

ZONING ORDINANCE

WACOUTA TOWNSHIP GOODHUE COUNTY MINNESOTA

1994

(REVISED 1996 & 1999)

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**WACOUTA TOWNSHIP
GOODHUE COUNTY, MINNESOTA**

THE BOARD OF SUPERVISORS OF WACOUTA TOWNSHIP ORDAINS:

ARTICLE 1 GENERAL PROVISIONS

SECTION 1. TITLE

This Ordinance shall be known as the Wacouta Township Zoning Ordinance, and will be referred to herein as "this Ordinance".

SECTION 2. PURPOSE

The purpose of this Ordinance is to promote and protect the public health, safety and general welfare of the people of Wacouta Township. This Ordinance will protect and preserve prime agricultural land by limiting the density of residential development in these areas. This Ordinance will provide a basis for reasonable and orderly residential, commercial and industrial development. At the same time, this Ordinance shall encourage farmers, residents and businesses to protect the land from erosion, loss of wetlands, loss of water quality, and loss of woodlands.

SECTION 3. JURISDICTION

This Ordinance shall be in effect in all areas of Wacouta Township.

SECTION 4. SCOPE

From and after the effective date of this Ordinance and subsequent amendments, the use of all land and every building or structure or portion of a building erected or altered and every use within a building or use accessory thereto shall be in conformity with this Ordinance.

SECTION 5. INTERPRETATION

In interpreting and applying the provisions of this Ordinance, they shall be held to be the minimum requirements for the promotion of public health, safety, comfort, convenience and general welfare. Where the provisions of this Ordinance impose greater restrictions than those of any statute, other ordinance or regulation, the provisions of this Ordinance shall be controlling. Where the provisions of any statute, other ordinance or regulation impose greater restrictions than this Ordinance, the provisions of each statute, other ordinance, or regulation shall be controlling.

SECTION 6. SEVERABILITY.

If any section, clause, provision, or portion of this Ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby.

SECTION 7. TEN YEAR PARCEL OF RECORD.

Any lot recorded with the Goodhue County Recorder at the time of adoption of this Ordinance and which lot was buildable under the provisions of the Wacouta Township Zoning Ordinance in effect immediately prior to the adoption of this Ordinance, shall be allowed a building thereon during the ten year period to June 4, 2003.

- Subd. 1. Lands located within the Wild and Scenic River District shall not be subject to the provision.
- Subd. 2. Lands located within the Shoreland District and subject to shoreland regulations shall not be subject to this provision.
- Subd. 3. Lands located within a Bluff Impact Zone, as defined in Article 2, Section 2, Subd. 9, shall not be subject to this provision.

ARTICLE 2 RULES AND DEFINITIONS

SECTION 1. RULES

For purposes of this Ordinance, certain terms or words used herein shall be interpreted as follows:

- Subd. 1. The word "person" includes a firm, association, organization, partnership, trust, company or corporation as well as individual.
- Subd. 2. The word "shall" is mandatory, and not discretionary, the word "may" is permissive.
- Subd. 3. Words used in the present tense shall include the future; words used in the singular shall include the plural, and the plural the singular.
- Subd. 4. The words "used for" shall include the phrases "arranged for", "designed for", "intended for", "maintained for", and "occupied for".
- Subd. 5. All stated and measured distances shall be taken to the nearest integral foot. If a fraction is one-half ($\frac{1}{2}$) foot or less, the integral foot next below shall be taken.

SECTION 2. DEFINITIONS

For the purposes of this Ordinance, certain words and terms are defined as follows:

- Subd. 1. **ACCESSORY BUILDING.** A subordinate building or structure on the same lot, or part of the main building, occupied by or devoted exclusively to an accessory use.
- Subd. 2. **ACCESSORY USE.** A use naturally and normally incidental to, subordinate to, and auxiliary to the permitted use of the premises.
- Subd. 3. **AGRICULTURAL LAND.** Land that was planted with annually seeded crops, was in a crop rotation seeding of pasture grasses or legumes, or was set aside to receive price support or other payments under United States Code, Title 7, Sections 1421 to 1469, six of the last ten years prior to January 1, 1991.
- Subd. 4. **AGRICULTURAL OPERATION.** A facility consisting of real or personal property used for the production of crops including fruit and vegetable production, tree farming, livestock, poultry, dairy products, or poultry products, but not a facility primarily engaged in processing agricultural products. Agricultural operation shall also include certain farm activities and uses as follows: chemical and fertilizer spraying, farm machinery noise, extended hours of operation, manure collection, disposal, spreading or storing, open storage of machinery, feedlots, odors produced from farm animals, crops or products used in farming.
- Subd. 5. **AGRICULTURAL USE.** The use of land for agricultural purposes, including farming, dairying, pasturage agricultural, forestry horticulture, viticulture, and animal and poultry husbandry and the necessary accessory uses for packing, treating and storing the produce; provided, however, that the operation of any such accessory uses shall be secondary to that of the normal agricultural activities.
- Subd. 6. **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 rule, the following equivalents shall apply:

<u>Animal</u>	<u>Unit</u>
One mature dairy cow	1.4 animal
One slaughter steer or heifer	1.0 animal
One horse	1.0 animal
One swine over 55 pounds	.4 animal
One duck	.02 animal
One sheep	.1 animal
One swine under 55 pounds	.1 animal
One turkey	.018 animal
One chicken	.01 animal

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

- Subd. 7. **BASEMENT.** Any area of a structure, including crawl spaces, having its floor or base sub-grade (below ground level) on all four sides, regardless of the depth of excavation below ground level.
- Subd. 8. **BEDROCK.** A general term for the rock, usually solid, that underlies soil or other unconsolidated superficial material.
- Subd. 9. **BLUFF.** A high bank or bold headland with a broad precipitous sometimes rounded cliff-face overlooking a plain or body of water, especially on the outside of a stream or meander-river bluff, that rises or drops twenty-five (25) feet from the horizontal and the slope averages thirty (30) percent or greater.
- Subd. 10. **BLUFF IMPACT ZONE.** All of the land lying between the top of the bluff and the toe of the bluff.
- Subd. 11. **BLUFFLINE.** A line along the top of a slope connecting the points at which the slope becomes greater than twelve (12) percent. This applies to those slopes within the Wild and Scenic River District which are beyond the setback provisions from the ordinary high water level.
- Subd. 12. **BOARDING OR ROOMING HOUSE.** A boarding or rooming house shall mean any dwelling occupied in any such manner that certain rooms in excess of those used by members of the immediate family and occupied as a home or family unit, are leased or rented to persons outside of the family, without cooking or kitchen accommodations.
- Subd. 13. **BOARD.** The Wacouta Town Board of Supervisors
- Subd. 14. **BOARD OF ADJUSTMENT.** The Wacouta Town Board of Supervisors.
- Subd. 15. **BUILDING.** Any structure, either temporary or permanent, having a roof, and used or built for the shelter or enclosure of any person, animal, chattel, or property of any kind. When any portion thereof is completely separated from every other part thereof by dividing walls from the ground up, without openings, each portion of such building shall be deemed a separate building.

- Subd. 16. **BUILDING, PRINCIPAL.** A building or structure in which is conducted the main or principal use of the lot on which said building or structure is situated.
- Subd. 17. **BUILDING HEIGHT.** The vertical distance measured from the ground level adjoining the building to the highest point of the roof surface if a flat roof, to the deck line of mansard roofs, and to the mean height level between eaves and ridge of gable, hip and gambrel roofs.
- Subd. 18. **BUILDING LINE.** The front line of the building or the legally established line which determines the location of the building with respect to the street line or the ordinary high water level.
- Subd. 19. **CAMPGROUND.** An area accessible by vehicle and containing campsites or camping spurs for tents, trailer camping.
- Subd. 20. **CARPORT.** A structure permanently attached to a dwelling having a roof supported by columns, but not otherwise enclosed.
- Subd. 21. **COMMERCIAL USE.** The principal use of land or buildings for the sale, lease, rental, or trade of products, goods, and services.
- Subd. 22. **COMMISSIONER.** The Commissioner of the Department of Natural Resources.
- Subd. 23. **COMMUNITY BUILDING.** Any structure intended for use as educational, recreational, social, service or governmental purposes by the general public.
- Subd. 24. **CONDITIONAL USE PERMIT.** A specific type of structure or land use listed in the official control that may be allowed but only after an in-depth review procedure and with appropriate conditions or restrictions as provided in the official controls or building codes and upon a finding that: 1) certain conditions as detailed in the Zoning Ordinance exist, and 2) the structure and/or land use conform to the Comprehensive Land Use Plan, if one exists, and 3) the structure and/or land use is compatible with the existing neighborhood.
- Subd. 25. **CROPLAND.** Land which could be used primarily for the production of adapted, cultivated, close growing crops and trees for harvest, as determined by Appendix "A" of this Ordinance.
- Subd. 26. **DECK.** A horizontal, unenclosed platform with or without attached railings, seats, trellises, or other features, attached or functionally related to a principal use or site and at any point extending more than three (3) feet above ground.
- Subd. 27. **DEVELOPMENT.** Any man-made change to improved or unimproved real estate, including buildings or other structures, mining, dredging, filling, grading, paving, excavation, or drilling.

- Subd. 28. **DUPLEX, TRIPLEX, AND QUAD.** A dwelling structure on a single lot, having two, three, and four units, respectively, being attached by common walls and each unit equipped with separate sleeping, cooking, eating, living, and sanitation facilities.
- Subd. 29. **DWELLING.** Two or more rooms within a structure which are arranged, designed or used as living quarters for one (1) family only. Individual bathrooms and complete kitchen facilities, permanently installed shall be included for each dwelling. A manufactured home with the above accommodations located in areas approved for manufactured homes shall be considered a dwelling unit. A house trailer, camper trailer, camper bus, or tents are not considered dwelling units. Garage space, whether in an attached or detached garage, shall not be deemed a part of a dwelling.
- A. **Dwelling, Farm.** A dwelling located on a farm which the resident of said dwelling either operates or is employed thereon.
- B. **Dwelling, Non-Farm.** A dwelling located on a parcel of land contiguous to or surrounded by farmland which is under separate ownership and which the resident of said dwelling neither operates nor is employed thereon.
- C. **Dwelling, Single Family.** A dwelling occupied by only one (1) family, and so designed and arranged as to provide cooking and kitchen accommodations and sanitary facilities for one (1) family only, together with such domestic help as may be necessary to service and maintain the premises and their occupants.
- D. **Dwelling, Two Family.** A dwelling so designed and arranged to provide cooking and kitchen accommodations and sanitary facilities for occupancy by two (2) families.
- E. **Dwelling, Multiple.** A building used or intended to be used as a dwelling by three (3) or more families.
- Subd. 30. **EQUAL DEGREE OF ENCROACHMENT.** A method of determining the location of floodway boundaries so that floodplain lands on both sides of a stream are capable of conveying a proportionate share of flood flows.
- Subd. 31. **ESSENTIAL SERVICES.** These uses include poles, towers, telephone booths, wires, cables, conduits, vaults, pipes, mains, pipelines, laterals, stations, substations or other associated or similar transmitting distributing or regulating facilities of a public utility.
- Subd. 32. **EXTRACTIVE USE.** The use of land for surface or sub-surface removal of sand, gravel, rock, industrial minerals, other non-metallic minerals, and peat not regulated under Minnesota Statutes, Sections 93.44 to 93.51.
- Subd. 33. **FAMILY.** A family is any number of persons living together in a room or rooms comprising of single housekeeping unit and related by blood, marriage, adoption, or any unrelated person who resides therein as though a member of the family including the domestic employees thereof. Any group of persons not so related but inhabiting a single house, shall

for the purpose of this Ordinance, be considered to constitute one family for each five (5) persons, exclusive of domestic employees, and contained in each such group.

- Subd. 34. **FARM.** Real estate consisting of at least forty (40) acres with a minimum of at least twenty (20) acres cropland. Smaller acreage shall qualify as a farm if at least fifty (50) percent of the total net family income of the owner is derived from agricultural production in the preceding two tax years.
- A. A tree farm would qualify if registered with the State of Minnesota and has forty (40) acres of tree coverage.
- Subd. 35. **FARMYARD.** The area of a farm immediately around the farm residence where accessory buildings are located and are being used exclusively for agricultural operations.
- Subd. 36. **FEEDLOT.** Lot or 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. For purposes of this Ordinance, open lots used for the feeding and rearing of poultry (poultry ranges) shall be considered to be animal feedlots. Pastures shall not be considered animal feedlots under these rules. Other definitions relating to feedlots are found in Minnesota Pollution Control Agency's Rules for the Control of Pollution from Animal Feedlots. These rules are adopted by reference in this Ordinance.
- Subd. 37. **FLOOD.** A temporary increase in the flow or stage of a stream or in the stage of a wetland or lake that results in the inundation of normally dry areas.
- Subd. 38. **FLOOD FREQUENCY.** The frequency for which it is expected that a specific flood stage or discharge may be equaled or exceeded.
- Subd. 39. **FLOOD FRINGE.** That portion of the floodplain outside of the floodway.
- Subd. 40. **FLOODPLAIN.** The areas adjoining a wetland, lake or watercourse which have been or hereafter may be covered by the regional flood.
- Subd. 41. **FLOOD-PROOFING.** The combination of structural provisions, changes, or adjustments to properties and structures subject to flooding, primarily for the reduction or elimination of flood damages.
- Subd. 42. **FLOODWAY.** The bed of a wetland or lake and the channel of the watercourse and those portions of the adjoining floodplain which are reasonably required to carry or store the regional flood discharge.

- Subd. 43. **FLOOR AREA, GROUND.** The area within the exterior walls of the main building or structure as measured from the outside walls at the ground floor level, not including garages, or enclosed or unenclosed porches and not including attached utility or accessory rooms having three or more exterior sides.
- Subd. 44. **FOREST LAND CONVERSION.** The clear cutting of forested lands to prepare for a new land use other than reestablishment of a subsequent forest stand.
- Subd. 45. **FORESTRY.** The use and management, including logging, of a forest, woodland or plantation and related research and educational activities.
- Subd. 46. **GARAGE, PRIVATE.** An accessory building designed or used for the storage of not more than three (3) motor driven vehicles owned and used by the occupants of the building to which it is accessory.
- Subd. 47. **GASOLINE SERVICE STATION.** A building or structure designed or used for the retail sale or supply of fuels, lubricants, air, water and other operating commodities for motor vehicles, and including the customary space and facilities for the installation of such commodities on or in such vehicles, but not including special facilities for the painting, repair, or similar servicing thereof.
- Subd. 48. **HARDSHIP.** The same as that term is defined in Minnesota Statutes, Chapter 394.
- Subd. 49. **HOME OCCUPATION.** Any gainful occupation or professional engaged in by an occupant which is clearly secondary to the principal use of the premises and which does not change the character thereof or have any exterior evidence of such secondary use.
- Subd. 50. **HYDRIC SOILS.** Soils that are saturated, flooded, or ponded long enough during the growing season to develop anaerobic conditions in the upper part.
- Subd. 51. **HYDROPHYTIC VEGETATION.** Macrophytic plant life growing in water, soil or on a substrate that is at least periodically deficient in oxygen as a result of excessive water content.
- Subd. 52. **INDUSTRIAL USE.** The use of land or buildings for the production, manufacture, warehousing, storage, or transfer of goods, products, commodities, or other wholesale items.
- Subd. 53. **INTENSIVE VEGETATION CLEARING.** The complete removal of trees or shrubs in a contiguous patch, strip, row, or block.
- Subd. 54. **JUNK/SALVAGE YARD.** A place maintained for keeping, storing, or piling in commercial quantities, whether temporarily, irregularly, or continually; buying or selling at retail or wholesale any old, used, or second-hand material of any kind, including used motor vehicles, machinery of any kind, and/or parts thereof, cloth, rugs, clothing, paper, rubbish,

bottles, rubber, iron, or other metals, or articles which from its worn condition render it practically useless for the purpose for which it was made and which is commonly classed as junk. This shall include a lot or yard for the keeping of unlicensed motor vehicles or the remains thereof for the purpose of dismantling, sale of parts, sale as scrap, storage or abandonment.

Subd. 55. **KENNEL.** Any lot or premises on which three (3) or more dogs are kept, either permanently or temporarily boarded.

Subd. 56. **LIVESTOCK.** Any beef or dairy cattle, swine, sheep, horses and ponies.

Subd. 57. **LOT.** A parcel of land occupied or to be occupied by a principal structure or group of structures and accessory structures together with such yards, open spaces, lot width and lot area as are required by this Ordinance, and having the required frontage upon the street, either shown and identified by lot number on a plat of record or considered as a unit of property and described by metes and bounds.

A. **Lot, Corner.** A lot located at the intersection of two streets, having two adjacent sides abutting streets; the interior angles of the intersection do not exceed one hundred thirty-five (135) degrees.

Subd. 58. **LOT AREA.** The area of a lot on a horizontal plane bounded by the lot lines.

A. **Lot Area Buildable.** That portion of the lot remaining after the deletion of any floodplain, road rights-of-way, wetlands or slopes of twelve (12) percent or greater; conversely, a lot capable of meeting the requirements of this Ordinance including the provision of adequate area for the installation and maintenance of on site sewer and water facilities.

Subd. 59. **LOT COVERAGE.** The part or percentage of the lot occupied by buildings or structures, including accessory buildings or structures.

Subd. 60. **LOT FRONTAGE.** The lot line separating the lot from the road right-of-way.

Subd. 61. **LOT DEPTH.** The perpendicular distance between the front and rear lot lines, measured along the median between the side lot lines.

Subd. 62. **LOT WIDTH.** The horizontal distance between the side lot lines, measured at the two points where the building line, or setback, intersects the side lot lines.

Subd. 63. **LOT LINES.** The lines bounding a lot as defined in this Ordinance.

Subd. 64. **MIGRATORY LABOR CAMP.** Temporary facilities provided by the employer on his own land for the housing of workers who for seasonal purposes are employed in the planting, harvesting, or processing of crops.

- Subd. 65. **MINING/EXCAVATION OPERATION.** The removal of stone, sand and gravel, coal, salt, iron, copper, nickel, petroleum or other material from the land for commercial, industrial, or governmental purposes.
- Subd. 66. **MANUFACTURED HOUSING.** A manufactured building or portion of a building designed for long-term residential use.
- Subd. 67. **MOBILE HOME.** Manufactured housing built on a chassis.
- Subd. 68. **MOBILE/MANUFACTURED HOME PARK.** This term applies to any lot or tract of land upon which two (2) or more occupied trailer coaches or mobile homes are harbored either with or without charge and including any building or enclosure intended for use as a part of the equipment of such park.
- Subd. 69. **NON-CONFORMING LOT OF RECORD.** Any legal lot of record that at the time it was recorded fully complied with all applicable laws and ordinances but which does not fully comply with the lot requirements of this Zoning Ordinance concerning minimum area or minimum lot width.
- Subd. 70. **NON-CONFORMING STRUCTURE.** A structure the size, dimensions or location of which was lawful prior to the adoption of this Zoning Ordinance, but which fails by reason of such adoption, or subsequent revisions or amendment, to conform to the present requirements of the zoning district.
- Subd. 71. **NON-CONFORMING USE.** A use or activity which was lawful prior to the adoption of this Zoning Ordinance but which fails, by reason of such adoption, or subsequent revisions or amendment, to conform to the present requirements of the zoning district.
- Subd. 72. **OBSTRUCTION.** Any dam, wall, wharf, embankment, levee, dike, pile, abutment, projection, excavation, channel, modification, culvert, building, wire, fence, stockpile, refuse, fill, structure, matter in, along, across, or projecting into any channel, watercourse, or regulatory floodplain which may impede, retard or change the direction of the flow of water, either in itself or by catching or collecting debris carried by such water.
- Subd. 73. **ODOR.** The odor of growing vegetation, domestic fertilizers, animal manures, insecticides, and other agricultural odors shall not be considered objectionable.
- Subd. 74. **ORDINARY HIGH WATER LEVEL.** The boundary of public waters and wetlands and shall be an elevation delineating the highest water level which has been maintained for a sufficient period of time to leave evidence upon the landscape, commonly that point where the natural vegetation changes from predominantly aquatic to predominantly terrestrial. For watercourses, the ordinary high water level is the elevation of the top of the bank of the channel. For reservoirs and flowages, the ordinary high water level is the operating elevation of the normal summer pool.
- Subd. 75. **OWNER.** Any individual, firm, association, syndicate, partnership, corporation, trust or any other legal entity having proprietary interest in the land.

- Subd. 76. **PARKING SPACE.** An area of not less than two hundred (200) square feet, exclusive of drives or aisles giving access thereto, accessible from streets or alleys or private drives or aisles leading to streets or alleys, and to be usable for the storage or parking of motor vehicles.
- Subd. 77. **PLAIN.** Land having an average slope of less than eighteen (18) percent over a distance of fifty (50) feet or more.
- Subd. 78. **PLANNING COMMISSION.** The Wacouta Township Planning Advisory Commission.
- Subd. 79. **PLANNING AND ZONING ADMINISTRATOR.** The person(s) employed by the Town Board of Supervisors to carry out the provisions of this Ordinance.
- Subd. 80. **PRIMITIVE CAMPSITES.** An area that consists of individual remote campsites accessible only by foot or water.
- Subd. 81. **PUBLIC WATERS.** All water basins, wetlands, and watercourses determined to be protected waters by the Commissioner of Natural Resources pursuant to Minnesota Statutes, Section 103G.005, Subd. 15 and 18, and 103G.201. An official list and map of protected waters shall be filed in the Office of the County Auditor and the Zoning Administrator.
- Subd. 82. **REACH.** A hydraulic engineering term to describe a longitudinal segment of a stream or river influenced by a natural or man-made obstruction. In an urban area, the segment of a stream or river between two consecutive bridge crossings would most typically constitute a reach.
- Subd. 83. **REGIONAL FLOOD.** A flood which is representative of large floods known to have occurred generally in Minnesota and reasonably characteristic of what can be expected to occur on an average frequency in the magnitude of the 100 years recurrence interval. Regional flood is synonymous with the term "base flood" used in the Flood Insurance Study.
- Subd. 84. **REGULATORY FLOOD PROTECTION ELEVATION.** A point not less than one (1) foot above the water surface profile associated with the regional flood plus any increase in flood heights contributable to encroachment on the floodplain. It is the elevation to which uses regulated by this Ordinance are required to be elevated or flood-protected.
- Subd. 85. **RIGHT-OF-WAY.** A strip of land acquired by reservation, dedication, forced dedication, prescription or condemnation and intended to be occupied or occupied by a road, crosswalk, railroad, electric transmission lines, oil or gas pipeline, and other similar uses.
- Subd. 86. **RIGHT-OF-WAY LINES.** The lines that form the boundaries of a right-of-way.

- Subd. 87. **SCREENED.** When a structure is built or placed on a lot or vegetation is planted such that when the structure is built, it is visually inconspicuous as viewed from the river during the summer months. Visually inconspicuous means difficult to see or not readily noticeable in summer months as viewed from the river.
- Subd. 88. **SELECTIVE CUTTING.** The removal of single scattered trees, provided a continuous tree cover is maintained within the structure setback areas.
- Subd. 89. **SETBACK.** The minimum horizontal distance between a structure or sewage treatment system and the ordinary high water level or between a structure or sewage treatment system, toe or top of a bluff, bluff line, road, and highway or property line.
- Subd. 90. **SEWAGE TREATMENT SYSTEM.** A septic tank and soil absorption system or other individual or cluster type sewage treatment system as described and regulated in Section 5.8 of this Ordinance.
- Subd. 91. **SEWER SYSTEM.** Pipelines or conduits, pumping stations, and force main, and all other construction, devices, appliances, or appurtenances used for conducting sewage or industrial waste or other wastes to a point of ultimate disposal.
- Subd. 92. **SHORELAND.** Land located within the following distances from public waters: 1) One thousand (1,000) feet from the ordinary high water level of a lake, pond, or flowage; and 2) three hundred (300) feet from a river or stream or the landward extension of a floodplain designated by this Ordinance on such a river or stream, whichever is greater. The limits of shorelands may be reduced whenever the waters involved are bounded by natural topographic divides which may extend landward from the waters for lesser distances and when approved by the Commissioner of the Department of Natural Resources, and the Town Board.
- Subd. 93. **SHORE IMPACT ZONE.** Land located between the ordinary high water level of a public water and a line parallel to it at a setback of fifty (50) percent of the structure setback.
- Subd. 94. **SIGN.** The use of any words, numeral, pictures, figures, devices, or trademarks by which anything is made known such as are used to show an individual, firm, profession, or business and are visible to the general public.
- A. **Advertising (Off-Premise Sign).** A billboard, poster panel, painted bulletin board, or other communicative device which is used to advertise products, goods, or services which are not exclusively related to the premises on which the sign is located.
 - B. **Business Sign.** Any sign which identifies a business or group of businesses, either retail or wholesale, or any sign which identifies a profession or is used as the identification or promotion of any principal commodity of service, including entertainment, offered or sold upon the premises where such sign is located.
 - C. **Construction Sign.** A sign placed at a construction site identifying the project or the name of the architect, engineer, contractor, financier, or other involved parties.

- D. **Directional Sign.** A sign erected on public or private property which bears the address and name of a business, institution, church, or other use or activity plus directional arrows or information on location.
- E. **Directory Sign.** A wall sign which identifies the business, owner, manager, or resident occupant and sets forth the occupation of other address information but contains no advertising.
- F. **Freestanding Sign.** Any stationary or portable, self-supported sign not affixed to any other structure.
- G. **Government Sign.** A sign which is erected by a governmental unit.
- H. **Illuminated Sign.** Any sign which is lighted by an artificial light source either directed upon it or illuminated from an interior source.
- I. **Institutional Sign.** A sign or bulletin board which identifies a name or other characteristics of a public or private institution on the site where the sign is located.
- J. **Integral Sign.** A sign carrying the name of a building, its date of erection, monumental citations, commemorative tablets and the like carved into stone, concrete or similar material made of bronze, aluminum or other permanent type of construction and made an integral part of the structure.
- K. **Nameplate Sign.** A sign indicating the name and address of a building or the name of an occupant thereof and the practice of a permitted occupation therein.
- L. **Real Estate Sign.** A business sign placed upon a property advertising that particular property for sale, or for rent or lease.
- M. **Sign Area.** The entire area within a single, continuous perimeter enclosing the extreme limits of the actual sign surface. It does not include any structural elements outside the limits of such sign and not forming an integral part of the display. Only one side of a double face sign structure shall be used in computing the total surface area.

Subd. 95. **SIGNIFICANT HISTORIC SITE.** Any archaeological site, standing structure, or other property that meets the criteria for eligibility to the National Register of Historic Places or is listed in the State Register of Historic Sites, or is determined to be an unplatted cemetery that falls under the provisions of Minnesota Statutes, Section 307.08. A historic site meets these criteria if it is presented listed on either register or if it is determined to meet the qualifications for listing after review by the Minnesota State Archaeologist or the Director of the Minnesota Historical Society. All unplatted cemeteries are automatically considered to be significant historic sites.

Subd. 96. **STEEP SLOPE.** Land where agricultural activity or development is either not recommended or described as poorly suited due to slope steepness and the site's soil characteristics, as mapped and described in available County soil surveys or other

technical reports, unless appropriate design and construction techniques and farming practices are used in accordance with the provisions of this Ordinance. Where specific information is not available, steep slopes are lands having average slopes over twelve (12) percent, as measured over horizontal distances of fifty (50) feet or more, that are not bluffs.

- Subd. 97. **STREET.** Any thoroughfare or way other than a public alley, dedicated to the use of the public and open to public travel, whether designated as a road, avenue, highway, boulevard, drive, lane, circle, place, court or any other similar designation, or a private street open to restricted travel, at least thirty (30) feet in width.
- Subd. 98. **STRUCTURE.** Anything constructed or erected on the ground or attached to the ground or on site utilities, including, but not limited to, buildings, factories, sheds, detached garages, cabins, manufactured homes, travel trailers/vehicles not meeting the exemption criteria specified in Article 18, Section 9, Subd. 3. A. of the Ordinance and other similar items.
- Subd. 99. **STRUCTURAL ALTERATION.** Any changes in the supporting members of a building such as bearing walls, columns, beams or girders or any substantial change in the roof and exterior walls.
- Subd.100. **TIMBER.** Standing trees which because of their size, quality and number are marketable.
- Subd.101. **TIMBER HARVESTING.** The removal of timber from a woodland for commercial purposes including, but not limited to, paper or wood products.
- Subd.102. **TOE OF THE BLUFF.** The point on a bluff where there is, as visually observed a clearly identifiable break in the slope, from gentler to steeper slope above. If no break in the slope is apparent, the toe of the bluff shall be determined to be the lowest end of the lowest fifty (50) foot segment that exceeds twenty (20) percent slope.
- Subd.103. **TOP OF THE BLUFF.** The point on a bluff where there is, as visually observed a clearly identifiable break in the slope, from steeper to gentler slope above. If no break in the slope is apparent, the top of the bluff shall be determined to be the highest end of the highest fifty (50) foot segment that exceeds twenty (20) percent slope.
- Subd. 104. **TOURIST CAMPSITE.** A planned development to accommodate vehicular portable structures designed as temporary, short term dwellings for travel, recreational, and vacation use.
- Subd. 105. **TOURIST HOME.** A tourist home shall be construed to mean any dwelling occupied in such a manner that certain rooms in excess of those used by members of the family, as herein provided, and occupied as a home or family unit are rented without cooking facilities, to the public for compensation and catering primarily to the traveling public.
- Subd. 106. **TOWN BOARD.** The Wacouta Town Board of Supervisors.

- Subd.107. **USE.** The purpose for which land or buildings thereon are designed, arranged or intended to be occupied or used, or for which they are occupied or maintained.
- A. **Conditional Use.** A land use or development as is defined by this Ordinance that would be appropriate generally but may be allowed with appropriate restrictions as provided by official controls upon the finding that: 1) certain conditions as detailed in this Ordinance exist, and 2) use or development conform to the Comprehensive Plan of the Township, and 3) is compatible with the existing neighborhood.
 - B. **Non-Conforming Use.** A use lawfully in existence on the effective date of this Ordinance and not conforming to the regulations for the district in which it is situated.
 - C. **Permitted Use.** A public or private use which of itself conforms with the purposes, objectives, requirements, regulations and performance standards of a particular district.
 - D. **Principal Use or Structure.** All uses or structures that are not accessory uses or structures.
- Subd.108. **VARIANCE.** A modification of a specific permitted development standard required in an official control including this Ordinance to allow an alternative development standard not stated as acceptable in the official control, but only as applied to a particular property for the purpose of alleviating a hardship, practical difficulty or unique circumstances as defined and elaborated upon in a community's respective planning and zoning enabling legislation.
- Subd.109. **VISUALLY INCONSPICUOUS.** Difficult to be seen and not readily noticeable from any point on the river or valley during the time when the leaves are on the deciduous trees.
- Subd.110. **WATERSHED MANAGEMENT OR FLOOD CONTROL STRUCTURE.** A dam, flood wall, wing dam, dike, diversion channel, or an artificially deepened or widened stream channel following the same or approximately the same course at the natural channel, or any other structure for altering or regulating the natural flow condition of a river or stream. The term "watershed management or flood control structure" does not include pilings, retaining walls, gabion baskets, rock riprap, or other facilities intended primarily to prevent erosion and which must be authorized by permit from the Commissioner of Natural Resources.
- Subd.111. **WETLAND.** Lands transitional between terrestrial and aquatic systems where the water table is usually at or near the surface or the land is covered by shallow water. For purposes of this definition, wetlands must:
- (1) have a predominance of hydric soils;
 - (2) be inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support a prevalence of hydrophytic vegetation typically adapted for life in saturated soil conditions; and
 - (3) under normal circumstances, support a prevalence of hydrophytic vegetation.
- Subd.112. **WETLAND ON AGRICULTURAL LAND.** Wetland where greater than fifty (50) percent of its basin is located on agricultural land.

- Subd.113. **WOODED OR WOODLAND.** An area of at least one acre in size with a stand of trees that has a canopy cover, as shown on the most recent aerial photographs, of at least fifty (50) percent, having a minimum width of at least one hundred (100) feet.
- Subd.114. **WOODY VEGETATION.** Includes trees that are not timber.
- Subd.115. **YARD.** An open space at the grade line between a building and the adjoining lot lines, unoccupied and unobstructed from the ground upward. Yard measurements shall be the minimum horizontal distance between a lot line and the nearest line of the principal building.
- A. **Yard, Front.** A yard extending across the full width of the lot between the front line and the nearest line of the principal building.
 - B. **Yard, Rear.** A yard extending across the full width of the lot between the rear lot line and the nearest line of the principal building.
 - C. **Yard, Side.** A yard extending from the front yard to the rear yard between the side lot line and the nearest line of the principal building.
- Subd.116. **ZONING DISTRICT.** The sections of the Township for which the regulations governing the height, area, use of buildings and premises are the same as delineated by this Ordinance.
- Subd.117. **ZONING MAP.** The areas comprising those zoning districts and boundaries of said districts as shown upon the map attached hereto and made a part of this Ordinance, being designated as Wacouta Township Official Zoning Map, with all proper notations, references, and other information shown thereon.

ARTICLE 3 PERFORMANCE STANDARDS

SECTION 1. PURPOSE AND INTENT

The performance standards established in this Article are designed to encourage a high standard of development by providing assurance that neighboring land uses will be compatible. The performance standards are designed to prevent and eliminate those conditions that cause blight. Those standards shall include protection of significant or unique natural features whose loss could diminish the scenic, ecological or economic benefits to the Township. All future development in all districts shall be required to meet these standards. The standards shall also apply to existing development where so stated.

Before any building permit or use permit is approved, the Town Board shall determine whether the proposed use will conform to the performance standards. The developer or landowners shall supply data necessary to demonstrate such conformance. Such data may include description of equipment to be used, hours of operation, method of refuse disposal and type and location of exterior storage.

SECTION 2. BUILDING REGULATIONS

Subd. 1. No building or structure shall be erected, converted, enlarged, reconstructed or structurally altered without complying with the provisions of this Ordinance.

Subd. 2. No building or structure shall exceed the height or bulk herein established for the district in which the building is located.

SECTION 3. LOT AREA REQUIREMENTS

No lot area shall be so reduced or diminished that the required yard or structure setbacks shall be smaller than prescribed herein, nor shall the area of any lot be reduced below the minimum requirement herein established.

SECTION 4. TEMPORARY DWELLINGS

It shall be unlawful for any person to erect or occupy a temporary dwelling on any lot; provided, however, that a garage may be occupied as a temporary dwelling for a period of not more than six (6) months if construction of a permanent dwelling is actually underway and in active progress during occupancy of the garage. Said garage shall be provided and equipped with garage doors. In the event that any person shall reside in any such temporary garage home for a period exceeding six (6) months, the Township may proceed to have such extended use abated as a nuisance.

SECTION 5. ACCESSORY BUILDINGS

In case an accessory building is attached to the principal building, it shall be made structurally a part of the main building and shall comply in all respects with the requirements of this Ordinance applicable to the principal building. An accessory building shall not be closer than eight (8) feet to any portion of the principal building except as otherwise provided in this Ordinance.

In any residential district, no accessory building shall be constructed or developed on a lot prior to the construction of the principal building.

A detached accessory building shall not be located in any required front or side yard.

In any district, a detached accessory building which is accessory to a residential use shall be limited in size to eight hundred (800) square feet in area on lots twelve thousand (12,000) square feet to one (1) acre and one thousand two hundred (1,200) square feet on lots in excess of one (1) acre.

Freestanding accessory structures, including but not limited to, communication towers or antennas shall be limited to a height of ten (10) feet less than distance to the nearest property line or shall be designed and engineered to collapse progressively within the distance between the tower and the property line.

SECTION 6. ACCESS DRIVES AND ACCESS

Access drives onto Township roads shall require a review and a permit from the Town Board. The Town Board shall determine the appropriate location, size and design of such access in the interest of public safety and efficient traffic flow.

Access driveways to principal structures shall be constructed and maintained to a minimum ten (10) foot width and base material depth sufficient to support access by emergency vehicles.

Access driveways two hundred (200) feet in length or more shall be constructed with a driving surface of at least fourteen (14) feet in width.

Access drives cannot exceed fourteen (14) percent grade over any portion of the drive.

Access drives cannot be located on any slope exceeding thirty (30) percent.

Access driveways shall have a twenty (20) foot long flat grade directly adjacent to the road that driveway accesses.

All driveways shall be limited to a minimum fifty (50) foot radius curve if one is necessary.

SECTION 7. TREE AND WOODLAND PROTECTION

Subd. 1. Vegetative Cutting.

- A. Within the controlled vegetative cutting areas, intensive vegetation clearing, except for any authorized public services such as roads and utilities, shall not be permitted.
- B. Selective cutting of trees in excess of four (4) inches in diameter at breast height shall be permitted providing cutting is spaced in several cutting operations and a continuous tree cover is maintained.
- C. The above cutting provisions shall not be deemed to prevent:
 1. The removal of diseased or insect infested trees, or of rotten or damaged trees that present safety hazards.
 2. Pruning understory vegetation, shrubs, plants, bushes, grasses, or from harvesting crops, or cutting suppressed trees or trees less than four (4) inches in diameter at breast height.

Subd. 2. Intensive Vegetation Clearing. Intensive vegetation clearing is subject to the following standards and criteria:

- A. Intensive vegetation clearing shall not be used as a cutting method where soil, slope, or other watershed conditions are determined by the Zoning Authority to be fragile

and subject to severe erosion and/or sedimentation.

- B. Intensive vegetation clearing shall be conducted only where clear cut blocks, patches, or strips are, in all cases, shaped and blended with the natural terrain.
- C. The size of clear cut blocks, patches, or strips shall be kept at the minimum necessary.
- D. Where feasible, all clear cuts shall be conducted between September 15 and May 15. If natural regeneration will not result in adequate vegetation cover, areas in which intensive vegetation clearing is conducted shall be replanted to prevent erosion and to maintain the aesthetic quality of the area. Where feasible, replanting shall be performed in the same spring, or the following spring.

Subd. 3. Timber Harvesting. Timber harvesting as defined in this Ordinance shall require a conditional use permit per the requirements of Article 23.

SECTION 8. SANITATION PROVISIONS

All sewage facilities shall be connected to sewers when available. Where sewers are not constructed or in operation, all sewage facilities shall be connected to approved septic tanks and disposal fields. All new systems shall be constructed as to meet the standards contained in Minnesota Rules, Part 7080 (Minnesota Pollution Control Agency's Individual Sewage Treatment and Systems Standards, Amendments and Appendices).

Subd. 1. Certification. Any person, firm, or corporation proposing to engage in the business of construction, installation, or pumping of on-site sewage treatment systems within the jurisdiction of this Ordinance, shall be required to provide to the County Public Health Service, proof of certification by the MPCA. Such certification shall not be required of an individual property owner working on his own private sewage disposal system.

Subd. 2. Licensing. All persons, firms or corporations proposing to engage in the business of installing, constructing, pumping, or providing maintenance services for on-site sewage treatment systems, shall first obtain an annual license to carry on such work. Such license shall not be required of an individual property owner working on his own private sewage disposal system.

- A. Annual licenses shall be in effect from January 1 to December 31 and shall be valid only during the year for which issued.
- B. License applications shall be submitted to the County Public Health Service and shall be accompanied by the following:
 - 1. Proof of certification by the MPCA.
- C. Any installation, construction, or alteration of a sewage disposal system by a licensee in violation of this Ordinance or refusal on the part of a licensee to correct such defective work performed by such licensee shall be cause for revocation of or refusal to renew a license and shall constitute a violation subject to the penalty provisions under Article 26 of this Ordinance.

- D. Before any license issued under the provisions of this section may be revoked or its renewal refused, the licensee shall be given a hearing before the Wacouta Township Planning Commission to show cause why such license should not be revoked or refused.
- E. The annual license fee shall be as established from time to time by resolution of the Town Board.

Subd. 3. Permits. No person, firm or corporation shall install, alter, repair, or extend any individual sewage treatment system in Wacouta Township without first having obtained a permit from the County Public Health Service for the specific work, and having paid the fee prescribed for such permit as determined from time to time by resolution of the County.

- A. Permit applications shall be made in writing upon forms provided by the County Sanitarian and be filled out in full including a sketch showing all structures with dimensions to and of the system. The permittee shall also include a detailed plan of the system relative to the geologic formations, water table and location to surficial features or structures.
- B. Permits shall be valid upon issuance, for a period of one (1) year and may be renewed upon payment of the fee prescribed.
- C. Permits may be revoked upon written notice of the County Sanitarian when such permit has been issued based upon erroneous or inaccurate application data.

Subd. 4. Inspection. The County Sanitarian shall make such inspection or inspections as are necessary to determine compliance with this Section. Weather permitting, no part of the system shall be covered until it has been inspected and accepted by the Inspector. It shall be the responsibility of the applicant for the permit to notify the Inspector that the job is ready for inspection or re-inspection, and it shall be the duty of the Inspector to make the indicated inspection within twenty-four (24) hours after such notice has been given. It shall be the duty of the owner or occupant of the property to give the Inspector free access to the property at reasonable times for the purpose of making such inspections. Upon satisfactory completion and final inspection of the system, the Inspector shall issue to the applicant a certificate of approval.

If an authorized representative of the Health Authority does not appear for an inspection at the designated time, excluding Saturdays, Sundays, or holidays, the contractor/permittee may proceed and shall file an affidavit with the Health Authority that the work was installed in accordance with the standards, limitations, approved plans, and permit, and that it was free from defects. Information shall be provided as to whether the owner or authorized agent was present when the construction or tests were made.

If upon inspection the Inspector discovers that any part of the system is not constructed in accordance with the minimum standards provided in this Section, he shall give the applicant written notification describing the defects. The applicant shall be responsible for the correction or elimination of all defects, and no system shall be placed or replaced in service until all defects have been corrected or eliminated.

SECTION 9. DUMPING AND DISPOSAL OF RUBBISH

- Subd. 1. The use of land for the dumping, disposal, or storage of scrap iron, metal, glass, unused appliances or machinery, junk, garbage, rubbish, or any other refuse, or of ashes, slag, or other industrial wastes or by-products is not permitted in any residential zoning district, nor within two hundred (200) feet of a dwelling in any zoning district. All exterior storage not included as a part of a conditional use permit, or otherwise permitted by provisions of this Ordinance, shall be considered as rubbish.
- Subd. 2. The use of land for the dumping, disposal, or storage of demolition debris or construction materials is not permitted in any district unless the appropriate permits have been granted in accordance with the provisions of this Ordinance.
- Subd. 3. The dumping of dirt, sand, rock or other material excavated from the earth is permitted in any district provided the surface of such material is graded within a reasonable period of time, in a manner preventing the collection of stagnant water and which leaves the ground surface condition suitable for growing of turf or for other land uses permitted in the district.

SECTION 10. EXTERIOR STORAGE OF AUTOMOBILES

In agricultural, commercial, or residential districts, no person shall place, park, permit to remain, store or leave upon any premises, except in a completely enclosed building, any motor vehicle which does not have affixed thereto a valid current motor vehicle license, or any portions thereof or parts therefrom, when such motor vehicle, portions thereof or parts there from are in a rusted, wrecked, partially dismantled or junked condition or in an inoperative or abandoned condition; and the owner of such motor vehicle, portions thereof or parts there from, and the owner and occupant of the premises upon which located shall be obligated to remove same to a duly licensed junk yard or other authorized place of deposit or storage.

SECTION 11. JUNK AND/OR SALVAGE RECLAMATION YARD

- Subd. 1. All salvage and junk yards shall obtain a conditional use permit and satisfy the criteria for granting a conditional use permit contained in Article 23. Salvage and junk yards, furthermore, shall be licensed by the Township Zoning Administrator and meet the following:
- A. Salvage and junk yards shall be screened from any residential district and from any public road. Plans for such screening shall be submitted to the Planning Advisory Commission for approval.
 - B. Any storage or dismantling of vehicles and machinery shall be done in a manner so as not to pollute the surface or ground water in the Township.
 - C. Any lawfully existing salvage or junk yard shall comply with this Section within two (2) years of the adoption of this Ordinance.

SECTION 12. SOIL EROSION AND SEDIMENT CONTROL

The following standards shall apply to all development and activity that necessitates the grading, stripping, cutting, filling, or exposure of soils.

- Subd. 1. Agriculture. Any land occupier of agricultural land shall be considered in compliance with this Ordinance if the occupier is using soil conservation practices approved by the Goodhue County Soil and Water Conservation District Board to prevent erosion and, under normal conditions, the occupier does not have rills, gullies, or sediment deposits, in the fields and the occupiers farming methods do not create erosion or sediment problems on adjoining properties.
- Subd. 2. Woodland Activities. Land occupiers who use wooded land for pasture must ensure that proper management is used to prevent accelerated erosion or sedimentation due to over-grazing or cattle paths. Clearing woodland to convert the land to another use is prohibited without a permit and approval by the Zoning Administrator.
- Subd. 3. Construction/Subdivision Activities. Any construction/ subdivision plan that will disturb over ten thousand (10,000) square feet shall submit to the Zoning Administrator a proposed erosion control plan as part of the overall plan. Any plan submitted to and approved by the MPCA, in conjunction with the construction, shall be considered as meeting this requirement.
- Subd. 4. Complaints. Affected Township land occupiers and/or township, county, state, or federal officials may submit a complaint, verbal or written, against any land occupier alleging that accelerated erosion or sediment damage has occurred or is occurring.
- Subd. 5. Action Initiated by Complaint. The Zoning Administrator, upon receipt of a complaint, shall request the Goodhue Soil and Water Conservation District Board to have an investigation made. A representative of the Township Board will arrange a meeting with the land occupier to determine whether an actual violation exists. The complainant will be notified of the time of the investigation and will be given the opportunity to be present when the investigation is conducted.

Within five (5) days of the investigation, the above committee will notify the Zoning Administrator whether an actual violation exists. The Zoning Administrator will then notify the violator by letter.

If a violation exists, the land occupied will be given thirty (30) days from the date of the letter to work up a suitable plan to correct the violation with the Soil and Water Conservation District Board representative on a voluntary basis. The plan will include the following:

- A. Specific conservation management and/or structural practices to be implemented to bring the parcel of land in question to "T" or to control/correct the accelerated erosion or sedimentation.
- B. The deadline date when the practices will be completed.
- C. If the land occupier is unwilling or unable to develop a plan within thirty (30) days, the Soil and Water Conservation District representative will notify the Zoning Administrator of the situation and an evaluation of what practices will be required to bring the land into compliance with the Ordinance.

Subd. 6. Violation and Penalty. Refusal to comply with request for compliance with this Section shall be subject to penalty under Article 26 of this Ordinance.

SECTION 13. HOME OCCUPATIONS

Home occupations may be allowed either as permitted accessory uses or as conditionally permitted accessory uses in any agricultural district or in any of the classes of residential districts.

- Subd. 1. Permitted Home Occupations in the A and UF Districts. The following standards shall apply to permitted home occupations in any agricultural district:
- A. No more than one (1) person other than the members of the family occupying the premises shall be employed in conjunction with a permitted home occupation.
 - B. The home occupation shall be incidental and subordinate to the use of the premises for farming and residential purposes.
 - C. The conduct of a home occupation may be carried on in accessory buildings not to exceed a total of two thousand (2,000) square feet in gross floor area.
 - D. No traffic shall be generated by the home occupation beyond that which is reasonable and normal for the area in which it is located.
 - E. Only one non-illuminated sign not to exceed sixteen (16) square feet in area shall be allowed in conjunction with the home occupation.
 - F. No equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odors, or electrical interference detectable off the premises.
- Subd. 2. Conditionally Permitted Home Occupations in the A and UF Districts. The following home occupations shall require a conditional use permit when operated in any agricultural district.
- A. Home occupations employing more than one (1) non-resident employee on the premises.
 - B. Home occupations carried on in an accessory building greater than two thousand (2,000) square feet of gross floor area.
- Subd. 3. Standards for Conditionally Permitted Home Occupations. The following standards shall apply to conditionally permitted home occupations in the A and UF Districts.
- A. The number of employees employed in conjunction with a conditionally permitted home occupation shall be determined by the Planning Advisory Commission.
 - B. The home occupation shall be incidental and subordinate to the use of the premises for farming and related farm activities.
 - C. The conduct of a home occupation may be carried on in an accessory building the size of which shall be determined by the Planning Advisory Commission.

- D. No traffic shall be generated by the home occupation beyond that which is reasonable and normal for the area in which it is located.
- E. Only one non-illuminated sign not to exceed sixteen (16) square feet in area shall be allowed in conjunction with the home occupation.
- F. No equipment or process shall be used in such home occupation to create noise, vibration, glare, fumes, odors, or electrical interferences detectable off the premises.

Subd. 4. Home Occupations in the R-1 Residential District. The following standards shall apply to home occupations when operated in the R-1, Residential District:

- A. No more than one (1) person other than the members of the family occupying the dwelling shall be employed in conjunction with the home occupation.
- B. The home occupation shall be incidental and subordinate to the use of the premises for residential purposes.
- C. No more than twenty-five (25) percent of the gross floor area of the dwelling unit shall be used for the conduct of the home occupation.
- D. There shall be no change in the outside appearance of the dwelling unit or the premises, or other visible evidence of the conduct of such home occupation other than one sign, not exceeding one and one-half (1-1/2) square feet.
- E. No traffic shall be generated by such home occupation in greater volume than would normally be expected in a residential neighborhood, and any need for parking generated by the conduct of such home occupation shall be met off the street in other than any required yard.
- F. No equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odors, or electrical interference detectable beyond the limits of the dwelling.
- G. No home occupation shall cause an increase in the use of any one or more utilities (water, sewer, electricity, garbage) so that the combined total use for the dwelling and home occupation purposes exceeds the average for the residences in the neighborhood.

Subd. 5. Conditionally Permitted Home Occupations in the R-1, Residential District. The following home occupations shall require a conditional use permit when operated in the R-1, Residential District:

- A. The conduct of a home occupation may be carried on in an accessory building the size of which shall be determined by the Planning Advisory Commission.

SECTION 14. OFF-STREET LOADING AND UNLOADING REQUIREMENTS

On the premises with every building, structure or part thereof, erected and occupied for manufacturing, storage, shopping center, laundry or other uses similarly involving receipt or distribution of vehicles or

materials or merchandise, there shall be provided and maintained on the site adequate space for the required number of ten (10) foot by twenty-five (25) foot berths.

- Subd. 1. For Educational and Religious Uses. One (1) berth for each building containing ten thousand (10,000) square feet of gross floor area to two hundred thousand (200,000) square feet of gross floor area, plus one/each additional two hundred thousand (200,000) square feet of gross floor area.
- Subd. 2. For Health and Medical Institutions. One (1) berth for each building containing ten thousand (10,000) square feet to one hundred thousand (100,000) square feet plus one/each additional one hundred thousand (100,000) square feet.
- Subd. 3. Commercial. One (1) berth for each building containing forty thousand (40,000) square feet.
- Subd. 4. Industrial. One (1) berth for each building containing forty thousand (40,000) square feet. Two (2) berths each building containing forty thousand (40,000) square feet to one hundred thousand (100,000) square feet.

SECTION 15. OFF-STREET PARKING REQUIREMENTS

In all zoning districts, off-street parking facilities for the storage of self-propelled motor vehicles for the use of occupants, employees, and patrons of the buildings or structures hereafter erected, altered or extended after the effective date of this Ordinance shall be provided and maintained as herein prescribed.

- Subd. 1. In the case of a use not specifically mentioned, the requirements for off-street parking facilities for a use which is so mentioned and which said use is similar, shall apply.
- Subd. 2. Nothing in this Section shall prevent the extension of or an addition to, a building or structure into an existing parking area which is required for the original building or structure when the same amount of space taken by the extension or addition is provided by an enlargement of the existing parking area.
- Subd. 3. The amount of required off-street parking space for new uses or buildings, additions thereto and additions to existing buildings as specified above, shall be determined in accordance with the following table, and the space so required, shall be stated in the application for a building and zoning permit and shall be irrevocably reserved for such use.

<u>Use</u>	<u>Required Parking Space</u>
One and two family dwellings or mixed occupancy buildings.	Two (2) parking spaces for each dwelling unit; the area of which may include driveways.
Multiple dwellings or apartment houses, efficiency apartment or single family terrace dwelling.	One and one-half (1-1/2) parking spaces for each dwelling unit.

Tourist homes, motels.	One (1) parking space for each guest or sleeping room or suite in a tourist home or motel, plus two (2) additional parking spaces for management and/or service personnel.
Hospitals, sanitarium, convalescent homes, homes for the aged or dormitory.	One (1) parking space for three (3) beds plus one (1) parking space for each two (2) employees.
Orphanage and institutions of a philanthropic and charitable nature and similar uses.	One (1) parking space for each ten (10) beds.
Hotels	One (1) parking space for each two (2) guest rooms, plus one (1) additional space for each three (3) employees.
Fraternities, boarding and rooming houses.	One (1) parking space for each guest bedroom, plus two (2) additional spaces for owner management.
Libraries, museums, post offices, and other similar uses.	Provide about each building an improved area other than the front yard which shall be not less in size than two (2) times the floor space of the building.
Theaters and auditoriums other than incidental to a school.	One (1) parking space for each four (4) seats plus additional spaces equal in number to fifty (50) percent of the number of all employees of the theater.
Churches, auditoriums incidental to schools.	One (1) parking space for each four (4) seats in the main assembly unit.
Schools.	One (1) parking space for each two (2) employees (including teachers and administrators) plus sufficient off-street space for the convenient loading and unloading of students.
Dance halls, pool and billiard rooms, assembly halls and exhibition halls without fixed seats. Community centers, civic clubs, fraternal orders,	One (1) parking space for each four (4) people allowed within the maximum occupancy load as established by the Fire Marshall.

union halls and similar uses.

Stadiums and sports arenas.

One (1) parking space for each four (4) seats.

Bowling alleys.

Six (6) parking spaces for each alley.

Mortuaries or funeral homes.

One (1) parking space for each fifty (50) square feet of floor space in the slumber rooms, parlors, or individual funeral service rooms.

Establishments for the sale and consumption on the premises of alcoholic beverages, food or refreshments.

One (1) parking space for each one hundred (100) square feet of floor area, plus one (1) parking space for each two (2) employees.

Drive in restaurants and roadside stands.

One (1) parking space for each fifteen (15) square feet of ground floor area of the building.

Medical or dental clinics, banks, business or professional offices.

One (1) parking space for each two hundred (200) square feet of floor area.

Drive in banks.

Four (4) parking spaces for each teller window and one (1) parking space for each two hundred (200) square feet of floor area.

Furniture and appliance stores, personal service shops, (not including beauty or barber shops), household equipment or furniture repair shops, clothing, shoe repair or service shops, whole-sale stores and machinery sales.

One (1) parking space for each five hundred (500) square feet of floor area.

Beauty parlors and barber shops.

Two (2) parking spaces for each barber and/or beauty shop chair.

All retail stores, except as otherwise specified herein.

One (1) parking space for each two (2) of the maximum number of employees on duty at any one time, plus one (1) parking space for each of the maximum number of salesman on duty at any one time, plus one (1) parking space each

for the owner and/or management on duty at any one time, plus two (2) parking spaces for each stall in a repair shop, plus one (1) parking space for each stall or service area or wash rack in a servicing repair shop.

Gasoline service stations.

One (1) parking space for each employee, plus 1) one parking space for the owner and/or management plus (2) two spaces for each grease rack, stall for servicing automobiles, or wash rack.

Industrial establishments, Manufacturing, research and testing laboratories, creameries, bottling works, printing and engraving shops, warehousing and storage buildings

Provide about each establishment, an improved area in addition to the front yard, which shall be sufficient in size to provide adequate facilities for parking of automobiles and other motor vehicles

used by the firm or employees or person doing business therein, such space shall not be less than one (1) parking space for each three (3) employees computed on the basis of the greatest number of persons to be employed at any one period during the day or night.

SECTION 16. SIGN REGULATIONS

Subd. 1. All signs hereinafter erected, altered, substantially repaired, relocated or maintained shall conform to the provisions of this Ordinance. No sign shall be allowed in any zoning district unless it is a permitted use, conditionally permitted use or accessory use established in accordance with the provisions of this Ordinance.

Subd. 2. Signs Generally.

- A. All sign locations shall be kept free from unreasonable growth, debris or rubbish. Failure to correct such conditions after being so directed in writing by the Planning and Zoning Administrator shall be cause for revocation of the existing permit and removal of sign or signs on said location or locations.
- B. All signs shall be properly identified stating the name and address of the individual or firm responsible for the sign.
- C. Private signs other than underground utility warning signs are prohibited within public right-of-way and easements provided, however, such underground utility is located within such right-of-way easement.
- D. Illuminated signs may be permitted. The light must illuminate from outside of sign and reflect off of viewing surface. Devices giving off an intermittent or rotating beam of rays of light shall be prohibited.
- E. No sign shall, by reason of position, shape or color interfere in any way with the proper functioning or purpose of a traffic sign or signal.

- F. Signs shall not be painted on fences, rocks, or similar structures or features nor shall paper or similar signs be attached directly to a building wall by an adhesive or similar means.
- G. No lighting for signs shall directly reflect light beams onto any public road or highway.
- H. All signs shall be located outside of any public right-of-way; except as otherwise allowed in this Section.
- I. No sign in excess of three (3) square feet shall be less than three hundred (300) feet from the intersection of two (2) or more public roads or less than three hundred (300) feet from the intersection of a public road and a railroad, provided that advertising may be affixed to or located adjacent to a building at such intersection in such a manner as not to cause any greater obstruction of vision than that caused by the building itself.

Subd. 3. Permitted Signs. The following signs are allowed without a permit but shall comply with all other applicable provisions of this Section.

- A. Government Signs. Signs of a public, non-commercial nature to include safety signs, danger signs, trespassing signs, traffic signs, signs indicating scenic or historical points of interest, memorial plaques and the like, when such signs are erected by or on order of a public officer or employee in the performance of their official duties.
- B. Directory Signs. A wall sign which identifies the business, owners, manager, or resident occupant and sets forth the occupation or other address information but contains no advertising. There may be one (1) directory sign per zoning lot not to exceed two (2) square feet per business or resident occupant. Home occupations may display a directory sign.
- C. Directional and Parking Signs (On-Site). On-site directional and parking signs intended to facilitate the movement of vehicles and pedestrians upon which the sign is located. Such signs shall not exceed six (6) square feet in total area.
- D. Integral Signs. Names of buildings, date of construction, commemorative tablets and the like, which are part of the building or structure.
- E. Real Estate Signs. For the purpose of selling, renting, or leasing a single parcel, a sign not in excess of twenty-five (25) square feet per surface may be placed in the front yard.
- F. Construction Signs. The purpose of selling or promoting a residential project, commercial area or an industrial area, one sign not to exceed two hundred forty (240) square feet of surface may be erected upon the project site.

- G. Election Signs. Election signs are permitted in all districts provided such signs are removed within ten (10) days following the election. No election signs shall be permitted more than two (2) months preceding the election the sign relates to.
- H. Agricultural Product Signs. Signs indicating that the proprietor of a farm is a dealer in seed, fertilizer or other agricultural products only when such dealership is incidental to the primary agricultural business of the farm.
- I. Crop Demonstration Signs. Any farm crop demonstration sign for informational use.
- J. Holiday Signs. Signs or displays which contain or depict messages pertaining to a national or state holiday and no other material. Such signs may be displayed for a period not exceeding thirty (30) days.
- K. Institutional Signs. Two (2) of which one (1) may be freestanding but not higher than twelve (12) feet in the single or combined surface area shall not exceed thirty (30) square feet.
- L. Signs containing non-commercial speech are permitted anywhere that commercial signs are permitted subject to the same regulations applicable to such signs.

Subd. 4. Signs Allowed in the FP, Floodplain; A and UF Districts; and the R-1, Residential District.

- A. Permitted Signs. Permitted signs as regulated by Subdivision 3 of this Section.
- B. Home occupation signs as regulated by Section 12 of this Article.
- C. Residential Signs.
 - 1. One (1) nameplate sign for each dwelling not to exceed two (2) square feet in area per surface, and no sign shall be so constructed as to have more than two (2) surfaces.
 - 2. One (1) nameplate sign for each permitted non-residential use or use by conditional use permit. Such sign shall not exceed twelve (12) square feet in area per surface and no sign shall be so constructed as to have more than two (2) surfaces.
 - 3. Symbols, statues, sculptures, and integrated architectural features on buildings may be illuminated by floodlights provided the source of the light is not visible from the public right-of-way or adjacent property.

Subd. 5. Signs Allowed in the B-1, General Business; and I, Industry Districts.

- A. Permitted Signs. Permitted signs as regulated by Subdivision 3 of this Section.

B. Business and Industry Signs.

1. Sign structures developed on property for which the sign relates shall be limited to not more than one (1) for a lot of one hundred (100) foot frontage or less and to only one (1) per one hundred (100) feet of additional lot frontage. Such structure may not contain more than two (2) signs per facing not exceeding fifty-five (55) feet in total length.
2. No sign may be erected within one hundred (100) feet of an adjoining residential property.
3. Maximum size of a permitted sign is four hundred (400) square feet of surface including border area.
4. No sign shall exceed thirty-five (35) feet in height.

Subd. 6. General Sign Standards. These standards shall apply to all signs except permitted signs as listed in Subdivision 3 of this Section.

A. No signs shall be erected on property for which the sign does not relate as follows:

1. Closer than three hundred (300) feet from platted streets, roads, and highways.
2. Within one hundred (100) feet of property used for church or school purposes.
3. Less than eight hundred (800) feet from any other advertising device on the same side of the right-of-way, except in the B-1, B-2, or I District.

SECTION 17. OFF-PREMISE ADVERTISING SIGNS (BILLBOARDS)

Off-premise advertising signs are not permitted in the Township. All existing off-premise signs may not be repaired or replaced beyond their original specifications.

SECTION 18. (RESERVED)

SECTION 19. INSPECTION

All signs for which a permit is required shall be subject to inspection by the Planning and Zoning Administrator. The Administrator or his duly authorized representative may enter upon any property or premises to ascertain whether the provisions of this Ordinance are being obeyed. Such entrance shall be made during business hours unless an emergency exists. The Township shall order the removal of any sign that is not maintained in accordance with the maintenance provisions of Section 15 and 16 of this Article. Notice shall be given to the Township of any change in sign owner.

SECTION 20. ADDITIONAL REQUIREMENTS, EXCEPTIONS, & MODIFICATIONS

Subd. 1. Except in the Wild and Scenic River District, height limitations set forth elsewhere in this Ordinance may be increased by one hundred (100) percent when applied to the following:

- A. Monuments.
- B. Flag poles.

Subd. 2. Except in the Wild and Scenic River District, height limitations set forth elsewhere in this Ordinance may be increased with no limitation when applied to the following:

- A. Church spires, belfries or domes which do not contain usable space.
- B. Water towers.
- C. Non-commercial and amateur radio antennas.
- D. Wind generators when located in any agricultural district.

Subd. 3. Yard requirements set forth elsewhere in this Ordinance may be reduced with no limitation when applied to the following:

- A. Essential service lines.
- B. Essential service structures when required to be on line to ensure the proper functioning of the line.

Subd. 4. Yard requirements set forth elsewhere in this Ordinance may be reduced as follows: Outside stairways, fire escapes, fire towers, porches, platforms, balconies, boiler flues, and other similar projections shall be considered as part of the building and not allowed as part of the required space for yards, courts or unoccupied space, provided, however, that this provision shall not apply to one (1) fireplace or one (1) chimney, not more than eight (8) feet in length and projecting not more than twelve (12) inches into the allowable yard space nor cornices not exceeding sixteen (16) inches in width nor to platforms, terraces steps below the first floor level, not to unenclosed projections not over one (1) story in height which may extend into a front or rear yard not more than ten (10) feet or into a side yard not more than eight (8) feet.

Subd. 5. Sight Triangle. The required front yard of any lot shall not contain any wall, fence, or structure, tree or shrub, or other growth which may cause danger to traffic on the road or public road by obscuring the view; except, that this Subdivision shall not apply to agricultural crops.

**SECTION 21. SITE DEVELOPMENT, LANDSCAPING, SCREENING, & GREENBELT
REQUIREMENTS FOR BUSINESS AND INDUSTRIAL ZONING DISTRICTS**

To minimize adverse effects to adjoining properties and to promote orderly development as well as provide open space in harmony with the environment, the following requirements shall apply to all new, expanded or changes in commercial or industrial development. This shall be interpreted to include new construction or expansion of any building.

- Subd. 1. Prior to any construction work, the owner, developer or contractor shall submit to the Planning and Zoning Administrator, a detailed site development plan which shall include: property lines, complete plans for grading, drainage, landscaping, building location, dimension of all buildings, drive and access to public roadways, display and storage areas, and screening and greenbelts.
- Subd. 2. A minimum of five (5) percent of the total lot area shall be landscaped with grass cover and trees or shrubs. Grass area shall be no less than ten (10) feet in width and the spacing of trees thereon shall not be greater than fifty (50) feet.
- Subd. 3. When a zoning district which allows commercial, manufacturing, warehousing, and storage activities is located adjacent to any residential zoning district, a satisfactory greenbelt, as approved by the Planning Commission, shall be required.
- Subd. 4. Outdoor open storage areas except those areas for display of operative and well-kept items shall require a conditional use permit in accordance with the provisions of Article 23 of this Ordinance to determine appropriate location and type of screening or greenbelts.
- Subd. 5. All open areas of the lot shall be graded to provide adequate drainage to avoid collection of stagnant water, unnecessary runoff onto adjoining properties, or public roadways and to prevent soil erosion.
- Subd. 6. It shall be the responsibility of the owner or lessee to see that the lot area is maintained in a well kept condition, including regular maintenance and necessary replacement of plantings and compliance of all other provisions of this Section.
- Subd. 7. The Town Board may approve alternates to the above, provided the alternate is as effective as the provisions specified.

SECTION 22. (RESERVED)

SECTION 23. PRESERVATION OF FARMING PRACTICES

It is the declared policy of this Township to enhance and encourage agricultural operations within the Township.

Where non-agricultural land uses extend into agricultural areas or exist side by side, agricultural operations may be the subject of private nuisance complaints that would result in the cessation or curtailment of operations. Such actions discourage investments in farm improvements to the detriment of adjacent agricultural uses and the economic viability of the Township's agricultural industry as a whole.

It is the purpose and intent of this section to reduce the loss to the Township of its agricultural resources by limiting the circumstances under which agricultural operations may be considered a nuisance.

Agricultural production that complied with all Wacouta Township Ordinances, shall not be considered by this Township as constituting a nuisance.

This Ordinance is not to be construed as in any way modifying or abridging the State law; rather, it is only to be utilized in the interpretation and enforcement of the provisions of this code and Township regulations.

Subd. 1. **AGRICULTURAL OPERATION.** A facility consisting of real or personal property used for the production of crops including fruit and vegetable production, tree farming, livestock, poultry, dairy products, or poultry products, but not a facility primarily engaged in processing agricultural products. Agricultural operation shall also include certain farm activities and uses as follows: chemical and fertilizer spraying, farm machinery noise, extended hours of operation, manure collection, disposal, spreading or storing, open storage of machinery, feedlots, odors produced from farm animals, crops or products used in farming.

Subd. 2. **ESTABLISHED DATE OF OPERATION.** For the purposes of this section, the established date of operation shall be the date on which the agricultural operation commenced.

Subd. 3. **AGRICULTURAL OPERATION NOT A NUISANCE.** An agricultural operation which continues without interruption or change shall not become a private nuisance if the operation was not a nuisance at its established date of operation. The provisions of this subdivision do not apply:

- A. To a condition or injury which results from the negligent or improper operation of an agricultural operation or from operations contrary to commonly accepted agricultural practices.
- B. To applicable State or local laws, ordinances, rules or permits.
- C. When an agricultural operation causes injury or direct threat or injury to the health or safety of any person.
- D. To the pollution of, or change in the condition of, waters of the State or the water flow of waters on the lands of any person;
- E. To an animal feedlot facility of one thousand (1,000) or more animal units.

ARTICLE 4 BLUFF LAND PROTECTION

SECTION 1. INTENT AND PURPOSE

Wacouta Township recognizes the historic and economic values of the bluffs that line the many rivers and valleys of the Township. These standards set out to protect and preserve the sensitive physical features of the bluffs by regulating development, preventing erosion and controlling the cutting of timber on the slopes and tops of the bluffs.

SECTION 2. SCOPE

These standards shall regulate the setback of structures, sanitary waste treatment facilities and row crops from bluff impact zones to protect the existing and/or natural scenic values, significant historic sites, vegetation, soils, water and bedrock from disruption by man-made structures or facilities. These standards will also regulate alterations of the natural vegetation and topography.

- Subd. 1. **BLUFF.** A high bank or bold headland with a broad precipitous sometimes rounded cliff-face overlooking a plain or body of water, especially on the outside of a stream or meander-river bluff, that rises or drops twenty-five (25) feet from the horizontal and the slope averages thirty (30) percent or greater.
- Subd. 2. **BLUFF IMPACT ZONE.** All of the land lying between the top of the bluff and the toe of the bluff.
- Subd. 3. **SIGNIFICANT HISTORIC SITE.** Any archaeological site, standing structure, or other property that meets the criteria for eligibility to the National Register of Historic Places or is listed in the State Register of Historic Sites, or is determined to be an unplatted cemetery that falls under the provisions of Minnesota Statutes, Section 307.08. A historic site meets these criteria if it is presented listed on either register or if it is determined to meet the qualifications for listing after review by the Minnesota State Archaeologist or the Director of the Minnesota Historical Society. All unplatted cemeteries are automatically considered to be significant historic sites.
- Subd. 4. **TOE OF THE BLUFF.** The point on a bluff where there is, as visually observed a clearly identifiable break in the slope, from gentler to steeper slope above. If no break in the slope is apparent, the toe of the bluff shall be determined to be the lowest end of the lowest fifty (50) foot segment that exceeds twenty (20) percent slope.
- Subd. 5. **TOP OF THE BLUFF.** The point on a bluff where there is, as visually observed, a clearly identifiable break in the slope, from steeper to gentler slope above. If no break in the slope is apparent, the top of the bluff shall be determined to be the highest end of the highest fifty (50) foot segment that exceeds twenty (20) percent slope.
- Subd. 6. **VISUALLY INCONSPICUOUS.** Difficult to be seen and not readily noticeable from any point on the river or valley during the time when the leaves are on the deciduous trees.

SECTION 3. BOUNDARIES

- Subd. 1. The bluff land protection area shall include all areas with the following soil types as determined by the Goodhue County Soil Survey:
- A. FrE - Frontenac soils, steep.
 - B. FrF - Frontenac soils, very steep.
 - C. MaE - Marlean soils, steep.
 - D. MaF - Marlean soils, steep.
 - E. DuF - Dubuque silt loam.
 - F. BaF - Bellechester sand 25-45% slope.
 - G. BoE - Brodale-sogn flaggy loams, steep.
 - H. BoF - Brodale-sogn flaggy loams, very steep.
 - I. RaE - Racine soils 18-25% slope.
 - J. SdE - Schapville-sogn complex 18-35% slope.
 - K. SfE - Seaton silt loam, 18-25% slope.
 - L. WsE - Whalan Silt loam, 18-35% slope.

SECTION 4. GENERAL REGULATIONS

- Subd. 1. Structures, accessory facilities (except stairways and landings) shall not be placed within bluff impact zones.
- Subd. 2. Setback from top or toe of the bluff to any structure in any district shall be no less than thirty (30) feet.
- Subd. 3. The maximum height of any structure shall be twenty-five (25) feet from the highest natural grade touching foundation.
- Subd. 4. No person may begin a mining or quarrying activity or expand a mining or quarrying activity within three hundred (300) feet of the toe or top of a bluff without a conditional use permit.
- Subd. 5. No towers shall be located within one-fourth (1/4) mile of the bluff impact zone.
- Subd. 6. All stairways and lifts on bluffs shall be visually inconspicuous. Stairways and lifts shall meet the following design requirements:
- A. Stairways and lifts must not exceed four (4) feet in width on residential lots.
 - B. Landings for stairways and lifts on residential lots must not exceed thirty-two (32) square feet in area. Landings larger than thirty-two (32) square feet may be used for public open space recreational properties.
 - C. Canopies or roofs are not allowed on stairways, lifts, or landings.
 - D. Stairways, lifts, and landings may be either constructed above the ground on posts or pilings, or placed into the ground, provided they are designed and built in a manner that ensures control of soil erosion.

- E. Stairways, lifts, and landings must be located in the most visually inconspicuous portions of lots, as viewed from the surface of the public water assuming summer, leaf on conditions, whenever practical.
- F. Facilities such as ramps, lifts, or mobility paths for physically handicapped persons are also allowed for achieving access to shore areas, provided that the dimensional and performance standards of sub-items A-E are complied with in addition to the requirements of Minnesota Regulations, Chapter 1340.

Subd. 7. No grading, excavating or filling within the bluff impact zones, **except for approved erosion control measures. Erosion control projects within the bluff impact zone shall comply with A. and B. below:**

- A. **Altered areas shall be stabilized to acceptable erosion control standards consistent with the field office technical guides of the Goodhue Soil and Water Conservation District and the USDA, Natural Resources Conservation Service.**
- B. **Plans to place fill or excavated materials in bluff impact zones shall be prepared by qualified professional for continued slope stability, and approved by Land Use Management. All costs to be born by the applicant.**

Subd. 8. The top or toe of bluffs shall be certified by a registered land surveyor or Zoning Administrator.

Subd. 9. Vegetation Alterations. Vegetation alterations shall be subject to the standards found in Article 3, Section 7 of the Wacouta Township Zoning Ordinance.

ARTICLE 5 CONFINED FEEDLOT REGULATIONS

SECTION 1. CONFINED FEEDLOTS GENERALLY

No person shall permit or allow their land or property under their control to be used for any confined feedlots, and no animal manure from any confined feedlot shall be disposed of within Wacouta Township, except at an operation which has been approved in accordance with the provisions of this Article.

SECTION 2. ADOPTION BY REFERENCE OF STATE REGULATIONS

The Wacouta Town Board of Supervisors hereby adopts by reference Minnesota Rules, Chapter 7020, Rules for the Control of Pollution from Animal Feedlots. Provisions of these rules shall be as much a part of this Ordinance as if they had been set out in full herein when adopted by this reference.

SECTION 3. EXEMPT FROM REGULATION

- Subd. 1. Any confined feeding operation of ten (10) animal units or less when in conformance with all provisions of this Ordinance shall be exempt from this Article.
- Subd. 2. Nothing in this Article shall exempt any owner or operator of any feedlot from conforming with applicable state or federal regulations governing confined feeding operations, or any other provisions of this Ordinance.

SECTION 4. APPLICATION PROCEDURE

Applications for locating any confined feeding operation in Wacouta Township shall be governed by the following procedures:

- Subd. 1. The owner of a proposed or existing animal feedlot for greater than ten (10) animal units shall make application to the Minnesota Pollution Control Agency for a permit.
- Subd. 2. Feedlot application forms may be obtained at the Zoning Administrator.
- Subd. 3. Feedlot permit applications shall be required when any of the following conditions exist:
 - A. A new animal feedlot is proposed.
 - B. A change in operation of an existing animal feedlot is proposed.
 - C. Ownership of an existing animal feedlot is changed.
 - D. A National Pollutant Discharge Elimination System (NPDES) permit application is required under state or federal rules and regulations.
- Subd. 4. The owner of any animal feedlot shall be required to make an application to the Minnesota Pollution Control Agency when an inspection by the agency staff or a county animal feedlot creates or maintains a potential pollution hazard.

SECTION 5. FEEDLOTS REQUIRING A CONDITIONAL USE PERMIT

Any of the following described animal feeding operations, whether existing or proposed, shall require a conditional use permit issued by the Township.

- Subd. 1. Animal feedlots when located outside of a farm yard.
- Subd. 2. Animal feedlots where manure is not incorporated on land owned or held in long-term leasehold by the feedlot operation.

SECTION 6. CONDITIONS FOR REVIEWING FEEDLOTS REQUIRING A CONDITIONAL USE PERMIT

Prior to approving a conditional use permit for a confined feeding operation, the Township shall review the impact of the feedlot and its effect on the neighborhood and environment.

SECTION 7. PROHIBITED FEEDLOT LOCATIONS

New animal feedlots shall be prohibited in the following locations:

- Subd. 1. Within one (1) mile of any city unless located within a farm yard.
- Subd. 2. Within one-quarter (1/4) miles, if less than three hundred (300) animal units, or within one-half (1/2) miles if more than three hundred (300) animal units, of all residential districts.
- Subd. 3. New feedlots must not be located in the shoreland of watercourses or in bluff impact zones and must meet a minimum setback of three hundred (300) feet from the ordinary high water level of all public waters basins.
- Subd. 4. Modifications or expansions to existing feedlots that are located within three hundred (300) feet of the ordinary high water level or within a bluff impact zone are allowed if they do not further encroach into the existing ordinary high water level or encroach on bluff impact zones.

ARTICLE 6 EXCAVATION OF MINERAL MATERIALS

SECTION 1. PURPOSE

All excavations, extraction of materials and minerals, open pits and impounding of waters here after established or enlarged shall conform with the provisions of this Article.

SECTION 2. DEFINITION

Excavations, as used in this Article, shall mean any artificial excavation of the earth, with in the Township, dug, excavated, or made by the removal from the natural surface of the earth of sod, soil, and gravel stone or other matter or made by tunneling or breaking or undermining the surface of the earth. Excavation ancillary to building construction is exempt from the provisions of this Article if a permit has been issued for such construction. Excavations not exceeding fifty (50) square feet of surface area or two (2) feet in depth and excavations including impounding of water for agricultural purposes are exempted.

SECTION 3. EXCAVATIONS ALLOWED BY CONDITIONAL USE PERMIT AND ONLY ON INDUSTRIALLY ZONED PROPERTY

Excavation is only allowed by conditional use permit. Excavation may only take place on industrially zoned property. Excavations shall not be located within two hundred feet (200') of a residential zoning district or within three hundred feet (300') of a residential dwelling.

SECTION 4. APPLICATION

Excavation operated pursuant to this Article shall furnish the following information when applying for either a conditional use permit or permit to operate.

- Subd. 1. Applicant's name and address.
- Subd. 2. Description of the tract, or tracts of land and the number of acres to be mined by the applicant.
- Subd. 3. A statement that the applicant has the right by ownership or lease to mine and to reclaim that land described.
- Subd. 4. A statement containing an estimate of the life expectancy of the proposed operation. The estimate shall include a starting and completion date.

SECTION 5. CONDITIONS OF PERMIT

The Township, as a prerequisite to the granting of a permit or after a permit has been granted, may require the applicant to whom such permit issues or the owner or user of the property on which the open pit or excavation or impounded waters are located to:

- Subd. 1. Properly fence any pit or excavation.

- Subd. 2. Slope the banks and otherwise properly guard and keep any pit or excavation in such condition as not be dangerous from caving or sliding banks.
- Subd. 3. Properly drain, fill or level any pit or excavation, after created, so as to make the same safe and healthful.
- Subd. 4. Keep any pit, excavation or impounded waters within the limits for which the particular permit is granted.
- Subd. 5. Remove any excavated material from any pit or excavation, away from the premises, upon and along such highways, streets or other public ways as the Township shall order and direct.
- Subd. 6. Provide for the reconstruction of highway, street or other public ways which may be damaged due to transportation of materials from any pit or excavation.
- Subd. 7. Grade site after excavation is completed so as to render it usable, seeding where required to avoid erosion and an unsightly mar on the landscape.
- Subd. 8. Pile overburden on strippings in such a manner that it will allow mowing and/or spraying equipment to control noxious weeds.

SECTION 6. BOND MAY BE REQUIRED

The Town Board may require either the applicant or the owner or user of the property on which the open pit or excavation or impounded waters is located to post a bond, in such form and sum as the Board shall determine, with sufficient surety running to the Township, conditioned to pay the Township the extraordinary cost and expense of repairing, from time to time, any highways, streets, or other public ways where such repair work is made necessary by the special burden resulting from hauling and travel, in removing materials from any pit, excavation or impounded waters, the amount of such cost and expense to be determined by the Town Board; and conditioned further to comply with all the requirements of this Article and the particular permit and to pay any expense the Township may incur by reason of doing anything required to be done by any applicant to whom a permit is issued.

ARTICLE 7 ESSENTIAL SERVICES

SECTION 1. PURPOSE AND INTENT

It shall be the intent of this Article to encourage the coordination and communication between utility owners and the Township before the placement of essential services in or within two hundred (200) feet of any Township road right-of-way.

SECTION 2. SCOPE OF REGULATIONS

For the purpose of this Ordinance, essential service facilities in all zoning districts shall be regulated according to the procedure described in this Article.

SECTION 3. EXEMPT FROM REGULATIONS

- Subd. 1. Required maintenance of any essential service facility, when such maintenance does not substantially change the location of the existing facility, shall be exempt from the regulations of this Article.
- Subd. 2. Ordinary service extension that services one parcel of land only.

SECTION 4. ESSENTIAL SERVICE FACILITIES PROCEDURE

- Subd. 1. The owner shall file with the Township Zoning Administrator such maps indicating the location and type of service proposed.
- Subd. 2. The Zoning Administrator shall review the plans within fifteen (15) days and notify the owners of his action.
- Subd. 3. The maps and accompanying data may be submitted to the Township Planning Commission for review and recommendations regarding the relationship to urban growth, land uses, highways and recreation and park areas.
- Subd. 4. Following such review when deemed necessary, or when requested by the Town Board, the Township Planning Commission shall make a report of its findings and recommendations on the proposed essential services and shall file such report with the Town Board within thirty (30) days.
- Subd. 5. Upon receipt of the report of the Planning Commission, the Town Board shall consider the maps and accompanying data and shall indicate to the owner its approval or modifications required under this Ordinance within thirty (30) days.

SECTION 5. ESSENTIAL SERVICE CONSTRUCTION STANDARDS

- Subd. 1. When an underground essential service crosses hard surface roads or private roads in use and being maintained, the road shall be bored unless the Township Engineer approves an alternate procedure.
- Subd. 2. Each location of an installation within two hundred (200) feet of a County highway right-of-way shall be made in such fashion so as to meet with the approval of the Goodhue County Highway Engineer.
- Subd. 3. The owner shall file with the Town Board "as built" drawings of the essential service facility as it traverses the Township road. This shall refer to those utilities constructed after the adoption of this Ordinance.
- Subd. 4. If in the construction of the essential service facility an open drainage ditch is traversed, the owner shall lay its essential service facility below the original bottom of the drainage ditch as designed, and the method of construction shall not impede the normal flow of water.
- Subd. 5. All tile lines or other drainage systems which are cut or disturbed by the owner in the exercise of any rights acquired through easement or condemnation shall be restored and repaired to the previous condition and operable state without cost to the landowner or Township.
- Subd. 6. The clerk of the Town Board shall receive as built drawings of the essential service as it traverses the township roads.

ARTICLE 8 MANUFACTURED/MOBILE HOME PARKS

SECTION 1. INTENT

The intent and purpose of this Article is to assure quality development equal to that found in other types of residential areas throughout the Township. Excellence of design, development, and maintenance is the desired objective.

SECTION 2. APPLICATION

Each mobile home park shall require a conditional use permit. The applicant for a permit, in addition to other requirements, shall include the name and address of the developer and a general description of the construction schedule and construction cost. The application for a permit shall be accompanied by ten (10) copies of plans which indicate the following:

- Subd. 1. Location and size of the mobile home park.
- Subd. 2. Location, size, and character of all mobile home lots, mobile home stands, storage areas, recreation areas, laundry drying areas, central refuse disposal roadways, parking spaces and sites, and all setback dimensions.
- Subd. 3. Detailed landscaping plans and specifications.
- Subd. 4. Location and width of walkways.
- Subd. 5. Plans for sanitary sewage disposal, surface drainage, and water systems.
- Subd. 6. Plans for an overhead street lighting system shall be submitted for approval by the Township Zoning Administrator.
- Subd. 7. The method of disposing of garbage and refuse.
- Subd. 8. Location and size of all streets abutting the mobile home park and all driveways from such street to the park.
- Subd. 9. Plan and specifications for all road construction either within the park or directly related to park operation.
- Subd. 10. Floor plans of all service buildings to be constructed within the mobile home park.
- Subd. 11. Such other information as may be required or requested by the Township.
- Subd. 12. Plans for a storm shelter.

SECTION 3. PERFORMANCE STANDARDS FOR MOBILE HOME PARKS.

- Subd. 1. All mobile homes shall be properly connected to a central water supply and a central sanitary sewer system. All water and sewer systems shall be constructed in accordance with plans and specifications approved by the Zoning Administrator. Where a public water supply is available to the mobile home park or at the boundary of the park, a connection to said public water supply shall be provided for each mobile home.
- Subd. 2. Each mobile home park shall maintain an off-street overload parking lot for guests of occupants in the amount of one (1) space for each three (3) coach sites and located within three hundred (300) feet of the unit to be served.
- Subd. 3. Plans for the disposal of surface storm water shall be approved by the Zoning Administrator.
- Subd. 4. A properly landscaped area shall be adequately maintained around each mobile home park. All mobile home parks adjacent to industrial, commercial or residential land uses shall be provided with screening, such as fences or natural growth, along the property boundary lines separating the park from such adjacent uses.
- Subd. 5. Every structure in the mobile home park shall be developed and maintained in a safe, approved, and substantial manner. The exterior of every structure shall be kept in good repair. All of said structures must be constructed to meet existing Township codes.
- Subd. 6. The area beneath all mobile homes shall be enclosed with a material that shall be generally uniform through the entire mobile home park, except that such an enclosure must be so constructed that it is subject to reasonable inspection. No obstruction shall be permitted that impedes the inspection of plumbing, electrical facilities, and related mobile home equipment.
- Subd. 7. All mobile home parks shall have an area or areas set aside for dead storage. Boats, boat trailers, hauling trailers, and all other equipment not generally stored within the mobile home or within the utility enclosure, that may be provided, shall be stored in a separate place provided by the park owner. This storage place shall be screened. Such equipment shall not be stored upon a mobile home lot which is occupied by a mobile home or upon the streets within the mobile home park.
- Subd. 8. Signs shall be limited to one (1) nameplate or identification sign not to exceed twenty-five (25) square feet, with lighting, height and location as approved by the Zoning Administrator and have a fifteen (15) foot setback from the front line.
- Subd. 9. Each mobile home park shall have a structure designated as the tornado shelter. The structure shall be designed specifically for the purpose of protection from storms. It shall be structurally sound and accessible to all persons in the park.
- Subd. 10. All structures being placed in the park shall require a permit.

SECTION 4. MOBILE HOME PARK LOTS

- Subd. 1. Each mobile home site shall contain at least five thousand (5,000) square feet of land area for the exclusive use of the occupant and shall be at least fifty (50) feet wide.
- Subd. 2. Mobile homes shall be placed upon mobile home lots so that there shall be at least a twenty (20) foot clearance between mobile homes and twenty (20) feet between the front of the mobile home and the front lot line and twenty-five (25) feet between the rear of the mobile home and the rear lot lines.
- Subd. 3. The area occupied by a mobile home shall not exceed fifty (50) percent of the total area of a mobile home site; land may be occupied by a mobile home, a vehicle, a building, a cabana, a ramada, a carport, an awning, storage closet or cupboard, or any structure.
- Subd. 4. The yards shall be landscaped except for necessary driveway and the sidewalk needs which shall not exceed one-half (½) the width of the site.
- Subd. 5. Each mobile home lot shall have off-street parking space for at least two (2) automobiles. Each space shall be ten (10) feet by twenty (20) feet minimum.
- Subd. 6. The corners of each mobile home lot shall be clearly marked and each site shall be numbered.

SECTION 5. MOBILE HOME STANDS

The area of the mobile home stand shall be improved to provide adequate support for the placement and tie-down of the mobile home, thereby securing the superstructure against uplift, sliding, rotation, and overturning.

- Subd. 1. The mobile home stands shall not heave, shift, or settle unevenly under the weight of the mobile home, due to the frost action, inadequate drainage, vibration, or other forces acting upon the structure.
- Subd. 2. Anchors and tie-downs shall be placed at least at each corner of the manufactured home stand and each anchor shall be able to sustain a minimum tensile strength of two thousand eight hundred (2,800) pounds or as approved by the current Minnesota State Uniform Manufactured Home Standard Code, whichever is more restrictive.

SECTION 6. PARK MANAGEMENT

- Subd. 1. The person to whom a permit for a manufactured home park is issued shall operate the park in compliance with this Ordinance and shall provide adequate supervision to maintain the park, its facilities and equipment in good repair in a clean and sanitary condition.
- Subd. 2. The park management shall notify park occupants of all applicable provisions of this Ordinance and inform them of their duties and responsibilities under this Ordinance.
- Subd. 3. An adult caretaker must be present at all times and is responsible for the maintenance of the park at all times.
- Subd. 4. Each park shall have an office for the use of the operator distinctly marked "OFFICE" and such marking shall be illuminated during all hours of darkness.
- Subd. 5. The operator of every manufactured home park shall maintain a registry in the office of the manufactured home park indicating the name and address of each permanent resident. Each manufactured home site shall be identified by number and letter also.
- Subd. 6. The limits of each manufactured home lot shall be clearly marked on the ground by permanent flush stakes, markers, or other suitable means, said lot limits shall be approximately the same as shown on the accepted basis.
- Subd. 7. A map of the manufactured home park shall be displayed at the manufactured home park office and be illuminated during all hours of darkness.
- Subd. 8. No public address or loudspeaker system shall be permitted.
- Subd. 9. Dogs and animals shall not be permitted to run at large within the manufactured home park.
- Subd. 10. No person shall erect, place, construct, reconstruct, relocate, alter, maintain, use or occupy a cabana or structure in a manufactured home park without the written consent of the owner or operator of the manufactured home park.
- Subd. 11. The park management shall provide for the weekly collection and disposal of garbage, waste and trash as approved by the Township

SECTION 7. RECREATION VEHICLE OR TRAILER PARK REGULATIONS

- Subd. 1. Trailer Park Operation. No person, firm, or corporation shall develop or operate any trailer park without having first obtained a conditional use permit.

- Subd. 2. Application. The application for conditional use permit, in addition to the requirements, shall indicate the name and address of the developer and a general description of the construction schedule and construction costs. The application for a conditional use permit shall be accompanied by five (5) copies of plans, which indicate the following:
- A. Location and size of trailer park.
 - B. Location and size of all vehicle or trailer lots, dead storage areas, recreation areas, laundry drying areas, roadways, parking spaces and sites, and all setback dimensions.
 - C. Detailed landscaping plans and specifications.
 - D. Detailed grading plan with two (2) foot contour intervals.
 - E. Plans for sanitary sewage disposal, surface drainage, water systems, electrical service, and gas service.
 - F. Plans for overhead street lighting system shall be submitted for approval by the Zoning Administrator.
 - G. The method of disposing of garbage and refuse.
 - H. Location, size, and character of each lot.
 - I. Location and size of all streets abutting the trailer park.
 - J. Road construction plans and specifications.
 - K. Plans for any and all structures.
 - L. Such other information as may be required or requested by the Township.
- Subd. 3. Designation of Uses. The trailer park design shall designate specific areas for private tent camping, recreation vehicles, and trailers.
- Subd. 4. Lot Size. The minimum lot size of each lot in the trailer park shall be two thousand (2,000) square feet.
- Subd. 5. Performance Standards for Trail Parks.
- A. All water supply and sanitary facilities must conform to the current standards of the Minnesota Department of Health and Pollution Control Agency.
 - B. All utilities, such as sewer, water, fuel, electric, telephone, and television antenna lead-ins, shall be buried to a depth specified by the State Department of Health, and there shall be no overhead wires or support poles except those essential services for street or other lighting purposes. All utility connections shall be approved by the State Department of Health prior to connection. Plans for the disposal of surface storm water shall be approved by the Zoning Administrator.
 - C. All land area shall be adequately drained and properly maintained free of dust, refuse, garbage, rubbish or debris. The proposed method of garbage, waste, and trash disposal must be approved by the Township and must meet or exceed the current Minnesota Department of Health Standards.

- D. All structures shall require a building permit.
- E. The source of fuel for cooking, eating, or other purposes of each lot shall be approved by the State Department of Health. Periodic inspection of the entire park by the Township Zoning Administrator may be required.
- F. No trailer shall be allowed in a trail park that does not conform to the requirements of the Motor Vehicle Code of the State of Minnesota. Every structure in a trailer park shall be developed and maintained in a safe, approved, and substantial manner.
- G. A properly landscaped area shall be adequately maintained around each trailer park. No trailer or building shall be located within twenty (20) feet of the exterior boundary of any park or within forty (40) feet of any exterior existing public right-of-way.
- H. The operator of every campground shall maintain a register in the office of the park indicating the name and address of the owner and occupants of each trailer, the license number of each trailer and automobile of each occupant, and the date of arrival and departure of each trailer. The corners of each trailer lot shall be clearly marked and each lot shall be adequately lighted from sunset to sunrise.
- I. No trailer or recreation park shall be located so that drainage from the park or camp area will endanger any water supply. All parks shall be well drained. No portion of the park shall be located in an area subject to flooding. No waste water from the trailers or other recreational vehicles shall be deposited on the surface of the ground.
- J. Each lot shall abut or face a driveway or clear unoccupied space of not less than sixteen (16) feet in width, which shall have unobstructed access to the internal road system.
- K. Each lot, or pair of lots, shall contain adequate containers to store, collect, and dispose of refuse and garbage so as to create no health hazards, rodent damage, insect breeding, accident or hazardous fire areas, or air pollution. Each lot, or pair of lots, shall have such an insect proof, water tight, rodent proof refuse container on the lot(s).
- L. Each lot shall be no further than four hundred (400) feet from the nearest readily available drinking water supply.
- M. Each lot with an individual water system connection shall have a water supply capable of supplying one hundred (100) gallons of water per site per day.
- N. Incineration of refuse, garbage, or other wastes shall not be permitted within any recreational vehicle trailer park.
- O. All centralized refuse collection containers and park maintenance equipment shall be stored in a screened and fenced service yard within the park.
- P. On-site advertising shall be limited to one (1) sign not to exceed twenty-four (24) square feet, with lighting, height and location as approved by the Town Board.
- Q. Each trailer park must have one (1) or more central community buildings with central heating which must be maintained in a safe, clean, and sanitary condition. Said buildings shall be adequately lighting during all hours of darkness and shall contain laundry washers, dryers, and drying areas, in addition to public toilets and lavatory. Each trailer park shall have a building for the use of the operator distinctly marked

"office" and such marking shall be illuminated during all hours of darkness. An illuminated map of the park shall be displayed at the office.

- R. An adult caretaker must be on duty at all times in the trailer park.
- S. Each lot shall have two hundred (200) square feet of off-street parking space, or as approved by the Zoning Administrator, for two (2) automobiles. No parking spaces shall be closer than ten (10) feet to any side yard lot line.
- T. All recreation vehicle and trailer park projects shall be equipped with at least one (1) central toilet, bathing, and laundry building which meets or exceeds the requirements of the Minnesota Department of Health, except that in primitive tent camping areas, only toilet facilities shall be required as per the Minnesota Department of Health.

ARTICLE 9 ZONING DISTRICTS AND DISTRICT PROVISIONS

SECTION 1. ZONING DISTRICTS

The zoning districts shall apply as designated on the Zoning Map and defined within this Ordinance and applicable state or federal regulations. Two types of zoning districts are utilized. All lands under jurisdiction of this Ordinance shall be designated as lying within one, and only one, primary zoning district. In addition, one or more overlay districts may apply.

PRIMARY DISTRICTS

A,	Agricultural Protection
UF,	Urban Fringe
R-1,	Suburban Residence
B-1,	General Business
I,	Industry
WS,	Wild and Scenic River

OVERLAY DISTRICTS

FP,	Floodplain
S,	Shoreland
W,	Wetland

SECTION 2. ZONING MAP

The location and boundaries of the districts established by this Ordinance is set forth on the zoning maps which are hereby incorporated as a part of this Ordinance. It shall be the responsibility of the Zoning Administrator to maintain and update the maps and amendments.

SECTION 3. DISTRICT BOUNDARIES

The boundaries of zoning districts, as shown on the Wacouta Official Zoning Map accompanying and made a part of this Ordinance, unless otherwise shown, are the center line of streets, alleys or the subdividing or boundary lines of recorded plats or the extension thereof, railroad rights-of-way lines.

SECTION 4. ZONING BOUNDARY INTERPRETATION

Appeals from the Planning Commission or any administrative officer's determination of the exact location of district boundary lines shall be heard by the Board of Adjustment.

Where interpretation is needed as to the exact location of the boundaries of the Floodplain, FP District, as shown on the Official Zoning Map, as for example where there appears to be a conflict between a mapped boundary and actual field conditions, the Board of Adjustment shall make the necessary interpretation based on elevations of the regional (100 year) flood profile and other available technical data.

SECTION 5. PERMITTED USES

No structures, building or tract of land shall be devoted to any use other than a permitted use in the zoning district in which such structure, or tract of land shall be located, with the following exceptions:

- Subd. 1. Conditional uses allowed in accordance with the provisions of this Ordinance.
- Subd. 2. Any structure which will, under this Ordinance, become non-conforming but for which a building permit has been lawfully granted prior to the effective date of this Ordinance may continue to completion if completed within one year of the effective date of this Ordinance
- Subd. 3. Normal maintenance of a building or other structure containing or related to a lawful non-conforming use is permitted, including necessary non-structural repairs and incidental alterations which do not extend or intensify the non-conforming use.

SECTION 6. USES NOT PROVIDED FOR IN ZONING DISTRICT

Whenever, in any zoning district, a use is neither specifically permitted nor denied, the use shall be considered prohibited. In such case, the Board or the Planning Commission, on their own initiative or upon request of a property owner, may conduct a study to determine if the use is acceptable and, if so, what zoning district would be most appropriate and the determination as to conditions and standards relating to development of the use. The Town Board or Planning Commission, upon receipt of the study, shall, if appropriate, initiate an amendment to the Zoning Ordinance to provide for the particular use under consideration or shall find that the use is not compatible for development within the Township.

ARTICLE 10 A, AGRICULTURAL PROTECTION DISTRICT

SECTION 1. PURPOSE

This district is to maintain, conserve and enhance agricultural lands which are historically valuable for crop production, pasture land, and natural habitat for plant and animal life. This district is intended to encourage long-term agricultural uses and preserve prime agricultural farmland by restricting the location and density of non-farm dwellings and other non-farm land uses.

SECTION 2. PERMITTED USES

- Subd. 1. Single family dwellings.
- Subd. 2. A second farm dwelling located in the farmyard to house farm labor; individual or family. Any temporary structure shall be removed when the need is terminated.
- Subd. 3. Any agriculture operation including tree farms.
- Subd. 4. Feedlots as regulated in Article 5.
- Subd. 5. Any one temporary building for the sale of on-site farm produce provided that such building shall be no less than twenty (20) feet from the road right-of-way and further provided that adequate off-street parking shall be available.
- Subd. 6. Any mining, quarrying, excavating, or filling of land subject to the standards in Article 6 of this Ordinance.
- Subd. 7. Plant nurseries and sales.
- Subd. 8. Home occupations as regulated in Article 3 of this Ordinance.

SECTION 3. CONDITIONAL USES

In the A, Agricultural Protection District, the following uses may be allowed subject to obtaining a conditional use permit in accordance with the provisions of Article 23 of this Ordinance.

- Subd. 1. A mobile home as a temporary second dwelling when there is a need to provide health care services to residents of one of the dwellings.
- Subd. 2. Any aircraft landing field and associated facilities.
- Subd. 3. Any commercial outdoor recreation facilities including, but not limited to, golf courses, driving ranges, tennis courts, skiing, swimming pools, and park facilities.
- Subd. 4. Any community building, church, cemetery or memorial garden.
- Subd. 5. Any commercial radio and television towers and transmitters.
- Subd. 6. Any public, private or nursery school.
- Subd. 7. Any public stable.
- Subd. 8. Any raising of fur bearing animals or commercial kennel.

- Subd. 9. Any sanitary landfills and sewage disposal works including any non-agricultural lagoon provided that the operation is in accordance with Minnesota Pollution Control Agency regulations.
- Subd. 10. Commercial and industrial uses primarily intended to serve the agricultural community.
- Subd. 11. Any boarding and rooming houses or tourist homes as an accessory use.
- Subd. 12. Any veterinary clinic.
- Subd. 13. Junk/salvage reclamation yards.
- Subd. 14. Any migratory labor camp.
- Subd. 15. Any park or recreational area operated by a governmental agency.
- Subd. 16. Hunting club or shooting preserve.
- Subd. 17. Temporary or seasonal off-site roadside produce stands. No more than two (2) signs totaling fifty (50) square feet of sign area advertising the stand shall be permitted. In addition, the structure shall be limited in size to two thousand (2,000) square feet.

SECTION 4. ACCESSORY USES AND STRUCTURES

Accessory structures and uses customarily incidental to any of the above permitted uses shall be permitted when located on the same property.

SECTION 5. GENERAL DISTRICT REGULATIONS

Any lot in the A, Agricultural Protection District on which any permitted or conditionally permitted use is erected shall meet the following minimum standards:

- Subd. 1. Buildable Lot Area.
 - A. Dwelling shall be located on parcels containing a buildable area of not less than two (2) acres.
 - B. The lot is large enough and so situated as to meet the standards contained in Minnesota Rules Part 7080 (MPCA Individual Sewage Treatment Systems Standard).

- Subd. 2. Density.
 - A. Four (4) single family dwellings per section unless additional dwellings are permitted by Sections 2 and 3 of this Article.

- Subd. 3. Yard Requirements. Every permitted, conditionally permitted dwelling or accessory structure shall meet the following yard requirements:
- A. Lot widths for all principal uses, except farm dwellings as defined in Article 2, Subd. 23.
 - 1. Each lot shall have a minimum one hundred (100) feet at the building setback line and said width shall extend to an existing road right-of-way line.
 - B. Front Yard of all Structures.
 - 1. There shall be a minimum setback of sixty (60) feet from any right-of-way lines.
 - 2. In the event any building is located on a lot at the intersection of two (2) or more roads or highways, such lot shall have a front yard abutting each such road or highway.
 - C. Side and Rear Yard.
 - 1. Any building in which the keeping of livestock, fur bearing animals or dogs (when such keeping results in the accumulation of animal wastes) is carried on shall maintain a separation of two hundred (200) feet from any dwelling on adjacent property.
 - 2. For buildings other than Subd. 3. C.1. above, there shall be a minimum side and rear yard of one hundred (100) feet.
- Subd. 4. Bluff Impact Zone. For any use or structure in the A District, the setback from the bluff impact zone shall be no less than thirty (30) feet.
- Subd. 5. Height Requirements. Every permitted, conditionally permitted or accessory building shall meet the following height requirements:
- A. Agricultural buildings shall be exempt from the height requirements.
 - B. Buildings other than agricultural buildings shall not exceed thirty-five (35) feet in height.
- Subd. 6. Exceptions. Certain uses are exempted from meeting the lot size, yard and height requirements. These exceptions are listed in Article 3, Section 20.
- Subd. 7. No parcel or portion of any parcel created after the adoption of this Ordinance shall be less than one hundred (100) feet in width.

ARTICLE 11 (RESERVED)

ARTICLE 12 UF, URBAN FRINGE DISTRICT

SECTION 1. PURPOSE

The intent of the UF District is to conserve land for farming and other open space land use.

SECTION 2. PERMITTED USES

- Subd. 1. Single family dwellings.
- Subd. 2. A second farm dwelling located in the farmyard to house farm labor; individual or family. Any temporary structure shall be removed when the need is terminated.
- Subd. 3. Any agriculture operation including tree farms.
- Subd. 4. Any one temporary building for the sale of farm produce provided that such building shall be no less than twenty (20) feet from the road right-of-way and further provided that adequate off-street parking shall be available.
- Subd. 5. Plant nurseries and sales.
- Subd. 6. Home occupations as regulated in Article 3 of this Ordinance.
- Subd. 7. Accessory structures and uses customarily incidental to any of the above permitted uses when located on the same property.

SECTION 3. CONDITIONAL USES

In the UF, Urban Fringe District, the following uses may be allowed subject to obtaining a conditional use permit in accordance with the provisions of Article 23 of this Ordinance.

- Subd. 1. Any commercial outdoor recreation facilities, including but not limited to, golf courses, driving ranges, tennis courts, swimming pools, and park facilities provided that any accessory building for these facilities in excess of five hundred (500) square feet shall be located not less than one hundred (100) feet from any lot line and not less than two hundred (200) feet from the nearest dwelling.
- Subd. 2. Any commercial outdoor recreation storage structure, the location and size of which shall be determined by the Planning Advisory Commission.
- Subd. 3. Any church, community building, or public or private school.
- Subd. 4. Hospitals and sanitariums, philanthropic or eleemosynary institutions except correctional institutions and animal hospitals.
- Subd. 5. Cemeteries and funeral homes.
- Subd. 6. Any boarding and rooming houses or bed & breakfast inn.

- Subd. 7. Any home occupation as regulated in Article 3 of this Ordinance.
- Subd. 8. Commercial uses primarily intended to serve the agricultural purposes.
- Subd. 9. Any park or recreational area operated by a governmental agency.
- Subd. 10. Any mining, excavating or filling of land subject to any of the above conditional uses when located on the same property.
- Subd. 11. Accessory structures and uses customarily incidental to any of the above conditional uses when located on the same property.
- Subd. 12. Any campground or tourist camp subject to Goodhue County Health Department and Article 8 of this Ordinance.
- Subd. 13. A mobile home as a temporary second dwelling when there is a need to provide health care services to residents of one of the dwellings.
- Subd. 14. Any public, private or nursery school.
- Subd. 15. Any public stable.

SECTION 4. GENERAL DISTRICT REGULATIONS

Any lot in the UF, Urban Fringe District on which any permitted or conditionally permitted use is erected shall meet the following minimum standards:

- Subd. 1. Buildable Lot Area.
 - A. There shall be a minimum lot size of thirty-five (35) acres per principal building or use when not served by a public or centralized sewage collection and treatment system.
 - B. Lot area shall meet the requirements in Article 13, Section 5, Subd. 1. B if served by a municipal sewage treatment system.

- Subd. 2. Yard Requirements.
 - A. Every permitted, conditionally permitted or accessory building shall meet the following yard requirements:
 - 1. Front Yard.
 - a. There shall be a minimum setback of sixty (60) feet from the right-of-way line of any public road or highway.
 - b. In the event any building is located on a lot at the intersection of two (2) or more roads or highways, such lot shall have a front yard abutting each such road or highway.
 - 2. Side Yard.
 - a. Every building shall have two (2) side yards. Each side yard shall have a minimum width of one hundred (100) feet.

3. Rear Yard.
 - a. Every building shall have a rear yard. The rear yard shall have a minimum depth of one hundred (100) feet.
4. Lot Width.
 - a. Each lot shall have a minimum of one hundred (100) feet at the building setback line and said width shall extend to an existing road right-of-way line.

Subd. 3. Bluff Impact Zone. For any use or structure in the UF District, the setback from the bluff impact zone shall be no less than thirty (30) feet.

Subd. 4. Height Requirements. Every permitted, conditionally permitted or accessory building shall meet the following height requirements:

- A. All permitted or conditionally permitted principal buildings shall not exceed thirty-five (35) feet in height.
- B. Accessory buildings shall comply with regulations set forth in Article 3 of this Ordinance.

SECTION 5. GENERAL REGULATIONS

Subd. 1. No new animal feedlots shall be established and expanding feedlots shall not exceed one hundred (100) animal units.

Subd. 2. Each dwelling shall be sited on a separately surveyed or described parcel.

ARTICLE 13 R-1, SUBURBAN RESIDENCE DISTRICT

SECTION 1. PURPOSE

The R-1, Suburban Residence District is intended to provide a district which will define and protect residential development as the principal use of the land and to allow related facilities desirable for a residential environment. It is also intended that this district allow varying densities of development in accordance with the ability to provide water and sewer facilities.

SECTION 2. PERMITTED USES

No building, structure or part thereof shall be erected, altered, used or moved upon any premises nor shall any land be used in whole or part for other than single family dwellings.

SECTION 3. CONDITIONAL USES

In the R-1, Suburban Residence District, the following uses may be allowed subject to obtaining a conditional use permit in accordance with the provisions of Article 23 of this Ordinance.

- Subd. 1. Any boarding and rooming houses or tourist homes.
- Subd. 2. Any church.
- Subd. 3. Any community building.
- Subd. 4. Any park or recreational area.
- Subd. 5. Any public school.
- Subd. 6. Mobile home parks subject to Goodhue County Department of Health Regulations & Article 8.
- Subd. 7. Kennels.

SECTION 4. ACCESSORY USES

Any following accessory use, building or structure customarily incidental to any permitted or conditionally permitted use shall be permitted, provided that such accessory use, building or structure shall be located on the same property.

- Subd. 1. Any home occupation.
- Subd. 2. Any private garages, either separated or in connected groups, having common unpierced dividing walls between contiguous private garages.
- Subd. 3. Any temporary buildings for uses incidental to construction work, which buildings shall be removed upon completion or abandonment of such construction work.

Subd. 4. Any other accessory building, structure or use customarily incidental to the permitted or conditionally permitted uses of this Article.

SECTION 5. LOT SIZE, SETBACK, YARD AND HEIGHT REQUIREMENTS

Any lot in an R-1, Suburban Residence District on which any permitted or conditionally permitted use is erected shall meet the following minimum standards:

Subd. 1. Lot Size, Width and Depth.

- A. One acre minimum lot area and twenty thousand (20,000) square feet of buildable lot area per dwelling unit, and minimum width of one hundred (100) feet at the building setback line and a minimum depth of one hundred twenty-five (125) feet when such use is served by private sewer and water systems.
- B. Any lot on which a permitted residential use is erected shall contain six thousand (6,000) square feet of buildable area per dwelling unit and shall have a minimum width of one hundred (100) feet at the building setback line and a minimum depth of one hundred twenty-five (125) feet when such use is served by a municipal sewage treatment system.

Subd. 2. Yard Requirements. Every permitted, conditionally permitted, or accessory building shall meet the following yard requirements:

- A. Front Yard.
 - 1. There shall be a minimum setback of forty (40) feet from the right-of-way line of any public road or highway; except that, this setback may be reduced to twenty-five (25) feet when such public road is a minor street serving only a residential subdivision.
 - 2. In the event any building is located on a lot at the intersection of two (2) or more roads or highways, such lot shall have a front yard abutting each such road or highway.
- B. Side Yard. Every building shall have two (2) side yards. Each side yard shall have a minimum width of fifteen (15) feet.
- C. Rear Yard. Every building shall have a rear yard. The rear yard shall have a minimum depth of thirty (30) feet.

Subd. 3. Bluff Impact Zone. For any use or structure in the R-1 District, the setback from the bluff impact zone shall be no less than thirty (30) feet.

Subd. 4. Height Requirements. Every permitted, conditionally permitted, or accessory building shall meet the following height requirements:

- A. All permitted or conditionally permitted principal buildings shall not exceed thirty-five (35) feet in height.

B. Accessory buildings shall comply with regulations set forth in Article 3, Section 5 of this Ordinance.

Subd. 5. No accessory building shall be constructed or developed on a lot prior to the construction of the principal building.

Subd. 6. Lot Coverage. No principal building together with its accessory buildings shall occupy more than twenty (20) percent of the total lot area.

Subd. 7. Substandard Lots of Record. When contiguous and under identical ownership, must be combined to meet minimum standards of this Ordinance in order that any permitted or conditionally permitted use is allowed on such lot or lots.

Subd. 8. Exceptions. Certain uses are exempted from meeting the lot's size, yard and height requirements. These exceptions are listed in Article 3.

Subd. 9. Distance from Confined Feedlots. No residential use including residential subdivisions shall be sited within one-quarter (1/4) mile of an existing confined feeding operation of less than three hundred (300) animal units, or within one-half (1/2) mile of an existing confined feeding operation of more than three hundred (300) animal units.

ARTICLE 14 B-1, GENERAL BUSINESS DISTRICT

SECTION 1. PURPOSE

The B-1, General Business District is intended to encourage the concentration of a broad range of individual commercial establishments into an area of general commercial activity serving the daily staple needs of the people in surrounding rural areas. It is further intended that the B-1 District be used to expand the commercial areas in already established unincorporated urban areas.

SECTION 2. CONDITIONAL USES

In the B-1, General Business District, no building, structure or part thereof shall be erected, altered, used or moved upon any premises nor shall any land be used in whole or part for other than one or more of the following uses by conditional use permit:

- Subd. 1. Retail stores primarily engaged in selling merchandise for personal or household consumption and rendering services incidental to the sale of such merchandise.
 - A. Any grocery store, meat market, supermarket, fruit market, or bakery.
 - B. Any drug store, apparel shop or store, hardware store, bookstore, stationary store or flower shop.
 - C. Any automotive sales or service.

- Subd. 2. Personal services generally involving the care of the person or his personal effects.
 - A. Any cleaning or laundry establishment, self-service laundry including any pressing, cleaning or garment repair.
 - B. Any dressmaking, millinery, tailor shop or shoe repair shop.
 - C. Any beauty shop or barber shop.
 - D. Any photographic studio.
 - E. Any eating or drinking establishment.

- Subd. 3. Administrative, Business or Professional Office.
 - A. Any bank or savings and loan institution.
 - B. Any insurance or real estate agent or broker.
 - C. Any professional office; including any physician, dentist, chiropractor, engineer, architect, lawyer, or recognized profession.

- Subd. 4. Entertainment and Recreation Establishments.
 - A. Any theater, dance hall, bowling alley, pool or billiard hall.
- Subd. 5. Any residence when included as an integral part of the principal building to be occupied by the owner or employee.
- Subd. 6. Any churches, community buildings, cemetery, or public schools.
- Subd. 7. Any commercial radio and television towers, transmitters, or receivers.
- Subd. 8. Light assembly of electronic equipment as currently in existence at the time of adoption of this ordinance.

SECTION 3. COMMERCIAL DEVELOPMENT STANDARDS

Uses established in the B-1, General Business District shall be operated subject to the following conditions:

- Subd. 1. Any store or business shall be conducted entirely within a building.
- Subd. 2. Any public entrance to such store, shop or business shall be from the principal street upon which the property abuts, or within fifty (50) feet thereof, except that a rear entrance from the building to a public parking area may be provided.

SECTION 4. ACCESSORY USES

In the B-1, General Business District, any following accessory use, building or structure customarily incidental to any permitted or conditionally permitted use shall be permitted, provided that such accessory use, building or structure shall be located on the same property.

- Subd. 1. Any building or use customarily necessary to any permitted use, which may include the repair, alteration, finishing assembly, or storage of goods.
- Subd. 2. Any building or use customarily necessary to any permitted uses, but which will not be detrimental either by reason of odor, smoke, noise or vibration to the surrounding neighborhood.
- Subd. 3. Any temporary building for uses incidental to construction work provided that such building shall be removed upon the completion of the construction work.

SECTION 5. LOT AREA, SETBACK, YARD AND HEIGHT REQUIREMENTS

Any lot in a B-1, General Business District on which any permitted or conditionally permitted use is erected shall meet the following minimum standards:

- Subd. 1. Lot Area and Width. Any lot used as a business shall have an area sufficient in size to provide an adequate and safe water supply and sewage disposal system as established by standards required by State or County Health Regulations, but shall not be less than five thousand (5,000) square feet in area and have a frontage of not less than fifty (50) feet.

- Subd. 2. Yard Requirements. Every permitted, conditionally permitted or accessory building shall meet the following yard requirements:
- A. Front Yard.
 - 1. A front yard of not less than forty-five (45) feet shall be provided as measured from the street right-of-way line.
 - 2. In the event any building is located on a lot at the intersection of two (2) or more roads or highways, such lot shall have a front yard abutting each such road or highway.
 - B. Side Yard.
 - 1. No side yard shall be required for any interior lot.
 - 2. For corner lot abutting any agricultural or residential district, a minimum side yard of forty-five (45) feet shall be required.
 - C. Rear Yard. A rear yard of not less than twenty (20) feet shall be required; where alleys exist, the measurements of the rear yard may include one-half ($\frac{1}{2}$) the width of the alley.
- Subd. 3. Bluff Impact Zone. For any use or structure in the B-1 District, the setback from the bluff impact zone shall be no less than thirty (30) feet.
- Subd. 4. Height Requirement. Every permitted, conditionally permitted or accessory building shall meet the following height requirements:
- A. Any building shall not exceed thirty-five (35) feet in height.
- Subd. 5. Exceptions. Certain uses here exempted from meeting the lot size, yard and height requirements. These exceptions are listed in Article 3, Section 20.

SECTION 6. ESSENTIAL SERVICES REGULATIONS

Essential service facilities may be allowed in any B-1, General Business District in accordance with the provisions of Article 7 of this Ordinance.

SECTION 7. GENERAL REGULATIONS

Additional requirements for parking and other regulations in the B-1, General Business District are set forth in Article 3 of this Ordinance.

ARTICLE 15 (RESERVED)

ARTICLE 16 I, INDUSTRY DISTRICT

SECTION 1. PURPOSE

The I, Industry District is intended to provide a district that will allow compact, convenient, limited, highway-oriented industry and do so by standards that will not impair the traffic carrying capabilities of abutting roads and highways. The regulations for this district are intended to encourage industrial development that is compatible with surrounding or abutting districts.

SECTION 2. CONDITIONAL USES

In the I, Industry District, no building, structure or part thereof shall be erected, altered, used or moved upon any premises nor shall any land be used in whole or part for other than one or more of the following uses by conditional use permit:

- Subd. 1. Any building materials storage yards.
- Subd. 2. Any contractor's establishment, storage yard or equipment rental.
- Subd. 3. Any essential services building or storage yards.
- Subd. 4. Any grain elevator; including storage and processing.
- Subd. 5. Any wholesale establishment; including warehousing, storage buildings, commercial laundries or dry cleaning plants.
- Subd. 6. Any manufacture, compounding or treatment of such products as bakery goods, candy cosmetics, dairy products, food products, drugs, perfumes, pharmaceutical, soap (cold mix only), or toiletries.
- Subd. 7. Any manufacture, compounding or treatment of such articles or merchandise, previously prepared materials which have been manufactured elsewhere; including bone, cellophane, canvas, cloth, cork, feathers, felt, fiber, fur, glass, hair, leather, paper, plastics, precious or semi-precious metals or stones, shells, textiles, tobacco, wood (excluding planing mills) yarn or paint, not employing a boiling process.
- Subd. 8. Any manufacturing process or treatment of products using light machinery; such as tool and die shops or metal fabricating plants.
- Subd. 9. Any manufacturing of cement, lime, gypsum or plaster.
- Subd. 10. Any distillation of bone, coal, tar petroleum, refuse, grain or wood.
- Subd. 11. Any lawful use of land or building not elsewhere provided for and which by its nature does not through noise, dirt, soot, offensive odors or unsanitary conditions constitute either a public or private nuisance.

SECTION 3. INDUSTRIAL DEVELOPMENT STANDARDS

Uses established in the I, Industry District shall be operated subject to the following conditions:

- Subd. 1. Every use, except storage yards for Subdivision 1, 2, and 3 of Section 2 of this Article, shall be conducted wholly within a building with a landscaped front yard and with the side and rear yard used for loading and unloading and parking.
- Subd. 2. Any open storage area shall provide a graveled or aggregate surfaced area which shall be properly maintained.

SECTION 4. ACCESSORY USES

In the I, Industry District any following accessory use, building or structure customarily incidental to any permitted or conditionally permitted use shall be permitted, provided that such accessory use, building or structure shall be located on the same property.

- Subd. 1. Any building or use customarily necessary to any permitted use, which may include the repair, alteration, finishing assembly, fabrication or storage of goods.
- Subd. 2. Any building or use customarily necessary to any permitted uses, but which will not be detrimental either by reason of odor, smoke, noise or vibration to the surrounding neighborhood.
- Subd. 3. Any temporary building for uses incidental to construction work provided that such building shall be removed upon the completion of the construction work.
- Subd. 4. Any dwelling unit for employees having duties in connection with any premises requiring residence on the premises.

SECTION 5. LOT AREA, SETBACK, YARD AND HEIGHT REQUIREMENTS

Any lot in the I, Industry District on which any permitted or conditionally permitted use is erected shall meet the following minimum standards:

- Subd. 1. Lot Area and Width. Any permitted or conditional use shall have an area sufficient in size to provide an adequate and safe water supply and sewage disposal system as established by standards required by state or county health regulations, but shall not be less than ten thousand (10,000) square feet in area and have a frontage of less than fifty (50) feet.
- Subd. 2. Yard Requirements. Every permitted, conditionally permitted or accessory building shall meet the following yard requirements:

- A. Front Yard.
 - 1. A front yard of not less than forty-five (45) feet shall be provided as measured from the street right-of-way line.
 - 2. In the event any building is located on a lot at the intersection of two (2) or more roads or highways, such lot shall have a front yard abutting each such road or highway.
 - B. Side Yard.
 - 1. Every building shall have two (2) side yards. Each side yard shall have a minimum width of twenty (20) feet.
 - 2. For a corner lot abutting any agricultural or residential district, a minimum side yard of forty-five (45) feet shall be required.
 - C. Rear Yard. A rear yard of not less than fifty (50) feet shall be required.
- Subd. 3. Bluff Impact Zone. For any use or structure in the I District, the setback from the bluff impact zone shall be no less than thirty (30) feet.
- Subd. 4. Height Requirements. Every permitted, conditionally permitted or accessory building shall meet the following height requirements:
 - A. All buildings shall not exceed forty-five (45) feet in height.
- Subd. 5. Exceptions. Certain uses here exempted from meeting the lot size, yard, and height requirements. These exemptions are listed in Article 3, Section 20.

SECTION 6. ESSENTIAL SERVICES REGULATIONS

Essential service facilities may be allowed in any I, Industry District in accordance with the provisions of Article 7 of this Ordinance.

ARTICLE 17 S, SHORELAND REGULATIONS

SECTION 1. PURPOSE

These shoreland standards are adopted for the purpose of:

- Subd. 1. Regulating suitable uses of land surrounding protected waters.
- Subd. 2. Regulating the size of parcels, length of water frontage and alteration of shorelands of protected waters.
- Subd. 3. Regulating the location of sanitary facilities adjacent to protected waters.
- Subd. 4. Preservation of the natural vegetation, natural topography, and other natural resources to insure a high standard of environmental quality.
- Subd. 5. **PUBLIC WATERS.** All water basins, wetlands, and watercourses determined to be protected waters by the Commissioner of Natural Resources pursuant to Minnesota Statutes, Section 103G.005, Subd. 15 and 18, and 103G.201. An official list and map of protected waters shall be filed in the Office of the County Auditor and the Zoning Administrator.
- Subd. 6. **SHORE IMPACT ZONE.** Land located between the ordinary high water level of a public water and a line parallel to it at a setback of fifty (50) percent of the structure setback.
- Subd. 7. **STEEP SLOPE.** Land where agricultural activity or development is either not recommended or described as poorly suited due to slope steepness and the site's soil characteristics, as mapped and described in available County soil surveys or other technical reports, unless appropriate design and construction techniques and farming practices are used in accordance with the provisions of this Ordinance. Where specific information is not available, steep slopes are lands having average slopes over twelve (12) percent, as measured over horizontal distances of fifty (50) feet or more, that are not bluffs.
- Subd. 8. **TOE OF THE BLUFF.** The point on a bluff where there is, as visually observed a clearly identifiable break in the slope, from gentler to steeper slope above. If no break in the slope is apparent, the toe of the bluff shall be determined to be the lowest end of the lowest fifty (50) foot segment that exceeds twenty (20) percent slope.
- Subd. 9. **TOP OF THE BLUFF.** The point on a bluff where there is, as visually observed a clearly identifiable break in the slope, from steeper to gentler slope above. If no break in the slope is apparent, the top of the bluff shall be determined to be the highest end of the highest fifty (50) foot segment that exceeds twenty (20) percent slope.

SECTION 2. STATUTORY AUTHORIZATION

This Section is adopted pursuant to the authorization and policies contained in Minnesota Statutes, Chapter 103, Minnesota Regulations, Parts 6120.2500 - 6120.3900, and the planning and zoning enabling legislation in Minnesota Statutes, Chapter 394.

SECTION 3. SHORELAND DISTRICTS

The shorelands within Wacouta Township are hereby designated as shoreland districts and the requirements set forth in this Section shall govern development and other activities within these districts. The classification of the shoreland areas shall govern the use, alteration, and development of these areas according to said classification as per Minnesota Regulations Part 6120.3000.

SECTION 4. DISTRICT APPLICATION

The S District shall be applied to and superimposed upon all zoning districts as contained herein as existing or amended by the Zoning Ordinance text and official Zoning Map. The regulations and requirements imposed by the S District shall be in addition to those established for districts which jointly apply. Under the joint application of districts, the more restrictive requirements shall apply.

SECTION 5. BOUNDARIES

The boundaries of the Shoreland District are established within the following distances from the ordinary high water mark of the surface water depending on the size of the surface water as indicated on the Goodhue County Shoreland District Map.

SURFACE WATER	DISTANCE (FEET)*
Greater than ten (10) acres	1,000
Rivers and Streams (draining an area greater than two (2) square miles)	300**

* The practical distance may be less whenever the waters involved are bounded by topographical divides which extend landward from the waters for lesser distances and prevent flowage toward the surface water.

** The distance requirement shall be increased to the limit of the floodplain when the floodplain is greater than three hundred (300) feet.

SECTION 6. SHORELAND CLASSIFICATION SYSTEM

The surface waters affected by this Section and which require controlled development of their shoreland (Shoreland District) are shown on the map designated as the official "Zoning Map of Wacouta Township" which is properly approved and made a part of this Section and filed with the Zoning Administrator. Surface waters generally greater than ten (10) acres and given identification number by the State of Minnesota are defined in Article 2 of this Ordinance and listed below.

Subd. 1. Lake Classification System

GENERAL DEVELOPMENT LAKES:

DNR Identification Number	Name
25-0001-00	Lake Pepin

SECTION 7. ALLOWABLE LAND USES

The land uses allowable for the Shoreland Overlay District shall follow the permitted, accessory, and conditional use designations as defined and outlined in the base zoning districts, found in Articles 10-16 of this Ordinance, as may be amended, referred to as the Wacouta Township Zoning Ordinance and shall be properly delineated on the Official Zoning Map for the shorelands of Wacouta Township. These land use districts are in conformance with the criteria specified in Minnesota Rules, Part 6120.3200, Subd. 3.

SECTION 8. SHORELAND DEVELOPMENT STANDARDS

The following development standards shall apply for each lake and river designation for lots platted or created by metes and bounds.

- Subd. 1. Lot Standards. Subject to other more restrictive limitations which may be imposed by this Ordinance, the following minimum requirements shall be observed in the following zoning districts which are overlaid by the Shoreland District.
 - A. Agriculture (A-1, A-2, A-3). The minimum lot size and width requirements allowable for the Shoreland District shall follow the base zoning districts.

B. Residential (R-1).

1. Unsewered Lakes.

a. General Development.

	<u>Area</u>	<u>Width</u>	<u>Area</u>	<u>Width</u>
Single	20,000	100	40,000	150
Duplex	40,000	180	80,000	265
Triplex	60,000	260	120,000	375
Quad	80,000	340	160,000	490

2. Sewered Lakes.

a. General Development.

	<u>Riparian Area</u>	<u>Width</u>	<u>Non-Riparian Area</u>	<u>Width</u>
Single	20,000	100	20,000	100
Duplex	26,000	135	20,000	135
Triplex	38,000	195	25,000	190
Quad	49,000	255	32,500	245

3. Only land above the ordinary high water level of public waters can be used to meet lot area standards, and lot width standards must be met at both the ordinary high water level and at the building line. The sewer lot area dimensions in Section 8, Subd. 1.B.2 can only be used if publicly owned sewer system service is available to the property.

C. Commercial and Industrial (B-1, I-1). The minimum lot size and width requirements allowable for the Shoreland District shall follow the base zoning district.

Subd. 2. Setback Standards.

A. Structure and On-Site Sewage System Setbacks from the Ordinary High Water Mark.

Lakes:	<u>Structures</u>		<u>Sewage Treatment System</u>
	<u>Unsewered</u>	<u>Sewered</u>	
General Development	75	75	75

- B. Side Yard Setbacks. (Setbacks subject to individual district requirements.)
- C. Additional Structure Setbacks.
 - 1. Unplatted cemetery - fifty (50) feet.
 - 2. Federal, state, county local roads from centerline - one hundred (100) feet.
- Subd. 3. All structures in residential districts, except churches and non-residential agricultural structures shall not exceed twenty-five (25) feet in height.
- Subd. 4. The total area of all impervious surfaces on a lot shall not exceed twenty-five (25) percent of the total lot area.

SECTION 9. DESIGN CRITERIA FOR STRUCTURES

- Subd. 1. Placement and Design of Structures.
 - A. When more than one setback applies to a site, structures and facilities shall be located to meet all setbacks. Where principal structures exist on adjoining lots on both sides of proposed building site, structure setbacks may be altered without a variance to conform to the adjoining setbacks from the ordinary high water level, provided the proposed building site is not located in a shore impact zone or in a bluff impact zone.
 - B. High Water Elevations. Structures shall be placed in accordance with all floodplain regulations applicable to the site.
- Subd. 2. Uses without Water-Oriented Needs.
 - A. Uses without water-oriented needs must be located on lots or parcels without public waters frontage, or, if located on lots or parcels with public waters frontage, must either be set back double the normal ordinary high water level setback or be substantially screened from view from the water by vegetation or topography, assuming summer, leaf-on conditions.
- Subd. 3. Subdivisions of duplexes, triplexes, and quads on Natural Environment Lakes must also meet the following standards:
 - A. Each building must be set back at least two hundred (200) feet from the ordinary high water level;

- B. Each building must have common sewage treatment and water systems in one location and serve all dwelling units in the building;
- C. Watercraft docking facilities for each lot must be centralized in one location and serve all dwelling units in the building; and
- D. No more than twenty-five (25) percent of a lake's shoreline can be in duplex, triplex, or quad developments.

SECTION 10. SUBSTANDARD LOTS

Subd. 1. Construction on Non-Conforming Lots of Record.

- A. If, in a group of two (2) or more contiguous lots under the same ownership, any individual lot does not meet the requirements of Section 8 of this Article, the lot shall not be considered as a separate parcel of land for the purposes of sale or development. The lot shall be combined with the one or more contiguous lots so they equal one or more parcels of land, each meeting the requirements of Section 8 of this Article as much as possible.
- B. Deck additions may be allowed without a variance to a structure not meeting the required setback from the ordinary high water level if all of the following criteria and standards are met:
 - 1. The structure was in existence at the time of the adoption of this Ordinance.
 - 2. A thorough evaluation of the property and structure reveals no reasonable location for a deck meeting or exceeding the existing ordinary high water level of the structure.
 - 3. The deck encroachment toward the ordinary high water level does not exceed fifteen (15) percent of the existing setback of the structure from the ordinary high water level or does not encroach closer than thirty (30) feet, whichever is more restrictive.
 - 4. The deck is constructed primarily of wood, and is not roofed or screened.

SECTION 11. SHORELAND ALTERATIONS

Alterations of vegetation and topography shall be regulated to prevent erosion into public waters, fix nutrients, preserve shoreland aesthetics, preserve historic values, prevent bank slumping, and protect fish and wildlife habitat.

Subd. 1. Vegetation Alterations. Vegetation alteration shall be subject to the standards found in Article 3, Section 7 of the Wacouta Township Zoning Ordinance.

Subd. 2. Topographic Alterations/Grading and Filling.

- A. Grading and filling and excavations necessary for the construction of structures and driveways under validly issued construction permits for these facilities shall not require the issuance of a separate grading and filling permit. However, the grading and filling standards in this Section shall be incorporated into the issuance of permits for construction of structures and driveways.
- B. Public roads and parking areas are regulated by Subd. 3 of this Section.
- C. Notwithstanding Items (a) and (b) above, a grading and filling permit shall be required for:
 - 1. The movement of more than ten (10) cubic yards of material on steep slopes or within shore or bluff impact zones; and
 - 2. The movement of more than fifty (50) cubic yards of material outside of steep slopes and shore and bluff impact zones.
- D. The following considerations and conditions shall be adhered to during the issuance of construction permits, grading and filling permits, conditional use permits, variances and subdivision approvals:
 - 1. Grading or filling in any type 2, 3, 4, 5, 6, 7 or 8 wetland shall be in accordance with the Minnesota Wetland Conservation Act of 1991, Laws of Minnesota 1991, Chapter 354, as amended by Laws 1993, Chapter 174 or Article 20 of the Zoning Ordinance, whichever is more restrictive, and shall be evaluated to determine how extensively the proposed activity would affect the following functional qualities of the wetland*:
 - a. Sediment and pollutant trapping and retention;
 - b. Storage of surface runoff to prevent or reduce flood damage;
 - c. Fish and wildlife habitat;
 - d. Recreational use;
 - e. Shoreline or bank stabilization; and

- f. Noteworthiness, including special qualities such as historic significance, critical habitat for endangered plants and animals, or others.

*This evaluation shall require the applicant to provide appropriate documentation of whether the wetland alteration being proposed requires permits, reviews, or approvals by other local, state, or federal agencies such as the local watershed district, the Minnesota Department of Natural Resources, or the United States Army Corps of Engineers.

2. Alterations shall be designed and conducted in a manner that ensures only the smallest amount of bare ground is exposed for the shortest time possible;
3. Mulches or similar materials shall be used, where necessary, for temporary bare soil coverage, and a permanent vegetation cover shall be established as soon as possible;
4. Methods to minimize soil erosion and to trap sediments before they reach any surface water feature shall be used;
5. Altered areas shall be stabilized to acceptable erosion control standards consistent with the field office technical guides of the local soil and water conservation districts and the United States Soil Conservation Service;
6. Fill or excavated material shall not be placed in a manner that creates an unstable slope;
7. Plans to place fill or excavated material on steep slopes shall be reviewed by qualified professionals for continued slope stability and shall not create finished slopes of thirty (30) percent or greater;
8. Fill or excavated material shall not be placed in bluff impact zones.
9. Any alterations below the ordinary high water level of public waters shall first be authorized by the commissioner under Minnesota Statutes, Section 105.42;
10. Alterations of topography shall only be allowed if they are accessory to permitted or conditional uses and do not adversely affect adjacent or nearby properties; and
11. Placement of natural rock riprap, including associated grading of the shoreline and placement of a filter blanket, is permitted if the finished slope does not exceed three (3) feet horizontal to one (1) foot vertical, the landward extent of the riprap is within ten (10) feet of the ordinary high water level, and the height of the riprap above the ordinary high water level does not exceed three (3) feet.

- E. Connections to Public Waters. Excavations where the intended purpose is connection to a public water, such as boat slips, canals, lagoons, and harbors, shall be controlled by local shoreland controls. Permission for excavations may be given only after the Commissioner has approved the proposed connection to public waters.

Subd. 3. Placement and Design of Roads, Driveways and Parking Areas.

- A. Public and private roads and parking areas shall be designed to take advantage of natural vegetation and topography to achieve maximum screening from view from public waters. Documentation shall be provided by a qualified individual that all roads and parking areas are designed and constructed to minimize and control erosion to public waters consistent with the field office technical guides of the local soil and water conservation district, or other applicable technical materials.
- B. Roads, driveways, and parking areas shall meet structure setbacks and must not be placed within bluff and shore impact zones, when other reasonable and feasible placement alternatives exist. If no alternatives exist, they may be placed within these areas, and shall be designed to minimize adverse impacts.
- C. Public and private watercraft access ramps, approach roads, and access-related parking areas may be placed within shore impact zones provided the vegetative screening and erosion control conditions of this sub-part are met. For private facilities, the grading and filling provisions of Subd. 2 of this Section shall be met.

Subd. 4. Storm Water Management. All development within the Shoreland Overlay District shall be consistent with the following general and specific standards:

- A. General Standards.
 - 1. When possible, existing natural drainage ways, wetlands, and vegetated soil surfaces shall be used to convey, store, filter, and retain storm water runoff before discharge to public waters.
 - 2. Development shall 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 shall be stabilized and protected as soon as possible with facilities or methods used to retain sediment on the site.
 - 3. When development density, topography features, and soil and vegetation conditions are not sufficient to adequately handle storm water runoff using natural features and vegetation, various types of constructed facilities such as diversions, 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 man-made materials and facilities.

B. Specific Standards.

1. When constructed facilities are used for storm water management, documentation shall be provided by a qualified registered engineer that they are designed and installed consistent with the field office technical guide of the local soil and water conservation districts.
2. New constructed storm water outfalls to public waters shall provide for filtering or settling of suspended solids and skimming of surface debris before discharge.

Subd. 5. Agriculture Use Standards.

- A. General cultivation farming, grazing, nurseries, horticulture, truck farming, sod farming, and wild crop harvesting are permitted uses if steep slopes and shore and bluff impact zones are maintained in permanent vegetation or operated under an approved conservation plan (Resource Management Systems) consistent with the field office technical guides of the local soil and water conservation districts or the United States Soil Conservation Service. The shore impact zone for parcels with permitted agricultural land uses is equal to a line parallel to and fifty (50) feet from the ordinary high water level.
- B. Use of fertilizer, pesticides, or animal wastes within shorelands must be done in such a way as to minimize impact on the shore impact zone or public water by proper application or use of earth or vegetation.

SECTION 12. SANITARY REGULATIONS

In order to insure safe and healthful conditions, to prevent pollution and contamination of public and ground waters, and to guide development compatible with the natural characteristics of shorelands and related water resources, Township ordinances shall control individual water supply and waste disposal systems in respect to location, construction, repair, use and maintenance; commercial; agricultural; industrial and municipal waste disposal and solid waste disposal sites for:

Subd. 1. Low swampy areas or areas subject to recurrent flooding.

Subd. 2. Areas where the highest known ground water table is within four (4) feet of the bottom of the soil absorption system.

Subd. 3. Areas of exposed bedrock or shallow bedrock within four (4) feet of the bottom of the soil absorption system or where subsurface conditions significantly restrict percolation or the effluent.

Subd. 4. Areas of ground slope where there is danger of seepage of the effluent into the surface of the ground. Where there is evidence of septic tank effluent percolating from the ground, flowing directly into a lake or stream, or where the disposal system is in the water table, the system must be corrected and conform with these standards within ninety (90) days of written notice.

Subd. 5. Soils where percolation rate is slower than one (1) inch in sixty (60) minutes.

Subd. 6. Water Supply.

- A. Any public or private supply of water for domestic purposes must conform to Minnesota Department of Health Standards and the County Sanitation Standards for water quality.
- B. Private wells must be placed in areas not subject to flooding and upslope from any source of contamination. Wells already existing in areas subject to flooding shall be flood-proofed in accordance with Article 18 of this Ordinance.

Subd. 7. Sewage Treatment.

- A. Any premises used for human occupancy must be provided with an adequate method of sewage treatment.
- B. Public or municipal collection and treatment facilities must be used where available and where feasible.
- C. All private sewage and other sanitary waste disposal systems must conform to applicable standards, criteria, rules and regulations of the Minnesota Pollution Control Agency and any applicable local government standards.
- D. Location and installation of a septic tank and soil absorption system shall be such that, with reasonable maintenance, it will function in a sanitary manner and will not create a nuisance, endanger the safety of any domestic water supply, nor pollute or contaminate any waters of the state. In determining a suitable location for the system, consideration shall be given to the size and shape of the lot, slope of natural and finished grade, soil permeability, high ground water elevation, geology, proximity to existing or future water supplies, accessibility for maintenance, and possible expansion of the system.
- E. Septic tank and soil absorption or similar systems shall not be acceptable for disposal of domestic sewage for developments on lots adjacent to public waters when any of the conditions of Subdivisions 1, 2, 3, 4, and 5 of this Section are present.
- F. Individual sewage treatment systems on all lots within the Shoreland District shall be inspected for compliance with Section 12 of this Article as part of all variance, conditional use, and building permit applications.

SECTION 13. RESIDENTIAL PLANNED UNIT DEVELOPMENT

Residential planned unit developments shall be utilized for developments with densities greater than four (4) units per lot, subject to the following requirements:

- Subd. 1. Processing of PUDs. Planned unit developments must be processed as a conditional use.

- Subd. 2. Application for a PUD. The applicant for a PUD must submit the following documents prior to final action being taken on the application request:
 - A. A site plan and/or plat for the project showing locations of property boundaries, surface water features, existing and proposed structures and other facilities, land alterations, sewage treatment and water supply systems (where public systems will not be provided), and topographic contours at ten foot intervals or less. When a PUD is a combined commercial and recreational development, the site plan and/or plat must indicate and distinguish which buildings and portions of the project are residential, commercial, or a combination of the two.

 - B. A property owners association agreement (for residential PUDs) with mandatory membership, and all in accordance with the requirements of Subd. 5 of this Section.

 - C. Deed restrictions, covenants, permanent easements or other instruments that: 1) properly address future vegetative and topographic alterations, construction of additional buildings, beaching of watercraft, and construction of commercial buildings in residential PUDs and 2) ensure the long term preservation and maintenance of open space in accordance with the criteria and analysis specified in Subd. 5 of this Section.

 - D. When necessary, a master plan/drawing describing the project and the floor plan for all commercial structures to be occupied.

 - E. Those additional documents as requested by the Zoning Administrator that are necessary to explain how the PUD will be designed and will function.

- Subd. 3. Site "Suitable Area" Evaluations. Proposed new or expansions to existing planned unit developments must be evaluated using the following procedures and standards to determine the suitable area for the dwelling unit/ dwelling site density evaluation in Subd. 4.
 - A. The project parcel must be divided into tiers by locating one or more lines approximately parallel to a line that identifies the ordinary high water level at the following intervals, proceeding landward.

Shoreland Tier Dimensions

	Unsewered <u>(feet)</u>	Sewered <u>(feet)</u>
General Development Lakes- First Tier	200	200
General Development Lakes- Second and Additional Tiers	267	267
Recreational Development Lakes	267	267
Natural Environment Lakes	400	320
All River Classes	300	300

- B. The suitable area within each tier is next calculated by excluding from the tier area all wetlands, bluffs, or land below the ordinary high water level of public waters. This suitable area and the proposed project are the subject to either the residential or commercial planned unit development density evaluation steps to arrive at an allowable number of dwelling units or sites.

Subd. 4. Residential PUD Density Evaluation. The procedures for determining the "base" density of a PUD and a density increase multipliers as follows. Allowable densities may be transferred from any tier to any other tier further from the water body, but must not be transferred to any other tier closer.

- A. Residential PUD "Base" Density Evaluation.

- 1. The suitable area within each tier is divided by the single residential lot size standard for lakes or, for rivers, the single residential lot width standard times the tier depth, unless the local unit of government has specified an alternative minimum lot size for rivers which shall then be used to yield a base density of dwelling units or sites for each tier. Proposed locations and numbers of dwelling units or sites for the residential planned unit developments are then compared with the tier, density, and suitability analysis herein and the design criteria in Subd. 5.

- B. Density Increase Multipliers.

- 1. Increases to the dwelling unit or dwelling site base densities previously determined are allowable if the dimensional standards in Section 8 are met or exceeded and the design criteria in Subd. 5 are satisfied. The allowable density increases in Item b below will only be allowed if structure setbacks from the ordinary high water level are increased to at least fifty (50) percent greater than the minimum setback, or the impact on the water body is reduced an equivalent amount through vegetative management, topography, or additional means acceptable to the local unit of government and the setback is at least twenty-five (25) percent greater than the minimum setback.

2. Allowable dwelling unit or dwelling site density increases for residential or commercial planned unit developments:

<u>Density Evaluation Tiers</u>	<u>Maximum Density Increase Within Each Tier (%)</u>
First	50
Second	100
Third	200
Fourth	200
Fifth	200

Subd. 5. Maintenance and Design Criteria.

A. Maintenance and Administration Requirements.

1. Before final approval of a planned unit development, adequate provisions must be developed for preservation and maintenance in perpetuity of open spaces and for the continued existence and functioning of the development.
2. Open Space Preservation. Deed restrictions, covenants, permanent easements, public dedication and acceptance, or other equally effective and permanent means must be provided to ensure long-term preservation and maintenance of open space. The instruments must include all of the following protections:
 - (a) Commercial uses prohibited (for residential PUDs);
 - (b) Vegetation and topographic alterations other than routine maintenance prohibited;
 - (c) Construction of additional buildings or storage of vehicles and other materials prohibited; and
 - (d) Uncontrolled beaching of watercraft prohibited.
3. Development Organization and Functioning. Unless an equally effective alternative community framework is established, when applicable, all residential planned unit developments must use an owners association with the following features:
 - (a) Membership must be mandatory for each dwelling unit or site purchaser and any successive purchasers;
 - (b) Each member must pay a pro rata share of the association's expenses, and unpaid assessments can become liens on units or sites;

- (c) Assessments must be adjustable to accommodate changing conditions; and
- (d) The association must be responsible for insurance, taxes, and maintenance of all commonly owned property and facilities.

B. Open Space Requirements. Planned unit developments must contain open space meeting all of the following criteria:

1. At least fifty (50) percent of the total project area must be preserved as open space;
2. Dwelling units or sites, road rights-of-way, or land covered by road surfaces, parking areas, or structures, except water-oriented accessory structures or facilities, are developed areas and shall not be included in the computation of minimum open space;
3. Open space must include areas with physical characteristics unsuitable for development in their natural state, and areas containing significant historic sites or unplatted cemeteries;
4. Open space may include outdoor recreational facilities for use by owners of dwelling units or sites, by guests staying in commercial dwelling units or sites, and by the general public;
5. Open space may include subsurface sewage treatment systems if the use of the space is restricted to avoid adverse impacts on the systems;
6. Open space must not include commercial facilities or uses, but may contain water-oriented accessory structures or facilities;
7. The appearance of open space areas, including topography, vegetation, and allowable uses, must be preserved by use of restrictive deed covenants, permanent easements, public dedication and acceptance, or other equally effective and permanent means; and
8. The shore impact zone, based on normal structure setbacks, must be included as open space. For residential PUDs, at least fifty (50) percent of the shore impact zone area of existing developments or at least seventy (70) percent of the shore impact zone area of new developments must be preserved in its natural existing state. For commercial PUDs, at least fifty (50) percent of the shore impact zone must be preserved in its natural state.

- C. Erosion Control and Storm Water Management. Erosion control and storm water management plans must be developed and the PUD must:
1. Be designed, and the construction managed, to minimize the likelihood of serious occurring either during or after construction. This must be accomplished by limiting the amount and length of time of bare ground exposure. Temporary ground covers, sediment entrapment facilities, vegetated buffer strips, or other appropriate techniques must be used to minimize erosion impacts on surface water features. Erosion control plans approved by a soil and water conservation district may be required if project size and site physical characteristics warrant; and
 2. Be designed and constructed to effectively manage reasonably expected quantities and qualities of storm water runoff. Impervious surface coverage within any tier must not exceed twenty-five (25) percent of the tier area.
- D. Centralization and Design of Facilities. Centralization and design of facilities and structures must be done according to the following standards:
1. Planned unit developments must be connected to publicly owned water supply and sewer systems, if available. On-site water supply and sewage treatment systems must be centralized and designed and installed to meet or exceed applicable standards or rules of the Minnesota Department of Health and Section 12 of this Article. On-site sewage treatment systems must be located on the most suitable areas of the development, and sufficient law area free of limiting factors must be provided for a replacement soil treatment system for each sewage system;
 2. Dwelling units or sites must be clustered into one or more groups and located on suitable areas of the development. They must be designed and located to meet or exceed the following dimensional standards for the relevant shoreland classification: setback from the ordinary high water level, elevation above the surface water features, and maximum height. Setbacks from the ordinary high water level must be increased in accordance with Section 8 of this Article for developments with density increases;
 3. Shore recreation facilities, including but not limited to swimming areas, docks, and watercraft mooring areas and launching ramps, must be centralized and located in areas suitable for them. Evaluation of suitability must include consideration of land slope, water depth, vegetation, soils, depth to ground water and bedrock, or other relevant factors. The number of spaces provided for continuous beaching, mooring, or docking of watercraft must not exceed one for each allowable dwelling unit or site in the first tier (notwithstanding existing mooring sites in an existing commercially used harbor). Launching ramp facilities, including a small dock for loading and unloading equipment, may be provided for use by occupants of dwelling units or sites located in other tiers;
 4. Structures, parking areas, and other facilities must be treated to reduce visibility as viewed from public waters and adjacent shorelands by vegetation, topography, increased setbacks, color, or other means acceptable to the local unit of government, assuming summer, leaf-on conditions. Vegetative and

topographic screening must be preserved, if existing, or may be required to be provided;

5. Accessory structures and facilities must meet the required principal structure setback and must be centralized.

SECTION 14. CONDITIONAL USES

Conditional uses allowable within shoreland areas shall be subject to the review and approval procedures, and criteria and conditions for review of conditional uses as found in Article 23 of this Ordinance. The following additional evaluation criteria and conditions shall apply within shoreland areas:

- Subd. 1. Evaluation Criteria. A thorough evaluation of the water body and the topographic, vegetation and soils conditions on the site shall be made to ensure:
 - A. The prevention of soil erosion or other possible pollution of public waters, both during and after construction;
 - B. The visibility of structures and other facilities as viewed from public waters is limited;
 - C. The types, uses, and numbers of watercraft that the project will generate are compatible in relation to the suitability of public waters to safely accommodate these watercraft.
- Subd. 2. Stipulations Attached to Conditional Use Permits. The Town Board, upon consideration of the criteria listed above and the purposes of this Ordinance, shall attach such stipulations to the issuance of the conditional use permits as it deems necessary to fulfill the purposes of this Ordinance and Section. Such stipulations may include, but are not limited to, the following:
 - A. Increased setbacks from the ordinary high water level;
 - B. Limitations on the natural vegetation to be removed or the requirement that additional vegetation be planted; and
 - C. Special provisions for the location, design, and use of structures, watercraft launching and docking areas, and vehicle parking areas.

SECTION 15. VARIANCES

- Subd. 1. Provisions. Variances shall only be granted in accordance with Minnesota Statutes, Chapter 394, as applicable in compliance and with Article 24 of this Ordinance.
- A. A variance may not circumvent the general purposes and intent of this Ordinance.
 - B. No variance may be granted that would allow any use that is prohibited in the zoning district in which the subject property is located.
 - C. Conditions may be imposed in the granting of a variance to ensure compliance and to protect adjacent properties and the public interest.
- In considering a variance request, the Board of Adjustment and Appeals shall also consider whether the property is used seasonally or year-round, whether the variance is being requested solely on the basis of economic considerations, and the characteristics of development on adjacent properties.
- Subd. 2. Board of Adjustment and Appeals. The Board of Adjustment and Appeals shall hear and decide requests for variances in accordance with the rules that it has adopted for the conduct of business. When a variance is approved after the Department of Natural Resources has formally recommended denial in the hearing record, the notification of the approved variance required in Section 17 of this Article shall also include the Board of Adjustment and Appeals' summary of the public record/testimony and the findings of facts and conclusions which supported the issuance of the variance.

SECTION 16. SUBDIVISION/PLATTING PROVISIONS

- Subd. 1. Land Suitability. Each lot created through subdivision, including planned unit developments authorized under Section 13, must be suitable in its natural state for the proposed use with minimal alteration. Suitability analysis by Wacouta Township shall consider susceptibility to flooding, existence of wetlands, soil and rock formations with severe limitations for development, severe erosion potential, steep topography, inadequate water supply, near shore aquatic conditions unsuitable for water based recreation, important fish and wildlife habitat, presence of significant historic sites, or any other feature of the natural land likely to be harmful to the health, safety, or welfare of future residents of the proposed subdivision or of the community.
- Subd. 2. Consistency with Other Controls. Subdivisions must conform to all provisions for subdivision, as found in the Wacouta Township Subdivision Ordinance. A subdivision will not be approved where a later variance from one or more standards in official controls would be needed to use the lots for their intended purpose.

- Subd. 3. Information Requirements. Sufficient information must be submitted by the applicant for the Township to make a determination of land suitability. The information shall include the provisions as found in the Wacouta Township Subdivision Regulations, and the following:
- A. Topographic contours from survey maps showing limiting site characteristics;
 - B. The surface water features required in Minnesota Statutes, Section 505.02, Subd. 1, to be shown on plats;
 - C. Information regarding adequacy of domestic water supply, extent of anticipated vegetation and topographic alterations; near-shore aquatic conditions, including depths, types of bottom sediments, and aquatic vegetation; and proposed methods for controlling storm water runoff and erosion, both during and after construction activities;
 - D. Location of 100 year floodplain areas and floodway districts from existing adopted maps or data; and
 - E. A line or contour representing the ordinary high water level, the "toe" and the "top" of bluffs, and the minimum building setback distances from the top of the bluff and the lake or stream.
- Subd. 4. Dedications. When a land or easement dedication is a condition of subdivision approval, the approval must provide easements over natural drainage or ponding areas for management of storm water and significant wetlands.

SECTION 17. NOTIFICATION TO THE DEPARTMENT OF NATURAL RESOURCES

- Subd. 1. Copies of all notices of any public hearings to consider variances, amendments, or conditional uses resulting from controls of Articles 22, 23, 24, and 25 must be sent to the Commissioner or the Commissioner's designated representative and postmarked at least ten (10) days before the hearings. Notices of hearings to consider proposed subdivisions/plans must include copies of the subdivision/plat.
- Subd. 2. A copy of approved amendments and subdivisions/plats, and final decisions granting variances or conditional uses under this Shoreland Ordinance must be sent to the Commissioner or the Commissioner's designated representative and postmarked within - ten (10) days of final action.

ARTICLE 18 FP, FLOODPLAIN DISTRICT

SECTION 1. STATUTORY AUTHORIZATION, FINDINGS OF FACT AND PURPOSE

- Subd. 1. Statutory Authorization. The Legislature of the State of Minnesota has, in Minnesota Statutes, Chapter 104 and 394.21, delegated the responsibility to local governmental units to adopt regulations designed to minimize flood losses.
- Subd. 2. Findings of Fact.
- A. The flood hazard areas of Wacouta Township, Minnesota, are subject to periodic inundation 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 affect the public health, safety and general welfare.
- B. Methods Used to Analyze Flood Hazards. The regulations of this Article are based upon a reasonable method of analyzing flood hazards which is consistent with the standards established by the Minnesota Department of Natural Resources.
- Subd. 3. Statement of Purpose. It is the purpose of this Article to promote the public health, safety, and general welfare and to minimize those losses described in Section 1, Subd. 2. A by provisions contained herein.

SECTION 2. GENERAL PROVISIONS

- Subd. 1. Lands to Which Article Applies. The "FP", Floodplain Overlay District, shall be applied to and superimposed upon all districts as existing or amended by the text and map of this Ordinance. The regulations and requirements imposed by the "FP", Floodplain Overlay District, shall be in addition to those established by all other districts of this Ordinance. Under joint application of districts the more restrictive requirements shall apply.
- Subd. 2. Establishment of Official Zoning Map. The Wacouta Township Official Zoning Map shall be amended to include by attachment, the Flood Insurance Study for Goodhue County, prepared by the Federal Emergency Management Agency, dated October 1977, and the Flood Boundary and Floodway Maps and Flood Insurance Rate Maps therein dated January 18, 1980. The Official Zoning Map shall be on file in the Office of the Zoning Administrator.

- Subd. 3. Regulatory Flood Protection Elevation. The Regulatory Flood Protection Elevation shall be an elevation no lower than one foot above the elevation of the regional flood plus any increases in flood elevation caused by encroachments on the floodplain that result from designation of a floodway.
- Subd. 4. Warning and Disclaimer of Liability. This Article does not imply that areas outside the floodplain districts or land uses permitted within such districts will be free from flooding or flood damages. This Article shall not create liability on the part of Wacouta Township or any officer or employee thereof for any flood damages that result from reliance on this Article or any administrative decision lawfully made there under.

SECTION 3. ESTABLISHMENT OF ZONING DISTRICT

- Subd. 1. Floodplain Areas.
- A. Floodway Area. The Floodway area shall include those areas designated as floodway on the Flood Boundary and Floodway Map adopted in Section 2, Subd. 2 of this Article.
 - B. Flood Fringe Area. The Flood Fringe area shall include those areas designated as floodway fringe on the Flood Boundary and Floodway Map adopted in Section 2, Subd. 2 of this Article.
 - C. General Floodplain Area. The General Floodplain area shall include those areas designated as unnumbered A Zones on the Flood Insurance Rate Map adopted in Section 2, Subd. 2 of this Article.
- Subd. 2. Compliance. No new structure or land shall hereafter be used and no structure shall be located, extended, converted, or structurally altered without full compliance with the terms of this Ordinance and other applicable regulations which apply to uses within the jurisdiction of the Ordinance. Within the Floodway, Flood Fringe and General Floodplain areas, all uses not listed as permitted uses or conditional uses in Sections 4, 5, and 6, that follow, respectively, shall be prohibited. In addition, a caution is provided here that:
- A. New manufactured homes, replacement manufactured homes and certain travel trailers and travel vehicles are subject to the general provisions of this Ordinance and specifically Section 9 of this Article.
 - B. Modifications, additions, structural alterations or repair after damage to existing non-conforming structures and non-conforming uses of structures or land are regulated by Article 25, and the General Provisions of this Ordinance.

- C. As-built elevations for elevated or flood-proofed structures must be certified by ground surveys and flood-proofing techniques must be designed and certified by a registered professional engineer or architect as specified in Section 6, Subd. 2. B of this Article and the General Provisions of this Ordinance.

SECTION 4. FLOODWAY AREA (FW)

Subd. 1. Permitted Uses.

- A. General farming, pasture, grazing, outdoor plant nurseries, horticulture, truck farming, forestry, sod farming, and wild crop harvesting.
- B. Industrial-commercial loading areas, parking areas, and airport landing strips.
- C. Private and public golf courses, tennis courts, driving ranges, archery ranges, picnic grounds, boat launching ramps, swimming areas, parks, wildlife and nature preserves, game farms, fish hatcheries, shooting preserves, target ranges, trap and skeet ranges, hunting and fishing areas, and single or multiple purpose recreational trails.
- D. Residential lawns, gardens parking areas, and play areas.

Subd. 2. Standards for Floodway Permitted Uses.

- A. The use shall have a low flood damage potential.
- B. The use shall be permissible in the underlying zoning district if one exists.
- C. The use shall not obstruct flood flows or increase flood elevations and shall not involve structures, fill, obstructions, excavations, or storage of materials or equipment.

Subd. 3. Conditional Uses.

- A. Structures accessory to the uses listed in Section 4, Subd. 1 above and the uses listed in B through H.
- B. Extraction and storage of sand, gravel, and other materials.
- C. Marinas, boat rentals, docks, piers, wharves, and water control structures.
- D. Railroads, streets, bridges, utility transmission lines, and pipelines.
- E. Storage yards for equipment, machinery or materials.

- F. Placement of fill.
- G. Travel trailers and travel vehicles either on individual lots of record or in existing or new subdivisions or commercial or condominium type campgrounds, subject to the exemptions and provisions of Section 9, Subd. 3 of this Article.
- H. Structural works for flood control such as levees, dikes, and floodwalls constructed to any height where the intent is to protect individual structures and levees or dikes where the intent is to protect agricultural crops for a frequency flood event equal to or less than the ten year frequency flood event.

Subd. 4. Standards for Floodway Conditional Uses.

- A. All Uses. No structure (temporary or permanent), fill (including fill for roads and levees), deposit, obstruction, storage of materials or equipment, or other uses may be allowed as a conditional use that will cause any increase in the stage of the 100 year or regional flood or cause an increase in flood damages in the reach or reaches affected.
- B. All floodway conditional uses shall be subject to the procedures and standards contained in Article 23 of this Ordinance.
- C. The conditional use shall be permissible in the underlying zoning district is one exists.
- D. Fill.
 - 1. Fill, dredge spoil and all other similar materials deposited or stored in the floodplain shall be protected from erosion by vegetative cover, mulching, riprap or other acceptable method.
 - 2. Dredge spoil sites and sand and gravel operations shall not be allowed in the floodway unless a long-term side development plan is submitted which includes an erosion/ sedimentation prevention element to the plan.
 - 3. As an alternative, and consistent with Sub-section 2 above, dredge spoil disposal and sand and gravel operations may allow temporary, on-site storage of fill or other materials which could have caused an increase to the stage of the 100 year or regional flood but only after the governing body has received an appropriate plan which assures the removal of the materials from the floodway based upon the flood warning time available. The conditional use permit must be title registered with the property in the Office of the County Recorder.

E. Accessory Structures.

1. Accessory structures shall not be designed for human habitation.
2. Accessory structures, if permitted, shall be constructed and placed on the building site so as to offer the minimum obstruction to the flow of flood waters.
 - a. Whenever possible, structures shall be constructed with the longitudinal axis parallel to the direction of flood flow.
 - b. So far as practicable, structures shall be placed approximately on the same flood flow lines as those of adjoining structures.
3. Accessory structures shall be elevated on fill or structurally dry flood-proofed in accordance with the FP-1 or FP-2 flood-proofing classifications in the State Building Code. As an alternative, an accessory structure may be flood-proofed to the FP-3 or FP-4 flood-proofing classifications in the State Building Code provided the accessory structure constitutes a minimal investment, does not exceed five hundred (500) square feet in size, and for a detached garage, the detached garage must be used solely for parking of vehicles and limited storage. All flood-proofed accessory structures must meet the following additional standards, as appropriate:
 - a. The structure must be adequately anchored to prevent flotation, collapse or lateral movement of the structure and shall be designed to equalize hydrostatic flood forces on exterior walls.
 - b. Any mechanical and utility equipment in a structure must be elevated to or above the RFPE or properly flood-proofed.

F. Storage of Materials and Equipment.

1. The storage or processing of materials that are, in time of flooding, flammable, explosive or potentially injurious to human, animal, or plant life is prohibited.
2. Storage of other materials or equipment may be allowed if readily removable from the area within the time available after a flood warning and in accordance with a plan approved by the governing body.

G. Structural works for flood control that will change the course, current or cross section of protected wetlands or public waters shall be subject to the provisions of Minnesota Statutes, Chapter 105. Community-wide structural works for flood control intended to remove areas from the regulatory floodplain shall not be allowed in the floodway.

H. A levee, dike or floodwall constructed in the floodway shall not cause an increase to the 100 year or regional flood and the technical analysis must assume equal conveyance or storage loss on both sides of a stream.

SECTION 5. FLOOD FRINGE AREA (FF)

- Subd. 1. Permitted Uses. Permitted uses shall be those uses of land or structures listed as permitted uses in the underlying zoning use district(s). If no pre-existing underlying zoning use district exists, then any residential or non-residential structure or use of a structure or land shall be a permitted use in the Flood Fringe provided such use does not constitute a public nuisance. All permitted uses shall comply with the standards for Flood Fringe "permitted uses" listed in Section 5, Subd. 2 and the standards for all Flood Fringe uses listed in Section 5, Subd. 5.
- Subd. 2. Standards for Flood Fringe Permitted Uses.
- A. All structures, including accessory structures, must be elevated on fill so that the lowest floor including basement floor is at or above the RFPE. The finished fill elevation for structures shall be no lower than one (1) foot below the RFPE and the fill shall extend at such elevation at least fifteen (15) beyond the outside limits of the structure erected thereon.
 - B. As an alternative to elevation on fill, accessory structures that constitute a minimal investment and that do not exceed five hundred (500) square feet for the outside dimension at ground level may be internally flood-proofed in accordance with Subd. 4. A of this Section.
 - C. The cumulative placement of fill where at any one time in excess of one thousand (1,000) cubic yards of fill is located on the parcel shall be allowable only as a conditional use, unless said fill is specifically intended to elevate a structure in accordance with Section 5 of this Article.
 - D. The storage of any materials or equipment shall be elevated on fill to the RFPE.
 - E. The provisions of Section 5, Subd. 3 of this Article shall apply.
- Subd. 3. Conditional Uses. Any structure that is not elevated on fill or flood-proofed in accordance with Section 5, Subd. 2. A; Section 5, Subd. 2. B or any use of land that does not comply with the standards in Section 5, Subd. 2. C and Section 5, Subd. 2. D shall only be allowable as a conditional use. An application for a conditional use shall be subject to the standards and criteria and evaluation procedures specified in Section 5, Subd. 4. A and B and Article 22 of this Ordinance.
- Subd. 4. Standards for Flood Fringe Conditional Use.
- A. Alternative elevation methods other than the use of fill may be utilized to elevate a structure's lowest floor above the RFPE. These alternative methods may include the use of stilts, pilings, parallel walls, etc., or above grade enclosed areas such as crawl

spaces or tuck under garages. The base or floor of an enclosed area shall be considered above grade and not a structure's basement or lowest floor if:

1. If the enclosed area is above grade on at least one side of the structure.
2. Is designed to internally flood and is constructed with flood-resistant materials.
3. Is used solely for parking of vehicles, building access or storage.

The above noted alternative elevation methods are subject to the following additional standards:

- a. Design and Certification. The structure's design and as-built condition must be certified by a registered professional engineer or architect as being in compliance with the general design standards of the State Building Code and, specifically, that all electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities must be at or above the RFPE or be designed to prevent flood water from entering or accumulating within these components during times of flooding.
 - b. Specific Standards for Above Grade, Enclosed Areas. Above grade fully enclosed areas such as crawl spaces or tuck under garages must be designed to internally flood and the design plans must stipulate:
 - (1) The minimum area of openings in the walls where internal flooding is to be used as a flood-proofing technique. When openings are placed in a structure's walls to provide for entry of flood waters to equalize pressures, the bottom of all openings shall be no higher than one (1) foot above grade. Openings may be equipped with screens, louvers, vales or other coverings or devices provided that they permit the automatic entry and exit of flood waters.
 - (2) That the enclosed area will be designed of flood-resistant materials in accordance with the FP-3 or FP-4 classifications in the State Building Code and shall be used solely for building access, parking of vehicles, or storage.
- B. Basements, as defined by Article 2 of this Ordinance, shall be subject to the following:
1. Residential basement construction shall not be allowed below the RFPE.
 2. Non-residential basements may be allowed below the RFPE provided the basement is structurally dry flood-proofed in accordance with Section 5, Subd. 4. C of this Article.

- C. All areas of non-residential structures including basements to be placed below the RFPE shall be flood-proofed in accordance with the structurally dry flood-proofing classifications in the State Building Code. Structurally dry flood-proofing must meet the FP-1 or FP-2 flood-proofing classification in the State Building Code and this shall require making the structure water tight with the walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy. Structures flood-proofed to the FP-3 or FP-4 classification shall not be permitted.

- D. When at any one time more than one thousand (1,000) cubic yards of fill or other similar material is located on a parcel for such activities as on-site storage, landscaping, sand and gravel operations, landfills, roads, dredge spoil disposal or construction of flood control works, an erosion/ sedimentation control plan must be submitted unless the community is enforcing a state approved shoreland management ordinance. In the absence of a state approved shoreland ordinance, the plan must clearly specify methods to be used to stabilize the fill on site for a flood event at a minimum of the 100 year or regional flood event. The plan must be prepared and certified by a registered professional engineer or other qualified individual acceptable to the governing body. The plan may incorporate alternative procedures for removal of the material from the floodplain if adequate flood warning time exists.

- E. Storage of Materials and Equipment.
 - 1. The storage or processing of materials that are, in time of flooding, flammable, explosive, or potentially injurious to human, animal, or plant life is prohibited.

 - 2. Storage of other materials or equipment may be allowed if readily removable from the area within the time available after a flood warning and in accordance with a plan approved by the governing body.

- F. The provisions of Section 5, Subd. 5 of this Article shall also apply.

Subd. 5. Standards for All Flood Fringe Uses.

- A. All new principal structures must have vehicular access at or above the elevation not more than two (2) feet below the RFPE. If a variance to this requirement is granted, the Board of Adjustment must specify limitations on the period of use or occupancy of the structure for times of flooding and only after determining that adequate flood warning time and local flood emergency response procedures exist.

- B. Commercial Uses. Accessory land uses, such as yards, railroad tracks, and parking lots may be at elevations lower than the RFPE. However, a permit for such facilities to be used by the employees or the general public shall not be granted in the absence of a flood warning system that provides adequate time for evacuation if the area would be inundated to a depth greater than two (2) feet or be subject to flood velocities greater than four (4) feet per second upon occurrence of the regional flood.

- C. Manufacturing and Industrial Uses. Measures shall be taken to minimize interference with normal plant operations especially along streams having protracted flood durations. Certain accessory land uses such as yards and parking lots may be at lower elevations subject to requirements set out in Section 5, Subd. 5.B above. In considering permit applications, due consideration shall be given to needs of an industry whose business requires that it be located in floodplain areas.
- D. Fill shall be properly compacted and the slopes shall be properly protected by the use of riprap, vegetative cover or other acceptable method. The Federal Emergency Management Agency (FEMA) has established criteria for removing the special flood hazard area designation for certain structures properly elevated on fill above the 100 year flood elevation - FEMA's requirements incorporate specific fill compaction and side slope protection standards for multi-structure or multi-lot developments. These standards should be investigated prior to the initiation of site preparation if a change of special flood hazard area designation will be requested.
- E. Floodplain developments shall not adversely affect the hydraulic capacity of the channel and adjoining floodplain of any tributary watercourse or drainage system where a floodway or other encroachment limit has not been specified in the Official Zoning Map.
- F. Standards for travel trailers and travel vehicles are contained in Section 9, Subd. 3.
- G. All manufactured homes must be securely anchored to an adequately anchored foundation system that resists flotation, collapse and lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable state or local anchoring requirements for resisting wind forces.

SECTION 6. GENERAL FLOODPLAIN AREA

Subd. 1. Permissible Uses.

- A. The uses listed in Section 4, Subd. 1 of this Article shall be permitted uses.
- B. All other uses shall be subject to the floodway/ flood fringe evaluation criteria pursuant to Section 6, Subd. 2. Section 4 shall apply if the proposed use is in the Floodway area and Section 5 shall apply if the proposed use is in the Flood Fringe area.

Subd. 2. Procedures for Floodway and Flood Fringe Determinations within the General Floodplain Area.

- A. Upon receipt of an application for a conditional use permit for a use within the General Floodplain District, the applicant shall be required to furnish such of the following information as is deemed necessary by the Zoning Administrator for the determination of the RFPE and whether the proposed use is within the Floodway or Flood Fringe area.
1. A typical valley cross section showing the channel of the stream, elevation of land areas adjoining each side of the channel, cross sectional areas to be occupied by the proposed development, and high water information.
 2. Plan (surface view) showing elevations or contours of the ground, pertinent structure, fill or storage elevations of streets; photographs showing existing land uses and vegetation upstream and downstream; and soil type.
 3. Profile showing the slope of the bottom of the channel or flow line of the stream for at least five hundred (500) feet in either direction from the proposed development.
- B. The applicant shall be responsible to submit one (1) copy of the above information to a designated engineer or other expert person or agency for technical assistance in determining whether the proposed use is in the Floodway or Flood Fringe area and to determine the RFPE. Procedures consistent with Minnesota Regulations 1983, Parts 6120.5000 - 6120.6200 shall be followed in this expert evaluation. The designated engineer or expert is strongly encouraged to discuss the proposed technical evaluation methodology with the respective DNR area hydrologist prior to commencing the analysis. The designated engineer or expert shall:
1. Estimate the peak discharge of the regional flood.
 2. Calculate the water surface profile of the regional flood based upon a hydraulic analysis of the stream channel and over bank areas.
 3. Compute the floodway necessary to convey or store the regional flood without increasing flood stages more than 0.5 foot. A lesser stage increase than 0.5 foot shall be required if, as a result of the additional stage increase, increased flood damages would result. An equal degree of encroachment on both sides of the stream within the reach shall be assumed in computing floodway boundaries.
- C. The Zoning Administrator shall present the technical evaluation and findings of the designated engineer or expert to the governing body. The governing body must formally accept the technical evaluation and the recommended Floodway and/or Flood Fringe area boundary or deny the permit application. The governing body, prior to official action, may submit the application and all supporting data and analysis to FEMA, the DNR, or the Planning Commission for review and comment. Once the Floodway and Flood Fringe boundaries have been determined, the governing body shall refer the matter back to the Zoning Administrator who shall process the permit application consistent with the applicable provisions of Section 4 and 5 of this Article.

SECTION 7. SUBDIVISIONS

- Subd. 1. Review Criteria. No land shall be subdivided which is unsuitable for the reason of flooding, inadequate drainage, water supply or sewage treatment facilities. All lots within the floodplain districts shall contain a building site at or above the RFPE. All subdivisions shall have water and sewage treatment facilities that comply with the provisions of this Ordinance and have road access both to the subdivision and the individual building sites no lower than two feet below the RFPE. For all subdivisions in the Floodplain, the Floodway and Flood Fringe boundaries, the RFPE and the required elevation of all access roads shall be clearly labeled on all required subdivision drawings and platting documents.
- Subd. 2. Floodway/Flood Fringe Determinations in the General Floodplain Area. In the General Floodplain area, applicants shall provide the information required in Section 6, Subd. 2 of this Article to determine the 100 year flood elevation, the Floodway and Flood Fringe area boundaries, and the RFPE for the subdivision site.
- Subd. 3. Removal of Special Flood Hazard Area Designation. FEMA has established criteria for removing the special flood hazard area designation for certain structures properly elevated on fill above the 100 year flood elevation. FEMA's requirements incorporate specific fill compaction and side slope protection standards for multi-structure or multi-lot developments. These standards should be investigated prior to the initiation of site preparation if a change of special flood hazard area designation will be requested.

SECTION 8. PUBLIC UTILITIES, RAILROADS, ROADS AND BRIDGES

- Subd. 1. Public Utilities. All public utilities and facilities such as gas, electrical, sewer, and water supply systems to be located in the floodplain shall be flood-proofed in accordance with the State Building Code or elevated to above the RFPE.
- Subd. 2. Public Transportation Facilities. Railroad tracks, roads, and bridges to be located within the floodplain shall comply with Sections 4 and 5 of this Article. Elevation to the RFPE shall be provided where failure or interruption of these transportation facilities would result in danger to the public health or safety or where such facilities are essential to the orderly functioning of the area. Minor or auxiliary roads or railroads may be constructed at a lower elevation where failure or interruption of transportation services would not endanger the public health or safety.
- Subd. 3. On-Site Sewage Treatment and Water Supply Systems. Where public utilities are not provided:
- A. On-site water supply systems must be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood waters.
 - B. New or replacement on-site sewage treatment systems must be designed to minimize or eliminate infiltration of flood waters and they shall not be subject to impairment or contamination during times of flooding. Any sewage treatment system designed in accordance with the State's current state-wide standards for on-site sewage treatment systems shall be determined to be in compliance with this Section.

SECTION 9. MANUFACTURED HOMES AND MANUFACTURED HOME PARKS AND PLACEMENT OF TRAVEL TRAILERS AND TRAVEL VEHICLES

Subd. 1. New manufactured home parks and expansions to existing manufactured home parks shall be subject to the provisions placed on subdivisions by Section 7 of this Article.

Subd. 2. The placement of new or replacement manufactured homes in existing manufactured home parks or on individual lots of record that are located in floodplain areas will be treated as a new structure and may be placed only if elevated in compliance with Section 5 of this Article. If vehicular road access for pre-existing manufactured home parks is not provided in accordance with Section 5, Subd. 5. A, then replacement manufactured homes will not be allowed until the property owner develops flood warning emergency plan acceptable to the governing body.

All manufactured homes must be securely anchored to an adequately anchored foundation system that resists flotation, collapse, and lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable state or local anchoring requirements for resisting wind forces.

Subd. 3. Travel trailers and travel vehicles that do not meet the exemption criteria specified in Section 9, Subd. 3. A below shall be subject to the provisions of this Article and as specifically spelled out in Sections 9, Subd. 3. B and C below.

A. Exemption. Travel trailers and travel vehicles are exempt from the provisions of this Article if they placed in any of the areas listed in Section 9, Subd. 3. B, 1-3 below and further they meet the following criteria:

1. Have current licenses required for highway use.
2. Are highway-ready, meaning on wheels or the internal jacking system, are attached to the site only by quick disconnect type utilities commonly used on campgrounds and trailer parks and the travel trailer/travel vehicle has no permanent structural type additions attached to it.
3. The travel trailer or travel vehicle and associated use must be permissible in any pre-existing, underlying zoning use district.

B. Areas Exempted for Placement of Travel/Recreational Vehicles.

1. Individual lots or parcels of record.
2. Existing commercial recreational vehicle parks or campgrounds.
3. Existing condominium type associations.

- C. Travel trailers and travel vehicles exempted in Section 9, Subd. 3.A lose this exemption when development occurs on the parcel exceeding seven hundred (700) dollars for a structural addition to the travel trailer/travel vehicle or an accessory structure such as a garage or storage building. The travel trailer/travel vehicle and all additions and all accessory structures will then be treated as a new structure and shall be subject to the elevation/flood-proofing requirements and the use of land restrictions specified in Sections 4 and 5 of this Article.
- D. New commercial travel trailer or travel vehicle parks or campgrounds and new residential type subdivisions and condominium associations and the expansion of any existing similar use exceeding five (5) units or dwelling sites shall be subject to the following:
1. Any new or replacement travel trailer or travel vehicle will be allowed in the Floodway or Flood Fringe area provided said trailer or vehicle and its contents are placed on fill above the RFPE and proper elevated road access to the site exists in accordance with Section 5, Subd. 5.A of this Article. No fill placed in the Floodway to meet the requirements of this Section shall increase flood stages of the 100 year flood.
 2. All new or replacement travel trailers or travel vehicles not meeting the criteria of 1. above may, as an alternative, be allowed as a conditional use if in accordance with the following provisions and the provisions of Article 22 of this Ordinance.

The applicant must submit an emergency plan for the safe evacuation of all vehicles and people during the 100 year flood. Said plan shall be prepared by a registered engineer or other qualified individual and shall demonstrate that adequate time and personnel exist to carry out the evacuation. All attendant sewage and water facilities for new or replacement travel trailers or other recreational vehicles must be protected or constructed so as to not be impaired or contaminated during times of flooding in accordance with Section 8, Subd. 3 of this Article.
- E. Conditional Uses. The Planning Commission shall hear and decide applications for conditional uses permissible under this Ordinance. Applications shall be submitted to the Zoning Administrator who shall forward the application to the Planning Commission for consideration.

ARTICLE 19 (RESERVED)

ARTICLE 20 WETLANDS DISTRICT (W)

SECTION 1. PURPOSE

This Article 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).

SECTION 2. INCORPORATION BY REFERENCE

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

SECTION 3. SCOPE

This Article regulates the draining and filling of wetlands and parts of wetlands with 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.

SECTION 4. PROCEDURE

- Subd. 1. Exemption and No-loss Determinations. Exemption and no-loss determinations under Minn. Rule Parts 8420.0210 and .0220 shall be made by the Zoning Administrator. The Zoning Administrator should seek the advice of the technical evaluation panel on questions of wetland delineation and type. The Zoning Administrator's decision is final unless appealed to the Board of Adjustment within thirty (30) days.

- Subd. 2. Sequencing and Replacement Plan Decisions. Sequencing and replacement plan decisions under Minn. Rule Part 8420.0520-.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 Zoning Administrator.

- Subd. 3. Monitoring. The Zoning Administrator shall assure that the replacement plan monitoring and enforcement requirements of Minn. Rules Part 8420.0600-.0630 are fulfilled.

- Subd. 4. Wetland Banking. Wetlands may be restored or created within the Township for purposes of deposit in the wetland band in accordance with Minn. Rules Parts 0420.0700-.0760. The Zoning Administrator is responsible for approving bank plans, certifying deposits, and monitoring of banked wetlands and enforcement under the rules.

- Subd. 5. Appeals. Decisions made under this Article may be appealed to the Goodhue County Board of Water and Soil Resources under Minn. Rules Part 8420.0250, after administrative appeal rights under the official controls have been exhausted.

- Subd. 6. 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.
- Subd. 7. 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 Article 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 Minnesota Rules Part 8420.0240. The Township shall consider recommendations, if any, made by the technical evaluation panel in making replacement plan decisions.

**ARTICLE 21 FUNCTIONS OF THE ZONING ADMINISTRATOR,
PLANNING COMMISSION AND BOARD OF ADJUSTMENT**

SECTION 1. ENFORCEMENT

- Subd. 1. The provisions of this Ordinance shall be administered by the Planning and Zoning Administrator.
- Subd. 2. When any work has been stopped by the Zoning Administrator for any reason whatsoever, it shall not again be resumed until the reason for the work stoppage has been completely removed.
- Subd. 3. It shall be the duty of the Township Attorney, when called upon by the Town Board to perform such duties as may be necessary to enforce the provisions of this Ordinance.

**SECTION 2. DUTIES AND POWERS OF THE OFFICE OF PLANNING AND ZONING
ADMINISTRATOR**

- Subd. 1. Determine if applications comply with the terms of this Ordinance.
- Subd. 2. Conduct inspections of structures and use of land to determine compliance with the terms of this Ordinance.
- Subd. 3. Maintain permanent and current records of this Ordinance, including but not limited to, maps, amendments, conditional uses, variances, appeals and applications.
- Subd. 4. Receive, file and forward all applications for appeals, variances, conditional uses, and amendments to the designated official bodies.
- Subd. 5. Record of First Floor Elevation. The Zoning Administrator shall maintain a record of the elevation of the lowest floor (including basement) of all new structures and alterations or additions to existing structures in the Floodplain. The Zoning Administrator shall also maintain a record of the elevation to which structures and alterations or additions to structures are flood-proofed.
- Subd. 6. Provide and maintain a public information bureau relative to matters arising out of this Ordinance.

SECTION 3. SITE PLAN PERMIT REQUIRED

On and after the effective date of this Ordinance, it shall be unlawful to proceed with the erection, enlarging or structural alteration of any building without first procuring a site plan approval permit from the Zoning Administrator.

- Subd. 1. Permits shall not be required if said erection, enlarging or structural alteration is considered non-structural and the cost is valued under one thousand (1,000) dollars.
- Subd. 2. No permit shall be issued unless such building or land use is designed and arranged to conform to the provisions of this Ordinance.
- Subd. 3. For permits issued within the FP, Floodplain District, the applicant shall be required to submit certification by a registered professional engineer, registered architect, or registered land surveyor that the finished fill and building elevation were accomplished in compliance with the provisions of this Ordinance. Flood-proofing measures shall be certified by a registered professional engineer or registered architect.
- Subd. 4. Permits shall be required for the placement of fill or excavation of materials within the Floodplain.
- Subd. 5. Application for a permit shall be signed by the applicant or his authorized agent and filed with the Planning and Zoning Administrator's office.
- Subd. 6. The applications shall contain the following information: the location and dimensions of the lot or premises; the nature of the proposed construction alteration and repair; the estimated cost; the present and proposed use of land or any structure on the premises. In addition to the above information, applications for permits within the Floodplain shall show elevation of the lot; existing and proposed structures, fill or storage of material; and the location of all information in relation to the stream channel.
- Subd. 7. To each application, there shall be annexed an inked or blue print copy of the plan to be followed, accurately scaled, which plan shall also contain the lot dimensions and the location thereon of the proposed construction, alteration or repair or land use.
- Subd. 8. Upon receipt of an application for a permit, the Administrator shall examine the same to determine whether the proposed construction, alteration, repair, enlargement, demolition or removal and proposed use shall comply with the provisions of this Ordinance, all building and health ordinances or regulations of the Township, and the State law, and upon so determining affirmatively he shall issue a permit to the applicant in the manner and form as approved by the Town Board.
- Subd. 9. Fees for such permits shall be pursuant to fee schedules and amendments, thereto, as established by the Town Board.

- Subd. 10. If it shall be determined that for any reason, the permit requested may not be issued, the Administrator shall return the application, with the fee deposited, to the applicant, with a memorandum stating the reason for refusing to issue said permit.
- Subd. 11. A permit is valid only to the fee owner of the property at the time of the granting of the permit. No permit or its provisions are transferable.
- Subd. 12. A permit is a valid for one year from the date of issuance.

SECTION 4. PLANNING COMMISSION

- Subd. 1. The Town Board hereby establishes the Wacouta Township Planning Commission. The Planning Commission shall consist of not less than five (5) members appointed by the Town Board, which shall include one member of the Town Board who shall not serve as an officer on the Commission.
- Subd. 2. The term of each member shall begin on January 1 and continue through December 31. Each member shall serve for a period of three (3) years. Initial appointment shall provide for: one person for a one-year term, one person for a two-year term, and two persons for three-year terms.
- Subd. 3. No voting member of the Planning Commission shall receive, during the two (2) years prior to appointment, any substantial portion of his income from business operations involving the development of land within the Township for the development of land for urban and urban related purposes.
- Subd. 4. The Commission shall call for the removal of any member for non-performance of duty or misconduct in office. If a member has four (4) absences in any one year, the secretary shall certify this fact to the Commission and the Commission shall notify the Town Board and the Town Board shall appoint a replacement for the unexpired term, as if the member has resigned.
- Subd. 5. Should any vacancy occur among the members of this Planning Commission by reason of death, resignation, disability or otherwise, immediate notice thereof shall be given to the Chairman of the Town Board by the secretary. Should any vacancy occur among the officers of the Planning Commission, the vacant office shall be filled in accordance with the provisions of this subdivision, such officer to serve the unexpired term of the office in which such vacancy shall occur.
- Subd. 6. The Planning Commission, shall elect a Chairman from among its members. The Commission may select a secretary from its members or advisory members. The Planning Commission shall also review and make recommendations to the Town Board all applications for conditional use permits and plans for the subdivision of land.

- Subd. 7. The Town Board may by ordinance assign additional duties and responsibilities to the Planning Commission including but not restricted to the conduct of public hearings, the authority to order the issuance of some or all categories of conditional use permits, the authority to approve some or all categories of subdivisions of land, and the authority to approve some or all categories of planned unit developments. The Planning Commission may be required by the board to review any comprehensive plans and official controls and any plans for public land acquisition and development sent to the Township for that purpose by any local unit of government or any state or federal agency and shall report therein in writing to the Town Board.

SECTION 6. BOARD OF ADJUSTMENT

- Subd. 1. A Board of Adjustment is hereby established and vested with such authority as is hereinafter provided and as by Minnesota Statutes 462.357.
- Subd. 2. The Board of Adjustment shall consist of the Town Board.
- Subd. 3. Any question of whether a particular issue involves a conflict of interest sufficient to disqualify a Board member from voting thereon shall be decided by a majority vote of all regular Board members except the member who is being challenged.
- Subd. 4. The meetings of the Board of Adjustment shall be held at the call of its chairman and at such other times as the Board in its rules of procedures may specify.
- Subd. 5. The Board of Adjustment shall have the authority to order the issuance of variances, hear and decide appeals from and review any order, requirement, decision or determination made by an administrative official charged with enforcing any ordinance adopted pursuant to the provision of Minnesota Statute, Sections 462.351 to 462.365, order the issuance of permits for buildings in areas designated for future use on an official map and perform such other duties as required by the official controls. Such appeal may be taken by any person aggrieved or by any officer, department, board or bureau of a town, municipality, county or state.
- Subd. 6. An appeal from any order, requirement, decisions or determination of any administrative official shall be taken within thirty (30) days after receipt of notice of the decision by the Board of Adjustment by filing with the Board of Adjustment a notice of appeal specifying the grounds thereof. The Board of Adjustment shall fix a reasonable time for the hearing of the appeal and give due notice thereof to the appellant and the officer from whom the appeal is taken and to the public and decide the same within sixty (60) days after the date of filing the appeal. An appeal stays all proceedings in furtherance of the action appealed from unless the Board of Adjustment to whom the appeal is taken certifies that by reason of the facts stated in the certificate, a stay would cause imminent peril to life or property. The Board of Adjustment may reverse or affirm wholly or partly, or may modify the order, requirement, decision or determination appealed from and to that end shall have all the powers of the officer from whom the appeal was taken and may direct the issuance of a permit. The reasons for the Board's decision shall be stated in writing.

The notice of appeal shall state:

- A. The particular order, requirement, decision or determination from which the appeal is taken.
- B. The name and address of the appellant.
- C. The grounds for the appeal.
- D. The relief requested by the appellant.
- E. All necessary state and federal permits.
- F. The variance request and a statement outlining the unique or particular situation or peculiar hardship involved in creating the need for a variance.

ARTICLE 22 ZONING AMENDMENTS/REZONINGS

SECTION 1. ZONING AMENDMENTS

The Town Board may issue an amendment to the Zoning Ordinance or Zoning Map to reflect changes in conditions in the Township or to correct mistakes in the ordinance or map.

The Floodplain designation on the Official Zoning Map shall not be removed from Floodplain areas unless it can be shown that the designation is in error or that the area has been filled to or above the elevation of the regional flood and is contiguous to lands outside the Floodplain. Special exceptions to this rule may be permitted by the Commissioner of Natural Resources if he determines that, through other measures, lands are adequately protected for the intended use. All amendments to this Ordinance, including amendments to the Official Zoning Map, must be submitted to and approved by the Commissioner of Natural Resources prior to adoption. Changes in the Official Zoning Map must meet the Federal Emergency Management Agency's (FEMA) Technical Conditions and Criteria and must receive prior FEMA approval before adoption. The Commissioner of Natural Resources must be given ten (10) days written notice of all hearings to consider an amendment to this Ordinance and said notice shall include a draft of the Ordinance amendment or technical study under consideration.

SECTION 2. APPLICATION

- Subd. 1. An application for amendment, extension or addition to the regulations of this Ordinance shall be filed with the Zoning Administrator by one of the following:
- A. A petition from a resident or residents living within the jurisdiction of this Ordinance.
 - B. A recommendation of the Planning Commission.
 - C. Action by the Town Board.
- Subd. 2. Said application shall be filed at least twenty (20) days prior to the hearing thereof.
- Subd. 3. An application for an amendment not initiated by the Planning Commission shall be referred to the Planning Commission for study and report and may not be acted upon by the Board until it has received the recommendations of the Planning Commission.
- Subd. 4. Required information accompanying application to change the wording of this Ordinance shall contain the following:
- A. Stated reason for change requested.
 - B. Statement on compatibility to the Township Land Use Policy Plan.
 - C. Text of portion of the existing ordinance to be amended.
 - D. Proposed amended text and statements outlining any other effects that the amendment may have on other areas of this Ordinance.
 - E. Additional information as may be requested by the Planning Commission.

- Subd. 5. Required information accompanying applications to change district boundaries shall contain the following:
- A. The names and addresses of the petitioner or petitioners and their signatures to the petition.
 - B. A specific description of the area proposed to be rezoned and the names and addresses of all owners of property lying within such area, and a description of the property owned by each.
 - C. The present district classification of the area and the proposed district classifications.
 - D. Proposed use of the land (a statement of the type, extent, area, etc.).
 - E. Map and plot plan or survey.
 - F. Compatibility with the Land Use Policies and Plans of Wacouta Township (a statement of conditions warranting change in zoning).
 - G. A legal description of the property(ies) to be rezoned.
 - H. Map, plot plan, or survey plot of property to be rezoned (showing location, dimensions, zoning of the adjacent properties, existing uses and buildings of adjacent properties within five hundred (500) feet in incorporated areas, and one-half (½) mile in unincorporated areas drawn to scale).
 - I. Additional information as may be requested by the Planning Commission.

SECTION 3. PROCEDURE

- Subd. 1. Upon receipt of the proper application and other requested material for amendment or rezoning, the Planning Commission shall hold a public hearing in a location to be prescribed. Such public hearings may be continued from time to time and additional hearings may be held.
- Subd. 2. Notice of the time, place and purpose of any public hearings shall be given by publication in a newspaper of general circulation in the town, municipality or other area concerned and in the official newspaper of the Township, at least ten (10) days before the hearing.
- Subd. 3. For district boundary changes, Subdivision 1 and 2 of this Section shall apply, plus written notice of public hearings shall be sent by letter to all property owners of record within one-half (1/2) mile.
- Subd. 4. The failure to give mailed notice to the individual owners, or defects in the notice shall not invalidate the proceedings provided a bona fide attempt to comply with this Subdivision has been made.
- Subd. 5. In areas where joint planning review processes are authorized the Planning Commission may refer the proposed amendment request for review, comments, and recommendations prior to the public hearing.

SECTION 4. ACTION AND AUTHORIZATION

- Subd. 1. Following the closing of the public hearing, the Planning Commission shall report its findings and recommendations on the proposed amendment or rezoning to the Town Board at its next regularly scheduled Board meeting.
- Subd. 2. Upon the filing of such report or recommendation, the Town Board shall act on the proposed amendment or rezoning. The amendment shall be effective only if two-thirds of all members of the Board concur in its passage.

SECTION 5. FEES

All applications for a zoning district boundary change or amendment to this Ordinance shall be accompanied by a fee set by resolution of the Town Board.

Additional fees may be charged to the applicant for actual costs incurred by the Township for legal, engineering and planning consultant assistance necessary for proper review and consultation to assist the Planning Commission and Town Board in its decision-making.

SECTION 6. RECORDING

Upon the adoption of any ordinance or other official control including any maps and charts supplemented to or as a part thereof, the Township Clerk shall file a certified copy thereof with the County Recorder for record. Ordinances, resolutions, maps or regulations filed with the County Recorder pursuant to this Ordinance do not constitute encumbrances on real property.

ARTICLE 23 CONDITIONAL USES

SECTION 1. APPLICATION

Applications for conditional use permits shall be made to the Zoning Administrator together with required fees. The application shall be accompanied by a site plan showing such information as is necessary to show compliance with this Ordinance, including but not limited to:

- Subd. 1. Legal description of the property.
- Subd. 2. Site plan showing parcel and building dimensions.
- Subd. 3. Location of all buildings and their square footage.
- Subd. 4. Curb cuts, driveways, access roads, parking spaces, off-street loading areas and sidewalks.
- Subd. 5. Landscaping and screening plans.
- Subd. 6. Drainage plan.
- Subd. 7. Sanitary sewer and water plan with estimated use per day.
- Subd. 8. Soil type.
- Subd. 9. The applicant shall obtain all necessary state and federal permits and provide such other information as necessary and reasonable to adequately review the requests.

SECTION 2. NOTIFICATION AND PUBLIC HEARING

- Subd. 1. Upon receipt in proper form of the application and other required material, the Planning Commission shall hold at least one (1) public hearing in a location to be prescribed by the Planning Commission. Such public hearing may be continued from time to time and additional hearings may be held.
- Subd. 2. At least ten (10) days in advance of each hearing, notice of the time and place of such hearing shall be published in the official newspaper of the Township.
- Subd. 3. All property owners of record within one-half (1/2) mile of the affected property or to the ten (10) properties nearest to the affected property, whichever would provide notice to the greatest number of owners of unincorporated areas where the conditional use is proposed shall be notified by depositing a written notice in the U.S. Mail, postage prepaid, as to the time and place of the public hearing. All municipalities within two (2) miles of the proposed conditional use shall be given proper notice.

SECTION 3. APPROVAL, DISAPPROVAL OR MODIFICATION

The Township Planning Commission shall make its recommendation upon the application and forward its recommendations to the Town Board. In reporting its recommendations to the Town Board, the Planning Commission shall report its findings with respect thereto and all facts in connection therewith, and may designate conditions and require guarantees deemed necessary for the protection of the public interest. Upon receipt of the report of the Planning Commission, the Town Board shall make a decision upon the application for a conditional use permit.

SECTION 4. FINDINGS

No conditional use shall be recommended by the Planning Commission unless said Commission shall find:

- Subd. 1. That the conditional use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, not substantially diminish and impair property values within the immediate vicinity.
- Subd. 2. That the establishment of the conditional use will not impede the normal and orderly development and improvement of surrounding vacant property for uses predominant to the area.
- Subd. 3. That adequate utilities, access roads, drainage and other necessary facilities have been or are being provided.
- Subd. 4. That adequate measures have been or will be taken to provide sufficient off-street parking and loading space to serve the proposed use.
- Subd. 5. That adequate measures have been or will be taken to prevent or control offensive odor, fumes, dust, noise and vibration, so that none of these will constitute a nuisance, and to control lighted signs and other lights in such a manner that no disturbance to neighboring properties will result.

SECTION 5. ADDITIONAL PROCEDURES FOR CONDITIONAL USE PERMITS WITHIN FLOODPLAINS AND SHORELAND AREAS

- Subd. 1. A copy of a request for a conditional use permit within any designated floodplain or shoreland area shall be forwarded to the Minnesota Department of Natural Resources by the Zoning Administrator sufficiently in advance so that the Commissioner will receive at least ten (10) days notice.
- Subd. 2. A copy of all decisions granting any conditional use permit within any designated floodplain or shoreland shall be forwarded to the Department of Natural Resources within ten (10) days after such decision.
- Subd. 3. Procedures to be followed by the Planning Commission in making recommendations on conditional use permit applications within all Floodplain Districts:

- A. Require the applicant to furnish such of the following information and additional information as deemed necessary by the Planning Advisory Commission for determining the suitability of the particular site for the proposed use:
 - 1. Plans in triplicate drawn to scale showing the nature, location, dimensions, and elevation of the lot, existing or proposed structures, fill, storage of materials, flood-proofing measures, and the relationship of the above to the location of the stream channel.
 - 2. Specifications for building construction and materials, flood-proofing, filling, dredging, grading, channel improvement, storage of materials, water supply and sanitary facilities.
- B. Transmit one copy of the information described in sub-section 1 to a designated engineer or other expert person or agency for technical assistance, where necessary, in evaluating the proposed project in relation to flood heights and velocities, the seriousness of flood damage to the use, the adequacy of the plans for protection, and other technical matters.
- C. Based upon the technical evaluation of the designated engineer or expert, the Planning Advisory Commission shall determine the specific flood hazard at the site and evaluate the suitability of the proposed use in relation to the flood hazard.

Subd. 4. Factors upon which the decision of the Planning Advisory Commission shall be based. In passing on a conditional use permit applications for projects in a floodplain or shoreland area, the Planning Commission shall consider all relevant factors specified in other sections of this Ordinance, and:

- A. The danger to life and property due to increased flood height or velocities caused by encroachments.
- B. The danger that materials may be swept onto other lands or downstream to the injury of others or they may block bridges, culverts or other hydraulic structures.
- C. The proposed water supply and sanitation systems and the ability of these systems to prevent disease, contamination, and unsanitary conditions.
- D. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner.
- E. The importance of the services provided by the proposed facility to the Township.
- F. The requirements of the facility for a water front location.
- G. The availability of alternative locations not subject to flooding for the proposed use.
- H. The compatibility of the proposed use with existing development and development anticipated in the foreseeable future.
- I. The relationship of the proposed use to the Comprehensive Plan and Floodplain Management Program for the area.
- J. The safety of access to the property in times of flood for ordinary and emergency vehicles.

- K. The expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters expected at the site.
- L. Such other factors which are relevant to the purposes of this Ordinance.

Subd. 5. Procedures to be followed by the Planning Commission in making recommendations on conditional use permit applications for the replacement of wetlands:

- A. Require the applicant to furnish the following information and additional information necessary to determine the suitability of the particular project:
 - 1) Three (3) copies of the replacement plan to the Land Use Management Department. The replacement plan shall contain all plan sheets, drawn to scale; wetland designation; wetland acreage; acreage to be destroyed or diminished; activity description; location of replacement wetland; the acreage of replaced wetland; and a time schedule for completion.
 - 2) Specifications for construction of the wetland replacement project.
 - 3) Items required in Subdivision 3, Item A.
- B. A report from the Wacouta Township Wetland Technical Evaluation Panel on the suitability of the replacement plan, including the Technical Panel's recommendation.

Subd. 6. In passing on a conditional use permit application for the replacement of a wetland, the Planning Commission shall consider all relevant factors specified in this and other sections of this Ordinance and:

- A. The ratio of replaced wetland acreage to wetland acreage destroyed or diminished.
- B. The location of the destroyed or diminished wetland and the replaced wetland.
- C. The value and type of the destroyed or diminished wetland and the replaced wetland.
- D. The replacement schedule for the constructed wetland.
- E. The availability of alternatives that would avoid or minimize the impact on the wetland to be replaced.
- F. The replacement plan is consistent with the County Local Water Management Plan.
- G. The replacement plan follows the principles listed below in order of priority:
 - 1) Avoid direct or indirect impacts that may destroy or diminish the wetland.
 - 2) Limit the degree or magnitude of the wetland activity and its implementation.
 - 3) Rectify impacts by replacement.
 - 4) Reduce or eliminate long-term impact.

- H. The replacement activities will be conducted consistent with the ecology of the affected landscaped area.
- I. An inspection schedule exists to monitor the success of the replacement plan and correct any inadequacies.

Subd. 7. The Planning Commission shall act on an application in the manner described above within forty-five (45) days from receiving the application, except that where additional information is required pursuant to Subd. 4 of this Article. The Planning Commission shall render a written recommendation whether forty-five (45) days from the receipt of such additional information.

Subd. 8. Upon consideration of the factors listed above and the purpose of this Ordinance, the Planning Commission shall recommend such conditions to the granting of conditional use permits as it deems necessary to fulfill the purposes of this Ordinance. Such conditions may include, but are not limited to, the following:

- A. Modification of waste treatment and water supply facilities.
- B. Limitations on period of use, occupancy, and operation.
- C. Imposition of operations controls, sureties, and deed restrictions.
- D. Requirements for construction of channel modifications, compensatory storage, dikes, levees, and other protective measures.
- E. Flood-proofing measures, in accordance with the State Building Code and this Ordinance. The applicant shall submit a plan or document certified by a registered professional engineer or architect that the flood-proofing measures are consistent with the Regulatory Flood Protection Elevation and associated flood factors for the particular area.

SECTION 6. COMPLIANCE

Any use permitted under the terms of any conditional use permit shall be established and conducted in conformity to the terms of such permit.

SECTION 7. REVIEW

A periodic review of the permit and its conditions shall be maintained. The permit shall be issued for a particular use on a specific parcel and not for a particular person or firm.

SECTION 8. REVOCATION

A violation of any condition set forth in a conditional use permit shall be a misdemeanor and shall be grounds for revoking the permit following a hearing by the Town Board preceded by ten (10) days written notice.

SECTION 9. DISCONTINUANCE

A conditional use permit shall become void one year after being granted by the Board unless used or if discontinued for a period of ninety (90) days.

SECTION 10. RECORDING

- Subd. 1. A certified copy of any conditional use permit shall be filed with the County Recorder for record. The conditional use permit shall include the legal description of the property involved.
- Subd. 2. The Town Board shall be responsible for recording with the County Recorder any conditional use permit issued by the Board.
- Subd. 3. The Zoning Administrator shall provide to the applicant a copy of the order issued by the Town Board stating that it has been filed with the County Recorder's Office.

ARTICLE 24 VARIANCES

SECTION 1. VARIANCES

The Board of Adjustment shall have the exclusive power to order the issuance of variances from the terms of any official control including restrictions placed on non-conformities. Variances shall only be permitted when they are in harmony with the general purposes and intent of the official control in cases when there are practical difficulties or particular hardship in the way of carrying out the strict letter of any official control and when the terms of the variance are consistent with the Comprehensive Plan.

"Hardship" as used in connection with the granting of a variance means the property in question cannot be put to a reasonable use if used under the conditions allowed by the official controls; the plight of the landowner is due to circumstances unique to his property not created by the landowner; and the variance, if granted, will not alter the essential character of the locality. Economic considerations alone shall not constitute hardship if a reasonable use for the property exists under the terms of this Ordinance. No variance may be granted that would allow any use that is prohibited in the zoning district in which the subject property is located. The Board of Adjustment may impose conditions in the granting of variances to insure compliance and to protect adjacent properties and the public interest.

SECTION 2. PROCEDURE

Subd. 1. An application for a variance shall be filed with the Zoning Administrator; the application shall be accompanied by development plans showing such information as the Zoning Administrator may reasonably require for purpose of this Ordinance. The plans need not meet engineering or construction details so long as they contain sufficient information for the Board of Adjustment to determine whether the proposed variance will meet all applicable development standards if the variance is granted. In all cases, the application shall include:

- A. Name and address of the applicant.
- B. The legal description of the property involved in the request for the variance.
- C. The names and addresses of owners of the property or any persons having a legal interest therein.
- D. A site plan showing all pertinent dimensions, buildings and significant natural features having an influence on the variance.
- E. All necessary state and federal permits.
- F. The variance request and a statement outlining the unique or particular situation or peculiar hardship involved in creating the need for a variance.

- Subd. 2. The Board of Adjustment shall hold at least one public hearing on any application for a variance or appeal. Notice of the purpose, time and place of such public hearing shall be published in a newspaper of general circulation in the town, municipality or other areas concerned and in the official newspaper of the Township at least ten (10) days prior to the date of the hearing. Written notice of such public hearing shall be mailed to all property owners of record within five hundred (500) feet of the affected property, or to the ten (10) properties nearest to the affected property, whichever would provide notice to the greatest number of owners, the affected Board of Town Supervisors, and the Municipal Council of any municipality within two (2) miles of the affected property.
- Subd. 3. All decisions by the Board of Adjustment in granting variances or in hearing appeals from any administrative order, requirement, decision or determination shall be final except that any aggrieved person or persons, or any department, board or commission of the jurisdiction or of the state shall have the right to appeal within thirty (30) days, after receipt of notice of the decision to the district court in the county in which the land is located on questions of law and fact.
- Subd. 4. No application for a variance which has been denied wholly or in part shall be resubmitted for a period of six (6) months from the date of said order of denial, except on the ground of new evidence or proof of change on conditions found to be valid.
- Subd. 5. A violation of any condition set forth in granting a variance shall be in violation of this Ordinance and automatically terminates the variance.

SECTION 3. FINDINGS

- Subd. 1. In exercising its authority to review any order, requirements, decision or determination made by any administrative official, the Board shall not grant any appeal or variance unless they find the following facts at the hearing where the applicant shall present a statement and evidence in such form as the Board of Adjustment may require:
- A. That there are special circumstances or conditions affecting the land, building or use referred to in the appeal that do not apply generally to other property in the same vicinity.
 - B. That the granting of the application will not materially adversely affect the health or safety of persons residing or working in the area adjacent to the property of the applicant and will not be materially detrimental to the public welfare or injurious to property or improvements in the area adjacent to the property of the applicant, and that the granting of the variance will not alter the essential character of the locality.
- Subd. 2. In the case of variances, they shall only be permitted when they are in harmony with the general purposes and intent of the official control in cases when there are practical difficulties or particular hardship in the way of carrying out the strict letter of any official control.

SECTION 4. VARIANCES WITHIN SHORELAND AND FLOODPLAIN

Upon receipt of an application for a variance from the FP, Floodplain District or Shoreland Regulations, the Zoning Administrator shall forward a copy of such application to the Minnesota Commissioner of Natural Resources sufficiently in advance so that the Commissioner will receive at least ten (10) days notice of any hearing to consider such application. A copy of all decisions granting a variance to the provisions of the Floodplain or Shoreland Regulations shall be forwarded to the State Commissioner within ten (10) days of such action.

The Board may authorize upon appeal in specific cases such relief or variance from the terms of this Ordinance as will not be contrary to the public interest and only for those circumstances such as hardship, practical difficulties or circumstances unique to the property under consideration, as provided for in the respective enabling legislation for planning and zoning for cities or counties as appropriate. In the granting of such variance, the Board of Adjustment shall clearly identify in writing the specific conditions that existed consistent with the criteria specified in the respective enabling legislation which justified the granting of the variance. No variance shall have the effect of allowing in any district uses prohibited in that district; permit a lower degree of flood protection than the RFPE for the particular area, or permit standards lower than those required by state law.

The Zoning Administrator shall notify the applicant for a variance that: 1) the issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance up to amounts as high as \$25.00 for \$100.00 of insurance coverage; and 2) such construction below the 100 year or regional flood level increases risks to life and property. Such notification shall be maintained with a record of all variance actions. A County shall maintain a record of all variance actions including justification for their issuance, and report such variances issues in its annual or biannual report submitted to the Administrator of the National Flood Insurance Program.

SECTION 5. RECORDING

- Subd. 1. A certified copy of any order issued by the Board of Adjustment acting upon an appeal from an order, requirements, decision or determination by an administrative official, or a request for a variance shall be filed with the County Recorder for record. The order issued by the Board of Adjustment shall include the legal description of the property involved. The Zoning Administrator shall be required to meet the requirements of this Subdivision.

- Subd. 2. The Zoning Administrator shall provide to the applicant a copy of the order issued by the Board of Adjustment stating that it has been filed with the County Recorder's Office.

ARTICLE 25 NON-CONFORMING USES

SECTION 1. NON-CONFORMING BUILDINGS AND USES

- Subd. 1. No non-residential building which has been damaged by fire, explosion, flood, act of God, or the public enemy to the extent of more than fifty (50) percent of its value shall be restored, except in conformity with the regulations of this Ordinance.
- Subd. 2. Buildings found to be non-conforming only by reason of height, yard setback or area requirements shall be exempt from the provisions of Subdivision 1 of this Article.
- Subd. 3. In the event that a non-conforming use of any building or premises is discontinued or its normal operation stopped for a period of one (1) year, the use of the same shall thereafter conform to the regulations of the district in which it is located. The Assessor shall notify the Zoning Administrator in writing of instances of non-conforming uses which have been discontinued for a period of twelve (12) months.
- Subd. 4. The lawful use of a building existing at the time of the adoption of this Ordinance may be continued, although such use does not conform with the provisions hereof. If no structural alterations are made, a non-conforming use of a building may be changed to another non-conforming use of the same or more restricted classification. The foregoing provisions shall also apply to non-conforming uses in districts hereafter changed. Whenever a non-conforming use of a building has been changed to a more restricted use or to a conforming use, such use shall not thereafter be changed to a less restricted use.
- Subd. 5. Alterations may be made to a residential building containing non-conforming residential units when they will improve the livability of such units, provided, however, that they do not increase the number of dwelling units in the building, or increase the non-conformity.
- Subd. 6. Maintenance of a building or other structure containing or used by a non-conforming use will be permitted when it includes necessary, non-structural repairs and incidental alterations which do not extend or intensify the non-conforming building or use. Nothing in this Ordinance shall prevent the placing of a structure in safe condition when said structure is declared unsafe by the Zoning Administrator.
- Subd. 7. If in the event of a change of zoning district classification, any use is rendered non-conforming as a result of such change, Section 1 through 8, inclusive, of this Article shall apply.

SECTION 2. NON-CONFORMING SIGNS

- Subd. 1. Signs existing on the effective date of this Ordinance which do not conform to the regulations set forth in this Ordinance shall become a non-conforming use.
- Subd. 2. Business signs on the premises of a non-conforming building or use may be continued, but such signs shall not be increased in number, area, height, or illumination. New signs not to exceed thirty-five (35) square feet in aggregate sign area may be erected only upon the complete removal of all other signs existing at the time of the adoption of this Ordinance. Such signs may be illuminated, but no flashing, rotating or moving signs shall be permitted.
- Subd. 3. No sign erected before the passage of this Ordinance shall be rebuilt, altered or moved to a new location without being brought into compliance with the requirements of this Ordinance.
- Subd. 4. In the event that the use of a non-conforming advertising sign structure is discontinued or its normal operation stopped for a period of six (6) months, said structure shall be removed by the owner or lessor at the request of the Town Board.

SECTION 3. FLOODPLAIN STRUCTURAL ALTERATIONS

- Subd. 1. Any alteration or addition to a non-conforming structure or non-conforming use which would result in increasing the flood damage potential of that structure or use shall be protected by the RFPE in accordance with any of the elevation on fill or flood-proofing techniques (i.e., FP-1 through FP-4 flood-proofing classifications) allowable in the State Building Code, except as further restricted in Subd. 2.
- Subd. 2. The cost of any structural alterations or additions to any non-conforming structure over the life of the structure shall not exceed fifty (50) percent of the market value of the structure unless the conditions of this Section are satisfied. The cost of all structural alterations and additions constructed since the adoption of the Township's initial floodplain controls must be calculated into today's current cost which will include all costs such as construction materials and a reasonable cost placed on all manpower or labor. If the current cost of all previous and proposed alterations and additions exceeds fifty (50) percent of the current market value of the structure, then the structure must meet the standards of Section 4 or 5 of Article 18 for new structures depending on whether the structure is in the Floodway or Flood Fringe, respectively.

ARTICLE 26 VIOLATIONS AND PENALTIES

SECTION 1. CRIMINAL VIOLATIONS AND PENALTIES

- Subd. 1. Any person, firm, or corporation who shall violate any provision of this Ordinance shall be deemed guilty of a misdemeanor and upon conviction thereof, punished by a fine not to exceed seven hundred (700) dollars or by imprisonment in the County jail for a period not to exceed ninety (90) days or both.
- Subd. 2. It shall be the duty of all architects, contractors, subcontractors, builders and other persons having charge of the erecting, altering, changing, or remodeling of any building or structure, including mobile homes, before beginning or undertaking any such work to see that a proper permit has been granted and that such work does not conflict with and is not a violation of the terms of this Ordinance; and any such architect, builder, contractor or other person doing or performing any such work of erecting, repairing, altering, changing, or remodeling without such permit having been issued or in violation of, or in conflict with, the terms of this Ordinance shall be deemed guilty of a misdemeanor in the same manner and to the extent as the owner of the premises or the person or persons for whom such buildings are erected, repaired, altered, changed or remodeled in violation hereof and shall be held accountable for such violation.
- Subd. 3. Any building or structure, including mobile homes, erected or being erected, constructed or reconstructed, altered, repaired, converted or maintained, or any building or structure, including mobile homes, or land used in violation of this Ordinance or other regulations made under the authority of Wacouta Township is hereby declared to be a nuisance per se and the Wacouta Township through its qualified officers as provided by statute for maintaining suits, may institute proceedings in the court for the purposes of enjoining any violation of any of the provisions of this Ordinance.
- Subd. 4. Each day that a violation is permitted to exist shall constitute a separate offense. The imposition of any fine or sentence shall not exempt the offender from compliance with the requirements of this Ordinance.

SECTION 2. RELIEF FROM PERSONAL RESPONSIBILITY

The Planning and Zoning Administrator shall not be personally liable while acting for the Township and he is hereby relieved from all personal liability from any damage that may accrue to persons or property as a result of any act required or permitted in the discharge of his official duties.

SECTION 3. VIOLATIONS IN A FLOODPLAIN DISTRICT

- Subd. 1. In responding to a suspected Floodplain area violation, the Zoning Administrator and local government may utilize the full array of enforcement actions available to it including, but not limited to, prosecution and fines, injunctions, after the fact permits, orders for corrective measures of a request to the National Flood Insurance Program for denial of flood insurance availability to the guilty party.
- Subd. 2. When a violation in a Floodplain area is either discovered by or brought to the attention of the Zoning Administrator, the Zoning Administrator shall immediately investigate the situation and document the nature and extent of the violation of the official control. As soon as reasonably possible, this information will be submitted to the appropriate DNR and FEMA regional office along with the Township's plan of action to correct the violation to the degree possible.
- Subd. 3. The Zoning Administrator shall notify the suspected party of the requirements of this Ordinance and all other official controls and the nature and extent of the suspected violation of these controls. If the structure and/or use is under construction or development, the Zoning Administrator may order the construction or development immediately halted until a proper permit or approval is granted by the Township. If the construction or development is already completed, then the Zoning Administrator may either: 1) issue an order identifying the corrective action that must be made within a specified time period to bring the use or structure into compliance with the official controls, or 2) notify the responsible party to apply for an after the fact permit/ development approval within a specified period of time not to exceed thirty (30) days.
- Subd. 4. If the responsible party does not appropriately respond to the Zoning Administrator within the specified period of time, each additional day that lapses shall constitute an additional violation of this Ordinance and shall be prosecuted accordingly. The Zoning Administrator shall also upon the lapse of the specified response period notify the landowner to restore the land to the condition which existed prior to the violation of this Ordinance.

SECTION 4. OTHER REMEDIES AND ADMINISTRATIVE PENALTIES FOR VIOLATIONS

- Subd. 1. In responding to suspected violations of this Ordinance, the Zoning Administrator shall notify any party suspected of the violations, of the requirements of this Ordinance, and all other official controls and the nature and extent of the expected violation of this Ordinance. If the construction, development, cutting or removal, including vegetating cutting and timber cutting, or failure to control erosion or sedimentation in violation of this Ordinance does not immediately cease, the Board of Supervisors may utilize all enforcement actions lawfully available including, but not limited to, prosecution and fines, injunctions, after the fact permits, orders for corrective measures, and administrative penalties, including collection thereof pursuant to Section 366.012 Minnesota Statutes.

- Subd. 2. The Zoning Administrator may order the suspected violation of this Ordinance or other official controls, halted until a proper permit or approval is granted by the Township. If the construction, development or removal is already completed, the Zoning Administrator may: i) issue an order identifying the remedial or corrective action that must be made with a specified time period to bring the use or structure into compliance with the official controls, or if that is not possible, the remedial or corrective action that will restore the area, as nearly as possible, to restore the land to the condition prior to the violation, or ii) notify the responsible party to apply for an after the fact/permit within the specified period of time, not to exceed thirty (30) days.
- Subd. 3. If the responsible party does not appropriately respond to the Zoning Administrator within any specified period of time as set forth in Subd. 2., each additional day that lapses shall constitute an additional violation of the Ordinance. Any person, firm or other entity who shall violate any provision of this Ordinance shall, in addition to any other remedy permitted by law, be subject to an administrative penalty in an amount not to exceed Two hundred fifty and no/100 Dollars (\$250.00) for each violation, to be imposed by the Wacouta Town Board after the person, firm, or corporation violating the Ordinance has been given an order by the Zoning Administrator pursuant to Subd. 2 of Section 4 of this Ordinance. The imposition of any administrative penalty or remedial order against a violator shall not exempt such person from compliance with this Ordinance. This administrative penalty shall not be imposed for any day in which the Town Board finds that the person, firm, or corporation suspected of violating the Ordinance has commenced, and is diligently and in good faith, taking corrective actions as ordered by the Zoning Administrator or by the Town Board.
- Subd. 4. Any person, firm, or entity who shall violate any provision of this Ordinance shall be assessed with the reasonable costs incurred by the Township, in enforcing this Ordinance against such individual or entity, including costs relating to detecting the violation, evaluation of possible corrective action that may reasonably be taken, and the cost of accomplishing the corrective action to the extent that the person, firm, or corporation has failed to comply with the reasonable order of the Zoning Administrator or the Town Board, and court costs and reasonable attorney's fees expending in enforcing this Ordinance. The Town Board may collect unpaid costs or penalties pursuant to Section 366.012, Minnesota Statutes.
- Subd. 5. Appeals. An appeal from any order, requirement, decision or determination of any administrative official, the Planning Commission or the Board of Supervisors shall follow the procedures established by Article 21, Sec.6 of this Ordinance.

REV. AUG. 4, 1999

ARTICLE 27 FEES

SECTION 1. REQUIRED FEES

The fees for a land use permit, rezoning, variance, amendment or conditional use permit shall be established by the Town Board. The Board may review and revise the fee schedule periodically. The Zoning Administrator shall issue the building permit only after the fee has been paid and a determination has been made that the building plans, together with the application, comply with the terms of this Ordinance. Any person filing a petition for an amendment to this Ordinance requesting a variance or a change in regulations within any use district shall pay the prescribed fees according to the schedule established by the Board before any work proposed may commence. The fee is payable at the time of filing a petition and is not refundable.

SECTION 2. EXEMPTIONS

Municipal corporation and governmental agencies shall be exempt from the fee requirements as prescribed by this Ordinance.

ARTICLE 28 VALIDITY

SECTION 1. VALIDITY

This Ordinance and the various parts, sentences, paragraphs, sections, and clauses thereof are hereby declared to be severable. If any part, sentence, paragraph, section or clause is adjudged to be unconstitutional or invalid for any reason by a court of competent jurisdiction, such holding shall not affect the remaining portions of this Ordinance.

SECTION 2. DATE OF EFFECT

This Ordinance shall be in full force and effect from and after its passage and publication.

ADOPTED by the Town Board of Supervisors of Wacouta Township this 1st day of February, 1994.

WACOUTA TOWNSHIP

BY: Gary James Iocco
It's Chairman

ATTEST:

Linda Whipperling
Township Clerk

Recommended by: The Wacouta Township Planning Commission

Date: 2-1-94

Chairman: John Schueller