

ORDINANCE NO. 2000-1

***AN ORDINANCE ESTABLISHING
ZONING REGULATIONS IN
WANAMINGO TOWNSHIP,
GOODHUE COUNTY, MINNESOTA***

The Board of Supervisors of Wanamingo Township Ordains as follows:

SECTION I. MODIFIED GOODHUE COUNTY ZONING ORDINANCE ADOPTED

The Goodhue County Zoning Ordinance, adopted June 4, 1993 and as amended by the Goodhue County Board of Commissioners, to this date and in the future, is the Zoning Ordinance for Wanamingo Township, subject to the following more restrictive provisions which are identified in sequence of the "Articles" in the Goodhue County Zoning Ordinance:

A. ARTICLE 1. SECTION 2. PURPOSE

In addition to the purposes stated in this section, the Wanamingo Town Board of Supervisors finds the following purposes in adopting the Township Zoning Ordinance:

- ◆ Create equity and balance in the qualification for the distribution of limited non-farm residential development in the Township.
- ◆ Limit the number and extent of non-farm intrusions in the Township.
- ◆ Conserve and manage natural resources in the Township.
- ◆ Require safe and effective transportation access for all land uses in the Township.
- ◆ Implement the Wanamingo Township Comprehensive Plan.

B. ARTICLE 3. SECTION 2. BUILDING REGULATION

Subd. 3. Fees for building permits in Wanamingo Township shall be established by resolution of the Board of Supervisors.

Subd. 4. In any instance when a permit is authorized for the construction of a residential dwelling that will replace an existing dwelling, the removal of the existing dwelling shall become a condition of the permit issuance and the certificate of occupancy, and shall be removed within a period of three (3) months of the date of occupancy of the new dwelling.

C. ARTICLE 3. SECTION 3. LOT AREA REQUIREMENTS

All parcels containing residential dwellings must abut a public road, designed and maintained according to the minimum specifications of the appropriate jurisdictional authority, for the entire minimum required width of the parcel.

D. ARTICLE 3. SECTION 6. ACCESS DRIVES AND ACCESS

Access to residential dwelling sites built on or after January 1, 2000 must be provided via public roads designed and maintained according to minimum specifications of the appropriate jurisdictional authority.

**E. ARTICLE 6. EXCAVATION OF MINERAL MATERIALS
SECTION 7. WANAMINGO TOWNSHIP MINERAL EXTRACTION
REQUIREMENTS**

Mineral extraction is permitted in any zoning district subject to the following provisions.

- Subd. 1. Mineral extraction is allowed in the Township through the issuance of an Interim Use Permit.
- Subd. 2. The maximum area allowed in the mineral extraction permit area is twenty (20) acres.
- Subd. 3. The maximum term for a mineral extraction permit is five (5) years. Site rehabilitation must be completed within one (1) of the maximum term specified in the permit.
- Subd. 4. No extraction / restoration shall result in excavation depths greater than fifteen (15) feet; excavations within ten (10) feet of the groundwater elevation; final grades with depressions that have no drainage outlet; final grades which inhibit agricultural use of the site.
- Subd. 5. All topsoil must be separated from the extraction area and stockpiled for future restoration.
- Subd. 6. The Town Board may prohibit mining in areas where the conditions of the access roads and haul routes are, in the judgement of the Town Board, inadequate to sustain repetitive usage by mineral extraction vehicles. The Town Board may modify its decision on the use of local roads if the permit applicant provides adequate financial guarantees to repair and maintain the roadways. The Town Attorney shall recommend the form of financial guarantee to the Town Board.
- Subd. 7. The interim use permit shall specify the requirements for noise control and dust control.
- Subd. 8. The applicant shall enter into an interim use permit agreement, prepared by the Town Attorney and approved by the Town Board.

- Subd. 9. The applicant may be required to furnish the Township with a cash deposit to cover estimated out of pocket expenses that may be incurred by the Township in the review of a permit application. The applicant shall be responsible for the reimbursement of all Township out of pocket expenses incurred in the review, approval, inspection and enforcement of the mineral extraction permit.
- Subd. 10. The applicant shall furnish the Township with a letter of credit or cash escrow, in an amount equal to \$4,000.00 per acre of the permit area, to guarantee restoration of the site after the mineral extraction permit has expired.
- Subd. 11. Fees for mineral extraction permits shall be established by resolution of the Town Board.

F. ARTICLE 10. SECTION 3. CONDITIONAL USES

- Subd. 13. Junk / Salvage reclamation yards are not permitted in Wanamingo Township.

G. ARTICLE 9. SECTION 5. PERMITTED USES

- Subd. 4. Interim uses allowed in Wanamingo Township: Mineral extraction in all zoning districts

H. ARTICLE 10. SECTION 5. GENERAL DISTRICT REGULATIONS

(Subd. 1.A is rewritten to read):

- Subd. 1. Lot Size.
 - A. Dwelling shall be located on a parcel containing at least forty (40) acres and a minimum width of five hundred (500) feet.

I. ARTICLE 10. SECTION 5. GENERAL DISTRICT REGULATIONS

(Subd. 2. is rewritten to read):

- Subd. 2. Density
 - A. One (1) single family dwelling per quarter section unless additional dwellings are permitted by Sections 2 and 3 of this Article.
 - B. Any dwellings allowed by Subd. A. above shall be limited to one per quarter, quarter (1/4, 1/4) section, except as allowed by Sections 2 and 3 of this Article.

J. ARTICLE 10. SECTION 5. GENERAL DISTRICT REGULATIONS

(Add Subd. 8.)

Subd. 8. No residential dwellings built after the effective date of this ordinance, other than the residence of the feedlot owner, shall be located closer than one-half (1/2) mile from an existing permitted feedlot. The alteration, repair or replacement of homes in existence (occupied or inhabitable) on the effective date of this ordinance are exempt from this requirement.

K. ARTICLE 10. SECTION 6. GENERAL REGULATIONS

Subd. 3. Each dwelling shall be located on a parcel which abuts public road, designed and maintained to the minimum specifications of the appropriate jurisdictional authority, for the entire minimum width of the parcel.

L. ARTICLE 11. SECTION 3. CONDITIONAL USES

Subd. 14. Junk / salvage reclamation yards are not permitted in Wanamingo Township.

M. ARTICLE 11. SECTION 5. GENERAL DISTRICT REGULATIONS

(Subd. 1.A is rewritten to read):

Subd. 1. Lot Size.

A. Dwelling shall be located on a parcel containing at least forty (40) acres and a minimum width of five hundred (500) feet.

N. ARTICLE 11. SECTION 5. GENERAL DISTRICT REGULATIONS

(Subd. 2.A is rewritten to read:)

Subd. 2. Density Requirements.

A. One single family dwelling per fifty-three (53) acres unless additional dwellings are permitted by Sections 2 and 3 of this Article.

O. ARTICLE 11. SECTION 5. GENERAL DISTRICT REGULATIONS

(Add Subd. 6)

Subd. 6 No residential dwellings built after the effective date of this ordinance, other than the residence of the feedlot owner, shall be located closer than one-half (1/2) mile from an existing permitted feedlot. The alteration, repair or

replacement of homes in existence (occupied or inhabitable) on the effective date of this ordinance are exempt from this requirement.

P. ARTICLE 11. SECTION 6. GENERAL REGULATIONS

Subd. 5. Each dwelling shall be located on a parcel which abuts public road, designed and maintained to the minimum specifications of the appropriate jurisdictional authority, for the entire minimum width of the parcel.

Q. ARTICLE 24-A. INTERIM USES

SECTION 1. INTERIM USES

In Wanamingo Township, uses identified in ARTICLE 9. SECTION 5. Subd. 4 shall require an interim use permit, approved by the Town Board of Supervisors.

SECTION 2. APPLICATION

Applications for interim use permits shall be submitted to the Township Clerk and shall contain information relevant to the use and comparable in content with the application requirements set forth in ARTICLE 24. SECTION 2. of this Ordinance.

SECTION 3. NOTIFICATIONS AND PUBLIC HEARINGS

Upon receipt of a complete application, the Township Clerk shall schedule a public hearing before the Town Board to consider the interim use permit application. Publication of the hearing notice shall be made in the official newspaper at least ten (10) days prior to the hearing date. Notice of the hearing shall also be mailed to all property owners within one-quarter (1/4) mile of the affected property or to the nearest ten (10) property owners, which ever is a larger number of notices.

SECTION 4. REVIEW

After receipt of a complete application, the Town Board shall act upon the interim use permit within sixty (60) days, unless the applicant is notified in writing prior to the end of the sixty (60) day period that the Town Board requires additional time to complete the review process. Unless the applicant waives or extends the review period, the Town Board must act upon the permit no later than one hundred twenty (120) days from the date of the receipt of the complete application.

SECTION 5. STANDARDS

Subd. 1. The interim use must be allowed in the zoning district where the property is located.

- Subd. 2. The interim use must meet or exceed the performance standards set forth in this ordinance and other applicable ordinances.
- Subd. 3. The interim use must comply with the specific standards for the use identified in this ordinance, and must comply with all conditions of approval which shall be included in an interim use permit agreement.

SECTION 6. CONDITIONS

The Township may attach conditions to approval of a permit to mitigate anticipated adverse impacts associated with the use, to ensure compliance with the standards of approval, to protect the value of other property, and to achieve the goals and objectives of the comprehensive plan.

SECTION 8. TERMINATION

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

- Subd. 1. The date stated in the permit.
- Subd. 2. Upon violation of the condition under which the permit was issued.
- Subd. 3. Upon change in the Township's zoning regulation which renders the use non-conforming.
- Subd. 4. Failure to commence the activity or use permitted within twelve (12) months of the date of permit issuance or a period of inactivity which exceeds twelve (12) months, unless such time frames are specifically waived in the permit.

SECTION 9. REAPPLICATION

No application or reapplication for an interim use permit, which was denied by the Town Board, shall be accepted or reviewed for a period of twelve (12) months from the date of denial.

SECTION II. REPEALER

This Ordinance repeals the **ZONING AND BUILDING ORDINANCE OF THE TOWNSHIP OF WANAMINGO, GOODHUE COUNTY, MINNESOTA**, adopted on June 11, 1962.

SECTION III. EFFECTIVE DATE

This ordinance shall become effective upon its passage and publication according to law.

Adopted this 5th day of July, 2000.

Published in the *News Record* on the 12th day of July, 2000.

ATTEST:

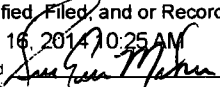
Harold Berquam
Harold Berquam, Chair

Bonnie Hermann, clerk
Bonnie Hermann, Clerk

DOC#: A- 614209

Certified, Filed, and or Recorded on:

May 16, 2014 10:25 AM

Signed  Deputy

LISA M HANNI

GOODHUE COUNTY RECORDER

Fee Amount: \$46.00