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Mary FINNE, SIGNER

**CANISTEO TOWNSHIP
DODGE COUNTY, MINNESOTA**

CANISTEO TOWNSHIP ZONING ORDINANCE NO. III

Amended and Readopted MAY 12, 2012
(Originally Adopted April 12, 1993)

The Board of Supervisors of the Town of Canisteo ordains:

SECTION 1: TITLE AND PURPOSE

This ordinance shall be known as the "Canisteo Township Zoning Ordinance No. III" and referenced herein as this "Ordinance." It is the Township's intent, through the adoption of this Ordinance, to encourage long-term agricultural uses and preserve prime farmland. In order to preserve the agricultural character, maintain the quality of life and protect the natural resources in the Township, it is necessary that land use constraints be employed. It is the purpose of this Ordinance to provide regulations to assist in furthering the goals and intentions of the Township. In addition to the minimum requirements and standards set forth in the Dodge County Zoning Ordinance ("County Zoning Ordinance"), the Township further restricts the uses identified in this Ordinance and has developed additional minimum performance standards which shall be applied within the Township.

SECTION 2: STATUTORY AUTHORITY

This Ordinance is adopted pursuant to the Town Board's authority under Minnesota Statutes, Section 462.351 to 462.364 and such other law as may apply. This Ordinance does not rely on the authority provided in Minnesota Statutes, sections 366.10 to 366.181 and the procedures and requirements of those sections do not apply to this Ordinance.

SECTION 3: JURISDICTION AND COMPLIANCE

This Ordinance shall apply to all areas of Canisteo Township in Dodge County, Minnesota, except areas within the incorporated limits of any city, however organized, and as otherwise provided by law. No structure or building shall be erected, moved, or altered in the Township unless in conformity with the regulations and requirements of this Ordinance. No land, structure, or building shall be used or occupied in the Township for any purpose or in any manner that is not in conformity with all the regulations and requirements of this Ordinance.

SECTION 4: ADOPTION BY REFERENCE

The Town Board hereby adopts by reference the County Zoning Ordinance, including the County's zoning map applicable to the Township, in full and such amendments to it as the County may make from time to time. The Town Board also hereby adopts the County's Comprehensive Plan by reference, including such amendments to the plan as the County may make from time to time, and the same shall constitute the Township Comprehensive Plan to the extent it is applicable to the Township. Future amendments to the County Zoning Ordinance and the County Comprehensive Plan shall automatically be incorporated into this Ordinance and the Township

Comprehensive Plan without any further action by the Town Board. The Town Board's intent in adopting the County Zoning Ordinance and the County Comprehensive Plan by reference are to promote consistency and to make it clear that land within the jurisdictional boundaries of the Township are subject to both the County Zoning Ordinance and the additional provisions of this Ordinance, which imposes certain additional regulations and standards that are stricter than those contained in the County Zoning Ordinance.

SECTION 5: ADMINISTRATION AND ENFORCEMENT

The Township recognizes that in situations where more than one government is involved in the regulation of land use the potential exists for unclear, duplicative or inconsistent processes. In order to foster efficient government services while promoting the Township's goals, the Township and County may enter into a Memorandum of Understanding to have the County administer and enforce the provisions of this Ordinance. The Memorandum of Understanding ("MOU"), if approved and once in effect, will define the respective duties and responsibilities of the County and the Township. If an MOU is not approved, or if it is terminated according to its provisions, the Township resumes responsibility for the administration and enforcement of this Ordinance to the extent its provisions are stricter than those contained in the County Zoning Ordinance. The Township's adoption of the County Zoning Ordinance by reference is to provide, within the Township, for the integration and application of the stricter provisions contained in this Ordinance and is not intended to make the Township responsible for the administration or enforcement of all of the provisions of the County Zoning Ordinance.

SECTION 6: DEFINITIONS

The words and terms used in this Ordinance shall have the meanings given them in the County Zoning Ordinance, with the addition of the following term which shall have the meaning given it below:

Prime Farmlands. Land which has been determined by the USDA Natural Resources Conservation Service to have the best combination of physical and chemical characteristics for producing food, feed, forage, fiber, and oilseed crops and is also available for these uses. It has the soil quality, growing season, and moisture supply needed to economically produce sustained high yields of crops when treated and managed, including water management, according to acceptable farming methods.

The list of soils that are considered Prime Farmland by the USDA Natural Resources Conservation Service in Dodge County as well as a map showing the location of these soils in the Township are included in Appendix A to this Ordinance. For the purpose of enforcing the minimum lot requirements in Section 7.1.A of this Ordinance, land with soils identified as "Prime Farmland" in Appendix A, which have not been cultivated for agriculture crop production since 2000 will not be considered "Prime Farmland".

SECTION 7: ADDITIONAL PERFORMANCE STANDARDS

The following performance standards for the following uses shall apply within the Township in

addition to any applicable minimum standards required in the County Zoning Ordinance.

1. DWELLINGS

- A. A new dwelling on less than fifty-three (53) acres which is developed subsequent to April 12th, 1993 shall be located upon at least ten (10) acres, which shall not contain more than five (5) acres of Prime Farmland.
- B. A new dwelling on less than fifty-three (53) acres that would require a new public road shall not be permitted.

2. ANIMAL FEEDLOTS

- A. No new animal feedlot shall exceed one thousand (1,000) animal units.
- B. Expansions to existing animal feedlots shall not exceed a total of one thousand two hundred fifty (1,250) animal units after expansion.

SECTION 8: VIOLATIONS AND PENALTIES

A violation of any part of this Ordinance, or any provision of any permit issued under this Ordinance, is prohibited, punishable as a misdemeanor, and is subject to enforcement procedures set out in the County Zoning Ordinance.

SECTION 9: FEES

The Town Board hereby adopts by reference the zoning related fees established by the Dodge County Board of Commissioners. The County Board may review and revise the fee schedule periodically. No application shall be considered complete unless it is accompanied by the required fee.

SECTION 10: REPEALER


This Ordinance supersedes and replaces all previous comprehensive plans, land use ordinances, and zoning ordinances adopted by the Town Board, including Canisteo Township Ordinance No. II, and all such previous plans and ordinances are hereby repealed. The repeal of the Township's previous zoning ordinance does not itself affect the status of any use, structure, or lot that was not in conformance with the earlier ordinances.

SECTION 11: EFFECTIVE DATE

This Ordinance shall become effective and enforceable on the first day of publication.

Adopted this 12 day of May, 2012.

BY THE TOWN BOARD

A handwritten signature in cursive script, appearing to read "John P. [unclear]", written over a horizontal line.

Town Chairperson

Attest: 
Town Clerk

(stamp)

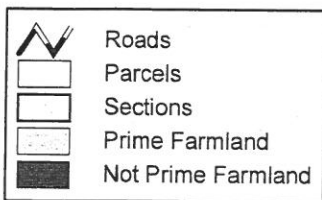
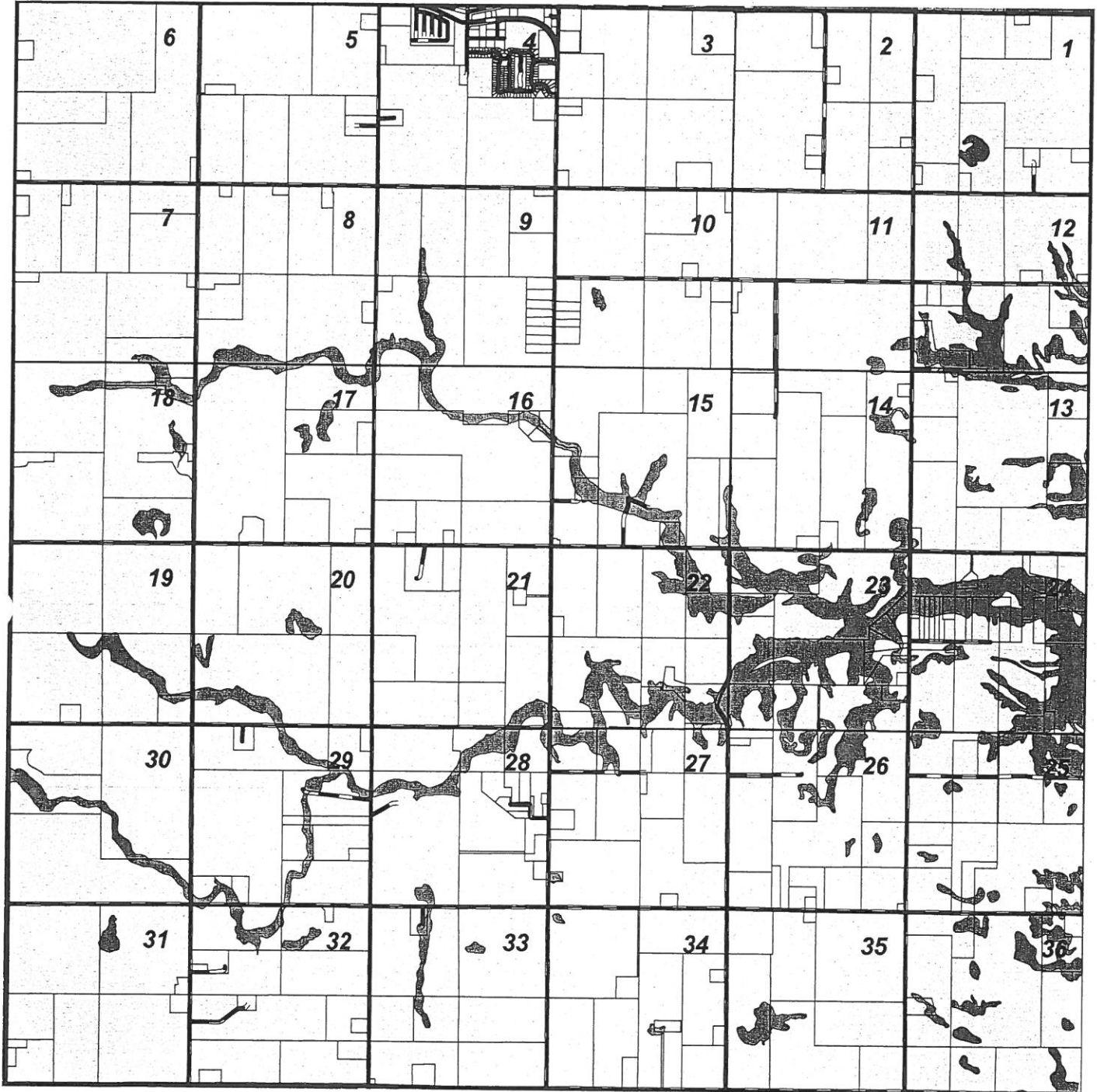
APPENDIX A
Soil List and Map of Prime Farmland

(attached hereto)

Appendix A

Prepared by Dodge County
Environmental Services Dept.

Canisteo Prime Farmland Map



Information based on soil types identified as prime farmland by the USDA.

The soils of specific parcels will be identified using the USDA's web soil survey.

Appendix A

Canisteo Prime Farmland Soils: (Includes soils identified by the USDA as “Prime Farmland” and “Prime Farmland if Drained”)

Symbol	Name
1385019	Barremills silt loam, drainageway, 1 to 5 percent slopes, occasionally flooded
1542527	Blooming silt loam, 2 to 6 percent slopes
1384967	Clyde silty clay loam, 0 to 2 percent slopes
1384968	Clyde-Floyd complex, 1 to 4 percent slopes
1386866	Dakota silt loam, 0 to 3 percent slopes
1386234	Downs silt loam, 2 to 6 percent slopes
1386239	Downs-Hersey complex, 2 to 6 percent slopes
1385002	Downs-Hersey, bedrock substratum, complex, 2 to 6 percent slopes
1385017	Hayfield silt loam, 0 to 2 percent slopes
1443756	Joy-Ossian, occasionally flooded, complex, 1 to 5 percent slopes
784811	Kasson silt loam, 1 to 6 percent slopes
784816	Kish, till substratum-Mayer complex, 0 to 2 percent slopes
1384963	Klinger silt loam, 1 to 3 percent slopes
1384958	Lawler-Marshan complex, 0 to 2 percent slopes
784789	Mantorville loam, 0 to 2 percent slopes
784653	Mantorville loam, 2 to 6 percent slopes
784798	Marquis silt loam, 1 to 3 percent slopes
784799	Marquis silt loam, 2 to 6 percent slopes
784813	Marshan clay loam, 0 to 2 percent slopes
1542528	Marshan clay loam, depressional, 0 to 1 percent slopes
1384962	Maxcreek silty clay loam, 0 to 2 percent slopes
1538038	Maxfield silty clay loam, 0 to 2 percent slopes, occasionally flooded
1384913	Menomin-Hayfield complex, 0 to 4 percent slopes
1384957	Meridian loam, 0 to 3 percent slopes
1384959	Merton silt loam, 1 to 3 percent slopes
1384960	Moland silt loam, 2 to 6 percent slopes
1384985	Newry silt loam, 1 to 3 percent slopes
784797	Oran silt loam, 1 to 3 percent slopes
1385062	Otter-Lawson complex, bedrock substratum, 0 to 2 percent slopes, occasionally flooded
395372	Readlyn silt loam, 1 to 3 percent slopes
1385012	Schapville-Winneshiek complex, 2 to 6 percent slopes
1384966	Spillville loam, 0 to 2 percent slopes, occasionally flooded
1384994	Tama silt loam, 2 to 6 percent slopes
1384995	Tama-Dinsmore complex, 2 to 6 percent slopes
395374	Tripoli silty clay loam, 0 to 2 percent slopes
784815	Warsaw loam, 0 to 3 percent slopes
1592773	Warsaw loam, morainic, 2 to 6 percent slopes
1384980	Winneshiek silt loam, 2 to 6 percent slopes