSTS requires licensing per Dakota County Ordinance No. 113.
3. Soil percolation tests must be completed and must be favorable for the operation of ISTS/SSTS before a permit will be issued.
4. Installations, alterations, repairs, maintenance and inspections shall be performed in accordance with Dakota County Ordinance No. 113.
5. No ISTS/SSTS shall be permitted on any site less than 1 acre.

SECTION III. Section 509 “Water Wells” is amended in its entirety to read:

Section 509: Water Supply

All private water supply systems constructed in the Township shall meet the standards established by the Minnesota Department of Health and

regulations adopted by Dakota County in Ordinance No. 114 Well and Water Supply Management.

SECTION IV. Section 510 “Drainage” is amended in its entirety to read:

Section 510: Water Resource Management

The Douglas Township “Water Resources Management Ordinance” and “Erosion Control and Storm Water Management Requirements for Land Disturbances Ordinance” govern the permit requirements and standards for all land disturbances and construction, affecting drainage patterns, surface waters and wetlands.

SECTION V. Section 511 “Soil Erosion and Sedimentation Control” is amended in its entirety to read:

Section 511: Single Family Residential Clustering

The transfer of building rights is permitted in the AGP-1 District in accordance with the provisions in this section and other requirements in this Ordinance. Such transfer of building rights may result in more than one residence located in a quarter-quarter section through single family residential clustering. In no case, however, shall the overall allowable residential density in the AGP-1 District of one home per quarter-quarter section be exceeded.

A. Single Family Residential Clustering Allowed

1. Property owned by a single party or entity located in the AGP-1 District, containing two or more quarter-quarter sections and one or more building rights, may be eligible for single family residential clustering.
2. A building right that may be eligible for a residential transfer shall be considered only in those quarter-quarter sections that are entirely owned by a single party or entity and do not currently contain a single family dwelling and have not been subdivided in any way except by road right-of-way or easement.
3. No building right shall exist in any quarter-quarter section from which a building rights transfer has previously been approved.
4. No building right shall exist on land approved for mineral extraction, land included in an orderly annexation agreement, land owned by a public entity, or land which is unbuildable due to surface water, wetlands, or floodplain designation.

B. Single Family Residential Clustering Standards

1. The maximum density for single family residential clustering is based on one eligible building right per quarter-quarter section.
2. The Township must approve the building eligibility for a building right to be transferred before single family clustering is allowed.
3. The Township must approve the quarter-quarter section and subdivision on which a building right is intended for transfer and clustering.
4. All quarter-quarter sections from which a building right is transferred shall be encumbered by an easement or covenant approved by the Township and recorded against the property.
5. A quarter-quarter section containing an existing dwelling may be approved for the building rights transfer and clustering.
6. No more than four single family dwellings shall be permitted in any quarter-quarter section, including existing dwellings and new dwellings resulting from clustering.
7. All subdivisions approved for clustering shall be consistent with all other Ordinance requirements, including but not limited to dimensional standards, frontage requirements, private sewer system requirements, and private water system requirements for all new lots created.
8. The Township may allow shared access easements in order to meet highway access spacing guidelines, provided a permanent maintenance agreement is approved by the Township and recorded against the affected property(ies).
9. No new public roads shall be created as a result of clustering.
10. Applicants for clustering shall submit an application to the Township including existing legal descriptions of properties included in the cluster development and proposed legal descriptions of the property proposed to be subdivided. The application to the Township shall include signatures of all owners of the property. A Certificate of Survey shall be prepared which illustrates all quarter-quarter sections encumbered by a building rights transfer and all lots created by the proposed cluster development. Exception parcels shall also be identified.
11. Applicants for clustering shall be required to obtain access permits from the jurisdiction owning the roadway abutting the property that is subject to subdivision and clustering approval.
12. A non-refundable application fee and a consultant review escrow shall be paid with the application for the amounts established in the Township fee schedule. The applicant shall be responsible to pay for all out-of-pocket expenses incurred by the Township.
13. The Township shall not approve a building rights transfer and cluster development until all required documents have been received and approved and all fees and reimbursements have been paid.

14. The Township shall record all easements, covenants, and agreements required in this Section with Dakota County.

SECTION VI. Section 512 “Preservation of Natural Drainageways” is amended by added the following introductory statement between the section title and subsection A. Waterways:

To the extent they are not in conflict with the Douglas Township “Water Resources Management Ordinance” and “Erosion Control and Storm Water Management Requirements for Land Distances Ordinance,” the following performance standards shall apply.

SECTION VII. Section 701 “Definitions,” subsection (4) is amended to read:

(4) Agricultural Use -The management of land for production of farm crops such as vegetables, fruit trees, grain and other crops, and their storage on the area, bees and apiaries, and the raising of domestic and non-domestic farm animals, including but not limited to horses, cattle, sheep, swine and poultry, in enclosed buildings, pastures, or feedlots. Feedlots with more than thirty (30) animal units found on farms of less than eighty (80) acres shall be considered conditional uses.

SECTION VIII. Section 701 “Definitions” is amended by inserting in numerical sequence the following:

(8a) Building Rights – The number of single family dwellings permitted in a quarter-quarter section in a particular zoning district. Building rights do not exist on parcels rendered unbuildable because of surface waters, floodplain, wetlands or similar legal encumbrances.

(8b) Building Rights Transfer – The placement of a building right in the AGP-1 District from one quarter-quarter section into another, subject to the requirements of Section 511 Single Family Residential Clustering of this Ordinance.

(8c) Clustering – The grouping or arrangement of single family dwellings in close proximity to one another in the AGP District, provided the number of single family dwellings in the cluster development does not exceed one single family dwelling per quarter-quarter section, based upon eligible building rights transfer.

SECTION IX. Effective Date.

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

ORDINANCE NO. 010124

Publication Summary

The Board of Supervisors of Douglas Township adopted Ordinance No. ___ An Ordinance Amending Ordinance No. 3, and approved the following summary for publication:

SECTION I. Section 201B. PERMITTED USES in the AGP-1 District was amended by adding Residential Clustering, subject to the requirements in Section 511 Single Family Residential Clustering.

SECTION II. Section 508 "Sewage Disposal Standards" was renamed "Sewage Treatment Systems" and amended to reference requirements in Dakota County Ordinance No. 113.

SECTION III. Section 509 "Water Wells" was renamed "Water Supply" and amended to reference Dakota County Ordinance No. 114 and requirements of the Minnesota Department of Health.

SECTION IV. Section 510 "Drainage" was renamed "Water Resource Management" and amended to reference requirements of the Douglas Township "Water Resources Management Ordinance" and "Erosion Control and Storm Water Management Requirements for Land Disturbances Ordinance."

SECTION V. Section 511 "Soil Erosion and Sedimentation Control" was renamed "Single Family Residential Clustering" and amended in its entirety to establish performance standards for residential clustering in the AGP-1 District.

SECTION VI. Section 512 "Preservation of Natural Drainageways" was clarified to make reference to requirements in other Township ordinances affecting drainage systems.

SECTION VII. Section 701 "Definitions" was amended to clarify the definition of "Agricultural Use."

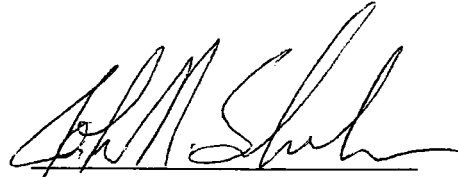
SECTION VIII. Section 701 "Definitions" was amended by adding definitions for "Building Rights," "Building Rights Transfer," and "Clustering."

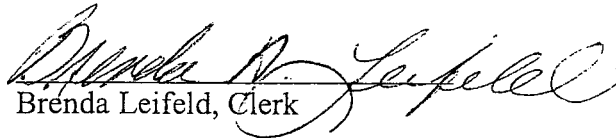
SECTION IX. Ordinance No. 010124 was adopted December 6, 2010, and shall become effective upon this publication.

Brenda Leifeld
Douglas Township Clerk

Adopted this 6th day of December, 2010.

ATTEST:


John Schumacher, Chairman


Brenda Leifeld, Clerk

Published in the Hastings Star Gazette this 16th day of December, 2010 and
published in the Canandaigua Review this 16th day of December, 2010.