

As amended through March, 2017

STILLWATER TOWNSHIP

ZONING ORDINANCE

Chapter One Administration

Chapter Two Zoning Regulations

Part 1: Zoning Maps, Districts and Uses

Part 2: Density and Lot Requirements

Part 3: Performance Standards

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STILLWATER TOWNSHIP ZONING ORDINANCE

**CHAPTER ONE
ADMINISTRATION**

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*Commentary/Interpretive
Purposes Only*

The Zoning Ordinance is intended to implement the Township's vision statement and Comprehensive Plan, and to guide development in the Township.

STILLWATER TOWNSHIP ZONING ORDINANCE

CHAPTER ONE

ADMINISTRATION

SECTION 1. INTENT AND PURPOSE

- 1.1** This Zoning Ordinance is adopted for the following purposes:
- (1) To implement the policies established in the Stillwater Township Comprehensive Plan.
 - (2) To stage development and redevelopment to coincide with the availability of necessary public services.
 - (3) To divide the Township into zoning districts.
 - (4) To define the allowable uses in zoning districts within the Township.
 - (5) To regulate the location, construction, reconstruction, alteration and use of structures and land within the Township.
 - (6) To provide for the compatibility of different land uses and the most appropriate use of land throughout the Township.
 - (7) To conserve and protect natural resources and maintain a high standard of environmental quality.
 - (8) To regulate the placement of structures.
 - (9) To regulate alterations of natural vegetation and topography.
 - (10) To provide a variety in housing.
 - (11) To preserve and protect the rural character, natural landscape, and natural and scenic beauty of the Township.
 - (12) To limit congestion on public roads and to foster public safety and convenience in travel and transportation.
 - (13) To provide protection against fire, explosions, noxious fumes, and other hazards in the interest of public health, safety and comfort.
 - (14) To prevent environmental pollution and to protect surface and ground waters from contamination.

- (15) To preserve the value of land and value of structures throughout the Township.
- (16) To protect and preserve viable agricultural land.
- (17) To provide for the wise use and conservation of energy resources.
- (18) To provide for the gradual and equitable elimination of those uses of land and structures, which do not conform to the standards for the area in which they are located.
- (19) To provide for the enforcement of this Zoning Ordinance and to define and limit the powers and duties of the administrative officers and bodies responsible therefore.

SECTION 2. DEFINITIONS

These terms or words are used in the Zoning Ordinance. This section clarifies how the County is defining these terms or words.

2.1 For the purpose of this Zoning Ordinance, certain words and phrases are defined as follows:

- (1) Accessory Apartment: A secondary dwelling unit within an existing owner-occupied single family dwelling unit for use as a complete independent living facility. A density unit is not attributed to this dwelling unit when calculating density.
- (2) Accessory Structure or Use: A detached structure or a use on the same lot with, and of a nature customarily incidental and subordinate to, the principle structure or use.
- (3) Administrator, Zoning: The Township Zoning Administrator who is appointed by the Stillwater Township Board.
- (4) Agricultural Building: A structure on agricultural land designed, constructed, and used to house farm implements, livestock or agricultural produce or products used by the owner, lessee or sublessee of the building and members of their immediate families, their employees and persons engaged in the pickup or delivery of agricultural produce or products.
- (5) Agricultural-Business, Seasonal: A seasonal business not exceeding six months in any calendar year operated on a rural farm as defined offering for sale to the general public, produce or any derivative thereof, grown or raised on the property.
- (6) Agricultural Use: Land whose use is devoted to the production of horticulture and nursery stock, fruit of all kinds, vegetables, forage, grains, bees and apiary products and raising domestic farm animals. This activity does not need to be the principal source of income.
- (7) Alteration: To change or make different; to remodel or modify.
- (8) Animal Rescue Facility: A property that takes unwanted, abandoned, abused or stray pets, cares for them, and attempts to find suitable permanent homes for them.
- (9) Animal Unit: A unit of measure used to compare differences in the production of animal wastes which has a standard as the amount of waste produced on a regular basis by a slaughter steer or heifer.
- (10) Animals, Domestic Farm: Cattle, hogs, horses, bees, sheep, goats, chickens and other animals commonly kept for commercial food producing purposes.
- (11) Animals, Domestic Pets: Dogs, cats, birds and similar animals commonly kept in a residence. Animals considered wild, exotic or non-domestic, such as bears, lions, wolves,

ocelots and similar animals shall not be considered domestic pets.

- (12) Antenna: That portion of any equipment used to radiate or receive radio frequency energy for transmitting or receiving radio or television waves. Antennas may consist of metal, carbon fiber, or other electromagnetically conductive rods or elements. Antennas are regulated to the extent the regulations are not preempted by the Federal Communications Commission.
- (13) Apartment: A room or suite of rooms with cooking facilities designed to be occupied as a residency by a single family.
- (14) Appraised Valuation: The market value of a structure as determined by the current records of the County Assessor.
- (15) Area, Net Developable: Those lands within a development parcel remaining after the deletion of flood plains, wetlands, slopes greater than twenty-five percent (25%), unbuildable easements or rights-of-way, and required building setbacks.
- (16) Basement: Any floor level below the first story in a building, except that a floor level in a building having only one floor level shall be classified as a basement unless such floor level qualifies as a first story as defined in the Building Code.

- (17) Bed and Breakfast Inn: An owner-occupied private home where accommodations are offered for one or more nights to transients; in addition, a breakfast meal is served on the premises to no more than ten (10) persons.
- (18) Board of Adjustment and Appeals: The Town Board is designated the Board of Adjustments and Appeals, requests for variances, and requests for building permits in Official Map Areas.
- (19) Boarding House: A building other than a motel or hotel where, for compensation and by prearrangement for definite periods, meals or lodging are provided for three (3) or more unrelated persons, but not to exceed eight (8) persons.
- (20) Buffer: A strip of land intended to create physical separation between potentially incompatible uses of land.
- (21) Buildable Land: Land with a slope less than 25 percent, and outside of any required setbacks, except that on a natural environment lake where a 200 foot structure setback is required, the buildable area calculation would be measured from a 150 foot setback rather than the required 200 foot setback; and above any floodway, drainageway, or drainage easement.
- (22) Building: Any structure, either temporary or permanent, having a roof and used or built for the shelter or enclosure of any person, animal or property of any kind. When any portion thereof is completely separated from every other part thereof by area separation, each portion of such building shall be deemed as a separate building.
- (23) Building Code: The Minnesota State Building Code.
- (24) Building Height: The vertical distance above a reference datum measured to the highest point of the coping of a flat roof or to the deck line of a mansard roof or to the average height of the highest gable of a pitched or hipped roof. The reference datum shall be selected by either of the following, whichever yields a greater height of the building:
 - (A) The elevation of the highest adjoining sidewalk or ground surface within a 5 foot horizontal distance of the exterior wall of the building when such sidewalk or ground surface is not more than 10 feet above lowest grade.
 - (B) An elevation 10 feet higher than the lowest grade when the sidewalk or ground surface described in Item A above is more than 10 feet above the lowest

grade. The height of a stepped or terraced building is the maximum height of any segment of the building.

- (25) Building Official: The designated authority charged with the administration and enforcement of the State Building Code.
- (26) Building Permit: A permit required from the responsible governmental agency before any site work, construction or alteration to structures can be started.
- (27) Building Setback Line: A line within a lot parallel to a public right-of-way line, a side or rear lot line, a bluffline or a high water mark or line, behind which buildings or structures must be placed.
- (28) Building Setback: The minimum horizontal distance between the building and the lot line.
- (29) Business: Any occupation, employment or enterprise wherein merchandise is exhibited or sold, or where services are offered for compensation.
- (30) Camouflage Design: A wireless communication facility that is disguised, hidden, or screened, but remains recognizable as a wireless communication facility. Camouflage design facilities must be compatible with the historical, environmental, and cultural character of the surrounding area year round.
- (31) Cellar: Any floor level below the first story in a building, except that a floor level in a building having only one floor level shall be classified as a basement unless such floor level qualifies as a first story as defined in the Building Code.
- (32) Cemetery: Land used or intended to be used for the burial of the dead and dedicated for cemetery purposes and including, but not limited to, columbaria, mausoleums and chapels when operated in conjunction with and within the boundaries of such cemetery.
- (33) Ceremony Facility: A location to conduct a formal ceremony observing a special occasion, and operated with the intention of earning a profit by providing the facility to the public.
- (34) Certificate of Compliance: See Chapter One, Section 8.
- (35) Certificate of Occupancy: A certificate issued by the building official authorizing the use or occupancy of a building or structure.

- (36) Co-location. The placement of wireless communication antennas by two (2) or more service providers on a tower, building, or structure.
- (37) Columbarium: A structure, room, or other space in a building or structure containing niches for inurnment of cremated remains in a place used, or intended to be used, and dedicated for cemetery purposes.
- (38) Commercial Food Producing Farm Operations: See “Farm” definition.
- (39) Commercial Recreation: All uses such as tennis, racquet ball clubs, amusement centers, bowling alleys, golf driving ranges, miniature golf, movie theaters that are privately owned and operated with the intention of earning a profit by providing entertainment to the public.
- (40) Common Open Space: Land held in common ownership used for agriculture, natural habitat, pedestrian corridors and/or recreational purposes which is protected from future development.
- (41) Community Garden: Land which is cultivated by the residents of the development for the production of trees, vegetables, fruits, flowers, herbs and grasses for the residents’ use or to be sold directly to consumers through membership in the garden
- (42) Community Residence: A facility licensed by the State of Minnesota which provides residential and rehabilitative services to persons with developmental disabilities. One density unit is attributed to this residence when calculating density.
- (43) Comprehensive Plan: The policies, statements, goals and interrelated plans for private and public land and water use, transportation and community facilities, including recommendations for planned execution, documented in texts, ordinance and maps which constitute the guide for the future development of the Township.
- (44) Conditional Use: A use listed in the Zoning Ordinance as conditional that may be allowed with conditions or restrictions as provided in the Ordinance. Condominium: An estate in real property consisting of an undivided interest in common with other purchasers in a portion of a parcel of real property, together with a separate interest in space in a residential building.
- (45) Conservation Easement: An interest in real property created in a manner that imposes limitations or affirmative

obligations in regard to the use of property including the retention, protection and maintenance of natural resources, open space and agriculture.

- (46) Conservation Use: Environmentally sensitive and valuable lands protected from any activity that would significantly alter their ecological integrity, balance or character. Conservation uses include lands containing wetlands, hydric soils, woodlands, floodplain, native prairie, wildlife corridors, shorelands, steep slopes and their accessory uses such as interpretive centers and management facilities.
- (47) Contiguous: Parcels of land which share a common lot line or boundary. Parcels which are separated by a road right-of-way, easement, or railroad right-of-way are considered contiguous for the purposes of this Zoning Ordinance.
- (48) Conveyance: Conveyances shall have the meaning specified in Minnesota Statute 272.12.
- (49) Cost of Renovation, Repair or Replacement The fair market value of the materials and services necessary to accomplish such renovation, repair or replacement.
- (50) Crematorium or Crematory: A place where bodies are consumed by incineration and the ashes of the deceased are collected for permanent burial or storage in urns.
- (51) Cultural Resource: The historic and archeological characteristics of the land, including buildings and landscapes, which provide information regarding the history of Washington County and its people.
- (52) Cutoff Angle: The angle formed by a line drawn from the direction of light rays at the light source and a line perpendicular to the ground from the light source above which no light is emitted.
- (53) Cutoff: The point at which all light rays emitted by a lamp, light source or luminaire are completely eliminated at a specific angle above the ground.
- (54) Cutoff Type Luminaire: A luminaire with elements such as shields, reflectors, or refractor panels which direct and cut off the light at a cutoff angle that is less than ninety (90) degrees.
- (55) Decibel: The unit of sound measured on the "A" weighing scale of a sound level meter, set on slow response, the weighing characteristics of which are specified in the a "Standards on Sound Level Meters of the USA Standards Institute".

All Conveyances of land are subject to approval by Washington County.

- (56) Density: The number of dwelling units permitted per acre of land.
- (57) Density Units: The number of individual dwelling units that can be located on a parcel of land as established thorough the use of a yield plan. For the purpose of this Zoning Ordinance, a multi - family residential dwelling is considered as having as many density units as there are individual dwelling units, regardless of whether those units are attached or detached.
- (58) Depth of Lot: The horizontal distance between the frontage right-of-way line and rear lot line. On a corner lot, the side with the largest frontage is its depth, and the side with the lesser frontage is its width.
- (59) Depth of Rear Yard: The horizontal distance between the rear building line and the rear lot line.
- (60) Development Agreement: An agreement with the owner of the whole parcel as charged on the tax lists of the County specifying the number of density units allocated amongst the parcels being created, the zoning district the particular parcels are located in, the fact that the use and development and further conveyance of the parcels is subject to the regulations contained in the Zoning Ordinance.
- (61) Development Code: The official controls adopted by Stillwater Township regulating the physical development of land.
- (62) Dieseling; Disposal Area, On-Site Sewage Treatment: See Chapter Four, Individual Sewage Treatment System Regulations.
- (63) Dredging: The process by which soils or other surface materials, normally transported by surface water erosion into a body of water, are removed for the purpose of deepening the body of water.
- (64) Driveway Access Permit: A permit required from the responsible governmental agency which allows access onto a public road. Such permit must be acquired prior to the issuance of a building permit.
- (65) Dwelling: A building or one (1) or more portions thereof occupied exclusively for human habitation, but not including rooms in hotels, motels, nursing homes, boarding houses. (Also see Dwelling Unit.)
- (66) Dwelling, Duplex or Two Family: A residential building containing two (2) complete dwelling units.

- (67) Dwelling, Multiple Family: A residential building, or portion of a building, containing two (2) or more dwelling units.
- (68) Dwelling, Seasonal: A residential building not capable of year-round occupancy due to non-winterized construction or inadequate non-conforming year-round on-site sewage treatment systems.
- (69) Dwelling, Single: A residential building containing one (1) detached dwelling unit.
- (70) Dwelling Unit: A residential accommodation including complete kitchen and bathroom facilities, permanently installed, which is arranged, designed, used or intended for use exclusively as living quarters for one (1) family.
- (71) Engineer: The Township Engineer.
- (72) Equestrian Uses: Those uses commonly associated with the raising, maintaining and training of horses for riding, racing or breeding.
- (73) Essential Services - Governmental Uses, Buildings and Storage: An area of land or structures used for public purposes, storage or maintenance and which is owned or leased by a governmental unit.
- (74) Essential Services - Utility Substation: A utility use whose function is to reduce the strength, amount, volume, or configuration of utility flow from a bulk wholesale quantity in large size a long distance transmission lines to small retail quantities in neighborhood distribution system. These uses include electric substations, telephone switching and relay facilities, water and sewage pumps and lift stations. Business offices associated with these uses are not included as part of this definition.
- (75) Exterior Storage: The storage of goods, materials, equipment, manufactured products and similar items not fully enclosed by a building.
- (76) Family: An individual, or two (2) or more persons each related by blood, marriage, adoption, or foster care arrangement, living together as a single housekeeping unit, or a group of not more than six (6) persons not related, maintaining a common household, exclusive of servants.
- (77) Farm: Land whose use is devoted to agricultural uses or the raising and/or breeding of livestock.

- (78) Feedlot: A lot or building or combination of lots and buildings intended for the confined breeding, raising or holding of animals and specifically designed as a confinement area in which manure may accumulate or where concentration of animals is such that a vegetative cover cannot be maintained with the enclosure of open lots used for feeding and rearing of poultry shall be considered feedlots. Pastures are not considered feedlots.
- (79) Fence: A partition, structure, wall or gate erected as a dividing marker, visual or physical barrier, or enclosure.
- (80) Fill: Any act by which soil, earth, sand, gravel, rock or any similar material is deposited, placed, pushed or transported and shall include the conditions resulting there from.
- (81) Final Plat: A drawing or map of an approved subdivision, meeting all requirements of Chapter Three, Subdivision Regulations and in such form as required by the community for purposes of recording.
- (82) Flag Lot: A lot with access provided to the bulk of the lot by means of a narrow corridor.
- (83) Flashing Light: A light source which is not constant in intensity or color at all times while in use.
- (84) Floodplain: The beds proper and the areas adjoining a wetland, lake or watercourse which have been or hereafter may be covered by a regional flood.
- (85) Floor Area: The gross area of the main floor of a residential building measured in square feet and not an attached garage, breezeway or similar attachment.
- (86) Floor Area, Gross: The sum or the gross area of the various floors of a building measured in square feet. The basement floor area shall not be included unless such area constitutes a story.
- (87) Floor Area Ratio: The numerical value obtained through dividing the gross floor area of a building or buildings by the net area of the lot or parcel of land on which such building or buildings are located.
- (88) Floor Plan, General: A graphic representation of the anticipated use of the floor area within a building or structure.
- (89) Foot Print: The length and width of the building's foundation and the building's height.

- (90) Footcandle: A unit of illumination produced on a surface, all points of which are one foot from a uniform point source of one candle.
- (91) Frontage: That boundary of a lot which abuts a public street or private road.
- (92) Garage, Private: A detached one-story accessory building, or portion of the principal building, including a carport, which is used primarily for the storing of passenger vehicles, trailers or farm trucks.
- (93) Garage, Storage: Any premises, except those described as a private or public garage used exclusively for the storage of power-driven vehicles.
- (94) Golf Course: An area of land laid out for golf with a minimum series of nine (9) holes each including a tee, fairway, and putting green and often one or more natural or artificial hazards.
- (95) Governing Body: The Town Board of Supervisors of Stillwater Township.
- (96) Guyed Tower. A tower that is tied to the ground or other surface by diagonal cables.
- (97) Hazardous Material: Hazardous material means a chemical or substance, or a mixture of chemicals or substances, which:
 - (A) Is regulated by the federal Occupational Safety and Health Administration under Code of Federal Regulations, title 29, part 1910, subpart Z; or
 - (B) Is either toxic or high toxic, an irritant, corrosive, a strong oxidizer, a strong sensitizer, combustible, either flammable or extremely flammable, dangerously reactive, pyrophoric, pressure-generating, a compressed gas, a carcinogen, a teratogen, a mutagen, a reproductive toxic agent, or that otherwise, according to generally accepted documented medical or scientific evidence, may cause substantial acute or chronic personal injury or illness during or as a direct result of any customary or reasonably foreseeable accidental or intentional exposure to the chemical or substance.
- (98) Health/Recreation Facility: An indoor facility including uses such as game courts, exercise equipment, locker rooms, Jacuzzi, and/or sauna and pro shop.

- (99) High Power Transmission Line: A 69 kV or greater electric transmission line with towers a minimum of 75 feet in height.
- (100) Historic Building and Structure: A structure which has been identified by the Washington County History Network inventory or the State Historic Preservation Office as having public value due to their notable architectural features relating to the cultural heritage of the County.
- (101) Home Occupation: Use of a property zoned residential or agricultural for gainful employment which is a) clearly incidental and subordinate to the use of the property as residential; b) carried on solely within the main dwelling or an accessory building; c) does not alter or change the exterior character of appearance of the property; and d) is created and operated by the occupant of the dwelling.

Examples of potentially allowable home occupations include: office, professional service, hairdressing by occupant only, minor repair services excluding automobile or truck repair, photo/art studio, dressmaking or alterations, and teaching/tutoring limited individual lessons. Home occupations are not limited to this list and occupations on this list do not automatically qualify.

Examples of uses not allowed under this definition include: auto repair and painting, barber shops and/or beauty salons, kennels for the keeping of any domestic or non-domestic animals, medical offices, private schools with organized classes, tourist homes, restaurants, and retail sales. Prohibited uses are not limited to this list.

- (102) Homeowners Association: A formally constituted non-profit association or corporation made up of the property owners and/or residents of the development for the purpose of owning, operating and maintaining the common open space and facilities.
- (103) Homesteaded Dwelling: A dwelling that is occupied and used for the purposes of a homestead by its owner pursuant to Minnesota Statutes § 273.124.

- (104) Horse Show: An event where horses not boarded on the subject property are shown to the general public and guests.
- (105) Horse Training Facility, Commercial: An accessory building in which horses not owned by the property owner are kept for commercial use including boarding, breeding, hire, sale, show, and training.
- (106) Horse Training Facility, Private: An accessory building incidental to the existing residential, principal use in which horses owned by the property owner are kept for private use and training.
- (107) Individual Parcel: A parcel as a whole as charged on the tax lists, or two or more contiguous parcels under common ownership on the effective date of this Zoning Ordinance.
- (108) Subsurface Sewage Treatment System (or SSTS): An individual sewage treatment system or part thereof, as set forth in Minnesota Statutes, that employs sewage tanks or other treatment devices with final discharge into the soil below the natural soil elevation or elevated final grade that are designed to receive a sewage design flow of 5,000 gallons per day or less. SSTS includes the holding tanks and privies, but does not include any pump tanks used in as sewage collection system.
- (109) Interim use: a temporary use of property until a particular date, until the occurrence of a particular event, or until zoning regulations no longer permit it.
- (110) Intermodal Shipping Container: “Intermodal container,” “freight container,” or “shipping container” is a temporary structure that is a transport and storage unit for moving products and raw materials between locations and countries. A typical container has doors fitted at one end, and is constructed of corrugated weathering steel.
- (111) Inoperative: Incapable of movement under its own power.
- (112) Kennel, Commercial: Any place where four (4) or more of any type of domestic pets, over six (6) months of age, are boarded, bred, trained or offered for sale. Commercial Kennels do not include pet shops, veterinary offices, or animal rescue facilities.
- (113) Kennel, Private: Any place where four (4) or more of any type of domestic pets, over six (6) months of age, are owned by any member of the household. Private kennels are accessory to the principal use of the property.

- (114) Land Alteration: The reclaiming of land by depositing or moving material so as to alter the grade or topography.
- (115) Land Clearing: The removal of a contiguous group of trees and other woody plants in an area of 20,000 square feet or more within any twelve (12) month period.
- (116) Landscaping: Planting trees, shrubs and turf covers such as grasses and shrubs.
- (117) Lattice Tower: A tower that is self-supporting with multiple legs and cross bracing of structural steel.
- (118) Light Duty Maintenance: Railroad maintenance that does not utilize mechanized power sources other than motorized track inspection cars.
- (119) Light Fixture, Outdoor: Outdoor electrically powered illuminating devices, outdoor lighting or reflective surfaces, lamps and similar devices, permanently installed or portable, used for illumination or advertisement. The fixture includes the hardware that houses the illumination source and to which the illumination source is attached including, but not limited to, the hardware casing. Such devices shall include, but are not limited to, search, spot and flood lights for a) buildings and structures, b) recreational areas, c) parking lot lighting, d) landscape lighting, e) billboards and other signs, f) street lighting, g) product display area lighting, and h) building overhangs and open canopies.
- (120) Light Source: A single artificial point source of luminescence that emits measurable radiant energy in or near the visible spectrum.
- (121) Lighting, Outdoor: Any light source or collection of light sources, located outside a building, including but not limited to, light sources attached to any part of a structure, located on the surface of the ground or located on free standing poles.
- (122) Livestock: Domestic farm animals including, but not limited to, cattle, hogs, horses, bees, sheep, goats, chickens and other animals commonly kept for commercial food production purposes.
- (123) Livestock Operations: A lot or structure or combination of lots and structures intended for the breeding, raising or holding of eleven (11) or more animal units.
- (124) Loading Space: A space, accessible from a street, alley or way, in or outside of a building, for the use of trucks while loading and unloading merchandise or materials.

- (125) Lot: A parcel of land designated by metes and bounds, registered land survey, plat or other means, and which description is either recorded in the Office of the Washington County Recorder or Registrar of Titles or used by the County Treasurer or County Assessor to separate such parcel from other lands for tax purposes.
- (126) Lot Area: The area of a horizontal plane within the lot lines.
- (127) Lot Area, Minimum Per Dwelling Unit: The minimum number of square feet or acres of lot area required per dwelling unit.
- (128) Lot, Buildable: A lot which meets or exceeds all requirements of the Washington County Zoning Ordinance without the necessity of variances.
- (129) Lot, Corner: A lot situated at the junction of and abutting two (2) or more intersecting streets; or a lot at the point of a deflection in alignment of a single street, the interior angle of which does not exceed one hundred thirty-five (135) degrees.
- (130) Lot Coverage: That portion of a lot containing an artificial or natural surface through which water, air or roots cannot penetrate. This definition includes, but is not limited to, driveways, structures, patios and decks.
- (131) Lot Depth: The mean horizontal distance between the front and rear lines of a lot.
- (132) Lot, Interior: A lot other than a corner lot, including through lots.
- (133) Lot Line: A lot line is the property line bounding a lot, except that where any portion of a lot extends into a public right-of-way or a proposed public right-of-way, the line of such public right-of-way shall be the lot line.
- (134) Lot Line, Front: That boundary of a lot which abuts a public street or a private road. In the case of a corner lot, it shall be the shortest dimension of a public street. If the dimensions of a corner lot are equal, the front lot line shall be designated by the owner. In the case of a corner lot in a non-residential area, the lot shall be deemed to have frontage on both streets.
- (135) Lot Line, Rear: That boundary of a lot which is opposite to the front lot line. If the rear lot line is less than ten (10) feet in length, or if the lot forms a point at the rear, the rear lot line shall be a line ten (10) feet in length within the lot, parallel to, and at the maximum distance from the front lot line.

- (136) Lot Line, Side: Any boundary of a lot which is not a front lot line or a rear lot line.
- (137) Lot, Through: Any lot other than a corner lot which abuts more than one (1) street. On a through lot, all property lines abutting the road right-of-way shall be considered the front lines.
- (138) Lot Width: The horizontal distance between the side lot lines of a lot measured at the setback line.
- (139) Luminaire: A complete lighting unit consisting of a light source and all necessary mechanical, electrical and decorative parts.
- (140) Major Highway: Those highways and/or roadways which are classified as principal and minor arterials and collectors in Figure T-1, Existing Functional Classification System of the County Comprehensive Plan.
- (141) Manufactured Home: A structure transportable in one or more sections, which in the traveling mode, is eight body feet or more in width or 40 body feet or more in length, or, when erected on site, is 320 or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained therein; except that the term includes any structure which meets all the requirements and with respect to which the manufacturer voluntarily files a certification required by the secretary and complies with the standards established under the Minnesota Statutes Chapter 327. 31, Subd. 3. No manufactured dwelling shall be moved into the Township that does not meet the Manufactured Home Building Code as defined in Minnesota Statutes Chapter 327.31, Subd. 3.
- (142) Manure: Any solid or liquid containing animal excreta.
- (143) Midsized subsurface sewage treatment system (or MSTS): An individual sewage treatment system, or part thereof, as set forth in Minnesota Statutes, that employs sewage tanks or other treatment devices with final discharge into the soil below the natural soil elevation or elevated final grade and that is designed to receive sewage from dwellings or other establishments with a design flow of greater than 5,000 gallons per day to 10,000 gallons per day. MSTS also includes on-lot septic tanks, holding tanks, and privies, but does not include any pump tanks used in sewage collection system. MSTS does not include those components defined as plumbing under Minnesota Rules.

- (144) Mining: The excavation, removal, storage or processing of sand, gravel, rock, soil, clay, or other deposits. For the purposes of this Zoning Ordinance, mining shall not include the excavation, removal, or storage of rock, sand, dirt, gravel, clay, or other material for the following purposes:
- (A) Excavation for the foundation, cellar, or basement of some pending structure for which a permit has been issued and which is to be erected immediately following the excavation, removal or storage.
 - (B) On-site construction of approved roads, sewer lines, storm sewers, water mains, surface water drainage approved by the local unit of government, agriculture or conservation purposes, sod removal, or other public utilities.
 - (C) Landscaping purposes on a lot used or to be used as a building site.
 - (D) Grading/excavation of less than one acre of land in conjunction with improvement of a site for lot development, providing activities will be completed in one year.
 - (E) The removal of excess materials in accordance with approved plats or highway construction.
- (145) Monopole. A tower that is self-supporting with a single shaft of wood, steel or concrete and a platform (or racks) for panel antennas arrayed at the top.
- (146) Motorized Track Inspection Vehicle: A wheeled vehicle used for track maintenance which is powered by a motor sized to propel the vehicle only and which is not designed to pull other rolling stock.
- (147) Moving Permit: A permit required from the responsible governmental agency prior to the moving of any partially or wholly erected structure from one location to another.
- (148) Municipality: A city or township, however organized.
- (149) Natural Drainageway: A depression in the earth's surface, such as ravines, draws and hollows, that has definable beds and banks capable of conducting surface water runoff from adjacent lands.
- (150) Natural Resources: The physical values of the land supplied by nature including, but not limited to, animal life, plant life, soil, rock, minerals and water.

- (151) Neighborhood: An area containing a contiguous group of residential lots distinguishable by some identifiable feature or point of reference, where people live in close proximity to one another.
- (152) Noise, Ambient: The all-encompassing noise associated with a given environment, being either a composite of sounds transmitted by any means from many sources near and far or a single predominate source.
- (153) Nominal Parcel: A parcel not reduced by more than ten percent (10%) of its lot area due to road right-of-way dedication.
- (154) Nonconforming Lot: A separate parcel or lot of record on the effective date of this Zoning Ordinance, or any amendments thereto, which lot or parcel does not conform to the regulations, including dimensional standards, contained in this Zoning Ordinance or amendments thereto.
- (155) Nonconforming Use: Any legal or lawful use of land or any legal or lawful use of a structure existing on the effective date of this Zoning Ordinance, or any amendments thereto, which does not conform with the regulations for the district in which it is located after the effective date of this Zoning Ordinance or such amendment.
- (156) Noxious Matter: Material which is capable of causing injury or is in any way harmful to living organisms or is capable of causing detrimental effect upon the physical or mental health of human beings.
- (157) Nursery, Day: A use where care is provided for three (3) or more children under kindergarten age for periods of four (4) hours or more per day for pay.
- (158) Official Control: Legislatively defined and enacted policies, standards, precise detailed maps, and other criteria, all of which control the physical development of a municipality or a county, or any part thereof, or any detail thereof, and the means of translating into ordinances all or any part of the general objectives of the comprehensive plan. Such official controls may include, but are not limited to ordinances establishing zoning, subdivision controls, site plan regulations, sanitary codes, building codes, housing codes and official maps and have been adopted by Stillwater Township as the Zoning Ordinance.
- (159) Official Map: A map adopted in accordance with the provisions of Minnesota State Statutes, 394.361.

- (160) On-site septic system: An individual subsurface sewage treatment system (ISTS) or a midsized subsurface sewage treatment system (MSTS).
- (161) Open Sales Lot: Lands devoted to the display of goods for sale, rent, lease or trade where such goods are not enclosed within a building.
- (162) Open Space: Land used for agriculture, natural habitat pedestrian corridors and/or recreational purposes, that is undivided and permanently protected from future development.
- (163) Open Space Design Development: A pattern of subdivision development which places residential dwelling units into compact groupings while providing a network of dedicated open space.
- (164) Open Storage: Storage of any material outside of a building.
- (165) Ordinance: The Stillwater Township Zoning Ordinance.
- (166) Outdoor Wood-burning Furnace/Boiler: A fuel-burning device that is designed for outdoor installation or installation in structures not normally occupied by humans to heat building space and/or water via the distribution, typically through pipes, of a fluid heated in the device, typically water or a water/antifreeze mixture.
- (167) Overlay District: A zoning district shown as an overlay on the zoning map.
- (168) Owner: Includes all persons interested in a property as fee simple owner, life estate holder, encumbrancer.
- (169) Parking Space: A suitably surfaced and permanently maintained area on privately owned property either within or outside of a building of sufficient size to store one (1) standard automobile.
- (170) Pasture: Areas where grass or other growing plants are used for grazing and where the concentration of animals is such that a vegetation cover is maintained during the growing season.
- (171) Pedestrian Way: A public or private right-of-way across or within a block or tract, to be used by pedestrians.
- (172) Performance Standards: The minimum development standards as adopted by the governing body and on file in the office of the zoning administrator.

- (173) Perimeter Road: A road lying outside of and abutting the development parcel.
- (174) Person: Any person, corporation or association, including governmental agencies and political entities.
- (175) Place of Worship: A building, together with its accessory buildings and uses, where persons regularly assemble for religious worship and which building, together with its accessory buildings and used, is maintained and controlled by a religious body organized to sustain public worship.
- (176) Planned Unit Development: All developments having two or more principal uses on a single parcel of land; and may include townhomes, multi-use structures, recreational uses, mixed residential and commercial type developments, commercial type developments and industrial type developments.
- (177) Plant Community: A grouping of plants with common environmental requirements living within the landscape, i.e., wetlands, grasslands, boreal forests.
- (178) Plant Nursery: A building or premises used primarily for the growing, wholesale and retail sales of trees, shrubs, flowers, other plants and accessory products excluding power tools, tractors, decorative rock, tree bark, gravel, and compost. Accessory products are those products which are used in the culture, display and decoration of lawns gardens and indoor plants.
- (179) Plant Nursery, Commercial: A building or premises used primarily for the retail sale of trees, shrubs, flowers or other plants which may not have been grown or raised on the property.
- (180) Platted Land: Lands with legal descriptions described as lot, block, plat name.
- (181) Prime Farmland: Land that has the best combination of physical and chemical characteristics for producing food, feed, forage, fiber and oilseed crops. It has the soil quality, growing season, and moisture supply needed to economically produce sustained high yields of crops when treated and managed, including water management, according to acceptable farming methods.
- (182) Principal Structure or Use: One which determines the predominant use as contrasted to accessory use or structure.
- (183) Private Recreational Area: A recreation use particularly oriented to utilizing the outdoor character of an area

including hiking and riding trails, interpretative areas and other passive forms of recreation and not open to the general public.

- (184) Protective or Restrictive Covenant: A contract entered into between private parties which constitutes a restriction of the use of a particular parcel of property.
- (185) Public Land: Land owned and/or operated by a governmental unit, including school districts.
- (186) Public Recreation Facility: An outdoor recreation facility owned or operated by a non-profit organization in which athletic activities are permitted to be played by the general public. Examples of such a facility would be a softball complex, soccer fields, etc.
- (187) Public Waters: All lakes, ponds, swamps, streams, drainageways, floodplains, floodways, natural water courses, underground water resources, and similar features involving, directly or indirectly, the use of water within the community.
- (188) Quarter-Quarter Section: A tract of land legally described as a full quarter-quarter section or a 40 acre parcel not reduced by more than 10% due to road right-of-way dedication.
- (189) Radio Frequency (RF) Engineer. An engineer specializing in electrical or microwave engineering, especially the study of radio frequencies.
- (190) Recreation Equipment: Play apparatus such as swing sets and slides, sandboxes, poles for nets, unoccupied boats and trailers not exceeding twenty-five (25) feet in length, picnic tables, lawn chairs, barbecue stands and similar equipment or structures, but not including tree houses, swimming pools, play houses exceeding twenty-five (25) square feet in floor area, or sheds utilized for storage of equipment.
- (191) Recreation Use, Active: All uses, such as tennis, racquet ball clubs, amusement centers, bowling alleys, golf driving ranges, miniature golf, movie theaters, and similar activities which are used as a commercial enterprise.
- (192) Recreation Use, Passive: A recreation use particularly oriented to utilizing the outdoor character of an area for passive forms of recreation such as employee recreation areas, nature centers, conservancy, and interpretive centers.
- (193) Recreation Vehicle: Any vehicle or structure designed and used for temporary, seasonal human living quarters which meets all of the following qualifications (a) is not used as the permanent residence of the owner or occupant; (b) is used for

temporary living quarters by the owner or occupant while engaged in recreation or vacation activities; (c) is towed or self-propelled on public streets or highways incidental to such recreation or vacation activities; (d) examples of such vehicles include van campers, tent camping trailers, self-contained travel trailers, pick-up campers, camping buses, and self-contained self-propelled truck chassis mounted vehicles providing living accommodations.

- (194) Recyclable Materials: Materials that are separated from mixed municipal solid waste for the purpose of recycling. For the purpose of this Zoning Ordinance, these materials are limited to paper, glass, plastics and metals. Refuse derived fuel (RDF) is not a recyclable material under the provisions of this Zoning Ordinance.
- (195) Recycling: The process of collecting and preparing recyclable materials and reusing the materials in their original form or using them in manufacturing processes that do not cause the destruction of recyclable materials in a manner that precludes further use.
- (196) Refuse: Putrescible and non-putrescible solid wastes, including garbage, rubbish, ashes, incinerator ash, incinerator residue, street cleanings, and market and industrial solid wastes, and including municipal treatment wastes which do not contain free moisture.
- (197) 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 the average frequency in the magnitude of 100 year recurrence interval. Regional flood is synonymous with the term "Base Flood" used in the Flood Insurance Study.
- (198) Research: Medical, chemical, electrical, metallurgical or other scientific research and quality control, conducted in accordance with the provisions of this Zoning Ordinance.
- (199) Resource Inventory: A survey of the land's features including its natural resources, cultural resources, scenic views and viewsheds, and physical characteristics.
- (200) Road, Approved Private: A private road which has been approved by resolution of the Town Board of Supervisors. Such resolution must specify the road, indicate the road is capable of supporting emergency vehicles and specify that provisions exist for the ongoing maintenance of the road.
- (201) Road, Public: A road owned and maintained by a government jurisdiction.

- (202) Roadside Sales Stand: A structure used only for the display and sale of products with no space for customers within the structure, on a seasonal basis.
- (203) Rolling Stock: Wheeled vehicles utilized on a railroad track.
- (204) Runway: A surface of an airport landing strip.
- (205) Runway Instrument: A runway equipped with air navigation facilities suitable to permit the landing of aircraft by an instrument approach under restricted visibility conditions.
- (206) Scenic Resources: That part of the landscape which provides a picturesque view and may contain outstanding recreational, natural, historic, scientific and manmade values.
- (207) School: A facility that provides a curriculum of pre-school, elementary, secondary, post-secondary and other instruction including, but not limited to, child day care centers, kindergartens, elementary, junior high, high schools and technical or college instruction.
- (208) Screening: Screening includes earth mounds, berms or ground forms; fences and walls; landscaping (plant materials) or landscaped fixtures (such as timbers); used in combination or singularly, so as to block direct visual access to an object throughout the year.
- (209) Security Lighting: Outdoor lighting fixtures installed exclusively as a measure to reduce the possible occurrence of a crime on the property.
- (210) Self-contained Pole. A tower that is self-supporting with a single shaft of wood, steel or concrete that has the same diameter throughout or tapers to the top and has no platform or racks.
- (211) Self-Service Storage: A structure or structures containing separate storage spaces of varying sizes which are leased or rented individually.
- (212) Septic Permit: A permit required from the responsible governmental agency for the installation of any new or replacement on-site sewage disposal system.
- (213) Setback: The minimum horizontal distance between a structure and street right-of-way, lot line or other reference point as provided by Ordinance. Distances are to be measured perpendicularly from the property line to the most outwardly extended portion of the structure.

- (214) Shielding: A technique or method of construction permanently covering the top and sides of a light source by a material which restricts the light emitted to be projected below an imaginary horizontal plane passing through the light fixture.
- (215) Sign: Any letter, word or symbol, device, poster, picture, statuary, reading matter or representation in the nature of an advertisement, announcement, message, or visual communication, whether painted, posted, printed, affixed, or constructed, which is displayed outdoors for informational or communicative purposes.
- (216) Sign, Accessory: A sign that is related in its subject matter to the use(s) or activities at the premises on which it is located.
- (217) Sign Area: The entire area within a continuous perimeter enclosing the extreme limits of such sign. Such perimeter shall not include any structural elements lying outside of such sign and not forming an integral part or border of the sign.
- (218) Sign, Billboard: A large, off-site sign mounted on one or more legs and designed to display posters or other composite graphics
- (219) Sign, Height: The vertical distance measured from the base of the sign at grade to the top of the highest attached component of the sign.
- (220) Sign, Dynamic Display: A sign that appears to have movement or that appears to change, caused by any method other than physically removing and replacing the sign or its components, whether the apparent movement or change is in the display, the sign structure itself, or any other component of the sign. This includes a display that incorporates a technology or method allowing the sign face to change the image without having to physically or mechanically replace the sign face or its components. This also includes any rotating, revolving, moving, flashing, blinking, or animated display and any display that incorporates rotating panels, LED lights manipulated through digital input, "digital ink," or any other method or technology that allows the sign face to present a series of images or displays.
- (221) Sign, Illuminated: Any sign which is illuminated by an artificial light source, which shall include all electronic signs utilizing internal light sources and any sign that makes use of electric lighting.

- (222) Sign, Monument: A freestanding sign with its sign face mounted on the ground or mounted on a base anchored directly to the ground and is equal to at least fifty percent (50%) of the width of the sign.
- (223) Sign, Non-accessory: A sign that is not related in its subject matter to the use(s) or activities at the premises on which it is located.
- (224) Sign, Off-Premises: A sign that directs attention to a use that is not located upon the premises where the sign is located or to which it is attached.
- (225) Sign, Pedestal: A ground sign usually erected on one (1) central shaft or post which is solidly affixed to the ground.
- (226) Sign, Pylon: A freestanding sign greater than twenty (20) feet in height, located on highways or freeways.
- (227) Sign, Roof: A sign erected upon or above a roof or parapet of a structure.
- (228) Sign, Wall: A sign attached to or erected against the wall of a structure with the exposed face of the sign a plan parallel to the plane of said wall.
- (229) Sign, Warning: A sign that indicates a hazard.
- (230) Solar Collector: A device, structure or a part of a device or structure for which the primary purpose is to capture sunlight and transform it into thermal, mechanical, chemical or electrical energy.
- (231) Solar Energy: Radiant energy received from the sun that can be collected in the form of heat or light by a solar collector.
- (232) Solar Energy System (SES): A device or structural design feature, a substantial purpose of which is to provide daylight for interior lighting, or provide for the collection, storage, and distribution of solar energy for space heating, cooling, electrical generation, or water heating.
- (233) Solar Energy System, Active: An active system that collects or stores solar energy and transforms solar energy into another form of energy or transfers heat from a collector to another medium using mechanical, electrical, thermal or chemical means.
- (234) Solar Energy, Building-Integrated: A solar energy system that is an integral part of a principal or accessory building, replacing or substituting for an architectural or structural component of the building. Building integrated systems

include, but are not limited to, photovoltaic or hot water solar energy systems that are contained within or substitute for roofing materials, windows, skylights, awnings, and shade devices.

- (235) Solar-Energy System, Ground-Mounted: A freestanding solar system mounted directly to the ground using a rack, pole, or stabilizers or similar apparatus rather than being mounted on a building.
- (236) Solar-Energy System, Residential (RSES): A solar energy system that is accessory to the primary residential land use, and designed to supply energy solely for the residential use on the parcel.
- (237) Solar Energy System, Roof- or Building-Mounted : Solar energy system (typically panels) that are mounted on the roof or building using brackets, stands or other apparatus.
- (238) Solar Hot Water System: A system that includes a solar collector and a heat exchanger that heats or preheats water for building heating systems or other hot water needs.
- (239) Spillage: Any reflection, glare or other artificial light emission onto any adjoining property or right-of-way above a defined maximum illumination.
- (240) Stealth Design. A wireless communication facility that is designed to model or mimic something in the surrounding landscape, such as silos in farm settings or trees in forested lands, and is unrecognizable year round as an antenna or antenna mount.
- (241) Story: That portion of a building included between the upper surface of any floor and the upper surface of the floor next above, except that the topmost story shall be that portion of a building included between the upper surface of the topmost floor and the ceiling or roof above. If the finished floor level directly above a useable or unused under-floor space is more than 6 feet above the grade as defined in the Building Code for more than 50 percent of the total perimeter or is more than 12 feet above grade as defined in the Building Code any point, such usable or unused under-floor space shall be considered as a story.
- (242) Street: A public right-of-way which affords a primary means of access to abutting property.
- (243) Street, Collector: A street which serves or is designed to serve as a trafficway for a neighborhood or as a feeder to a major road.

- (244) Street, Intermediate or Minor Arterial: A street which serves or is designed to serve heavy flows of traffic and which is used primarily as a route for traffic between communities and/or other heavy traffic generating areas.
- (245) Street, Local: A street intended to serve primarily as an access to abutting properties.
- (246) Street Pavement: The wearing or exposed surface of the roadway used by vehicular traffic.
- (247) Street Width: The width of the right-of-way measured at right angles to the centerline of the street.
- (248) Structural Alteration: Any change, other than incidental repairs, which would affect the supporting members of a building, such as bearing walls, columns, beams, girders or foundations.
- (249) Structure: Something built or constructed; used interchangeably with “building” for purposes of this Zoning Ordinance.
- (250) Structure, Nonconforming: Any structure lawfully or legally existing on the effective date of this Zoning Ordinance, or any amendment thereto, which does not conform to the regulations, including the dimensional standards, for the district in which it is located after the effective date of this Zoning Ordinance or amendments thereto.
- (251) Structure, Temporary: a building or shelter that is erected on a seasonal or other temporary basis for up to 180 days. Temporary structures include Intermodal Shipping Containers. Temporary structures do not include camping tents, events tents or other tent structures erected on a short-term basis.
- (252) Subdivision: The process of dividing land into two or more parcels for the purpose of transfer of ownership, building development or tax assessment purposes by platting, replatting, registered land survey, conveyance sale, contract for sale or other means by which a beneficial interest in land is transferred.
- (253) Subdivision, Major: All subdivisions not classified as minor subdivisions including, but not limited to, subdivisions of four (4) or more lots, or any size subdivision requiring any new street or extension of an existing street.
- (254) Subdivision, Minor: Any subdivision containing three (3) or less lots fronting on an existing street, not involving any new street or road, or the extension of municipal facilities, or the

creation of any public improvements, and not adversely affecting the remainder of the parcel or adjoining property, and not in conflict with any provisions or portion of the Comprehensive Plan, Official Map, Zoning Regulations or these regulations.

- (255) Subsurface sewage treatment system (or SSTS): An individual subsurface sewage treatment system (SSTS) or a mid-sized subsurface sewage treatment system (MSTS).
- (256) Temporary Dwelling, Care Facility: A manufactured home which temporarily serves as a residence for an infirm relative of the occupants residing in the primary single family residence on the property where such relative requires care by the family.
- (257) Temporary Dwelling, During Construction: A mobile home which temporarily serves as a residence for the present or potential occupant which the primary single family residence is being constructed, reconstructed or altered.
- (258) Temporary Dwelling, Farm: A mobile home located in an agricultural district which is an accessory dwelling unit occupied by members of the family engaged in farming on the premises and meeting other criteria specified in the Zoning Ordinance.
- (259) Tower. Any pole, spire, structure, or combination thereof in excess of 35 feet in height including supporting lines, cables, wires, braces, and masts, intended primarily for the purpose of holding antennas for wireless communication.
- (260) Tower Accessory Structure: A structure located at the base of the tower housing base receiving/transmitting equipment.
- (261) Use: The function for which property can be used.
- (262) Use, Accessory: A use subordinate to and serving the principal use or structure on the same lot and customarily incidental to such principal use.
- (263) Use, Open Space: The use of land without a structure or including a structure incidental to the open space use.
- (264) Use, Primary: That use which is the normal use for property within a district. Primary uses do not require a certificate of compliance or a conditional use permit.
- (265) Vegetation, Natural: Plant life which is native to the location and which would normally grow if the ground were left undisturbed.

(266) Veterinary: Those uses concerned with the diagnosis, treatment and medical care of animals, including animal or pet hospitals.

(267) Vision Statement. Stillwater Township's Vision Statement is as follows: "Stillwater Township is a rural residential community located in the St. Croix River valley. It has a beautiful natural landscape of hills, woods, streams and lakes, and a portion of the Township overlooks the St. Croix River. Farms and homes on large acreage are the primary land uses in the Township.

"Stillwater Township will continue to actively support the rural residential lifestyle as an alternate to city development. The Township promotes and encourages lifestyle and land use practices that protect the natural environment and rural character of the area, and works diligently to ensure that open space, views and vistas, wildlife and water resources are preserved. This will be accomplished through careful land development and stewardship, as well as continuing to provide a responsive government and cost efficient rural services."

- (268) Waterfront Uses, Residential: Boat docks and storage, fish house, fish cleaning, water recreation equipment and other uses normally incidental to a lakeshore residence, provided such uses are for the exclusive use of the occupants and nonpaying guests.
- (269) 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 the Zoning Ordinance, wetlands must a) have a predominance of hydric soils; b) 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 c) under normal circumstances, support a prevalence of hydrophytic vegetation. Wetlands generally include swamps, marshes, bogs and similar areas.
- (270) Wind Energy Conversion System (WECS): A wind energy conversion system is defined as one (1) tower with rotors and motors with one (1) conversion generator.
- (271) Wireless Communication Facility. Hardware that provides wireless communication services, including antennas, towers, and all associated equipment.
- (272) Yard: The open space on an occupied lot which is not covered by any structure.
- (273) Yard, Front: A yard extending across the front of the lot between the inner side yard lines and lying between the front line of the lot and the nearest building line.
- (274) Yard, Rear: A yard extending across the rear of the lot between the inner side yard lines and lying between the rear line of the lot and the nearest building line.
- (275) Yard, Required: A yard area which may not be built on or covered by structures because of the dimensional setbacks for said structures within the zoning district.
- (276) Yard, Side: A yard between the side line of the lot and the nearest building line.
- (277) Yield Plan: A subdivision plan drawn to scale, containing sufficient information showing the maximum number of lots that could be permitted using the performance standards for lots in a conventional subdivision in accordance with the Stillwater Township Zoning Ordinance.

(278) Zoning District: An area or areas within the county in which the regulations and requirements of this Zoning Ordinance are applied.

Zoning Regulations can be complex to understand and administer. These are the rules that the Zoning Administrator will use to interpret and enforce the Zoning Ordinance.

Of particular importance to note is that rules in several chapters may apply to your situation.

SECTION 3. RULES OF INTERPRETATION

- 3.1 In the event of conflicting provisions within the Chapters of the Stillwater Township Zoning Ordinance, statute, resolution or regulation of any kind, the more restrictive provision shall apply.
- 3.2 In the application of this Zoning Ordinance, the provisions shall be interpreted to be the minimum requirements necessary to accomplish the general and specific purposes of the Zoning Ordinance.
- 3.3 Properties which lie in an overlay district are subject to regulations for that overlay district as well as the regulations in the other Chapters of this Zoning Ordinance.
- 3.4 The words and phrases used in this Zoning Ordinance shall be construed in their plain, ordinary and usual sense except that technical words and phrases having a peculiar and appropriate meaning in law shall be understood according to their technical definition.
- 3.5 Unless the context clearly requires otherwise, the use of either past, present or future tense shall include the other tenses.
- 3.6 Whenever this Zoning Ordinance requires an act to be done and when such act may legally be done by an agent or employee as well as by the principal, such requirement shall be satisfied by the performance of such act by an authorized agent or employee.
- 3.7 The rules of statutory construction established for the State of Minnesota by statute or case law shall apply in the construction of this Zoning Ordinance.
- 3.8 Nothing contained in this Zoning Ordinance shall be deemed to be a consent, license, or permit to use any property or to locate, construct, or maintain any structure, or to carry on any trade, industry, occupation or activity.
- 3.9 Except as provided herein, the provisions of this Zoning Ordinance are cumulative and in addition to the provisions of other laws and ordinances, heretofore passed or which may be passed hereafter, governing the same subject matter as this Zoning Ordinance.
- 3.10 The explanations contained on the left-hand side of the Zoning Ordinance are there as interpretive purposes and are not part of the Zoning Ordinance for the purpose of enforcement and administration.

Structures and uses in the Township must be in compliance with this Zoning Ordinance.

SECTION 4. COMPLIANCE

- 4.1** Except as this chapter specifically provides:
- (1) No structure shall be erected, moved, or altered unless in conformity with the regulations specified in this Zoning Ordinance.
 - (2) No structure or land shall be used or occupied for any purpose or in any manner which is not in conformity with all the regulations contained in this Zoning Ordinance.

The following sections identify Stillwater Township's process and requirements for various planning requests. Washington County may also conduct a separate review process within Shoreland Districts, the St. Croix River Districts, floodplain areas, and for Mining uses. Applicants should contact the County to obtain information on the County's procedures and requirements.

SECTION 5. ADMINISTRATOR

- 5.1** The Town Board shall be the Zoning Administrator who shall enforce this Zoning Ordinance and be responsible or delegate responsibilities including:

- (1) Issue any approvals required by this Zoning Ordinance.
- (2) Review all matters pertaining to applications and enforcement of this Zoning Ordinance.
- (3) Review all building permits issued for structures in the Township to ensure compliance with the regulations contained in this Zoning Ordinance.
- (4) Conduct inspections of structures and use of land to determine compliance with the terms of this Zoning Ordinance.
- (5) Maintain permanent and current records as required by this chapter, including but not limited to all maps, amendments, and conditional uses, variances, appeals, and applications thereof.
- (6) Receive, file and forward all applications for appeals, variances, conditional uses or other matters to the designated official bodies.
- (7) Notify in writing persons responsible for violations, indicating the nature of the violation and the action necessary to correct it.
- (8) Institute, with the advise and consent of the Township's Attorney, in the name of the Town, any appropriate legal actions or proceedings against a violator as provided for in this Zoning Ordinance.
- (9) Recommend appropriate fees for applications, permits or other matters processed under this Zoning Ordinance.
- (10) To collect fees, as set by resolution of the County Board, for all applications, permits or other matters covered under the provisions of this Zoning Ordinance.
- (11) Issue stop work orders for violations of this Zoning Ordinance.

SECTION 6. VARIANCES

Variations are defined as a modification or variation to the rules contained in the Zoning Regulations. Variations can be approved under some limited conditions. Requests for a variance are decided by the Town Board acting as the Board of Adjustment and Appeals.

6.1 Variations

A variance is the modification or variation of the Zoning Regulations where it is determined that, by reason of exceptional circumstances, the strict enforcement of the Zoning Regulations would cause practical difficulties. An administrative deviation under this Chapter does not constitute a variance.

- (1) No variance may be granted that would allow any use that is not allowed in the zoning district in which the subject property is located.
- (2) 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 require for purposes of this Zoning Ordinance. If the application does not contain all required information, the Zoning Administrator shall send notice within ten (10) business days of receipt of the request, telling the applicant what information is missing.
- (3) Variations within Shoreland Districts and the St. Croix River District may also require a separate application process and approval by Washington County. Applicants shall contact the County regarding its requirements.
- (4) Variations shall only be permitted when they are in harmony with the general purpose and intent of the Official Controls in cases when there are practical difficulties 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.
- (5) "Practical difficulties" as used in connection with the granting of a variance means:
 - (A) The property owner proposes to use the property in a reasonable manner not permitted by an official control; and
 - (B) The plight of the landowner is due to circumstances unique to the property, not created by the landowner; and
 - (C) The variance, if granted, will not alter the essential character of the locality.
 - (D) Economic conditions alone shall not constitute a practical difficulty if a reasonable use for the

property exists under the terms of the Zoning Ordinance.

- (E) The Board may consider practical difficulties to include inadequate access to direct sunlight for solar energy systems in the granting of the variance.
- (6) Variances shall be granted for earth sheltered construction as defined in Minnesota Statute 216C.06, Subd. 2: when in harmony with the County and Township Ordinances.
- (7) Where, in the opinion of the Town Board, a variance may result in a material adverse effect on the environment, the applicant may be requested by the Board to demonstrate the nature and extent of that effect.
- (8) The Town Board may impose conditions in the granting of variances. A condition must be directly related to and must bear a rough proportionality to the impact created by the variance.
- (9) No application for the same variance as ruled upon by the Town Board shall be resubmitted for a period of twelve (12) months from the date of denial of the previous application unless there has been a substantial change in circumstances as it relates to the request.
- (10) The Town Board shall make written findings in any case of an application for a variance and shall state therein the reasons for its decision; the order issued shall include the legal description of the land involved. Any such order shall be filed with the Zoning Administrator.

A building permit cannot be granted in an area which is in an area designated on an Official Map unless the Board of Adjustment and Appeals authorizes the issuance of the permit.

6.2 Notice and Hearing Procedure

Upon receipt of an application that contains all required information, the Town Planner shall refer the matter to the Town Clerk, who will establish a time for the hearing on the application. From the date the Township receives the application containing all required information, the Town Board has sixty (60) days to take action on the request or the request shall be deemed approved, provided, however, that the Zoning Administrator or Town Board may extend this time line for another sixty (60) days by providing written notice of the extension to the applicant before the end of the initial sixty (60) day period. The timeline may also be waived by the Applicant.

- (1) Notice of the time, place and purpose of all public hearings shall be given by publication in the Township's Official Newspaper at least 10 days before the hearing. The notice shall state the purpose, time and place of the public hearing.

- (2) Notice shall also be mailed to each of the owners of all property located within one thousand three hundred and twenty (1,320) 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.
- (3) Where required, no less than twenty (20) days prior to the public hearing, the Zoning Administrator shall send notice and copies of the applicant's information to the Minnesota Department of Natural Resources for review and comment.
- (4) Defects in the notice shall not invalidate the proceedings provided a bona fide attempt to comply with the provisions of this Section has been made. A copy of the notice and a list of property owners and addresses to which the notice was sent shall be made a part of the record.

6.3 Official Map

- (1) Whenever a building permit is denied pursuant to an official mapping regulation enacted by the Town Board, the Town Board shall, upon appeal filed by the owner of the land hold a public hearing upon the appeal. After receiving the advice and recommendations of the Zoning Administrator, the Town Board may authorize the issuance of a permit pursuant to subparagraph (2) herein, for building in an area designated on an Official Map in any case in which the Board finds, upon the evidence and arguments presented to it:
 - (A) That the entire property of the applicant, of the area designated for public purposes forms a part, cannot yield a reasonable return to the owner unless such a permit is granted, and
 - (B) That balancing the interest of the Town in preserving the integrity of the Official Map and of the Comprehensive Plan and the interest of the property owner in the use of the property and in the benefits of the ownership, the granting of such permit is required by considerations of justice and equity.
- (2) If the Board authorizes issuance of a permit, it shall specify the exact location, ground area, height and other details as to the extent and character of the building for which the permit is granted.

Some uses in zoning districts require a conditional use permit. Please refer to Part 1 in Chapter Two.

SECTION 7. CONDITIONAL USES

Certain uses, while generally not suitable in a particular zoning district, may under some circumstances be suitable if conditions are attached. When such circumstances exist, a conditional use

Make Application for a Conditional Use Permit to the Zoning Administrator.

permit may be granted. Conditions may be applied to issuance of the permit and a periodic review of the permit may be required. The permit shall be granted for a particular use and not for a particular person or firm.

7.1

Application.

- (1) Whenever this Zoning Ordinance requires a conditional use permit, an application therefore in writing shall be filed with the Zoning Administrator.
- (2) Conditional uses within Shoreland Districts and the St. Croix River District may require a separate application and approval by Washington County. Applicants shall contact the County regarding its requirements.
- (3) The application shall be accompanied by development plans of the proposed use showing such information as may be deemed necessary by the Zoning Administrator or by the Town Board.
 - (A) The scale of maps submitted shall be at least 1" to 200'. Maps for sites less than fifty (50) acres shall be at least 1" to 100'. The number of maps and reports to be submitted shall be specified by the Planning Commission, but shall not exceed twenty-five (25). All maps shall be reduced and included in the applicable reports. One (1) transparent mylar copy of the final general development plans, should they be approved, shall be filed with the Planning Commission within sixty (60) days of such approval.
 - (B) Certificate of Survey
 - (C) Site plan drawn to scale showing the following information:
 1. Existing Conditions. Property lines and dimensions, building location and setbacks, dimensions of building, curb cuts, driveways, access roads, parking, off-street loading areas, septic system, and well.
 2. Proposed Conditions. Property lines and dimensions, building location and setbacks, building dimensions, curb cuts, driveways, access roads, parking, off-street loading areas and any other proposed improvements.

- (D) Landscape Plan with the following information:
 - 1. Existing vegetation, proposed plantings, plant schedule including information about the plant size, quantity, type and root condition and ground cover.
- (E) Grading and Drainage Plan
- (F) Soil Conditions
- (G) Building Floor Plan
- (H) Building Elevations

- (I) General Location Map
- (J) Principal land uses within 200 feet of the property.
- (K) Proof of ownership in the form of Abstract of Title, Certificate of Title, Attorney's Title Opinion, unrecorded documents where petitioner will acquire legal or equitable ownership.
- (L) Type of business or activity and proposed number of employees.
- (M) Septic system and well location.

7.2 **Notice and Hearing Procedure**

- (1) Upon receipt of an application that contains all required information, the Zoning Administrator shall refer the matter to the Planning Commission and establish a time for hearing on the application. From the date the Township Clerk receives the application containing all required information, the Planning Commission has sixty (60) days to take action on the request or the request shall be deemed approved, provided, however, that the Zoning Administrator may extend this time line for sixty (60) days by providing written notice of the extension to the applicant before the end of the initial sixty (60) day period. The applicant may also waive the time line.
- (2) Notice of the time, place and purpose of all public hearing shall be given in the Township's official newspaper at least 10 days before the hearing. The notice shall state the purpose, time and place of the public hearing.
- (3) Notice shall also be mailed to each of the owners of all property located within one-quarter (1/4) 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.
- (4) Within Shoreland Districts and the St. Croix River District the Zoning Administrator shall send notice and copies of the applicant's information to the Minnesota Department of Natural Resources for review and comment no less than twenty (20) days prior to the public hearing.
- (5) Defects in the notice shall not invalidate the proceedings provided a bona fide attempt to comply with the provisions of this Section has been made. A copy of the notice and a list of property owners and addresses to which the notice was sent shall be made a part of the record.

7.3 Criteria for Granting Conditional Use Permit.

- (1) The Planning Commission may recommend that the Town Board grant a conditional use permit in any district, provided the proposed use is listed as a conditional use for the district and upon a showing that the standards and criteria stated in this Zoning Ordinance will be satisfied and that the use is in harmony with the general purposes and intent of this Zoning Ordinance and the Comprehensive Plan. In determining whether the proposed use is in harmony with the general purpose and intent of this Zoning Ordinance and the Comprehensive Plan, the Planning Commission shall consider:
 - (A) The impact of the proposed use on the health, safety and general welfare of the occupants of the surrounding lands.
 - (B) Existing and anticipated traffic conditions, including parking facilities on adjacent streets and lands.
 - (C) The effect of the proposed use on utility and school capacities.
 - (D) The effect of the proposed use on property values and scenic views in the surrounding area.
 - (E) The effect of the proposed use on the Comprehensive Plan.
 - (F) The ability of the proposed use to meet the standards of the Zoning Ordinance.
 - (G) The results of a market feasibility study, if requested by the Zoning Administrator, when the purpose for which the conditional use is being requested relies on a business market for its success.
 - (H) The effects of the proposed use on groundwater, surface water and air quality.
 - (I) That the proposed use is allowed with a conditional use permit in the designated zoning district in which it is proposed.
- (2) In connection with the issuance of Conditional Use Permits to nonconforming situations, the Planning Commission may recommend conditions to conform to the zoning regulations or as it deems necessary to protect the public health, safety and welfare. When appropriate, restrictive covenants may be entered into regarding such matters.

The Planning Commission can impose conditions when they grant a conditional use permit.

- (3) The Town Board may impose and the applicant shall pay costs incurred by the Zoning Administrator for monitoring compliance with the conditions of the Conditional Use Permit.

7.4 Referral to the Town Board

Upon receipt of the planning Commission recommendations or after 60 days of the public hearing, if no recommendation has been received, the Town Board shall consider the request. A decision on the Conditional Use Permit shall include findings of fact. The Town Board may impose any conditions it considers necessary to protect the public health, safety and welfare of the community.

7.5 Compliance

The use shall conform to the applicable sections of this Zoning Ordinance.

7.6 Length of Conditional Use.

Any use permitted under the terms of any conditional use permit shall be established and conducted in conformity to the terms of such permit and of any conditions designated in connection therewith. Conditional Use Permits shall remain in effect for so long as the conditions agreed upon are observed, provided that nothing in this section shall prevent the Town Board from acting or amending Official Controls to change the status of conditional uses.

7.7 Expiration of Conditional Use Permit.

A conditional use permit shall expire and be considered null and void one (1) year after it has been issued if no construction has begun or if use has not been established.

7.8 Revocation.

- (1) A violation of any condition set forth in a conditional use permit shall be a violation of this Zoning Ordinance, and failure to correct said violation within thirty (30) days of written notice from the Zoning Administrator shall terminate the permit.
- (2) Revocation shall not occur earlier than ten (10) working days from the time written notice of revocation is served upon the permittee or if a hearing is requested, until written notice of the Town Board action has been served on the permittee.
- (3) Notice to the permittee shall be served personally or by registered or certified mail at the address designated in the permit application. Such written notice of revocation shall

Violations of conditions imposed by the Town Board can cause the conditional use permit to be revoked.

contain the effective date of the revocation, the nature of the violation or violations constituting the basis of the revocation, the facts which support the conclusions that a violation or violations have occurred and a statement that if the permittee desires to appeal, he must, within ten (10) working days, exclusive of the day of service, file a request for a hearing.

- (4) The hearing request shall be in writing, stating the grounds for appeal and served personally or by mail on the Township Clerk or Zoning Administrator by midnight of the tenth working day following service.
- (5) Following the receipt of a request for hearing, the Town Board shall set a time and place for the hearing, which hearing shall be conducted in accordance with the procedures set forth in this Ordinance.

Records of Conditional Uses are maintained by the Zoning Administrator and filed with the County Recorder.

7.9 Records of Conditional Uses.

- (1) A certified copy of any conditional use shall be filed with the County Recorder or Registrar of Titles.
- (2) The Zoning Administrator shall maintain a record of all conditional use permits issued including information on the use, location, conditions imposed by the Town Board, time limits, review dates and such other information as may be appropriate.
- (3) A copy of the filed permit, bearing a notation of the filing date shall be mailed to the applicant.

7.10 Amended Conditional Use Permits.

Amended conditional use permits shall be requests for changes in conditions of the existing permit. An amended conditional use permit application shall be administered in a manner similar to that required for a new conditional use permit.

7.11 Reapplication.

No application for a conditional use permit for a particular use on a particular parcel of land shall be resubmitted for a period of twelve (12) months from the date of the denial of the previous application.

7.12 Phased Developments.

In order to preserve an appropriate flexibility in the development plans for a large project which is to be developed over a number of years, a preliminary plan may be approved after a public hearing. The developer would then seek approval of the final plan in stages

as he or she progresses with development. No additional public hearings need be held unless the developer proposes to make a substantial change from the plans or conditions included in the conditional use permit when it was granted approving the preliminary plan. Enlargement, intensification of use or similar changes not specifically permitted by the conditional use permit issued, shall be considered substantial changes.

7.13 Existing Uses.

All legal uses existing at the time of adoption of this Zoning Ordinance that now require a conditional use permit may continue in the same manner of operation as the use did upon the effective date of this Zoning Ordinance. The Zoning Administrator may require a conditional use permit for the use. Any enlargement, structural alteration or intensification of use shall require a conditional use permit as provided for above. The Town Board may impose additional, reasonable conditions for the continuation of such use in accordance with the hearing provisions as set forth in Section 7.2.

SECTION 8. INTERIM USE PERMITS

An interim use is a temporary use of property until a particular date, until the occurrence of a particular event, or until zoning regulations no longer permit it.

8.1 Application, Public Hearing, and Notice and Procedure

The application, public hearing, notice and procedure requirements of Interim Use Permits shall be the same as those for a Conditional Use Permit as provided in this Ordinance.

8.2 Criteria for Granting Interim Use Permit.

- (1) The Planning Commission may recommend that the Town Board grant an interim use permit in any district, provided the proposed use is listed as an interim use for the district and upon a showing that the standards and criteria stated in this Zoning Ordinance will be satisfied and that the use is in harmony with the general purposes and intent of this Zoning Ordinance and the Comprehensive Plan. In determining whether the proposed use is in harmony with the general purpose and intent of this Zoning Ordinance and the Comprehensive Plan, the Planning Commission shall consider:
 - (A) The impact of the proposed use on the health, safety and general welfare of the occupants of the surrounding lands.
 - (B) Existing and anticipated traffic conditions, including parking facilities on adjacent streets and lands.
 - (C) The effect of the proposed use on utility and school capacities.
 - (D) The effect of the proposed use on property values and scenic views in the surrounding area.
 - (E) The effect of the proposed use on the Comprehensive Plan.
 - (F) The ability of the proposed use to meet the standards of the Zoning Ordinance.
 - (G) The results of a market feasibility study, if requested by the Zoning Administrator, when the purpose for which the conditional use is being requested relies on a business market for its success.
 - (H) The effects of the proposed use on groundwater, surface water and air quality.
 - (I) That the proposed use is allowed with an interim use permit in the designated zoning district in which it is proposed.
- (2) In connection with the issuance of Interim Use Permits to nonconforming situations, the Planning Commission may recommend conditions as it deems necessary comply with the Zoning Ordinance and to protect the public health, safety and welfare. When appropriate, restrictive covenants may be entered into regarding such matters.

- (3) The Town Board may issue an Interim Use Permit only if it finds that such use at the proposed location:
 - (A) Meets the Criteria for Granting an Interim Use Permit as set forth in this Ordinance;
 - (B) Will terminate upon a date or event that can be identified with certainty;
 - (C) Will not impose additional costs on the public if it is necessary for the public to take the property in the future; and,
 - (D) The user agrees to any conditions that the Town Board has deemed appropriate for permission of the use.
- (4) The Town Board may impose conditions for the Interim Use Permit as necessary to comply with the Zoning Ordinance and to protect the public health, safety and welfare. The Town Board may require the applicant to pay costs incurred by the Zoning Administrator for monitoring compliance with the conditions of the Interim Use Permit.

8.3 Termination.

An Interim Use Permit shall terminate upon the occurrence of any of the following events, whichever occurs first:

- (1) The date stated in the permit;
- (2) The occurrence of an event outlined in the permit that terminates the interim use;
- (3) A violation of conditions under which the permit was issued, using the same revocation process as identified for Conditional Use Permits; or
- (4) Any interim use may be terminated by a change in zoning regulations.

SECTION 9. CERTIFICATES OF COMPLIANCE

The Zoning Administrator shall issue a certificate of compliance in any district for a proposed use listed in Chapter Two, Part 1, if the proposed use will not be contrary to the provisions of this Zoning Ordinance. The certificate shall be granted for a particular use and not for a particular person or firm.

9.1 Application.

Whenever this Zoning Ordinance requires a certificate of compliance, a written application shall be filed with the Township Clerk. The application shall be accompanied by a site plan for the proposed use showing such information as may be reasonably required by the Zoning Administrator. These plans shall contain adequate information upon which the Zoning Administrator can determine the proposed development will meet all development standards if the project proceeds in accordance with such plans.

9.2 Compliance.

The use shall conform to the regulations specified in this Zoning Ordinance.

9.3 Issuance and Conditions.

If the Zoning Administrator determines that the use is in compliance with the condition contained in this Zoning Ordinance then the Zoning Administrator shall issue the certificate. Conditions required by this Zoning Ordinance shall be applied to the issuance of the certificate of compliance and a periodic review of the certificate and proposed use may be required.

9.4 Record of Certificates of Compliance.

The Zoning Administrator shall maintain a record of all certificates of compliance issued including information on the use, location and conditions imposed as part of the permit such as time limits, review dates and such other information as may be appropriate.

9.5 Appeals to Denial of Certificates of Compliance.

If the request for a certificate of compliance is denied, if conditions are imposed, or if revoked, the applicant may appeal the decision to the Town Board. The procedures to be followed in this case shall be the same as those followed for an appeal of any administrative decision made by the Zoning Administrator.

9.6 Expiration of Certificates of Compliance.

A Certificate of compliance shall expire and be considered null and void one (1) year after it has been issued if the use has not been established.

9.7 Revocation.

A violation of any condition set forth in a certificate of compliance shall be a violation of this Zoning Ordinance and failure to correct said violation within thirty (30) days of written notice from the

Zoning Administrator can issue a certificate of compliance if the use meets the conditions of this Zoning Ordinance. No public hearing is required for certificates of compliance.

An appeal to a decision by the Zoning Administrator about a certificate of compliance is heard by the County Board of Adjustment and Appeals.

An appeal to a decision by the Zoning Administrator about a certificate of compliance is heard by the Town Board.

Zoning Administrator shall terminate the certificate of compliance. The hearing procedure for said revocation shall be the same procedure as that set forth under Section 7.8 of this Chapter.

9.8 Existing Uses.

All legal uses existing at the time of adoption of this Zoning Ordinance that now require a certificate of compliance may continue in the same manner of operation as the use did upon the effective date of this Zoning Ordinance. The Zoning Administrator may require a certificate of compliance for the use. Any enlargement, structural alteration or intensification of use shall require a certificate of compliance as provided for above. The Zoning Administrator may impose additional, reasonable conditions for the continuation of such use in accordance with the regulations as set forth in the Zoning Ordinance.

SECTION 10. OTHER PERMITS

Landowners need to have a valid building permit before doing any site work or construction/alteration to structures, unless specifically exempt from the permit requirements by State Statute or the Zoning Ordinance.

10.1 Building Permits.

- (1) No structure shall be erected, moved in or structurally altered until a statement has been issued by the Zoning Administrator, indicating that the existing or proposed structure and the use of the land comply with this Zoning Ordinance.
- (2) No site preparation work, including rough grading, driveway construction, footing excavation, tree removal or other physical changes to the site shall occur prior to the issuance of a building permit and other zoning use permits, unless the work is subject to a development contract with the Town.

Areas not served by public sewer require a permit for an on-site waste system from Washington County. On-Site Waste Disposal permits must be issued before a building permit is issued.

10.2 On-Site Waste Disposal Permits.

- (1) In areas without public sewer facilities, no building permit for any use requiring on-site waste treatment and disposal shall be issued until an on-site waste disposal permit has first been issued by Washington County.
- (2) An on-site waste disposal permit shall be issued only after proof is furnished by the applicant that a suitable on-site waste treatment and disposal system can be installed on the site. Such system shall conform to all of the requirements of the County's Subsurface Sewage Treatment System Regulations, including percolation tests and borings.

Driveway access onto a County Road requires a permit from Washington County Public Works.

A driveway permit from the Township is required for access onto a local road under Township jurisdiction.

Upon adoption of these rules, an existing lot, structure or use may not conform to the new regulations. This section details how those nonconforming uses, structures and lots will be treated under this Zoning Ordinance.

The term "Nonconforming Use" means any legal or lawful use of land or any lawful or legal use of a structure existing on the effective date of this Zoning Ordinance, or any amendment thereto, which use does not conform with the regulations for the district in which it is located after the effective date of this Zoning Ordinance or such amendment.

10.3 Driveway Access Permits.

Access drives onto local or County roads shall require an access permit from the appropriate road authority. This permit shall be issued prior to the issuance of any building permits. The Township or County Engineer shall determine the appropriate location, size and design of such access drives and may limit the number of access drives in the interest of public safety and efficient traffic flow.

SECTION 11. NONCONFORMITIES

11.1 Nonconforming Situations.

Within the districts established by this Zoning Ordinance or amendments that may later be adopted, situations may occur where as a result of the regulations contained in this Zoning Ordinance, an existing lot or structure or use of an existing lot or structure does not conform to one or more of the regulations contained in this Zoning Ordinance. It is the intent of this Zoning Ordinance to regulate such nonconforming situations in such a way that they can continue but will ultimately be phased out by prohibiting their enlargement, expansion or alteration, re-establishment after discontinuance or abandonment, or restoration after damage or destruction.

11.2 Nonconforming Use.

- (1) Any use lawfully existing on the effective date of this Zoning Ordinance which is not in conformity with the regulations contained in this Zoning Ordinance shall be allowed to continue, subject to the following conditions:
 - (A) No such use shall be expanded, enlarged or altered, including any increase in the volume, intensity, frequency or use of property where a nonconforming use exists. A change from one nonconforming use to another nonconforming use is not permitted.
 - (B) A nonconforming use of a parcel of open land may not be extended to cover more land than was occupied by that use when it became nonconforming, except that use involving the removal of natural materials, such as sand or gravel. This one use may be expanded within the boundaries of the parcel where the use was established at the time it became nonconforming, subject to the standards contained in this Zoning Ordinance and Washington County Mining Regulations.

The cost of renovation or repair or replacement shall mean the fair market value of the materials and services necessary to accomplish such renovation, repair or replacement. The appraised valuation shall mean the market value of the structure as determined by the current records of the County Assessor.

The term "Nonconforming Structure" means any structure lawfully or legally existing on the effective date of this Zoning Ordinance or any amendment thereto which does not conform to the regulations, including the dimensional standards for the district in which it is located after the effective date of this Zoning Ordinance or amendments thereto.

- (C) A nonconforming use which has been discontinued for a period of twelve (12) consecutive months shall not be re-established and any further use shall be in conformity with the regulations of this Zoning Ordinance.
 - (D) If a structure used for a nonconforming use is damaged to the extent that the cost of repair or replacement would exceed fifty percent (50%) of the appraised valuation of the damaged structure, then the damaged structure shall not be restored, repaired or replaced, except in conformity with this Zoning Ordinance.
- (2) All nonconforming projects on which a building permit has been issued may be completed in accordance with the terms of their permit as long as the permit is valid.
 - (3) The Town Board may require that a conditional use permit be issued for the nonconforming use.

11.3 Nonconforming Structure.

- (1) Any structure lawfully existing on the effective date of this Zoning Ordinance which is not in conformity with the regulations contained in this Zoning Ordinance shall be allowed to continue, subject to the following conditions:
 - (A) No such structure shall be expanded, enlarged or altered, without first obtaining a variance, provided however, that a nonconforming structure may be enlarged, altered or expanded without the necessity of obtaining a variance as long as each of the following conditions can be met for the district in which the structure is located:
 - 1. This enlargement, alteration or expansion itself does not violate any other provisions of this Zoning Ordinance, other than the provision that made the structure nonconforming in the first place.
 - 2. Long-term sewage disposal needs can be met.
 - (B) A nonconforming structure which is destroyed or damaged by any means to the extent that the cost of repair or replacement would exceed fifty percent (50%) of the appraised value of the original structure shall not be restored, repaired or replaced, except in conformity with this Zoning Ordinance. If a structure cannot be placed on the lot meeting all current standards, the variance procedure must be followed.

For the purposes of this Zoning Ordinance the term "Appraised Value" shall mean the market value of the property as determined by the current records of the County Assessor for the year in which damage was done.

- (C) Nothing in this Zoning Ordinance shall prevent repair of a structure when said structure is declared unsafe by a certified Building Inspector, providing the cost of the repairs shall not constitute more than fifty percent (50%) of the appraised value of the original structure.
- (D) All construction projects for which a valid building permit was granted before the effective date of this Zoning Ordinance may be completed although the structure would not meet newly established standards of this Zoning Ordinance.

Nonconforming lot means a separate parcel or lot of record on the effective date of this Zoning Ordinance or any amendments thereto, which lot or parcel does not conform to the regulations, including dimensional standards contained in this Zoning Ordinance or amendments thereto.

11.4 Nonconforming Lots.

- (1) Any separate lot or parcel created in accordance with the Township and County Subdivision Regulations and of record in the Washington County Recorder's Office on or before the effective date of this Zoning Ordinance may be used for the legal use for which it is zoned:
 - (A) Provided it has a minimum of 60% of the required frontage on an improved public road or on a private road approved by the Township; to be considered an approved private road, the Town Board of Supervisors must, by resolution, specify the road, indicate the road is capable of supporting emergency vehicles, and specify that provisions exist for on-going maintenance of the road; and
 - (B) Is at least one (1) acre of buildable land in unsewered areas; and
 - (C) An on-site waste disposal system can be installed in accordance with County regulations.
 - (D) All other requirements of this Zoning Ordinance can be met.
- (2) If in the case of two (2) or more contiguous lots or parcels of land under a single ownership, any individual lot or parcel does not meet the minimum requirements of this Zoning Ordinance, such individual lot or parcel cannot be considered as a separate parcel of land for purposes of sale or development but must be combined with adjacent lots under the same ownership so that the combination of lots will equal

one or more parcels of land meeting the full requirements of this Zoning Ordinance.

- (3) A conforming lot shall not be reduced in size so that it would become nonconforming in any aspect of this Zoning Ordinance. A nonconforming parcel shall not be reduced in size.
- (4) Where a nonconforming lot of record contains a conforming principal structure, said principal structure may be enlarged, altered or expanded without a variance provided:
 - (A) The enlargement, alteration or expansion meets all other standards of this Zoning Ordinance.
 - (B) Long term sewage disposal needs can be met.

**SECTION 12. ADMINISTRATIVE
DEVIATIONS**

12.1 Purpose and Intent.

Administrative deviations may be granted to certain zoning standards, provided they are consistent with the criteria of this chapter.

12.2 General Criteria.

Administrative deviations may be granted provided the exception is consistent with the following general criteria:

- (1) The deviation shall be a minor action only necessary to adjust or rectify an unusual situation or hardship specific to the subject property.
- (2) The deviation shall not create an unreasonable burden on adjacent properties/owners.
- (3) The deviation shall not conflict with other ordinances, policies, regulations, and requirements.
- (4) The deviation shall not be contrary to the public interest or the intent and purpose of the Zoning Code and Comprehensive Plan.

12.3 Allowed Exceptions.

The following deviations may be approved by the Zoning Administrator, with notice to the Town Board:

- (1) A single family lot located within the Township that deviates from a minimum lot size requirement by five percent (5%) or

less, and only by up to one half acre, may be considered to be in compliance for the purposes of the Stillwater Township Zoning Ordinance.

12.4 Administrative Deviations Procedures.

An owner of land shall file an application for an administrative deviation to the Zoning Administrator. The Zoning Administrator shall review applications for administrative deviation and approve the request if it is in conformance with the criteria listed in sections 14.2 and 14.3. Approval shall be provided to the applicant in writing. If the application does not meet the requirements in sections 14.2 and 14.3, the Zoning Administrator shall deny the request in writing, stating the reasons for the denial. The Zoning Administrator shall inform the Board of each approved or denied Administrative Deviation. An applicant may appeal the decision of the Zoning Administrator to the Town Board within thirty (30) days following the date of the decision. If no appeal is made, the decision of the Zoning Administrator becomes final thirty-five (35) days after the decision.

**SECTION 13.
AMENDMENTS TO THE STILLWATER
TOWNSHIP
ZONING ORDINANCE AND
COMPREHENSIVE PLAN**

These rules can be amended by the Washington County Board of Commissioners after a formal public hearing.

Changes to the Comprehensive Plan or this Zoning Ordinance require a public hearing.

- 13.1** An amendment to this Zoning Ordinance or the Comprehensive Plan may be initiated by the Town Board or by petition of the affected property owners. A petition by affected property owners shall be presented to the Town Board. An amendment shall be referred to the Planning Commission for a public hearing, study, report and recommendation, and may not be acted upon by the Board until it has received the recommendation of the Planning Advisory Commission or sixty (60) days have elapsed from the date of the first meeting.
- 13.2** In connection with the adoption by an ordinance or amending the Comprehensive Plan or adoption or amendment of any Official Control in addition to any notice required by this Zoning Ordinance notice of the time, place and purpose of the hearing shall be given in the manner provided by Minnesota Statutes.
- 13.3** No application for an amendment to the Town Comprehensive Plan or amendment of the official controls shall be resubmitted for a period of twelve (12) months from the date of denial of a previous application, unless conditions have substantially changed.

SECTION 14. ENFORCEMENT

14.1 **Violations.**

The violation of any provision of this Zoning Ordinance or the violation of the conditions or provisions of any permit issued pursuant to this Zoning Ordinance shall be a misdemeanor, and upon conviction thereof, the violator shall be subject to the fine, imprisonment or both; plus in either case, the cost of prosecution.

14.2 **Penalties.**

Unless otherwise provided, each act of violation and every day on which such violation occurs or continues constitutes a separate offense.

14.3 **Application to Township Personnel.**

The failures of any officer or employee of the Township to perform any official duty imposed by this Zoning Ordinance shall not subject the officer or employee to a penalty imposed for violation unless a penalty is specifically provided for such failure.

14.4 Equitable Relief.

In the event of a violation or the threatened violation of any provision of this Zoning Ordinance or any provision or condition of a permit issued pursuant to this Zoning Ordinance, the Township, in addition to other remedies, may institute appropriate actions or proceedings to prevent, restrain, correct or abate such violation or threatened violation.

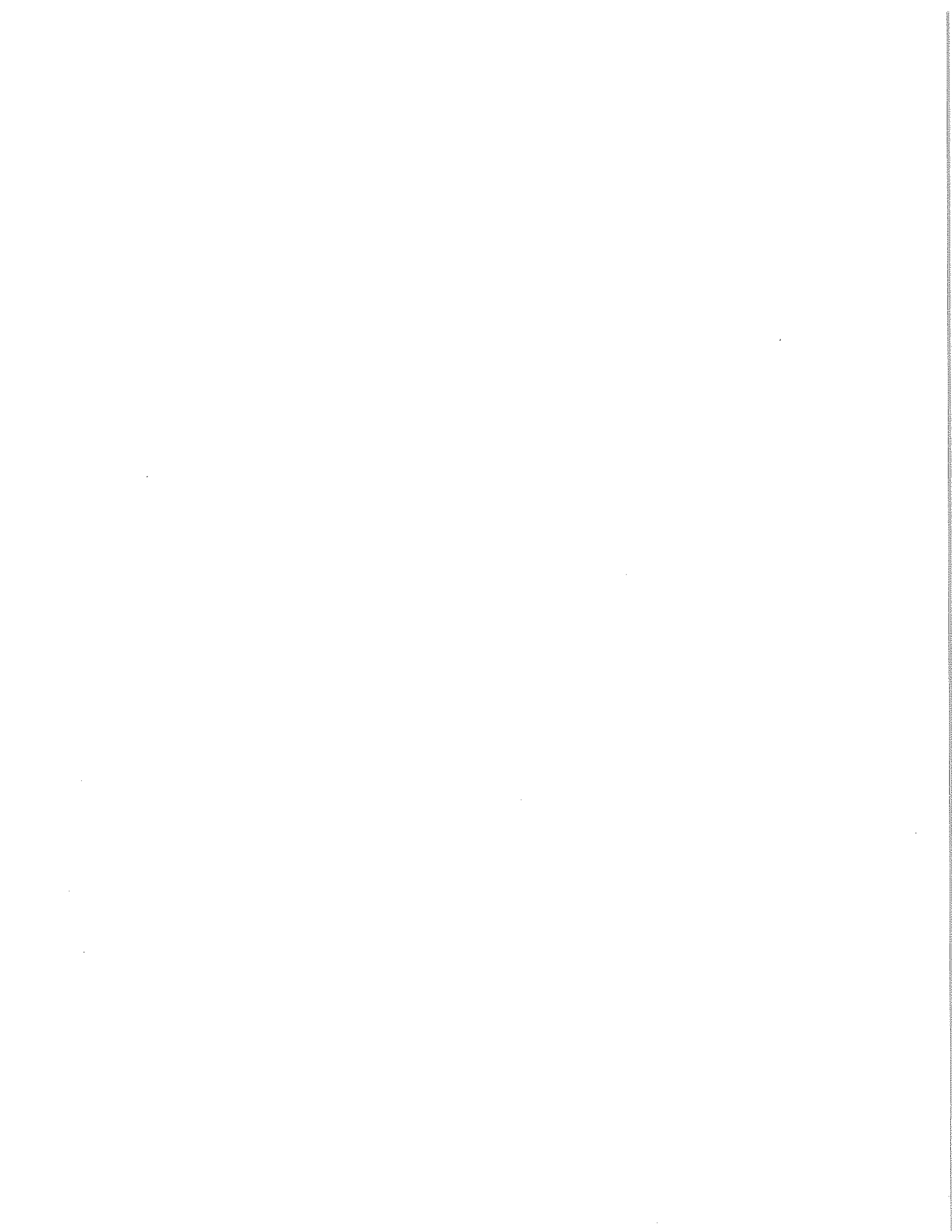
SECTION 15. SEPARABILITY

15.1 It is hereby declared to be the intent that the several provisions of this regulation are separable in accordance with the following:

- (1) If any court of competent jurisdiction shall adjudge any provision of this regulation to be invalid, such judgment shall not affect any other provisions of this regulation not specifically included in said judgment.
- (2) If any court of competent jurisdiction shall adjudge invalid the application of any provision of this regulation to a particular property, building or structure, such judgment shall not affect the application of said provision to any other property, building or structure not specifically included in said judgment.

SECTION 16. ADMINISTRATIVE ACTIONS**16.1 Opt-out of Minnesota Statutes Section 462.3593**

Pursuant to authority granted by Minnesota Statutes 452.3593, Subdivision 9, the Township opts-out of the requirements of Minn. Stat. §462.3593, which defines and regulates Temporary Family Health Care Dwellings.



STILLWATER TOWNSHIP ZONING ORDINANCE

CHAPTER TWO

PART 1

ZONING MAPS, DISTRICTS, AND USES

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*Commentary/Interpretive
Purposes Only*

Land in unincorporated areas is divided into districts. Allowed uses of the land are defined in this Part.

Boundaries of the zoning districts are delineated on the official zoning map.

STILLWATER TOWNSHIP ZONING ORDINANCE

CHAPTER TWO

**PART 1
ZONING MAPS, DISTRICTS, AND USES**

For the purpose of this Zoning Code, the regulations contained in this chapter shall become effective from and after their publication according to law. If any court of competent jurisdiction shall adjudge any provision of this regulation to be invalid, such judgment shall not affect any other provisions of this regulation not specifically included in said judgment. If any court of competent jurisdiction shall adjudge invalid the application of any provision of this regulation to a particular property, building or structure, such judgment shall not affect the application of said provision to any other property, building or structure not specifically included in said judgment.

The Township is divided into districts. Each district has: a) primary uses; b) uses allowed with a Certificate of Compliance; and c) uses allowed with a Conditional Use Permit as herein defined. Unless a use is specifically defined as a primary use or allowed with a Certificate of Compliance or a Conditional Use Permit, it is a prohibited use.

Land in Stillwater Township is regulated by Township ordinances. Land within Shoreland Districts, floodplain areas, the St. Croix River District, subsurface septic treatment systems, and Mining uses are also regulated by Washington County ordinances.

SECTION 1. ZONING MAPS

- I.1** The boundaries of the districts are as shown on the maps published and made part hereof. These maps are designated as the Official Zoning Map of the Township, and shall be maintained by the Township and the County Zoning Administrator. The district boundary lines on these maps are intended to follow street right-of-way lines, street centerlines or lot lines unless such boundary is indicated otherwise on the map. In the case of unsubdivided property or in any case where street or lot lines are not used as boundaries, the district boundary lines shall be determined by use of dimensions or the scale appearing on the map. All of the notations, references and other information shown thereon shall have the same force and effect as if fully set forth herein and are made a part of this Part by reference and incorporated herein fully as if set forth herein at length. Whenever any street or public way is vacated, any zoning district line following such centerline of said vacated street or way shall not be affected by such vacation.
- I.2** When uses in a district are listed as both permitted, permitted with a certificate of compliance or conditional use permit, or when any

other conflict appears in the Zoning Code with respect to uses within a district, the more restrictive provisions shall be applied.

SECTION 2. "A-4", AGRICULTURAL DISTRICT AND USES

There is one agricultural district in the Township: AG. Maximum density in this district:

*AG =
4 dwelling units per 40 acres*

Land in an agricultural district is used primarily for agriculture and single family residential uses.

Certain uses, other than agriculture or single family residential, may be allowed with a Certificate of Compliance.

Certain uses, other than agriculture or single family residential, may be allowed with a Conditional Use Permit. A public hearing is required for all Conditional Use Permits.

2.1 Purpose and Scope.

- (1) Agricultural District: The "AG" district, as shown on the zoning district maps, is established to preserve land for agricultural uses and to preserve the rural character of the Township.

2.2 Land Uses in Agricultural Districts.

- (1) Permitted Uses. The following are permitted uses in the "AG" district:
 - (A) Agriculture
 - (B) Single Family Residential Detached

- (2) Uses with a Certificate of Compliance. The following uses are permitted in the "AG" district after the issuance of a Certificate of Compliance:
 - (A) Accessory Apartments
 - (B) Agricultural Business - Seasonal
 - (C) Home Occupation
 - (D) Horse Training Facility, Commercial (10 or fewer horses)
 - (E) Horse Training Facility, Private (over 10 horses)
 - (F) Kennel, Private
 - (G) Livestock and Livestock Operations (11-49 animal units)
 - (H) Plant Nursery
 - (I) Temporary Care Facility
 - (J) Temporary Dwelling Unit - Construction
 - (K) Temporary Farm Dwelling

- (3) Uses with a Conditional Use Permit. The following uses are permitted in the "A-4" districts after the issuance of a Conditional Use Permit:
 - (A) Bed and Breakfast
 - (B) Cemeteries
 - (C) Community Residence
 - (D) Essential Services - Government Uses, Buildings and Storage
 - (E) Essential Services - Utility Substation
 - (F) Golf Course
 - (G) Horse Training Facility, Commercial (over 10 horses)
 - (H) Livestock and Livestock Operations (over 49 animal units)

- (I) Open Space Development
- (J) Place of Worship
- (K) Recreation, Public
- (L) Recreation, Passive
- (M) Residential Townhouse Development
- (N) Schools
- (O) Wind Energy Conversion System
- (P) Wireless Communication Facility

(4) Uses with an Interim Use Permit. The following uses are permitted in the "A-4" District after the issuance of an Interim Use Permit:

- (A) Aggregate Mining
- (B) Kennel, Commercial

SECTION 3. "SCR" ST. CROIX RIVER DISTRICT

3.1 Purpose and Scope.

The St. Croix River District was established by the Township and Washington County to provide special regulatory protection for those areas along the bluffland and shoreland of the St. Croix River. This Ordinance regulates the land in order to conserve and protect the natural scenic values and resources of the river valley.

Land is regulated according to the published Washington County Development Code Chapter 5, Lower St. Croix River Bluffland and Shoreland Management Regulations, and most recent amendments. The provisions of Stillwater Township that are stricter than the County are listed below. All land development must comply with both the County and Township Ordinances.

3.2 Land Uses in the St. Croix River District.

- (1) Permitted Uses. The following are permitted uses in the St. Croix River District:
 - (A) Agriculture
 - (B) Single Family Residential

- (2) Uses with a Certificate of Compliance. The following uses are permitted in the St. Croix River District after the issuance of a Certificate of Compliance:
 - (A) Accessory Apartment
 - (B) Home Occupation
 - (C) Kennel, Private
 - (D) Temporary Care Facility
 - (E) Temporary Dwelling Unit - Construction
 - (F) Temporary Farm Dwelling

- (3) Uses with a Conditional Use Permit.
 - (A) Bed and Breakfast
 - (B) Livestock over 10 animal units
 - (C) Recreation Uses
 - (D) Recreation Facility, Public
 - (E) Wind Energy Conversion System

- (4) Uses with an Interim Use Permit. The following uses are permitted in the “SCR” District after the issuance of an Interim Use Permit:

- (A) Kennel, Commercial

3.3

Performance Standards

All other performance standards set forth by Washington County Development Code, Chapter 5 or as subsequently amended must be met and the following standards:

- (1) Land alteration and development shall not encroach on rare plant communities or endangered species identified in the Minnesota Department of Natural Resources County Biological Survey for Natural Communities and rare species.
- (2) The impacts of land alteration and development on the existing wildlife and plant habitats shall be minimized through site design, restoration and by maintaining continuity with those habitats on adjacent sites.
- (3) Land alteration and development shall minimize the impacts on the hydrological regime and water quality of surface water by using best management practices.

***SECTION 4. AGGREGATE MINING
OVERLAY DISTRICT***

4.1

Purpose and Scope

- (1) The Aggregate Mining Overlay District provides areas where mineral deposits, primarily gravel, may be made available for general use under the conditions and regulations of the Township’s Mining Ordinance. The Aggregate Mining Overlay District areas are designated on the Township’s Zoning Map.

4.2

Permitted Uses

- (1) The following uses are permitted in the Aggregate Mining Overlay District:
 - (A) Agriculture
 - (B) Essential Services

4.3

Accessory Uses

- (1) The following uses are permitted accessory uses in the Aggregate Mining Overlay District, subject to the requirements of Chapter 2 Part 3 of the Zoning Ordinance:

- (A) Accessory Structures
- (B) Fences
- (C) Signs

4.4 Uses with an Interim Use Permit and Annual Operating Permit

- (1) The following uses are permitted uses in the Aggregate Mining Overlay District, after the issuance of an Interim Use Permit and Annual Operating Permit

- (A) Aggregate Mining and related activities, subject to the provisions of the Township's Mining Ordinance

4.5 Requirements

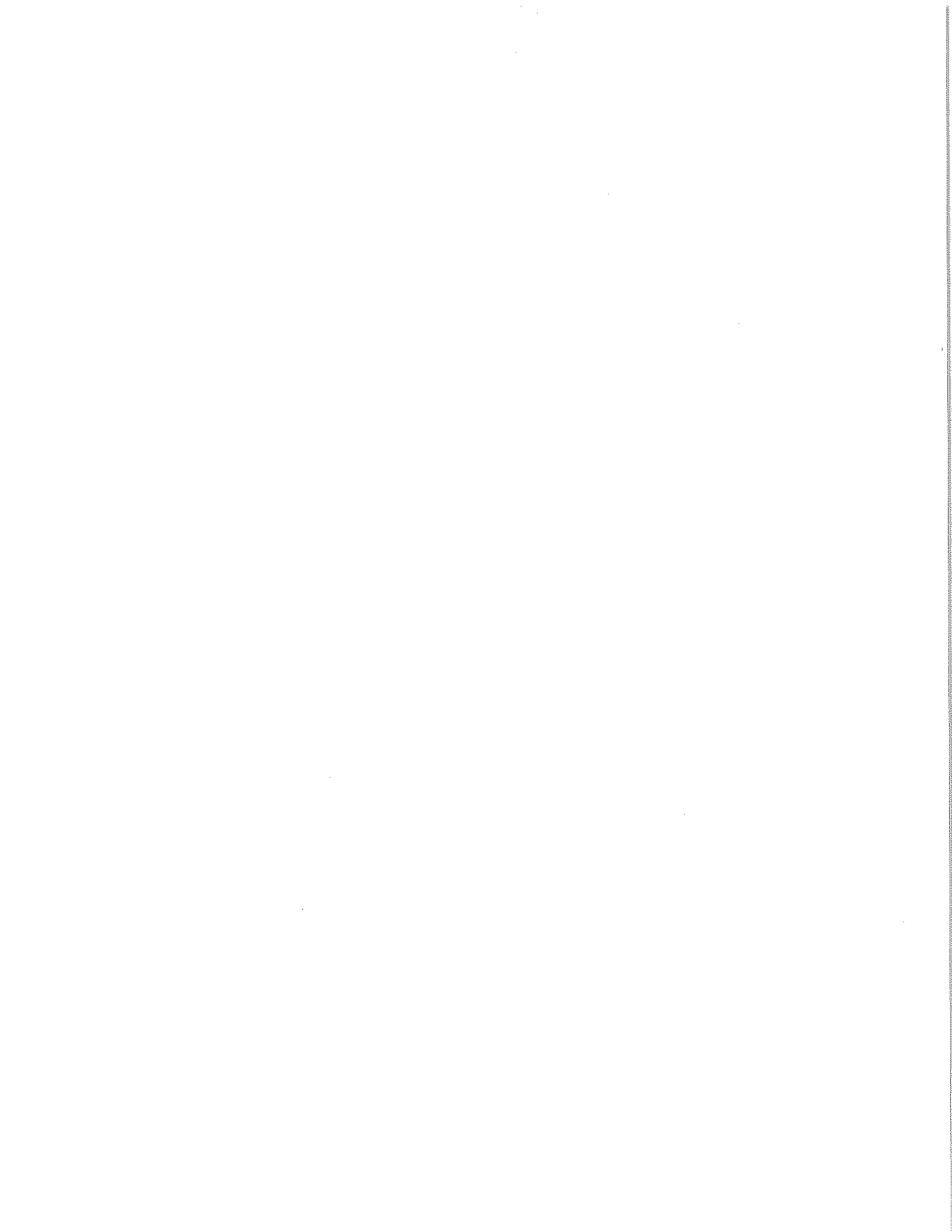
- (1) Lot area, setbacks, other dimensional requirements, and performance standards for Aggregate Mining uses are contained in the Township's Mining Ordinance.

SECTION 5. TABLE OF USES

<i>Zoning Districts and Uses</i>	AG	SCR	Mining Overlay
<i>Accessory Apartment (accessory to SF Residential)</i>	CC	CC	NP
<i>Agricultural Business – Seasonal</i>	CC	NP	CC
<i>Agriculture</i>	P	P	P
<i>Bed and Breakfast</i>	CUP	CUP	NP
<i>Ceremony Facility (accessory to SF Residential)</i>	NP	NP	NP
<i>Cemeteries</i>	CUP	NP	NP
<i>Community Residence</i>	CUP	NP	NP
<i>Essential Services – Government Uses, Buildings and Storage</i>	CUP	CUP	P
<i>Essential Services – Utility Substations</i>	CUP	CUP	CUP
<i>Golf Course</i>	CUP	NP	NP
<i>Home Occupation (accessory to SF Residential)</i>	CC	CC	CC
<i>Horse Training Facility (Private, 10 or fewer)</i>	P	P	NP
<i>Horse Training Facility (Private, over 10)</i>	CC	NP	NP
<i>Horse Training Facility (Commercial, 10 or fewer)</i>	CC	NP	NP
<i>Horse Training Facility (Commercial, over 10)</i>	CUP	NP	NP
<i>Kennel - Commercial</i>	IUP	IUP	NP
<i>Kennel – Private (accessory to SF Residential)</i>	CC	CC	NP
<i>Livestock (11-49 animal units)</i>	CC	CUP	CC
<i>Livestock (over 49)</i>	CUP	CUP	CUP
<i>Mining Operations</i>	NP	NP	IUP/AOP
<i>Open Space Development</i>	CUP	NP	NP
<i>Place of Worship</i>	CUP	NP	NP
<i>Plant Nursery</i>	CC	NP	NP
<i>Recreation Uses</i>	CUP	CUP	NP
<i>Recreation Facility</i>	CUP	CUP	NP
<i>Residential Single Family</i>	P	P	P
<i>Schools</i>	CUP	NP	NP
<i>Solar Energy Systems (accessory use)</i>	P	P	P
<i>Temporary Dwelling Unit - Care Facility</i>	CC	CC	NP
<i>Temporary Dwelling Unit - Construction</i>	CC	CC	CC
<i>Temporary Farm Dwelling</i>	CC	CC	CC
<i>Wind Energy Conversion Systems (WECS)</i>	CUP	NP	NP
<i>Wireless Communication Facility</i>	CUP	NP	CUP

P = Permitted CUP = Conditional Use Permit IUP = Interim Use Permit CC = Certificate of Compliance NP = Not Permitted

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STILLWATER TOWNSHIP ZONING ORDINANCE

CHAPTER TWO

PART 2

DENSITY AND LOT REQUIREMENTS

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STILLWATER TOWNSHIP ZONING ORDINANCE

CHAPTER TWO

PART 2 DENSITY AND LOT REQUIREMENTS

This Part regulates the development of land located in the, AG, and SCR districts.

This Part regulates the development of residential land through the use of density and not minimum lot size and width zoning as found in traditional zoning ordinances. This approach provides flexibility to property owners by permitting three types of subdivision design: conventional, lot averaging and open space development.

- (1) The **conventional subdivision** plan divides property into lots according to the minimum lot size and width requirements for the zoning district.
- (2) The second technique, **lot averaging**, allows the property owner to create parcels smaller than those of a conventional subdivision plan provided the density of the development does not exceed the maximum density permitted for the zoning district and the density that can be achieved with a yield plan.
- (3) The third approach, **open space design**, also permits property owners to subdivide parcels into lots smaller than conventional subdivisions; however, the development must comply with certain design standards and a portion of the property must remain as common open space.

The development of land within the Shoreland Overlay District and Lower St. Croix River Bluffland and Shoreland Management District these districts shall be determined in accordance with Chapter Six, Shoreland Management Regulations and Chapter Five Lower St. Croix River Bluffland and Shoreland Management Regulations of the Washington County Development Code. Development in these districts may require approval by Washington County in addition to Township approval.

All land within Stillwater Township is also subject to Ordinance #101, Environmentally Sensitive Overlay District.

Density is the number of dwelling units permitted per acre of land.

A quarter-quarter section is defined as a tract of land legally described as a full quarter-quarter or a 40 acre parcel not reduced by more than 10% due to road right-of-way dedication.

Density units are the number of individual dwelling units that can be located on a parcel of land as established thorough the use of a yield plan.

SECTION 1. DENSITY

1.1 Density in Districts.

- (1) In the AG District, the density of residential dwellings shall not exceed four (4) dwelling units per 40 acres or quarter-quarter section.
- (2) In the “SCR” District, the density of residential dwelling units shall not exceed eight (8) dwelling units per forty (40) acres. All requirements of Chapter 5 of the Washington County Zoning Code also apply to land within the SCR District.

1.2 Determination of Density Units

For the purposes of developing land for residential development, the maximum number of density units for any individual parcel shall be determined by applying the following steps:

- (1) The maximum number of density units for an individual parcel shall be calculated by multiplying the size of the parcel in acres by the maximum density per 40 acres for the district in which the parcel is located as set forth in Section 1.1 above then dividing this number by 40 to achieve the result.
- (2) In order to determine the allowable number of density units per parcel, a yield plan drawn to scale showing the maximum number of lots that would be permitted using the performance standards for lots in a conventional subdivision designed in accordance with the applicable sections of the zoning, subdivision, and other applicable regulations shall be prepared and submitted to the Zoning Administrator for review. If, after determining the maximum number of lots in a conventional subdivision, a lot could be created that meets 80 percent of the minimum lot size and otherwise meets all other lot requirements for the zoning district, then that lot shall be considered as one lot for density computation purposes. The number of density units so determined shall constitute the parcel’s maximum development potential.
This provision does not apply in the St. Croix River (SCR) zoning district.
- (3) Minimum lot area in the AG Zoning District may include public right-of-way, as allowed in Stillwater Township Ordinance #115.

1.3 Development Agreement

From and after the effective date of this Zoning Ordinance, parcels

subdivided utilizing either the lot averaging or open space design method of development shall be restricted by a development agreement specifying the number of density units allocated amongst the lots or parcels being created, and the fact that the use and development and further subdivision of the parcels being created is subject to the regulations contained in the Stillwater Township Zoning Ordinance.

1.4 Transfer of Density Units

After the effective date of this Zoning Ordinance, parcels subdivided shall be restricted by a development agreement specifying the number of density units allocated amongst the lots or parcels being created, and the fact that the use and development and further subdivision of the parcels being created is subject to the regulations contained in this Zoning Ordinance.

1.5 Conveyance of Land

- (1) Prior to recording a conveyance of land which is less than the whole as charged on the tax lists maintained by the Washington County Auditor/Treasurer, the conveyance must first be approved by the Zoning Administrator for compliance with this Section.
- (2) Any conveyance of land which is less than the whole parcel of land as charged on the tax lists and found to be in violation of this section by the Zoning Administrator will be returned to the draftsman and notice by mail of the potential violation will be given to the parties to the conveyance pursuant to Minnesota Statutes §394.37.

After the effective date of this Chapter, development agreements may be amended to reallocate density units between contiguous parcels if the contiguous parcels are: 1) located in the same zoning district; 2) under common ownership; and 3) the reallocation of density units meets the criteria contained in this Chapter.

Conveyances shall have the meaning specified in Minnesota Statute §272.12.

SECTION 2. LOT REQUIREMENTS

2.1 In the Agricultural (AG), and St. Croix River* (SCR) Districts, the following lot requirements must be met unless the parcel is part of an approved open space development.

- (1) Conventional Subdivision
 - (A) Minimum Lot Size – Single Family
 - 1. AG 10 acres
 - 2. SCR..... 5 acres
 - (B) Minimum Frontage on a Public Road
 - 1. AG300 feet
 - 2.
 - 3. SCR.....300 feet

**Additional requirements for the St. Croix River (SCR) district are found in the St. Croix River Bluffland and Shoreland Zoning Ordinance # 14 of Washington County. All parcels within the SCR District must comply with the Township and County Ordinances.*

- (2) Lot Averaging
 - (A) Minimum Lot Size
 - 1. AG 2 acres
 - 2. SCR..... 2 acres
 - (B) Minimum Frontage on a Public Road
 - 1. 160 feet on parcels between 2 and 4 acres.
 - 2. 300 feet on parcels greater than 4 acres.
- (3) Maximum Lot Coverage 25%
- (4) Minimum Building Setbacks
 - 1. Front40 feet
 - 2. Side.....20 feet
 - 3. Rear.....50 feet
- (5) Maximum Building Height35 feet
- (6) The minimum setback for all structures shall be one hundred fifty (150) feet from the centerline, or 75 feet from the right-of-way (whichever is greater), along roads designated as "Arterials" in the Township's Comprehensive Plan.

STILLWATER TOWNSHIP ZONING ORDINANCE

**CHAPTER TWO
PART 3
PERFORMANCE STANDARDS**

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*Commentary/Interpretive
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STILLWATER TOWNSHIP ZONING ORDINANCE

CHAPTER TWO

PART 3

PERFORMANCE STANDARDS

The performance standards established in this Part are designed to encourage a high standard of development. The standards are designed to prevent and eliminate those conditions that cause blight and to assure that neighboring land uses are compatible. All future development in all districts shall be required to meet these standards and the standards shall also apply to existing development where so stated.

SECTION 1. DEVELOPMENT STANDARDS

General Standards apply to all lots or uses. These regulations must be met in addition to other specific regulations that may apply to the individual lot or proposed use.

1.1 General Standards

- (1) All lots or uses will be subject to these general standards as well as other specific regulations that apply to the lot or the proposed use.
- (2) All agricultural and livestock operations being conducted in compliance with the terms of this Zoning Ordinance shall not be deemed a violation of this Zoning Ordinance notwithstanding the fact that there may have been changes in the surrounding character of the area.
- (3) All applicants for a certificate of compliance or conditional use permit in the commercial zones must explain their business and any manufacturing processes involved. Any business/use storing or using hazardous substances as defined in Title 49 CFR, the Clean Water Act, Hazardous Waste Rules or Department of Transportation Rules must meet all applicable Environmental Standards.
- (4) Sloping or Erodible Building Sites. No structure shall be constructed on sites with slopes of greater than twenty-five percent (25%) or on easily erodible soils as defined on the community soils maps and compiled by the Washington County Soil and Water Conservation District.
- (5) Permitted Encroachments into Required Setbacks. The following shall be permitted encroachments into setback requirements:
 - (A) flues, eaves and awnings up to three (3) feet in width;

Sloping or Erodible Building Sites

Encroachments into Setbacks

- (B) steps, chimneys, sidewalks, and stoops up to three (3) feet in width;
 - (C) exposed wheelchair ramps, bay windows and doors up to three (3) feet in width.
- Corner Lots*
- (6) **Corner Lots.** Nothing shall be placed or allowed to grow, with the exception of seasonal crops, in such a manner as to materially impede vision between a height of two and one-half (2 ½) and ten (10) feet above the centerline grades of the intersecting streets to a distance such that a clear line of vision is possible of the intersecting street from a distance of 50 feet from the intersection of the right of way lines.
- Setbacks Along Collector Roads*
- (7) **Setbacks Along Arterials.** The minimum setback for all structures shall be one hundred (150) feet from the centerline, or seventy five (75) feet from the right-of-way (whichever is greater), along roads designated as “Arterials” in the Township’s Comprehensive Plan.
- Minimum Width and Foundations*
- (8) **Minimum Width and Foundations.** In all districts where single family dwellings are permitted, the following standards shall apply for single family dwellings, except for temporary dwellings permitted by Chapter Two, Part 3, Sections 2.29, 2.30 and 2.31 of this Zoning Ordinance:
 - (A) The minimum width of the main portion of the structure shall be not less than twenty (20) feet, as measured across the narrowest portion.
 - (B) All dwellings shall be placed on a permanent foundation and anchored to resist overturning, uplift and sliding in compliance with the Minnesota State Building Code.
- Code Compliance*
- (9) **Code Compliance.** All principal buildings shall meet or exceed the minimum standards of the Minnesota Building Code, the Minnesota State Uniform Fire Code, the Minnesota Department of Health, the Minnesota Pollution Control Agency, and the Washington County Subsurface Sewage Treatment System Regulations, except that manufactured homes shall meet or exceed the requirements of the State of Minnesota Manufactured Home Building Code in lieu of the Minnesota State Building Code.

<i>Buildable Land</i>	<p>(10) Buildable Land. All new parcels created must have at least one (1) contiguous acre of accessible buildable land. Buildable land is defined as:</p> <ul style="list-style-type: none"> (A) land with a slope less than 25 percent, and (B) outside of any required setbacks, except that on a natural environment lake where a 200 foot structure setback is required, the buildable area calculation would be measured from a 150 foot setback rather than the required 200 foot setback; and (C) above any 100 year floodplain, drainageway, or drainage easement. <p>Property situated within Shorelands or the Saint Croix River districts are also subject to the requirements in those Chapters.</p>
<i>Number of Structures</i>	<p>(11) Number of Structures. There shall be no more than one (1) principal structure on any one (1) parcel of land, unless otherwise authorized by the Zoning Ordinance.</p>
<i>Prohibited Dwelling Units</i>	<p>(12) Certain Dwelling Units Prohibited. No cellar, garage, recreational vehicle or trailer, basement with unfinished exterior above or accessory building shall be used at any time as a dwelling unit.</p>
<i>Occupancy of Single Family Dwelling</i>	<p>(13) Occupancy of a Single Family Residential Dwelling. No more than six (6) persons can reside in a single family residential dwelling not related by blood, marriage or adoption.</p>
<i>Traffic Control</i>	<p>(14) Traffic Control. The traffic generated by any use shall be controlled so as to prevent congestion of the public streets, traffic hazards and excessive traffic through residential areas, particularly truck traffic. Internal traffic shall be regulated so as to ensure its safe and orderly flow. Traffic into and out of business and industrial areas in all cases shall be forward moving with no backing into streets.</p>
<i>Vacated Streets</i>	<p>(15) Vacated Streets. Whenever any street, alley, easement or public way is vacated by official action, the zoning district abutting the centerline of the said vacated area shall not be affected by such proceedings.</p>
<i>Access Drives, Access & Service Roads</i>	<p>(16) Access Drives, Access and Service Roads. Access drives onto Township or County roads shall require an access permit from the appropriate road authority. This permit shall be issued prior to the issuance of any building permits. The Township or County Engineer shall determine the</p>

Private Roads

appropriate location, size and design of such access drives and may limit the number of access drives in the interest of public safety and efficient traffic flow. Private Roads. Private roads are not allowed in any new subdivisions created after the effective date of this Development Code. Existing lots of record on private roads will be subject to the Standards contained in Chapter One, Section 14.4 (1) (A).

Maximum Height

- (17) No structure shall exceed the maximum height permitted for the zoning district in which it is located, except for church spires, chimneys, flag poles up to 45 feet in height. Maximum height of Wireless Communication Facilities and Wind Energy Conversion Systems is regulated in accordance to Chapter Two, Part 3, of this Development Code.

Setbacks from Underground Pipelines

- (18) Structures must be setback a minimum of 50' from an underground pipeline easement.

Setbacks Along Unclassified Waterbodies

- (19) Unclassified water bodies. All lots having frontage on or containing an unclassified water body as defined in Chapter Six, Shoreland Management Regulations shall be subject to the setback regulations for unclassified water bodies as established in Chapter Six.

The purpose of these standards is to regulate the size, use and location of accessory structures.

Definition Accessory Structure: A detached structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal structure.

Definition Temporary Structure: a building or other structure that is erected on a seasonal or other temporary basis for up to 180 days. Temporary structures include Intermodal Shipping Containers. Temporary structures do not include camping tents, events tents or other tent structures erected on a short-term basis.

1.2

Accessory Structures/Attached Garages

- (1) Required Permits. A building permit is required for all accessory structures except the following: (1) agricultural buildings on a farm of forty acres or more, as defined in Minnesota Statute 16B.61 and (2) accessory structures that are 120 square feet or smaller. A certificate of compliance is required for all agricultural buildings and accessory structures over 1,000 square feet in size. A site permit is required for temporary accessory structures.
- (2) Performance Standards. The following standards apply in all districts.
 - (A) No accessory structure shall be constructed on a lot prior to construction of the principal structure unless the property is a rural farm containing forty (40) acres or more.
 - (B) The following standards must be met on any lot or parcel with an existing or proposed accessory structure, except for small structures (25 square feet or less) used to shelter children waiting for school buses:
 1. The setbacks required in the zoning district must be met.
 2. Stormwater Best Management Practices: Use gutters, rain gardens, rain barrels, swales and other techniques to best manage stormwater and to mitigate the effects of impervious surfaces.
 3. Screening and Landscaping: Provide landscaping and trees to screen the building or buildings from the road and neighboring properties, per the Township Screening Policy.
 4. Environmental Impact: Plan the structure or structures on the site to preserve plant communities, woods, prairie, animal habitat or other natural resources which are not protected by existing requirements (i.e., protected wetlands and waters).
 5. In all cases, the total amount of impervious surface, including but not limited to the primary structure, driveways, tennis courts, parking areas, and existing and proposed accessory structures shall not exceed the

maximum lot coverage permitted by this Ordinance for the district where the parcel is located. Temporary structures are not included in the total amount of impervious surface. (Permit applications shall include calculations of existing and proposed impervious surfaces.)

(C) No detached accessory structure shall be located closer to the road right-of-way than the principal building on a lot without obtaining a Variance, unless all of the following conditions are met:

1. The structure is a small structures (twenty-five [25] square feet or less) used to shelter children waiting for school buses, if all setbacks are met.
2. The accessory structures is located at least two hundred (200) feet from the road right-of-way on lots of five (5) acres or larger and meeting all setback requirements.
3. Township screening policies are applied, where appropriate.

(3) For attached garages, the maximum footprint of the attached garage shall not be more than one hundred (100) percent of the footprint of the primary structure. (This limit shall not apply to “bonus rooms” or “underground garages.”)

(4) In Agricultural (A-4), Conservancy (C), St. Croix River (SCR) and Transitional (TZ) districts, the following additional standards apply to all land within these districts:

(A) Storage, boat or tool sheds are defined as one hundred and twenty (120) maximum square feet, twelve (12) feet maximum roof height, maximum door opening area of twenty-eight (28) square feet and maximum one story. Structures defined in this section shall count towards the square footage referenced in Section 4(B) 1.

(B) Detached accessory buildings are allowed.

1. For buildings larger than one hundred and twenty (120) square feet, a building permit is required. For buildings larger than one thousand (1,000) square feet, a building permit and a Certificate of Compliance are required.

The permitted size and number of accessory buildings are as follows:

Acres	No. of buildings allowed	Maximum sq. ft. (footprint)	Maximum Height in ft. for structures in Front Yards
less than 5	1	1,600	No taller than the primary structure or 18' maximum
5 to less than 8	2	2,400	21'
8 to less than 11	2	2,600	25'
11 to less than 14	2	2,900	30'
14 to less than 17	2	3,200	30'
17 to less than 20	2	3,600	30'
20 or greater	unlimited*	unlimited*	35'

** provided they are agricultural buildings*

2. The maximum permitted height for accessory structures located in the side or rear yard is the maximum building height permitted in the zoning district.
3. On parcels of twenty thousand (20,000) square feet in area or less no detached garage shall exceed seven hundred and twenty (720) square feet in floor area.
4. In Shoreland Districts, the maximum height of non-agricultural structures is one (1) story.
5. Accessory storage structures that are less than one hundred and twenty (120) square feet in size are included in the maximum total square feet of accessory structures allowed, but are

not included in the maximum number of buildings allowed.

6. Agricultural buildings that the Township considers to be of historic character may be exempt from the limitations on the number and size of accessory structures.
 7. Accessory Buildings may not include kitchen facilities or full bathrooms. Accessory buildings used for non-storage use must comply with all rules and regulations, including related building codes, of federal, state, county, and local government agencies. They may not be rented, leased or sold separately from the rental, lease or sale of the main single-family dwelling unit on the lot. The accessory structure may be no more than two (2) stories and may not exceed thirty-five (35) feet in height.
- (C) Temporary structures are allowed. For structures larger than one hundred and sixty (160) square feet, a site permit is required. Permits for temporary structures shall be limited to no more than one hundred and eighty (180) days in a calendar year. The building inspector may grant extensions of up to sixty (60) days for demonstrated cause. Temporary structures defined in this section shall not count towards the square footage referenced in Section 4(B) item 1.
- (D) All detached accessory buildings and temporary structures are to be used for personal use or agricultural use only. No commercial use or commercial-related storage is allowed in these structures.
- (E) On parcels of twenty thousand (20,000) square feet in area or less, no detached garages shall exceed seven hundred and twenty (720) square feet in floor area.
- (F) No land shall be subdivided so as to have a larger building or structure and/or exceed the total number of buildings and structures as permitted by this Zoning Ordinance. In the event that a landowner wishes to subdivide a parcel, the accessory building or buildings must be removed or reduced in size to comply with Section 1.2 of the Zoning Ordinance.

Accessory structures used to house domestic farm animals are subject to additional regulations.

(G) Domestic Farm Animals. Accessory buildings and structures used to shelter domestic farm animals must meet the following requirements:

1. All domestic farm animal structures, feedlots and manure storage sites shall be setback as follows:

<u>Natural/ Man-Made Features</u>	<u>Horizontal Setbacks</u>
(a) Any property line	100 feet
(b) Any existing well or residential structure on the same parcel	50 feet
(c) Any existing well or residential structure on adjacent or nearby parcel	200 feet
(d) Seasonal or year-round body of surface water	200 feet

2. Said structure, feedlot or manure storage shall not be placed on slopes which exceed thirteen (13) percent.

3. Evidence of seasonally high ground water level or mottled soil (as established by six (6) foot borings) shall not be closer than four (4) feet to the natural surface ground grade in any area within one hundred (100) feet of the proposed structure and/or feedlot.

4. No marsh or wetland (as established by the predominant wetland vegetation and/or soils) shall be utilized for placement of the proposed structure, feedlot or grazing area.

(5) Reference Guidelines:

(A) The following are guidelines or suggestions to be considered when planning an accessory building.

1. Architectural Character: Design the structure for architectural interest, including the use of windows, shutters, gambrel roof, cupolas, or other features; architectural quality elevations/pictures/site plans; and/or building

with non-metal siding and concrete or other hard-surface floor.

2. Agricultural or Equestrian Use: Show that the use of the structure contributes to Stillwater Township's rural character.
3. Unique Design Features: Utilize design elements related to the history of Stillwater Township.
4. Renewable Energy: Use of proven wind, solar, or other non-petroleum based energy sources.

The purpose of these standards is to protect the environment.

Hazardous Materials include oil, gasoline, liquid fertilizer, chemicals and similar liquids.

Dry Fertilizers

1.3 Environmental Regulations

- (1) Hazardous Materials.
 - (A) All uses associated with the bulk storage of over two thousand (2,000) gallons of oil, gasoline, liquid fertilizer, chemicals and similar liquids shall require a conditional use permit.
 - (B) All existing, above ground liquid storage tanks having a capacity in excess of two thousand (2,000) gallons shall secure a conditional use permit within twelve (12) months following enactment of this Development Code, unless the tank(s) is located on agricultural property. A certificate of compliance is required for all above ground storage tanks having a capacity of 2,000 gallons that are located on agricultural properties.
 - (C) Secondary containment shall be provided for hazardous materials that are stored above ground and for all areas where hazardous materials are loaded or unloaded. Above ground liquid storage tanks must have secondary containment, suitably sealed to hold a leakage capacity equal to one hundred ten percent (110%) of the tank's capacity.
 - (D) Any area used for the storage of hazardous materials shall not contain interior floor drains. If floor drains are essential to business operation, then the facility shall:
 - 1. Connect the floor drain to a closed holding tank, or;
 - 2. Obtain a groundwater discharge permit from the Minnesota Department of Natural Resources.
 - (E) The storage and/or preparation area for hazardous materials with more than 25 gallons or 100 pounds dry weight must be set back a minimum of 150' from a water supply well.
 - (F) Hazardous materials stored in an above ground storage tank with containment must be setback a minimum of 100' from a water supply well.
 - (G) Dry commercial fertilizers must not be located in areas where storm water runoff from stockpiles could

Dry Bulk Pesticides

enter storm sewers, sanitary sewer or other surface or ground water.

- (H) Dry bulk pesticides with a dry weight of 100 pounds or more shall be stored under a roof or tarpaulin that excludes precipitation from reaching the pesticide.
- (I) Closed holding tanks shall be used for the collection of wash water from vehicle maintenance and other related operations.
- (J) Primary containment of hazardous materials shall be product-tight and all hazardous materials shall be stored in compliance with the rules and regulations of Federal, State, County and local agencies.
- (K) The Minnesota Pollution Control Agency and Federal agency requirements for storage leak detection, record keeping, spill prevention, emergency response, transport, and disposal shall be met.
- (L) Underground storage tanks shall comply with the requirements of the Minnesota Pollution Control Agency and Federal agencies.

Explosives

- (2) Explosives. Uses involving the commercial storage, use or manufacture of materials or products that could detonate by decomposition are not permitted.

Radiation & Electrical Interference

- (3) Radiation and Electrical Interference. No activities shall be permitted that emit dangerous radioactivity beyond enclosed areas. There shall be no electrical disturbance (except from domestic household appliances) adversely affecting the operation of ordinary business or household equipment and appliances. Any such omissions are hereby declared to be a nuisance.

Nuisances including noise, air, water pollution, vibration, public health nuisances, refuse, and inoperable vehicles.

- (4) Nuisances. No noise, odors, vibration, smoke, air pollution, liquid or solid wastes, heat, glare dust or other such adverse influences shall be permitted in any district that will have an objectionable effect upon adjacent or nearby property owners and residents. Minimum standards shall be as follows:
- (A) Noise, Air and Water Pollution. Notwithstanding anything contained herein to the contrary, the standards of the Minnesota Pollution Control Agency for noise, air, and water pollution shall be the standards applied in those areas.
- (B) Vibration. The following vibrations are prohibited:
1. Any vibration discernible (beyond the property line) to the human sense of feeling for three (3) minutes or more duration in any one (1) hour.
 2. Any vibration resulting in any combination of amplitudes and frequencies beyond the "safe" range of the most current standards of the United States Bureau of Mines on any structure. These standards shall not apply to vibrations created during the process of construction.
- (C) Public Health. The following are declared to be nuisances endangering public health and are prohibited:
1. Causing or allowing the effluent from any cesspool, septic tank, drain field or human sewage disposal system to discharge upon the surface of the ground, or dumping the contents thereof at any place except as authorized by the Minnesota Pollution Control Agency.
 2. Causing or allowing the pollution of any public well or cistern, stream or lake, canal or body of water by sewage, industrial waste or other substances.
 3. Failing to dispose of carcasses of animals within twenty-four (24) hours after death.
 4. Any use shall be so operated as not to discharge across the boundaries of the lot or through evaporation into the atmosphere or the subsoil beyond the boundaries of the lot wherein such use is located toxic or noxious matter in such concentration as to be

detrimental to or endanger the public health, safety or welfare, or cause injury or damage to property or business.

5. The ownership, possession or control of any unused refrigerator or other container, with doors which fasten automatically when closed, of sufficient size to retain any person, and which is exposed and accessible to the public, without removing the doors, lids, hinges or latches, or providing locks to prevent access by the public.

(D) Refuse

In all districts, (with the exception of agricultural uses and crop residue) all waste material, debris, refuse, or garbage shall be kept in an enclosed building or properly contained in a closed container designed for such purposes. The owner of vacant land shall be responsible for keeping such land free of refuse.

(E) Inoperable Vehicles

Passenger vehicles and trucks in an inoperable state shall not be parked in any districts, except in a location authorized as a vehicle reduction yard or enclosed building, for a period exceeding seven consecutive days.

Hazardous Waste

- (5) Hazardous Waste. Any use that generates, processes or disposes of hazardous waste shall comply with the standards and regulations of the County's Hazardous Waste Management Ordinance, Minnesota Pollution Control Agency and any other federal, state and local agencies.

The purpose of these standards is to protect the natural scenic beauty of roadsides along major highways and Washington County roads.

1.4

Exterior Storage Along Major Highways and County Roads

- (1) Applicability. These standards are applicable in the Shoreland Overlay District, the St. Croix River Overlay District and in all districts to all property with frontage on a major highway or county road or within 1/4 mile of the major highway or county road.
- (2) Performance Standards.
 - (A) In all districts, all useable personal property shall be stored within a building or fully screened so as not to be visible from major highways and county roads, except for the following: laundry drying and

recreational equipment, construction and landscaping materials and equipment currently (within a period of twelve (12) months) being used on the premises, agricultural equipment and materials if these are used or intended for use on the premises, off-street parking of licensed and operable passenger automobiles and pickup trucks, up to 20 cords of wood for burning in a fireplace, stove or furnace provided it is stored as follows: (1) in a neat stack not exceeding 6 feet in height; (2) the wood is not infested with rodents; (3) no more than 3 cords of wood may be kept in a front yard. The Township may issue a certificate of need authorizing storage of more than 20 cords of wood based upon a showing that more wood is needed for burning on the property. Boats and unoccupied trailers, less than 25 feet in length, are permissible if stored in the rear yard more than 10 feet from any property line.

The purpose of this section is to establish regulations for fences.

1.5 Fences

- (1) Applicability. These standards shall apply in the Shoreland Overlay District, St. Croix River Overlay District and on those properties that have frontage on a major highway or County Road.
- (2) General Performance Standards.
 - (A) Fences are permitted in accordance with the following regulations:
 1. Solid walls in excess of four (4) feet above adjacent ground grades shall be prohibited.
 2. That side of the fence considered to be the face (finished side as opposed to the structural supports) shall face the abutting property.
 3. No fence shall be constructed on public rights-of-way.
 4. Fences shall not impede the vision of the roadway from a driveway providing access to the road.
 5. Where a property line is not clearly defined, a certificate of survey may be required by the Zoning Administrator to establish the location of the property line.

6. Fences that exceed six (6) feet in height are permitted provided a building permit is received.
 7. Fences may be placed along a property line provided no physical damage of any kind results to abutting property.
 8. Fences on or within three (3) feet of the property line shall require a certificate of compliance.
- (B) On properties located in the Shoreland Overlay District or St. Croix River District that either have lake or river frontage, fences must comply with the following standards:
1. A certificate of compliance is required prior to the construction of any fence on these properties.
 2. Within the nonbuildable setback, fences shall be allowed along the side lot lines, but shall not exceed six (6) feet in height from the finished ground grade.
 3. Within the buildable area of the property, fences shall have a maximum height of six (6) feet from the finished ground grade.
- (C) Fences are permitted along a property line abutting a road right-of-way in accordance with the following:
1. On properties that are being used for agriculture, a fence may be constructed up to six (6) feet in height provided the fence is a wire strand or wood rail fence.
 2. On properties where the primary use is residential, commercial or industrial, fences shall not exceed four (4) feet in height. Fences within the nonbuildable setback area and less than twenty (20) feet from the front property line shall not exceed four (4) feet in height.
 3. Fences on all other parts of the property shall be subject to the regulations of the local unit of government.

The purpose of these standards is to regulate the alteration or grading of land.

Land alteration and grading: The reclaiming of land by depositing or moving material so as to alter the grade.

Public Waters: All lakes, ponds, swamps, streams, drainageways, floodplains, floodways, natural water courses, underground water resources, and similar features involving, directly or indirectly, the use of water within the community.

1.6 Land Alteration and Grading

- (1) Land Alteration and Grading activities shall comply with the Township Stormwater Management and Erosion Control Ordinance (Ordinance 164 and its amendments).
- (2) Permit Required. Land alteration and grading of fifty (50) cubic yards or more and/or the disturbance of land area of 1,000 square feet or more shall be permitted with a grading permit. A permit is not required for the following: agricultural activities; grading activities associated with a construction project provided a building permit is issued and there is a minimal amount of land disturbance; subdivisions that have received final plat approval; and driveways permitted in conjunction with a building permit.
 - (A) The application for a permit shall include an existing and a finished grade plan. The finished grade plan shall show no adverse effects on adjacent land. The Zoning Administrator may require information in addition to this plan, including but not limited to, a plan for fire control, general maintenance of site, control of vehicle ingress and egress, drainage and control of material disburshed from wind or hauling of material to or from the site.
 - (B) Grading permit applications will be reviewed by the Township Engineer and may be reviewed, as deemed necessary by the Zoning Administrator or in accordance with other rules, by the Minnesota Department of Natural Resources, and the appropriate Watershed Management Organization.
 - (C) A grading, drainage and erosion control plan may be required if, in the judgment of the Zoning Administrator or Township Engineer, significant soil erosion, vegetation destruction or drainage damage may occur during the land alteration process. The Township Engineer shall review the permit application.
 - (D) The Zoning Administrator may require the applicant to post a bond or other financial guarantee to ensure compliance with the grading permit.
- (3) Applications for any project that will affect more than one (1) acre shall complete a Storm Water Pollution Prevention Plan (SWPPP) and shall comply with all requirements of the current National Pollution Discharge Elimination System (NPDES) regulations and other applicable Federal and State regulations.

- (4) General Standards. The following general standards shall apply for grading, drainage and erosion control:
- (A) All development shall conform to the natural limitations presented by the topography and soil as to create the best potential for preventing soil erosion.
 - (B) Development must be planned and conducted in a manner that will minimize the extent of disturbed areas, runoff velocities, and erosion potential, and reduce and delay runoff volumes. Disturbed areas must be stabilized and protected as soon as possible and facilities or methods used to retain sediment on site. Stabilization must be completed no later than fourteen (14) calendar days after a substantial portion of rough grading has been completed or if land disturbing activity has temporarily or permanently ceased. Stabilization must be completed no later than seven (7) days if the site discharges to and is located within one (1) mile of an impaired or special water as defined by the MPCA.
 - (C) Slopes over twenty-five percent (25%) (4:1) shall not be altered.
 - (D) Development on slopes with a grade between thirteen (13%) (8:1) and twenty-five (25%) (4:1) percent shall be carefully reviewed by the Township Engineer to insure adequate measures have been taken to prevent soil erosion, sedimentation, vegetative and structural damage.
 - (E) Erosion and siltation measures shall be coordinated with the different stages of development. Appropriate control measures shall be installed prior to development when necessary to control erosion.
 - (F) Land shall be developed in increments of workable size such that erosion and siltation controls can be provided as construction progresses. The smallest practical area of land shall be exposed at any one period of time.
 - (G) The drainage system shall be constructed and operational as quickly as possible during construction.
 - (H) Whenever possible, natural vegetation shall be retained and protected.

Erosion Control

- (I) Where the topsoil is removed, sufficient arable soil shall be set aside for re-spreading over the disturbed area. The soil shall be restored to a depth of four (4) inches and shall be of quality at least equal to the soil quality prior to development.
 - (J) If more than ten (10) acres are disturbed and drained to a single point of discharge, the applicant shall install temporary sediment basins. However, if the site has special waters as defined by the MPCA, the applicant shall install temporary sediment basins if five (5) or more acres are disturbed. When site restrictions do not allow for a temporary sediment basin, equivalent measures such as smaller basins, check dams, and vegetated buffer strips may be utilized if approved by the Township.
 - (K) For disturbed areas that are less than ten (10) acres in size, sedimentation basins are encouraged, but not required. The applicant shall install erosion and sediment controls at locations directed by the community. Minimum requirements include silt fences, rock check dams, or other equivalent control measures along slopes. Silt fences, rock check dams, etc., must be regularly inspected and maintained by the applicant.
 - (L) The applicant shall stabilize the normal wetted perimeter of temporary or permanent drainage ditches or swales within one hundred (100) lineal feet of the property boundary or discharge point to a surface water.
 - (M) The natural drainage system shall be used as far as feasible for the storage and flow of runoff. Storm water drainage shall be discharged to sediment, detention or retention basins or other treatment facilities. Wetlands used for stormwater shall provide for natural or artificial water level control. Storage areas or retention basins scattered throughout developed areas shall be encouraged to reduce peak flow, erosion damage and construction cost.
- (5) Erosion Control. The following measures shall be taken to control erosion during the construction process:
- (A) Exposed slopes shall not be steeper in grade than four (4) feet horizontal to one (1) foot vertical (25%).
 - (B) Exposed slopes shall be protected by whatever means effective to prevent erosion considering the degree of

the slope, soil material, and expected length of exposure. Slope protection may consist of mulch, sheets of plastic, burlap or jute netting, sod blankets, fast growing grasses or temporary seeding of annual grasses.

- (C) Earthen structures such as dams, dikes, and diversions must be seeded and mulched within fourteen (14) days of installation, or within seven (7) days if the site discharges to and is located within one (1) mile of an impaired or special water as defined by the MPCA.
- (D) All on-site storm water conveyance channels shall be designed and constructed to withstand the expected velocity of flow from a five (5)-year frequency storm event without erosion.
- (E) Control measures, other than those stated above, may be used if the applicant can demonstrate that they will as effectively protect exposed slopes and the Township approves the alternate control measures.

Sediment Control

- (6) Sediment Control. The following measures shall be taken to control sediment from leaving the construction site:
 - (A) Temporary barriers shall be constructed to prevent sediment from leaving the site. These barriers may consist of silt fences or straw bale sediment traps.
 - (B) Temporary sediment basins or traps may be required to remove medium and large sized sediment particles from runoff and reduce discharge velocity.
 - (C) The Zoning Administrator or Township Engineer may require a temporary rock driveway at the site entrance to prevent sediment from leaving the site on the tires of vehicles.

Restoration

- (7) Restoration. All permits shall contain a restoration plan providing for the use of land after project completion. The following are minimum standards for restoration.
 - (A) All disturbed areas shall be restored at the completion of the project.
 - (B) All restoration shall include the application of a minimum of four (4) inches of a mineral topsoil or similar material that will support plant growth.

Floodplains

- (C) Final grades shall be in conformity with the permit and topography of the surrounding land.
- (D) If the land is to be restored to crop production, no slope shall exceed five (5) feet horizontal to one (1) foot vertical (20%).
- (E) If the restoration is not for crop production, no grade shall exceed four (4) feet horizontal to one (1) foot vertical (25%).
- (F) All restored areas shall be seeded with a mixture recommended by the Washington Conservation District or local watershed management organization or returned to crop production.
- (G) The standards in B, C, D and E above may be raised or modified to accommodate a specific restoration plan.

Public Waters

- (8) Floodplains. Land alteration in floodplains shall also be in accordance with Floodplain regulations.
- (9) Public Waters. No public water area shall be filled, partially filled, dredge, altered by grading, mining or disturbed in any manner without first securing a permit from the local watershed management organization, Minnesota Department of Natural Resources, the United States Army Corp of Engineers and a grading permit from the Zoning Administrator.

Drainage

- (10) Drainage.
 - (A) All new development or land alteration shall comply with the Township's Stormwater Management and Erosion Control Ordinance (Ordinance 164 and its amendments).
 - (B) No land shall be developed or altered and no use shall be permitted that results in surface water runoff causing unreasonable flooding, erosion or deposit of materials on adjacent properties or water bodies. Such runoff shall be properly channeled into a storm drain, a natural watercourse or drainage way, a ponding area or other public facility.
 - (C) Upon inspection of any site that has created drainage problems or could create a drainage problem with proposed new development, the owner of said site or contractor may be required to complete a grading plan and apply for a grading permit.

- (D) The owner or contractor of any natural drainage improvement or alteration may be required to obtain a grading permit.
 - (E) On any slope in excess of thirteen percent (13%) (8:1) where the natural drainage pattern may be disturbed or altered, the owner or contractor may be required to obtain a grading permit.
- (11) Wetland Preservation. The alteration of wetlands shall comply with the rules and regulations of Federal, State and local agencies.

The purpose of this section is to establish standards for the clearing of land in areas of 20,000 square feet or more.

1.7 Land Clearing

- (1) Required Permits: Land clearing on an area of 20,000 square feet or more is permitted in all districts, except the “C” Conservancy District, provided a Certificate of Compliance is issued. A permit is not required for clearing trees and other woody plants in an area less than 20,000 square feet, clearing activities associated with a construction project provided a building permit is issued and there is minimal amount of clearing, and subdivisions that have received final plat approval.
- (2) Other Requirements. Land Clearing must comply with all rules and regulations of Federal, State, County and local agencies and with the Township’s Stormwater Management and Erosion Control Ordinance (Ordinance 164 and its amendments).
- (3) Performance Standards. Land clearing shall comply with the following:
 - (A) There shall be no removal of trees located on slopes greater than 25%, or in wooded floodplains, wooded wetlands, and stream corridors. Trees and woodlands within the Shoreland Overlay District and the St. Croix River District are subject to the requirements as stated in Chapter Six, Shoreland Management Regulations and Chapter Five, Lower St. Croix River Bluffland and Shoreland Management Regulations in addition to the regulations of this Chapter.
 - (B) Construction fences or barricades may be required to be placed at the perimeter of the area to be cleared.
 - (C) Erosion and siltation measures shall be coordinated with the different stages of clearing. Appropriate control measures shall be installed prior to land clearing when necessary to control erosion.

- (D) Land shall be cleared in increments of a workable size such that erosion and siltation controls can be provided as the clearing progresses. The smallest practical area of land shall be exposed at any one period of time.
- (E) Restoration. All permits shall contain a restoration plan providing for the use of the land after project completion. The following are minimum standards for restoration:
 - 1. All disturbed areas shall be restored at the completion of the project.
 - 2. All restoration shall include the application of a minimum of four (4) inches of mineral soil or similar material that will support plant growth.
 - 3. All restored areas shall be seeded with a mixture recommended by the Township Engineer or Watershed Management Organization unless it is put into forest or row crop production.
 - 4. Final grades shall be in conformity with the permit and topography of the surrounding land.
 - 5. The standards above may be raised or modified to accommodate a specific restoration plan.
- (F) The Zoning Administrator may require the applicant to post a bond or other financial guarantee to ensure compliance with the certificate of compliance.

1.8 Lighting

- (1) Exemptions. The standards of this section shall not apply to the following:
 - (A) Temporary holiday lighting. This Development Code does not prohibit the use of temporary outdoor lighting used during customary holiday seasons.
 - (B) Civic Event Lighting. This Development Code does not prohibit the use of temporary outdoor lighting used for civic celebrations and promotions.
 - (C) Emergency Lighting by police, fire and rescue authorities.

- (2) Nonconforming Uses.
 - (A) All outdoor lighting fixtures lawfully existing and legally installed prior to the effective date of this Section are exempt from the regulations contained in this Section.
 - (B) Whenever an outdoor light fixture that was existing on the effective date of this Development Code is replaced by a new outdoor light fixture, the new fixture must meet the standards of this Development Code.
- (3) Method of Measuring Light Intensity. The footcandle level of a light source shall be taken after dark with the light meter held 6" above the ground with the meter facing the light source. A reading shall be taken with the light source on, then with the light source off. The difference between the two readings will be identified as the illumination intensity.
- (4) Performance Standards.
 - (A) Residential and Agricultural District Standards. In all residential and agricultural districts, any lighting used to illuminate an off-street parking area or other structure or area shall be arranged as to deflect light away from any adjoining residential property or from the public street.
 - 1. Shielding. The light source shall be hooded or controlled so as not to light adjacent property in excess of the maximum intensity defined in Section 1.8 (4)(A)2. Bare light bulbs shall not be permitted in view of adjacent property or public right of way.
 - 2. Intensity. No light source or combination thereof which cast light on a public street shall exceed one (1) foot candle meter reading as measured from the centerline of said street nor shall any light source or combination thereof which cast light on adjacent property exceed four tenths (0.4) foot candles as measured at the property line.
 - (B) Outdoor Recreation: Outdoor recreational uses such as, but not limited to baseball fields, football fields, tennis courts and snow skiing areas have special requirements for night time lighting. Due to these unique circumstances, a conditional use permit shall

be required for all new outdoor lighting fixtures that do not meet the regulations stated above.

1. No outdoor recreation facility whether or public or private shall be illuminated after 11:00 PM unless the lighting fixtures conform to this Development Code.
 2. Off street parking areas for outdoor recreation uses that are illuminated shall meet the requirements stated in Section 1.8 (4)(B)2.
- (5) Prohibitions. The following outdoor light fixtures are prohibited within Washington County:
- (A) Search Lights shall not be used between 11:00 PM and sunrise
 - (B) Flashing Lights
- (6) Submission of Plans. The applicant for any permit requiring outdoor lighting must submit evidence the proposed outdoor lighting will comply with this Development Code. The submission shall contain the following in addition to other required data for the specific permit:
- (A) Plans indicating the location on the premises, and the type of illuminating devices, fixtures, lamps, supports, reflectors and other devices.
 - (B) Description of illuminating devices, fixtures, lamps, supports, reflectors and other devices and the description may include, but is not limited to, catalog cuts by manufacturers and drawings (including sections where required);
 - (C) Photometric data, such as that furnished by manufacturers, or similar showing the angle of the cutoff or light emissions.

The purpose of this section is to establish parking standards.

Surface & Drainage

1.9 Parking

- (1) Surfacing and Drainage. Off-street parking areas shall be improved with a durable and dustless surface. Such areas shall be so graded and drained as to dispose of all surface water accumulation within the parking area. Durable and dustless surface may include crushed rock and similar treatment for parking accessory to residential structures up to and including four (4) units; all other uses shall utilize asphalt, concrete or a reasonable substitute surface as

approved by the Township Engineer. All surfacing must be completed prior to occupancy of the structure.

(2) General Provisions.

- (A) Existing off-street parking spaces and loading spaces upon the effective date of this Development Code shall not be reduced in number unless said number exceeds the requirements set forth herein for a similar use.
- (B) No motor vehicle over one (1) ton capacity bearing a commercial license and no commercially licensed trailer shall be parked or stored on residential properties or agricultural properties (with the exception of trucks/tractors directly associated with the agricultural use) except when loading, unloading or rendering service.
- (C) A parking space shall not be less than nine (9) feet wide and eighteen (18) feet in length exclusive of an adequately designed system of access drives. Parking lots that separate vehicles based on size may be designed with parking spaces less than or greater than nine (9) feet wide and eighteen (18) feet in length depending upon the size of the vehicle, as long as adequate space is provided for easy and safe ingress and egress for the vehicle. Proposed reductions in or additions to the parking space size must be submitted in a dimensioned site plan with size of vehicle to use parking spaces indicated for review and approval. Signs specifying the vehicle size to use the parking space shall be required. Parking spaces for the handicapped shall be in accordance with the Americans with Disabilities Act (ADA).
- (D) Off-street parking facilities accessory to residential uses shall be utilized solely for the parking of passenger automobiles and/or one (1) truck not to exceed twelve thousand pounds (12,000) gross capacity for each dwelling unit. Under no circumstances shall required parking facilities accessory to residential structures be used for the storage of commercial vehicles or for the parking of automobiles belonging to the employees, owners, tenants or customers of nearby businesses or manufacturing establishments.
- (E) Off-street parking facilities for a combination of mixed buildings, structures or uses may be provided collectively in any "district" (except residential

Required Off-Street Parking Spaces

districts) in which separate parking facilities for each separate building, structure or use would be required, provided that the total number of spaces provided shall equal the sum of the separate requirements of each use during any peak hour parking period.

- (F) When required accessory off-street parking facilities are provided elsewhere than on the lot in which the principal use served is located, they shall be in the same ownership or control, either by deed or long-term lease, as the property occupied by such principal use, and the owner of the principal use shall file a recordable document with Washington County requiring the owner and his or her heirs and assigns to maintain the required number of off-street parking spaces during the existence of said principal use.
- (G) Required off-street parking space in any district shall not be utilized for open storage of goods or for the storage of vehicles that are inoperable, for sale or for rent.
- (H) Off-street parking spaces required shall be as follows for:

Multiple Dwellings	Two (2) spaces per dwelling unit. At least on-half (1/2) of the required spaces shall be enclosed.
Places of Worship and Other Places of Assembly	One (1) space for each three (3) seats or for each five (5) feet if pew length, based on maximum design capacity.

Parking spaces for uses outlined above may be reduced if a detailed parking analysis is provided and approved by the Zoning Administrator.

1.10 **Signs**

- (1) Findings: The Township hereby finds the following:
 - (A) Exterior signs have a substantial impact on the character and quality of the environment.
 - (B) Signs provide an important medium through which individuals may convey a variety of messages.
 - (C) Signs can create traffic hazards, aesthetic concerns, and detriments to property values, thereby threatening the public health and safety and welfare.
 - (D) The Township's zoning regulations have historically included regulation of signs in an effort to provide adequate means of expression and to promote the economic viability of the community, while protecting the Township and its citizens from the proliferation of signs of a type, size, location and character that could adversely impact the aesthetics of the community and threaten the health, safety, and welfare of the community. The regulation of the physical characteristics of signs within the Township has had a positive impact on traffic safety and the appearance of the community.

- (2) Purpose and Intent: It is not the purpose or intent of this sign ordinance to regulate the message displayed on any sign; nor is it the purpose or intent of this article to regulate any building design or any display not defined as a sign, or any sign which cannot be viewed from outside a building. The purpose and intent of this article is to:
 - (A) Regulate the number, location, size, type, illumination, and other physical characteristics of signs within the Township in order to promote the public health, safety and welfare.
 - (B) Maintain, enhance, and improve the aesthetic environment of the Township by preventing visual clutter that is harmful to the appearance of the community.
 - (C) Improve the visual appearance of the Township while providing for effective means of communication, consistent with constitutional guarantees and the Township's goals of public safety and aesthetics.

- (D) Provide for fair and consistent enforcement of the sign regulations set forth under the Township's zoning authority.
- (3) Effect. A sign may be erected, mounted, displayed, or maintained in the Township if it is in conformance with the provisions of these regulations. The effect of this sign ordinance is to:
 - (A) Allow the appropriate number, size, and locations for signs in each zoning district subject to the standards set forth in this sign ordinance.
 - (B) Allow certain small, unobtrusive signs incidental to the principal use of a site in all zones when in compliance with the requirements of this sign ordinance.
 - (C) Prohibit signs whose location, size, type, illumination, or other physical characteristics negatively affect the environment, and where the communication can be accomplished by means of having a lesser impact on the environment and the public health, safety and welfare.
 - (D) Provide for the enforcement of the provisions of this sign ordinance.
- (4) Severability. If any section, subsection, sentence, clause, or phrase of this Sign Ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this Sign Ordinance. The Town Board hereby declares that it would have adopted the Sign Ordinance in each section, subsection, sentence, or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences clauses, or phrases be declared invalid.
- (5) Administration and Enforcement
 - (A) Permits Required. Except as otherwise provided in this Ordinance, no sign shall be erected, constructed, altered, rebuilt, or relocated until a sign permit, certificate of compliance, or conditional use permit for the sign has been issued. The content of the sign shall not be reviewed or considered in determining whether to approve or deny a permit.

- (B) An application for a permit for a sign shall submit the following information with the application:
 - 1. Names and addresses of the owners of the proposed sign and the property
 - 2. The legal description of the property where the sign will be placed
 - 3. A complete set of plans showing the location, setbacks, elevation(s), size, materials, and details of the sign to fully and clearly represent the construction and placement of the sign
 - 4. The type of sign (monument sign, pedestal sign, etc.).
 - 5. If the sign is proposed to be located along a state Trunk Highway or county road, the application shall be accompanied by proof that the applicant has obtained a permit from the State or County for the sign.
- (C) Fees and Escrows. Applications for a sign permit shall be accompanied by the fee and escrow established by the Township.
- (D) Term of permit. If the work authorized under a sign permit has not been completed within one hundred and eighty (180) days after the date of issuance, the permit shall become null and void.
- (E) Signs by Conditional Use Permit. Where a use is permitted in a zoning district by conditional use permit, the sign for that use shall require a conditional use permit unless the sign is otherwise provided for in this Ordinance.
- (6) Exemptions. No permit will be required under this Ordinance for the following signs:
 - (A) Signs painted, attached by adhesive or otherwise attached directly to or visible through windows and glass portions of doors
 - (B) All signs that are six (6) feet or less in area, except those that require a conditional use permit
 - (C) Non-commercial signs that comply with Minnesota Statutes 211B.045 or successor statutes

- (D) Signs may be placed on parcels that are currently offered for sale, providing such signs are not closer than ten (10) feet to any property line and shall not exceed six (6) square feet in area for single-family residential uses and thirty-six (36) square feet in area for multifamily or commercial uses. One sign shall be permitted for each street frontage.
- (E) Signs may be erected on parcels that are currently under construction for residential uses. The plat of the development shall be recorded with the Washington County Recorder prior to the erection of a sign. Such signs are subject to the following standards:
 - 1. Such signs shall not exceed one hundred (100) square feet in area.
 - 2. Only one (1) such sign shall be erected on each road frontage with a maximum of three (3) such signs per project.
 - 3. Such signs shall be removed when the project is eighty percent (80%) completed, sold or leased.
 - 4. Such signs shall be located no closer than one hundred (100) feet to any residence not part of the project.
 - 5. Signs over thirty-two (32) square feet in size shall require a Certificate of Compliance (COC).
 - 6. Such signs must be located on the property which is under construction. Off-premises signs are prohibited.
- (F) Warning signs which do not exceed nine (9) square feet in area
- (7) General Standards that Apply in All Districts
 - (A) No sign may be erected that, by reason of position, shape, movement, color, or any other characteristic, interferes with the proper functioning of a traffic signor signal, or otherwise constitutes a traffic hazard; nor shall signs be permitted which would otherwise interfere with traffic control.

- (B) All signs, other than public utility warning signs, street signs, and similar signs are prohibited within the public right-of-way of any major highway, county road, or property;
- (C) All signs shall be constructed in accordance with the current Minnesota State Building code and National Electric Code.
- (D) Illuminated signs shall be diffused or indirect so as not to direct rays of light onto any major highway or county road. No illuminated signs or their support structure shall be located closer than twenty-five (25) feet to a major highway or county roadway surface or closer than ten (10) feet to a road right-of-way line, notwithstanding more restrictive portions of this section.
- (E) Dynamic Display Signs shall be prohibited in all zoning district. Signs giving off intermittent, rotating, or direct light which may be confused with traffic, aviation, or emergency signaling are prohibited.
- (F) Signs shall not be painted directly on the outside wall of a building. Signs shall not be painted on a fence, tree, stone or other similar objects in any district.
- (G) Roof signs are prohibited in all districts.
- (H) Off-premises signs are prohibited in all districts.
- (I) Billboards and Pylon Signs are prohibited in all districts.
- (J) All signs and displays using electric power shall have a cutoff switch on the outside of the sign and on the outside of the building or structure to which the sign is attached. No electrically illuminated signs shall be permitted in a residential or agricultural district.
- (K) No sign shall be constructed to have more than two (2) surfaces. Multi-faced signs shall not exceed two (2) times the allowed square footage of single-faced signs.
- (L) Any sign over two (2) square feet in size shall be setback at least ten (10) feet from any property line. In no case shall any part of the sign be closer than two (2) feet to a vertical line drawn at the property line.

- (M) Except for more restrictive parts of this Sign Section, no sign that exceeds one hundred (100) square feet in area shall be erected or maintained:
 - 1. Which would prevent any traveler on any road from obtaining a clear view of approaching vehicles on the same road for a distance of five hundred (500) feet or less.
 - 2. Which would be closer than one thousand three hundred fifty (1,350) feet to a national, state, or local park or historic site
 - 3. Which would partly or totally obstruct the view of a lake, river, rocks, wooded area, stream, or other point of natural and scenic beauty
- (N) No sign shall contain any obscene matter as described by Minnesota Statutes Section 617.241 or successor statutes.
- (O) Any sign that is not exempt from required permits and for which no permit has been issued shall be taken down and removed by the owner, agent, or person having the beneficial use of the building or land upon which the sign may be found within thirty (30) days after written notice from the Township.
- (P) Any sign which is not properly maintained, becomes structurally unsafe, or endangers the safety of a building or premises or endangers the public safety shall be taken down and removed or structurally improved by the owner, agent or person having the beneficial use of the building, structure or land upon which the sign is located within ten (10) calendar days after written notification from the Township. If the owner or permittee fails to comply with the Ordinance within ten (10) days after written notification, such sign shall be deemed a nuisance and may be removed by the Township.

(8) Signs in Agricultural Districts, St. Croix River and Shoreland Overlay Districts

(A) The following signs are permitted in Agricultural, St. Croix River, and Shoreland Overlay Districts, and shall be regulated as to size, location, and character according to the requirements set forth herein:

1. An unlimited number of signs that are two (2) square feet in area or less that are approved by the property owner and placed on his/her parcel.
2. One sign per parcel that is six (6) square feet in area or less
3. Non-commercial signs that comply with Minnesota Statutes 211B.045 or successor statutes
4. Up to one temporary sign per parcel that is twenty (20) square feet or less in size and erected for up to 30 days. Property owners shall obtain a Certificate of Compliance permit for these temporary signs.
5. Signs may be placed on parcels that are currently offered for sale providing such signs are not closer than ten (10) feet to any property line and shall not exceed six (6) square feet in area.
6. Signs may be erected on parcels that are currently under construction for residential uses in compliance with the requirements of Item 6 (E) of this section.

(9) Signs in Planned Unit Developments (PUD) or Uses Requiring a Conditional Use Permit or Certificate of Compliance.

(A) The type, number, size, height and setback of signs shall be as specifically authorized by terms of the conditional use permit, certificate of compliance, or conditions for the PUD. To the extent feasible and practicable, signs shall be regulated in a manner similar to that in the use district most appropriate to the principal use involved.

SECTION 2. STANDARDS FOR USES

2.1 Accessory Apartments

- (1) Required Permits. Accessory apartments are allowed in the Agricultural district (AG), with a Certificate of Compliance.
- (2) Other Requirements. The accessory apartment must comply with all rules and regulations of Federal, State, County and local agencies.
- (3) Performance Standards. An accessory apartment must comply with all of the following standards.
 - (A) There shall be no more than one accessory apartment within the single family dwelling unit.
 - (B) The structure in which an accessory apartment is located shall be owner occupied.
 - (C) No separate curb cut shall be permitted for the accessory apartment unit.
 - (D) The certificate of compliance will be reviewed annually. The owner shall obtain a certificate of compliance once a year in the month of January for the duration of the use, presenting at the time of such renewal, proof in the form of an affidavit that the circumstances for which the certificate of compliance was issued have not changed.

The purpose of this section is to enable seasonal agricultural businesses to be operated in the agricultural and rural areas.

2.2 Agricultural Business - Seasonal

- (1) Required Permits. An Agricultural Business - Seasonal is allowed in the Agricultural District (AG), with a certificate of compliance.
- (2) Other Requirements. The business must comply with all rules and regulations of Federal, State, County and local agencies.
- (3) Performance Standards. Seasonal agricultural businesses must comply with all of the following standards.
 - (A) The majority of product sold on the property shall be grown or raised on the property. No sale of product shall take place on any road right-of-way.
 - (B) Any temporary structure placed on the property for such sales must be removed at the end of the selling

Agricultural Business - Seasonal is defined as a seasonal business not exceeding six months in any calendar year operated on a rural farm offering for sale to the general public, produce or any derivative thereof, grown or raised on the property.

season. The size of the temporary structure shall not exceed 100 square feet.

- (C) If deemed necessary by the Zoning Administrator, off-street parking may be required.
- (D) All structures, including temporary structures shall meet the minimum setback requirements of the zone in which it is located.
- (E) The certificate of compliance shall be reviewed annually.

This section provides for the establishment of bed and breakfast facilities. The regulations are intended to allow for a more efficient use of residential areas if the neighborhood character is preserved to maintain both the residential neighborhood experience and the bed and breakfast experience. These regulations enable owners to maintain residential structures in a manner which keeps them primarily in residential uses.

A Bed and Breakfast is defined as an owner-occupied private home where accommodations are offered for one or more nights to transients; in addition, a breakfast meal is served on the premises to no more than ten (10) persons.

2.3

Bed and Breakfast

- (1) Required Permits. Bed and breakfast facilities are permitted in the Agriculture District with a conditional use permit.
- (2) Other Requirements. The Bed and Breakfast must comply with all rules and regulations of Federal, State, County and local agencies.
- (3) Performance Standards. Bed and breakfast facilities must comply with all of the following requirements:
 - (A) It is intended that bed and breakfast facilities be a converted or a renovated single family residences and that this principal function be maintained. No structure shall be constructed for the sole purpose of being utilized as a bed and breakfast facility; no existing structure shall be enlarged or expanded for the purpose of providing additional rooms for guests. The exterior appearance of the structure shall not be altered from its single family character.
 - (B) Primary entrance to the guest rooms shall be from within the dwelling unit.
 - (C) Guests are limited to a length of stay of no more than thirty consecutive days.
 - (D) No food preparation or cooking shall be conducted within any of the guest rooms. The only meal to be provided to guests shall be morning breakfast, and it shall only be served to guests taking lodging in the facility.
 - (E) Activities including luncheons, banquets, parties, weddings, meetings, charitable fund raising, commercial or advertising activities, or other

gatherings for direct or indirect compensation, are prohibited at a bed and breakfast facility.

- (F) On-site parking, sufficient to handle all guest and owner vehicles, shall be provided.

Cemetery: Land used or intended to be used for the burial of the dead and dedicated for cemetery purposes and including, but not limited to, columbariums, mausoleums and chapels when operated in conjunction with and within the boundaries of such cemetery.

Columbarium: A structure, room, or other space in a building or structure containing niches for inurnment of cremated remains in a place used, or intended to be used, and dedicated, for cemetery purposes.

*Mausoleum: A structure or building for the entombment of the dead in crypts or vaults in a place used, or intended to be used, and dedicated for cemetery purposes.
Accessory Use.*

Ceremony Facility: A location to conduct a formal ceremony observing a special occasion, and operated with the intention of earning a profit by providing the facility to the public.

2.4

Cemeteries

- (1) Required Permits. An approved conditional use permit is required for cemeteries in the Agricultural District (AG).
- (2) Other Requirements. Cemeteries must comply with all rules and regulations of Federal, State, County and local agencies.
- (3) Performance Standards. Cemeteries must comply with all of the following standards.
 - (A) The minimum area of a cemetery shall be five (5) acres unless associated with a house of worship.
 - (B) The site proposed for a cemetery or cemetery expansion shall not interfere with the development of a system of collector or larger streets in the vicinity of such site.
 - (C) Burial plots, grave markers, monuments and buildings operated in connection with a cemetery must meet the building setbacks and structure height requirements of the underlying zoning district.
 - (D) Graves and structures used for interment shall be setback 50 feet from wells.
 - (E) Cemeteries are prohibited below the regulatory flood protection elevation as defined in Chapter Nine, Flood Plain Regulations, of the County Zoning Ordinance.

2.5

Ceremony Facility

- (1) Purpose and Intent. The purpose and intent is to establish regulations for ceremony facilities, to allow these facilities in a manner that contributes to the rural agricultural and rural residential character of Stillwater Township. The intent is to allow ceremonies. Examples of uses not permitted under the definition of Ceremony Facility are receptions, meetings, and conferences. Prohibited uses are not limited to this list.
- (2) Required Permits. A Conditional Use Permit is required for a Ceremony Facility in the Transition Zone (TZ).
- (3) Other Requirements. Ceremony facilities must comply with all rules and regulations of federal, state, county, and local agencies.
- (4) Performance Standards.

- (A) A minimum lot area of five (5) acres shall be provided.
- (B) A Ceremony Facility shall be an accessory use. The primary use shall be a Homesteaded Dwelling and the primary structure shall be the dwelling unit. The Ceremony Facility shall be operated by the occupant of the Homesteaded Dwelling.
- (C) Accessory structures are subject to the Standards contained in Chapter Two, Part Three, Section 1.2, Accessory Structures/Attached Garages, except for (4)(C). With a Conditional Use Permit, the accessory structure may be permitted for Ceremony Facility use.
- (D) Prohibited uses. Assembly including parties, receptions, meetings, conferences, and other events outside the purpose and intent of a Ceremony Facility are prohibited.
- (E) There shall be no food nor alcoholic beverage provided for the guests or visitors of the facility.
- (F) There shall be no overnight accommodations provided for the guests or visitors of the facility.
- (G) Ceremony facilities shall not generate noise that unreasonably annoys, disturbs, or endangers the comfort or peace of any persons, or precludes their enjoyment of property or affects their property's value.
- (H) Hours of operation. Hours of operation shall be set within the Conditional Use Permit. Amplified sound shall conclude by 10 PM. All use of the ceremony facility, including parking of vehicles, shall cease within one half hour after sunset.
- (I) The applicant shall provide information in the Application for the permit, and as requested by the Township for permit review, regarding the ceremonies provided by the facility. Information shall include the number of attendees per ceremony, number of ceremonies per year, number of employees, hours of operation, parking facilities, sanitary facilities, lighting, sound amplification, temporary structures/tents, signage, screening, and landscaping. As deemed necessary, the Town Board may restrict the operation of the facility.

- (J) Off-street parking shall be required in the ratio of one (1) parking space for each three (3) seats. The off-street parking area and the number of parking spaces shall be shown on the Site Plan.
- (K) A Transportation Management Plan shall be submitted to the zoning administrator at the time of application. This plan shall address traffic control, including traffic movement to the public street system and impact on the surrounding roadways.
- (L) A Grading, Drainage and Erosion Control Plan shall be submitted. The standards of the Watershed Management Organization or Watershed District and the Washington Conservation District must be met.
- (M) Landscaping may be required to be installed to buffer the use from adjacent land uses and to provide screening. A Landscape Plan shall be submitted at the time of application for a Conditional Use Permit, if required by the Zoning Administrator.

The purpose of this section is to provide reasonable accommodations for persons with a developmental disability in accordance with the Federal Fair Housing Act.

Definition. A Community Residence is defined as a facility providing residential and habilitative services to persons with developmental disabilities licensed by the State of Minnesota. One density unit shall be attributed to this residence when calculating density.

2.6

Community Residences

- (1) Required Permits. A community residence serving 1 to 6 individuals and appropriate staff shall be a Conditional Use in the AG district.
- (2) General Requirements.
 - (A) All appropriate licenses must be obtained from State and County agencies.
 - (B) The outward appearance of any dwelling unit used for a community residence shall be maintained.
 - (C) No community residence shall provide accommodations to persons whose tenancy would constitute a direct threat to the health and safety of other individuals. The facility cannot accept court ordered referrals for treatment in lieu of incarceration without adequate security.
- (3) Performance Standards. In order to obtain a conditional use permit for a community residence serving 7 to 15 individuals, the following standards must be met.
 - (A) Off-street parking standards of this Zoning Ordinance must be met.

- (B) Adequate utilities including sewage disposal must be available.
- (C) All building and fire codes must be met.
- (D) Community residences shall not be closer than 1,000' to each other.
- (E) The Town Board may impose additional conditions related to landscaping, access, security, on-site sewer systems and admission policies if deemed necessary.
- (F) The Town Board may require periodic review of the conditional use permit.

An Essential Service - Government Uses, Buildings and Storage is defined as an area of land or structures used for public purposes, storage or maintenance owned or leased by a governmental unit.

2.7

Essential Services - Government Uses, Buildings and Storage

- (1) Required Permits. Essential services - government uses, buildings and storage are allowed in all zoning districts with a Conditional Use Permit.
- (2) Other Requirements. The essential service must comply with all rules and regulations of Federal, State, County and local agencies.
- (3) Performance Standards. The essential service must comply with all of the following standards:
 - (A) The parcel on which the essential service will be located must have a minimum lot area of two (2) acres.
 - (B) Structures must be setback in accordance with the required setbacks of the zoning district.
 - (C) The site shall be landscaped to screen the facility from view from property lines and road.

The purpose of this section is to establish regulations for utility substations.

An Essential Service - Utility Substation is defined as a utility whose function is to reduce the strength, amount, volume, or configuration of utility flow from a bulk wholesale quantity in large size long distance transmission lines to small retail quantities in the neighborhood distribution system. These uses include electric substations, telephone switching and relay facilities, water and sewage pumps and lift stations. Business offices associated with these uses are not included as part of this definition.

This section establishes provisions for the location and design standards of golf courses within the county.

A Golf Course is defined as an area of land laid out for golf with a minimum series of nine (9) holes each including tee, fairway, and putting green and often one or more natural or artificial hazards.

2.8 Essential Services - Utility Substation

- (1) Required Permits. Essential services - utility substations are allowed in the Agriculture (AG) District with a Conditional Use Permit.
- (2) Other Requirements. The essential service must comply with all rules and regulations of Federal, State, County and local agencies.
- (3) Performance Standards. The essential service must comply with all of the following standards.
 - (A) Notwithstanding the prohibition against two or more uses on an individual parcel, the lot area for essential service-utility substation can be acquired by lease provided, however, the lot shall be large enough so all structures/facilities comply with the required setbacks for the zoning district.
 - (B) The approved lot, if no longer needed or used by the utility, the applicant shall return the property to its original state. The zoning administrator may require a bond to ensure compliance with this standard.
 - (C) A certificate of compliance shall be recorded with the office of the County Recorder.
 - (D) The site shall be landscaped to screen the facility from view from property lines and road.
 - (E) Utility Substations or any other essential service as defined above containing antennas and towers greater than 45' in height must comply with Chapter Two, Part 3, of this Zoning Ordinance.

2.9 Golf Courses

- (1) Accessory Uses. Accessory uses to a golf course are limited to a driving range, putting greens, a pro shop, a club house, locker rooms, a restaurant and bar and maintenance buildings.
- (2) Required Permits. Golf courses are permitted in the Agricultural District (AG) with a conditional use permit.
- (3) Other Requirements. All rules and regulations of federal, state, county and local agencies must be met.
- (4) Performance Standards. The golf course must meet all of the following standards:

- (A) Landscaping shall be planted to buffer the use from adjacent residential land uses and to provide screening. A landscape plan shall be submitted to the Zoning Administrator at the time of application for a conditional use permit.
 - (B) Storage and use of pesticides and fertilizers shall meet the standards of the State Department of Agriculture. A plan shall be submitted for pesticide and fertilizer use at the facility.
- (5) A mandatory environmental assessment worksheet shall be required for the development of a golf course facility. Washington County will be the responsible governmental unit for the preparation of the environmental assessment worksheet. Costs associated with the preparation of the environmental assessment worksheet shall be borne by the applicant.

This purpose of this section is to allow for home occupations that demonstrate compatibility with the neighborhoods in which they exist.

A use of a residential or agricultural property for gainful employment which a) is clearly incidental and insubordinate to the use of the property as residential or agricultural; b) is carried on solely within the main dwelling or accessory buildings and does not alter or change the exterior character or appearances of the property; and c) is created and operated by the occupant of the dwelling.

2.10 Home Occupations

- (1) Required Permits. Home occupations are allowed as an accessory use to a residential or an agriculture use in all districts. Home occupations must meet the performance standards for home occupations and are required to obtain a certificate of compliance.
- (2) Other Requirements. The home occupation must comply with all rules and regulations of Federal, State, County and local agencies. Any required State or County license shall be obtained prior to authorization of the certificate of compliance. In the event the license cannot be obtained without zoning approval, the applicant shall provide documentation that the license has been applied for and provide the name of the licensing agency contact person.
- (3) Performance Standards. A home occupation must comply with all of the following standards:
 - (A) No person, other than the residents of the premises, shall be engaged in such home occupation.
 - (B) No traffic shall be generated by any home occupation in greater volume than would normally be expected from a single family residence.
 - (C) Any sign associated with the home occupation shall be in compliance with Chapter Two, Part 3, of this Zoning Ordinance.

- (D) The home occupation shall not generate hazardous waste unless a plan for off-site disposal of the waste is approved.
- (E) A home occupation at a dwelling with an on-site sewage treatment system shall only generate normal domestic household waste unless a plan for off-site disposal of the waste is approved.
- (F) The home occupation shall not constitute, create or increase a nuisance to the criteria and standards established in Chapter Two, Part 3.
- (G) There shall be no outdoor display or storage of goods, equipment or materials for the home occupation.
- (H) Parking needs generated by the home occupation shall be provided on-site.

The purpose of this section is to regulate horse training structures and their use.

*Horse Training Facility, **Commercial:** The use of an accessory building in which horses not owned by the property owner are kept for commercial use including boarding, breeding, hire, sale, show and training.*

*Horse Training Facility, **Private:** The use of an accessory building incidental to the existing dwelling unit in which horses owned by the property owner are kept for private use and training.*

2.11 Horse Training Facilities

- (1) **Required Permits.** Horse training facilities are allowed in the Agriculture (AG) District. A certificate of compliance shall be required for private horse training facilities of ten horses or more and commercial horse training facilities of less than ten horses. Commercial horse training facilities of ten or more horses shall obtain a conditional use permit.
- (2) **Other Requirements.** A horse training facility must comply with all rules and regulations of Federal, State, County and local agencies.
- (3) **General Standards.** Horse training facilities must comply with all of the following standards:
 - (A) Horse training facilities shall meet the setback requirements for detached domesticated farm animal buildings and agricultural farm buildings as indicated in Chapter Two, Part 3, Accessory Structures, of this Zoning Ordinance.
 - (B) Horse training facilities equipped with wash stalls shall be provided with a drainage and septic system separate from the principal structure.
 - (C) All horse training facilities must meet the animal density per acre and livestock operation requirements of Chapter Two, Part 3, of this Zoning Ordinance.

- (D) All accessory buildings must meet the requirements for size as indicated in Chapter Two, Part 3, Accessory Structures of this Zoning Ordinance.
- (E) A manure management plan may be required by the zoning administrator or Town Board.
- (F) No retail sales are permitted.
- (4) Horse training facilities are considered accessory to residential or farm dwellings.
- (5) Private horse training facilities of 10 horses or more must meet the following standard: Private horse training facilities may not be used for human living quarters, preparing of meals, or for similar personal living activities.
- (6) Commercial horse training facilities must meet all of the following standards:
 - (A) One full time employee for the horse training facility may reside at the property, including the stable. Living quarters for the employee must meet the standards of the Uniform Building Code of Minnesota.
 - (B) Every commercial horse training facility, or portion thereof, where the public is served shall be provided sanitary facilities in accordance with the regulations of the Uniform Building Code of Minnesota and Washington County Subsurface Sewage Treatment System Regulations.
 - (C) The property owner of land to be used for a horse show must provide information on traffic volume, number of participants, sanitary service, and human and animal waste disposal.

This section establishes provisions for the location of commercial kennels within the County.

A commercial kennel is any place where four (4) or more of any type of domestic pets, over six (6) months of age, are boarded, bred, trained or offered for sale. This term does not include pet shops, veterinary establishments, or animal rescue facilities

2.12 Kennels-Commercial and Animal Rescue Facilities

- (1) Required Permits. Commercial Kennels are permitted with an Interim Use Permit in the Agriculture (AG) District. The first Interim Use Permit shall be issued for a period of two (2) years. Subsequent Interim Use Permits may be issued for a period of time determined by the Town Board. The Interim Use Permit shall terminate at a date specified in the permit, or with a change in ownership of the property where the Commercial Kennel is located, whichever event occurs first.
- (2) A Certificate of Compliance (COC) is required for Animal Rescue Facilities in the Agriculture (AG) District. The COC

shall terminate at a date specified in the permit, or with a change in ownership of the property where the Animal Rescue Facility is located, whichever occurs first.

- (3) Other Requirements. Commercial kennels must comply with all rules and regulations of Federal, State, County and local agencies.
- (4) Permit applications for Commercial kennels and Animal Rescue Facilities shall include the following information:
 - (A) The name of the applicant and the property owner;
 - (B) The address, size and Property Identification Number (PID) of the proposed commercial kennel;
 - (C) The type and proposed maximum number(s) of animals that will be housed at the kennel;
 - (D) A site plan showing the proposed development of the property for the proposed use, including the property boundaries, the location of all existing structures, any existing or new structures that will be used for the confinement and care of the animals, property lines, access drives, septic system and well, fences, existing screening from the adjacent properties, and the building setbacks from the property boundaries, septic system, and well; and
 - (E) The name and ages of the persons that will be caring for the animals and a description of their knowledge and experience in the care of the types of animals proposed for the commercial Kennel or Animal Rescue Facility.
- (5) Performance Standards. Commercial kennels must comply with all of the following standards.
 - (A) The minimum lot area required for commercial kennel is ten (10) acres if the animals are housed or confined outside the primary residential building.
 - (B) Any outdoor structures used for the confinement, care or breeding of animals shall be setback a minimum of one hundred (100) feet from any property line and fifty (50) feet from any water supply well.
 - (C) An individual sewage treatment system shall be installed with the capacity to handle waste and hoseings from the kennel and kennel runs.

- (D) The number of animals kept on the premises of the Commercial kennel or Animal Rescue Facility shall comply with the limits stated in the IUP or AOP.
- (E) The size, number, species, facilities for and location of animals kept shall be maintained so as not to constitute a danger or nuisance by means of odor, noise, or other issues.
- (F) Facilities for the confinement or care of animals shall meet the following standards:
 - 1. Constructed of such materials as are appropriate for the animals involved.
 - 2. Shall be maintained in good repair.
 - 3. Facilities shall be controlled as to temperature, ventilated and lighted compatible with the health and comfort of the animals.
 - 4. Of sufficient size to allow each animal to make normal postural and social adjustments with adequate freedom of movement. Inadequate space may be indicated by evidence of malnutrition, poor condition or debility, stress, or abnormal behavior patterns.
 - 5. Cleaned as often as necessary to prevent contamination of the animals contained therein and to minimize disease hazards and reduce odors.
 - 6. Animals shall be provided wholesome, palatable food and water free from contamination and of sufficient quality and nutritive value to maintain all animals in good health.

2.13 Kennels-Private

(1) Definitions

(A) A Private Kennel is any place where four (4) or more of any species of domestic pets over six (6) months of age are owned by any member of the household. Private Kennels do not include animal rescue facilities. Private Kennels are accessory to the principal use of the property.

(2) Required Permits. In all districts, a Certificate of Compliance (COC) is required for Private Kennels with four to six (4-6) animals. An Interim Use Permit (IUP) is required for Private Kennels with seven (7) or more animals. The COC or IUP application shall include the following information:

(A) The name of the applicant and the property owner

(B) The address of the proposed private kennel

(C) The type and proposed maximum number of animals that will be housed at the kennel

(D) A site plan showing the proposed location of any outdoor structures that will be used for the confinement and care of the animals and the building setbacks from the property boundaries

(E) The name(s) and age(s) of the persons that will be caring for the animals and a description of their knowledge and experience in the care of the types of animals proposed for the Private Kennel

(3) Other Requirements. Private Kennels shall comply with the Township's license requirements and all other local, County, State, and Federal rules and regulations.

(4) Performance Standards. Private Kennels must comply with all of the following standards

(A) Private Kennels that with seven (7) or more animals shall be located on a parcel that is a minimum 10 acres in size

(B) The number of animals kept on the premises shall comply with the limits stated in the COC

(C) The person caring for any animals shall be of sufficient age, knowledge, and experience to

adequately and safely care for and control the animals

- (D) Any outdoor structures used for the confinement or care of animals in a Private Kennel shall be setback a minimum of one hundred (100) feet from any property line and fifty (50) feet from any water supply well
- (E) Facilities for the confinement or care of animals shall be
 - 1. Constructed of such material as is appropriate for the animals involved
 - 2. Maintained in good repair
 - 3. Controlled as to temperature, ventilated and lighted compatible with the health and comfort of the animals
 - 4. Of sufficient size to allow each animal to make normal postural and social adjustments with adequate freedom of movement. Inadequate space may be indicated by evidence of malnutrition, poor condition or debility, stress, or abnormal behavior patterns
 - 5. Cleaned as often as necessary to prevent contamination of the animals contained therein and to minimize disease hazards and reduce odors
 - 6. Animals shall be provided wholesome, palatable food and water free from contamination and of sufficient quantity and nutritive value to maintain all animals in good health

The purpose of this section is to protect the Township's valuable groundwater and surface water resources by establishing minimum regulations and a permitting process for livestock operations.

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.

Feedlot: A 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 vegetative cover cannot be maintained within the enclosure. Open lots used for the feeding and rearing of poultry shall be considered to be a feedlot.

Livestock: Domestic farm animals including but not limited to cattle, hogs, horses, bees, sheep, goats, chickens and other animals commonly kept for commercial food production purposes and pleasure.

2.14 Livestock and Livestock Operations

- (1) Required Permits.
 - (A) In all districts, livestock may be raised or bred without a permit provided there are less than eleven (11) animal units on the property.
 - (B) In the SCR District, grazing of livestock is allowed however no buildings or structures are allowed.
 - (C) Any person owning or conducting a livestock operation containing 11-49 animal units in the, A-4 district shall obtain a certificate of compliance.
 - (D) Any person owning or conducting a livestock operation with eleven (11) or more animals units in the SCR districts or over 49 animal units in the AG district shall obtain a conditional use permit.

- (2) Other Requirements. Livestock and livestock operations must comply with all rules and regulations of Federal, State, County and local agencies.

- (3) Performance Standards. Livestock and livestock operations must comply with all of the following standards regardless of the number of animal units on the property or whether a permit is required:
 - (A) No livestock shall be placed on any site of less than five (5) acres. For purposes of this section, five (5) acres may include the road right-of-way.
 - (B) Required Setbacks.
 - 1. The following shall be the minimum setback requirements for feedlots.
 - a) County Parks 300 feet
 - b) DNR protected water course or lakes 300 feet
 - c) Wetlands..... 75 feet
 - d) Private Well..... 100 feet
 - (C) The following equivalents shall apply when determining animal units:
 - 1. one mature dairy cow 1.4
 - 2. one slaughter steer or heifer..... 1.0
 - 3. one horse..... 1.0
 - 4. one swine over 55 pounds 0.4

- 5. one goose or duck 0.2
- 6. one goat or sheep 0.1
- 7. one swine under 55 pounds 0.05
- 8. one turkey 0.018
- 9. one chicken 0.01

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.

- (D) A minimum of two (2) grazable acres shall be provided for each animal unit or its equivalent. Grazable acres shall be defined as open, non-treed acreage currently providing enough pasture or other agricultural crops capable of supporting summer grazing at the density stated above.

The keeping of livestock in greater density than allowed as stated above shall require a conditional use permit. To obtain such permit, the applicant must demonstrate that facilities are present and appropriate practices are being employed to preclude surface or ground water contamination, excessive manure accumulation, odor, noise and other nuisances.

- (E) The construction of an earthen waste storage basin is permitted provided a certificate of compliance is issued.
 - 1. The structure shall not be used for the storage of animal manure for a period in excess of 12 months or the time period for which it was designed.
 - 2. The design of the structure shall be prepared and designed by a registered Professional Engineer or staff from the Washington Conservation District qualified in the design of earthen structures or prepared by other professionals specializing in the design of such structures and with the proper training for such design and signed by a registered Professional Engineer.

- (F) Pastures. Livestock may graze within shoreland and bluff impact zones provided permanent vegetation is maintained or a conservation plan has been submitted to the Township and the County Zoning Administrator which is consistent with the technical guides of the Washington Conservation District.

2.15 Aggregate Mining

- (1) Adoption of County Mining Ordinance. Ordinance 140 (Chapter 7) of the Washington County Development Code, Mining Regulations, as adopted by the Washington County Board of Commissioners on August 11, 1999, is hereby adopted in its entirety, including amendments thereto, with the following additional provisions as required by Stillwater Township. In the event of conflicting provisions in the text of County Ordinance 140 or the Township's Mining Ordinance, the more restrictive provisions shall apply.
- (2) Scope. This ordinance is intended to impose restrictions on the removal and processing of sand, gravel, and rock within designated gravel pits in the Township. It is the intent of the Town Board that the standards imposed by this Article apply equally to all entities, public and private.
- (3) Asphalt and Concrete Plants Prohibited. Mining operations may include the excavation, removal, storage or processing of sand, gravel, rock, soil, clay, and other deposits, and recycling of asphalt and concrete. Gravel mining operations shall not include operation of asphalt plants or concrete plants, or recycling of yard waste materials.
- (4) Permits Required. An Interim Use Permit (IUP) and an Annual Operators Permit (AOP) issued by the Township are required for all mining operations, subject to the following:
 - (A) The operation of a mining operation without a valid Interim Use Permit (IUP) and an Annual Operators Permit (AOP) is declared to be a violation of this Chapter and is declared to be a nuisance. It shall be unlawful for any person, partnership, company or corporation to engage in mining in violation of this section, or for any property owner to permit a person to mine their property in violation of this section.
 - (B) No permit shall be required by the owner of land to take gravel or sand for the use only on the premises or to take products which are to be used on said premises.

- (5) Application Requirements—IUP. The application for an Interim use Permit for a mining operation must be filed at the Township concurrently with the Conditional Use Permit application for a mining operation filed with the Washington County Zoning Administrator, and required by County Ordinance 140. The Application for a new IUP by an existing mining operation must be made 90 days prior to the termination of the previous CUP or IUP. The application must be made in the name(s) of the operator of the mine and owner of the land to be mined, and must be signed and dated.
- (A) The items submitted with the application shall be the same as those submitted for the Washington County Conditional Use Permit for mining, as identified in County Ordinance 140 and its amendments.
 - (B) The applicant shall also submit an application fee and escrow as established by the Town Board.
 - (C) The Township shall mail the hearing notice for the Interim Use Permit to all landowners within one (1) mile of the property proposed for mining, and to the addresses of landowners whose property abuts the proposed haul roads.
- (6) Application Requirements—AOP. The application for an AOP for a mining operation must be filed with the Township. The application must be made in the name(s) of the operator of the mine and must be filed by January 31st of each year. The application shall contain the following:
- (A) The operator shall submit an Annual Report that summarizes the annual activity during the calendar year proceeding the January 31st date when the application is due, including the following: the amount of material removed from the site; the amount of add-rock or other materials brought onto the site; the size and location of the area reclaimed and type of reclamation; average and peak numbers of trips hauling material to and from the site per day when hauling occurred during the previous year; the number of days that the mine was in operation; and a description of any changes made to the site.
 - (B) The AOP application shall identify the proposed operations for the year for which the permit is requested, including: how the operating conditions for the coming year may vary from the previous year, if any variation is expected; including estimate amount of material to be removed from and brought to the site; the estimated average and peak number of

hauling trips to and from the mine per day when hauling is expected to occur; and the approximate number of days that the mine is expected to operate.

- (C) The AOP application shall include a site plan and aerial photos that show the active mining area and the location of existing and planned stockpiles for the coming year. The AOP application shall describe the reclamation activity that is planned to occur and describe the operating conditions planned for the coming year.
- (D) The operator shall provide proof that the operation meets the requirements for insurance and bonding required by County Ordinance 140 and its amendments.
- (E) The applicant shall also submit an application, fee and escrow as established by the Town Board with the AOP application. The fee and escrow shall cover the costs of Township staff time for permit review and reports, including site inspections.
- (F) If the Operator identifies that operations such as hauling may increase above those approved in the AOP, he/she shall notify the Township Clerk by letter and phone call. The Town Board shall consider and respond to the request for a change by the next scheduled Board meeting.
- (G) The Township shall inspect the site annually during normal operating times prior to the submittal of the permit application for the next mining year. The inspection shall determine if the operation during the previous year complied with the Interim Use Permit and Annual Operating Permit. The Township shall provide reasonable notice to the operator of the time of the annual inspection and the operator may participate in the inspection.
- (H) If the operator's application conforms to the requirements of this ordinance, and the inspection report indicates compliance with the terms of the IUP and AOP, the Township may issue the Annual Operating Permit.
- (I) A notice of the Town Board review of the Annual Operating Permit shall be mailed to all landowners within one mile of the property proposed for mining and to the addresses of land owners abutting the proposed haul roads, and sent to the local newspaper

at least 20 days prior to the Board meeting when the review will occur.

- (7) Setbacks. No mining, stockpiling, or land disturbance shall take place within:
- (A) One hundred (100) feet of adjoining property lines
 - (B) Two hundred (200) feet of any existing occupied structures not owned by the operator or owner
 - (C) One hundred (100) feet of any road right-of-way of any existing or platted street, except the amount of material stockpiled on the effective date of this Chapter may continue but not be expanded; mining activities may be allowed within up to fifty (50) feet of the road right-of-way so long as the property is restored to one hundred (100) feet within one (1) mining season as set forth in the approved reclamation plan
- (8) Hours of operation. Operations shall be limited to 7:00 a.m. to 7:00 p.m., Monday through Friday. No operations shall be allowed on Saturday, Sunday, or legal holidays, unless approved by the Township. Operations shall be defined to include mineral extraction, crushing, processing, driving trucks or equipment into or out of a gravel pit, loading, road work, or engine start-up of any kind, except as needed for equipment or vehicle repairs. The following exceptions may be permitted, with approval of the Township.
- (A) In cases of public emergencies, such as road washouts, flooding, and similar emergency conditions, the hours of patio may be extended. The operator shall inform the Town Clerk by telephone call or email about the need for emergency operations before operations begin, or by 10 a.m. of the following day. The operator shall provide a specific description of the need for emergency operations, and expected or actual duration of the activity.
 - (B) In cases of time constraints on completion of road construction, before the end of the construction season caused by adverse weather conditions, and in cases of major road or highway construction projects, which cause substantial inconvenience to the traveling public, hours of operation may be extended with the consent of the Town Board Chair and Vice-Chair. Applications for extended hours shall be made at least two (2) days prior to the day or days on which extended hours are requested, and shall be sent to the

Town Clerk and Town Board Chair. The operator shall furnish such information or documentation as may reasonably be requested to support the application. If extended hours are permitted, the operations shall be strictly limited to those hours for which permission is granted.

- (9) Hauling operations. The Town Board may specify the following in the Interim Use Permit and/or Annual Operating Permit for the mine operation:
 - (A) Permitted haul routes, and the proportion or number of haul trips on each route
 - (B) The maximum number of truck trips hauling materials to and from the mine on a daily, weekly or annual basis.
- (10) Inspections. The Township may inspect the mine operations as follows:
 - (A) The Town Board or designated staff shall complete an annual inspection of each permitted mine operation. The Town shall provide reasonable notice to the operator at the time of the annual inspection, and the operator may participate in the inspection.
 - (B) Whenever necessary to enforce any of the provisions of this Ordinance, or whenever there is reasonable cause to believe that a violation of this Ordinance has occurred or is about to occur, an authorized agent of the Township may enter the premises at all reasonable times to inspect the same. The authorized agent shall first make a reasonable effort to locate the owner or other persons having charge or control of the mine site and request entry. If such entry is refused, the Township shall have recourse to every remedy provided by law to secure entry, including administrative and judicial search warrants.
- (11) Termination of permit.
 - (A) Any Interim Use Permit or Annual Operators Permit granted pursuant to this Chapter may be revoked for a violation of any provisions of this Chapter or any conditions of the permit.
 - (B) Revocation shall not occur earlier than ten (10) working days from the time written notice of the revocation is served upon the permittee, or if a hearing is requested, until written notice of the

Township action has been served on the permittee. Notice to the permittee shall be served personally or by registered or certified mail at the address designated in the permit application. Such written notice of revocation shall contain the effective date of the revocation, the nature of the violation or violations constituting the basis of the revocation, the facts which support the conclusions that a violation or violations have occurred, and a statement that if the permittee desires to appeal, the permittee must, within ten (10) working days, exclusive of the day of service, file a request for a hearing. The hearing request shall be in writing, stating the grounds for appeal and served personally or by registered or certified mail on the Township Clerk by midnight of the tenth working day following service. Following the receipt of a request for a hearing, the Township Clerk shall set a time and place for the hearing, and the hearing shall be conducted in accordance with the procedures set forth in the Ordinance.

2.16 Places of Worship

- (1) This section establishes provisions for the location of places of worship within the County. A Place of Worship is defined as a building, together with its accessory buildings and uses where persons assemble for religious worship and which is maintained and controlled by a religious body organized to sustain public worship.
- (2) Required Permits. A Conditional Use Permit is required for places of worship in the Agriculture District (AG).
- (3) Other Requirements. Places of worship must comply with all rules and regulations of Federal, State, County and local agencies.
- (4) Performance Standards. Places of worship must comply with all of the following standards in addition to other performance standards of this Zoning Ordinance.
 - (A) The minimum lot area required is ten (10) acres.
 - (B) The maximum area covered by all buildings shall be 10,000 square feet.
 - (C) Landscaping shall be installed to buffer the use from adjacent residential land uses and to provide screening. A landscape plan shall be submitted to the zoning administrator at the time of application for a certificate of compliance.
- (5) All accessory residential or school uses upon the premises shall be subject to all requirements of this Zoning Ordinance.

This section establishes standards for plant nurseries.

Plant Nursery: A building or premises used primarily for the growing, wholesale and retail sales of trees, shrubs, flowers, other plants and accessory products excluding power tools, tractors, decorative rock, tree bark, gravel, and compost. Accessory products are those products which are used in the culture, display and decoration of lawns, gardens and indoor plants.

2.17 Plant Nurseries

- (1) Required Permits.
 - (A) Plant Nursery. Plant Nurseries require a Certificate of Compliance in the Agriculture (AG), District. No retail sales are permitted.
- (2) Other Requirements. All rules and regulations of Federal, State, County and Local authorities must be met.
- (3) Performance Standards. Plant Nurseries must meet all of the following minimum standards in addition to other performance standards in this Zoning Ordinance.
 - (A) The minimum lot area shall be ten (10) acres.
 - (B) The majority of product sold on the property shall be grown or raised on the property.
 - (C) The exterior storage of landscape equipment and storage areas shall be screened from view of Federal, State or County roadways and property lines.

This section establishes standards for commercial plant nurseries within the Township.

A commercial plant nursery is a building or premises used for the retail sale of trees, shrubs, flowers or other plants which may not have been grown or raised on the property. The use may include the sale of accessory products, including products that are used in the culture, display and decoration of lawns, garden, farms and indoor plants; but does not include the sale of power tools, tractors and other vehicles, decorative rock, stone, gravel, retaining walls and similar materials, except as an incidental use.

2.18 Plant Nurseries - Commercial

- (1) A Commercial Plant is a building or premises used for the retail sale of trees, shrubs, flowers or other plants which may not have been grown or raised on the property.
- (2) The use may include the sale of accessory products, including products that are used in the culture, display and decoration of lawns, garden, farms and indoor plants; but does not include the sale of power tools, tractors and other vehicles, decorative rock, stone, gravel, retaining walls and similar materials, except as an incidental use.
- (3) As an accessory use, a market may be permitted to include retail sales of home furnishings, such as furniture and home décor; house wares; antiques; crafts and hand-made items. The market shall be incidental to the commercial plant nursery use.
- (4) Required Permits. Commercial Plant Nurseries are permitted in the Transition Zone (TZ) in areas that the City of Stillwater has zoned for Commercial Uses, and requires a Certificate of Compliance (COC).

- (5) Other Requirements. All rules and regulations of Federal, State, County and Local authorities must be met.
- (6) Performance Standards. Commercial Plant Nurseries must meet all of the following minimum standards in addition to the requirements of the zoning district in which they are located.
 - (A) The minimum lot area required for commercial plant nurseries is ten (10) acres.
 - (B) The exterior storage of landscape equipment and storage areas shall be screened from view of Federal, State, County and Township roadways and property lines.
 - (C) Every commercial plant nursery facility where the public is served shall be provided with sanitary facilities in accordance with the regulations of the Uniform Building Code of Minnesota and Washington County Subsurface Sewage Treatment System Regulations.
 - (D) Any sign associated with the commercial plant nursery shall be in compliance with Chapter Two, Part 3 of this Zoning Ordinance.
 - (E) Parking needs generated by the commercial plant nursery shall be provided on-site.

2.19 Public Recreational Facility

- (1) Required Permits. A conditional use permit is required for public recreational facilities in all zoning districts.
- (2) Other Requirements. Public recreational facilities must comply with all rules and regulations of federal, state, county and local agencies.
- (3) Performance Standards.
 - (A) A minimum lot area of two (2) acres shall be provided.
 - (B) All structures (including backstops, goalposts, etc.) shall meet the required setbacks for the district in which it is located.
 - (C) There shall be no overnight accommodations provided for the guests or visitors of the recreation area.

- (D) A concession or temporary food stand may be permitted on the property provided it only serves food and refreshments to guests and visitors of the facility.
- (E) Information shall be provided regarding the recreational activities provided, number of members and participants in the recreation programs, sanitary facilities and waste disposal, security, lighting and hours of operation. As deemed necessary, the Town Board may restrict the operation of the facility.
- (F) Screening may be required to buffer the use from adjacent residential land use.
- (G) A transportation management plan shall be submitted to the zoning administrator at the time of application. This plan shall address off-street parking and traffic control, including the mitigation of overflow parking and traffic movement to the public street system and impact on the surrounding roadways.
- (H) A grading and drainage plan shall be submitted. The standards of the Watershed Management Organization or Watershed District and the Washington Conservation District must be met.

This section establishes provisions for the location and design standards of commercial recreational uses within the county.

*Recreation Use - **Passive**: A recreation use particularly oriented to utilizing the outdoor character of an area for passive forms of recreation such as employee recreation areas, nature centers, conservancy, and interpretive centers.*

2.20 Recreation Uses

- (1) Recreation Uses - Passive are permitted in all Districts with a Conditional Use Permit.
- (2) Recreation Uses – Public are permitted in all districts with a Conditional Use Permit.
- (3) Other Requirements. All rules and regulations of federal, state, county and local agencies must be met.
- (4) Performance Standards.
 - (A) Recreation Uses - Passive shall meet all of the following standards:
 - 1. There shall be no overnight accommodations provided for guests or visitors of the passive recreation area.
 - (B) A one caretaker residence is permitted. The residence is to be used strictly for the caretaker and their family members. No separate driveway or curb cut shall be

permitted for the residence from a Federal, State, County, or local roadway.

This section establishes provisions for the location of schools within the County.

A School is defined as a facility that provides a curriculum of pre-school, elementary, secondary, post-secondary and other instruction, including but not limited to child day care centers, kindergartens, elementary, junior high, high school.

2.21 Schools

- (1) Required Permits. A conditional use permit is required for schools in the Agriculture District (AG) District.
- (2) Other Requirements. Schools must comply with all rules and regulations of Federal, State, County and local agencies.
- (3) Performance Standards. Schools must comply with all of the following standards.
 - (A) The minimum lot area required for schools is ten (10) acres.
 - (B) The maximum area covered by all buildings shall be 10,000 square feet.
 - (C) Landscaping shall be installed to buffer the use from adjacent residential land uses and to provide screening. A landscape plan shall be submitted to the zoning administrator at the time of application for a certificate of compliance.

2.22 Solar Energy Systems (Accessory Residential Solar Energy Systems)

- (1) Accessory Residential Solar Energy Systems (RSES). Accessory RESE include building-integrated, roof-mounted, and ground-mounted solar energy systems that are up to ten (10) kilowatts in size.
 - (A) Approvals required
 - 1. Building-integrated and roof-mounted RSES are allowed as accessory uses to residential uses in all zoning districts. No Township land use permit is required for an RSES. The owner or contractor shall obtain a building permit and related permits before installing a building-integrated or roof-mounted RSES.
 - 2. Ground-mounted RSES that are ten (10) kilowatts and less are allowed as an accessory use to residential uses in all zoning districts. Ground-mounted RSES that are greater than ten (10) kilowatts in size require a Conditional Use Permit.

(B) Performance Standards

1. Standards for all RSES

- a) Electrical RSES components must have an Underwriters laboratory (UL) listing.
- b) All RSES shall comply with the Minnesota State Building Code and Electrical Code.

2. Roof-Mounted RSES

- a) Roof-mounted and building-integrated RSES shall comply with the accessory structure setbacks for the zoning district on which the system is located.
- b) Roof-mounted and building-integrated RSES shall not exceed the maximum allowed building height in any zoning district.
- c) The collector surface and mounting devices for roof-mounted RSES shall not extend beyond the exterior perimeter of the building on which the system is mounted or built, unless the setback standards are not violated. Exterior piping for solar hot water systems shall be allowed to extend beyond the perimeter of the building on a side yard exposure.

3. Ground-Mounted RSES

- a) Ground-mounted RSES shall comply with the accessory structure standards for the district in which they are located, including setbacks and impervious coverage limits. Ground-mounted RSES may not extend into the side-yard or rear-yard setback when oriented at minimum design tilt.
- b) Ground-mounted RSES are not permitted in Shoreland Districts.
- c) The collector surface of a Ground-mounted RSES located outside Shoreland Districts is not considered an

impervious surface if the RSES has natural vegetated ground cover under and between the collectors and surrounding the system foundations or mounting devices.

- d) No Ground-mounted RSES shall cover or encompass more than 10 percent of the total lot.
- e) The height of Ground-mounted RSES shall not exceed 15 feet.
- f) Ground-mounted RSES shall not be counted as an accessory structure for the purpose of meeting limits on the total number and square footage of accessory structures allowed in all zoning districts.

This section enables temporary dwelling units to be used as care facility for relatives of the occupant permanently residing on the property.

A temporary dwelling unit/care facility is defined as a manufactured home which temporarily serves as residence for a relative of the occupants residing in the primary single family residence on the property.

2.23 Temporary Dwelling Unit-Care Facility

- (1) Required Permits. Temporary dwelling units/care facilities are allowed in all districts with a Certificate of Compliance.
- (2) Other Requirements. Temporary dwelling units/care facilities must comply with all rules and regulations of federal, state, county and local government agencies.
- (3) Performance Standards. Temporary dwelling units/care facilities must comply with the following requirements:
 - (A) The property is limited to one (1) temporary care facility.

- (B) The temporary care facility will be an accessory dwelling unit to be occupied by persons who are:
 - 1. infirm to the extent that they require extraordinary care; and
 - 2. that such care can only be provided by family members residing in the principal dwelling house on the premises; and
 - 3. the infirmity and the need for care required by (a) and (b) above shall be verified by written statement of a physician.
- (C) The temporary care facility shall use the existing road access drive of the principal dwelling unit.
- (D) The structure is subject to the same zoning dimensional setbacks as the principal dwelling unit. The structure shall not be closer to the road right-of-way than the principal building. The structure shall be located to the side or rear of the principal building and shall be screened from view of the road right-of-way.
- (E) The unit must be connected to an approved on-site waste disposal system.
- (4) The property owner shall submit a financial guarantee to the Zoning Administrator to ensure the structure will be removed upon termination of the certificate of compliance. The amount of guarantee shall be determined by the Zoning Administrator.
- (5) The certificate of compliance is so conditioned that will expire and terminate at such time as the care facility is no longer the residence of the person or persons suffering from the infirmity which requires such care, or at such time as such care is no longer required. At the time of termination of the certificate of compliance, the temporary care facility shall be removed from the premises within thirty (30) days.
- (6) The certificate of compliance permit shall be reviewed annually by the Zoning Administrator.

This section enables temporary dwelling units to be used by the present or potential occupant of a single family residence during the construction, reconstruction or alteration of said residency by the present or potential occupant.

A Temporary Dwelling Unit During Construction is defined as a mobile home which temporarily serves as a residence for the present or potential occupant while the primary single family residence is being constructed, reconstructed, or altered.

2.24 Temporary Dwelling Unit During Construction

- (1) Required Permits. Temporary dwelling units during construction are allowed in all districts with a certificate of compliance.
- (2) Other Requirements. Temporary dwellings units shall comply with all rules regulations of Federal, State, County and local government agencies.
- (3) Performance Standards. Temporary dwelling units must comply with all of the following requirements.
 - (A) The property is limited to one temporary dwelling unit during construction.
 - (B) The dwelling can only be occupied by persons who are the present or potential occupants of the single family residence being constructed, reconstructed or altered.
 - (C) The certificate of compliance is issued only after the building permit has been obtained for the proposed construction.
 - (D) The temporary dwelling unit shall use the existing or the proposed road access drive of the principal dwelling unit under construction.
 - (E) The unit must be connected to an approved on-site waste disposal system.
 - (F) The property owner shall submit a financial guarantee to the Zoning Administrator to ensure that the structure will be removed upon termination of the certificate of compliance. The amount of the guarantee shall be determined by the Zoning Administrator.
 - (G) The certificate of compliance shall expire when construction is completed or within one hundred and eighty days form the date of issuance or whichever is less. Renewal of such permit may be approved by the Zoning Administrator. At the termination of the certificate of compliance, the temporary dwelling shall be removed from the premises within thirty (30) days.

This section enables farmers to occupy dwelling units on a temporary basis.

A Temporary Farm Dwelling is defined as a manufactured home located in an agricultural district which is an accessory dwelling unit occupied by persons engaged in farming on the premises and meeting other criteria as specified in this Zoning Ordinance.

2.25 Temporary Farm Dwelling

- (1) Required Permits. Temporary farm dwelling units are allowed in all districts with a certificate of compliance.
- (2) Other Requirements. Temporary farm dwellings shall comply with all rules and regulations of Federal, State, County and local agencies.
- (3) Performance Standards. Temporary farm dwellings must comply with all of the following standards.
 - (A) The temporary farm dwelling is an accessory use to the principal dwelling and may only be located on a farm of at least 75 acres in size.
 - (B) The property is limited to one temporary farm dwelling unit.
 - (C) The structure is subject to the same zoning dimensional setbacks as the principal dwelling unit. The structure shall not be located closer to the road right of way than the principal building. The structure shall be located to the side or rear of the principal building and shall be screened from view of the road right of way.
 - (D) The dwelling can only be occupied by persons who are engaged in the occupation of farming on the premises as partners or other business associates of the persons living in the principal dwelling house on the premises; and who earn fifty (50%) or more of their annual gross income for federal income tax purposes from such farming on the premises.
 - (E) The temporary farm dwelling unit shall use the existing road access drive of the principal dwelling unit.
 - (F) The unit must be connected to an approved on-site waste disposal system.
- (4) The certificate of compliance will be reviewed annually. The owner shall obtain a certificate of compliance once a year in the month of January for the duration of the use, presenting at the time of such renewal, proof in the form of an affidavit that the circumstances for which the certificate of compliance was issued have not changed.
- (5) The property owner shall submit a financial guarantee to the Zoning Administrator to ensure that the structure will be

removed upon termination of the certificate of compliance. The amount of the guarantee shall be determined by the Zoning Administrator.

- (6) Termination of Permit.
 - (A) The certificate of compliance is so conditioned that it will expire and terminate at such time as the persons occupying the mobile home are no longer engaged in farming on the premises as required by above.
 - (B) The certificate of compliance will expire and terminate when the farm becomes less than 75 acres in size.
 - (C) At the termination of the certificate of compliance, the temporary farm dwelling shall be removed from the premises within thirty (30) days.

The purpose of this section is to:

Accommodate the communication needs of residents and businesses while protecting public health and safety;

Minimize adverse visual effects of towers through careful design and siting standards;

Avoid potential damage to adjacent properties from tower failure through structural standards and setback requirements.

2.26 Wireless Communication Antennas and Towers

- (1) Purpose and Intent. The purpose and intent of this section is to:
 - (A) Enable the review and approval of wireless communication facilities while protecting the natural beauty and historical development patterns in the Township.
 - (B) Ensure consistency with the Township's Comprehensive Plan, Vision Statement, existing ordinances, and development policies.
 - (C) Locate new towers adjacent to existing structures and trees. Locate ground support facilities within a structure (stealth silos), underground, or adjacent to existing structures and trees.
 - (D) Protect the scenic views of the Township, including from scenic roadways, the St. Croix River, parks, lakes, and streams.
 - (E) Minimize adverse visual effects of towers through the development of careful design and siting standards. Site structures shall be designed to blend into the surrounding natural and historic landscape; site stealth design wireless communication facilities to be visually inconspicuous and camouflage design wireless communication facilities to be visually subordinate.

- (F) Conserve and protect the Township's natural and undeveloped areas, wildlife, flora and habitats for endangered species.
 - (G) Accommodate the desire of residents, travelers and businesses to have high quality telecommunications technology without endangering public health, safety and welfare.
 - (H) Avoid potential damage to adjacent properties from tower failure through structural standards and setback requirements.
 - (I) Maximize the use of existing and approved towers and buildings to reduce the number of towers needed to serve the community.
- (2) Permitted Facilities.
- (A) New towers are allowed as conditional uses in the Agriculture (AG) and Shoreland Overlay districts in compliance with this section and all other provisions of the zoning ordinance. Antennas located on existing structures and towers are allowed by certificate of compliance.
 - (B) Except in the SCR and Shoreland Overlay districts, a proposed tower shall be allowed by certificate of compliance within the easement of an existing high power transmission line so long as the antenna is not more than 25% higher than the current structures.
- (3) Performance Standards – New Towers.
- (A) All towers must be either stealth or camouflage design.
 - (B) Camouflage design will only be allowed when the applicant demonstrates that stealth design is not possible. As part of a camouflage design, the applicant shall make every effort to utilize the self-contained pole design.
 - (C) Camouflage design is not allowed in the Shoreland Overlay districts—new towers shall utilize stealth design in Shoreland Districts.
 - (D) All towers must be located within 25 feet of a structure or mature tree. The distance from the tree is measured from the drip edge of the tree crown. The tree or trees must provide sufficient cover so that the

tower is able to meet the stealth design criteria, or camouflage design if applicable.

- (E) Towers shall not exceed the height of 20 feet above the tallest structure, or the edge of the crown of a tree within 25 feet of the proposed tower, subject to an overall maximum height of 140 feet. Tower height includes the antennas. Construction shall be in a manner that does not damage tall structures or trees.
- (F) No tower over thirty-five (35) feet in height shall be located within five hundred (500) feet of any residential dwelling other than the dwelling on the parcel on which the tower is to be located.
- (G) No tower over thirty-five (35) feet in height shall be located closer than one-quarter (1/4) mile to the outside boundary of an existing or proposed township park, county park, or a boundary of a state park.
- (H) No tower over 35 feet shall be erected within one-quarter (1/4) mile from the centerline of State Highways 95 and 96 and county Road 15 unless it can be demonstrated through visual impact demonstrations that the tower will be visually inconspicuous as viewed from the road on a year-round basis.
- (I) No tower over thirty-five (35) feet shall be erected within one-quarter (1/4) mile of a DNR-protected lake or river.
- (J) An application for a new tower will not be approved unless the applicant demonstrates an existing significant gap in coverage to users who either cannot connect to the existing national network or cannot maintain a signal and demonstrates that the coverage gap is being filled with the least intrusive means.
- (K) Wireless communication facilities visible from Highways 96 and 95, County Road 15, the surface of the St. Croix River and its public areas, existing or proposed parks, or DNR protected lakes or rivers shall have stealth design.
- (L) No tower shall be located within 500 feet of any residential dwelling other than the dwelling on the parcel on which the tower is to be located. Towers must be setback a minimum of 150 from any property line.

- (M) The minimum lot size for construction of a tower shall be two (2) acres. On a parcel of land on which a principal use exists, a tower shall be considered as an accessory use allowed by conditional use permit.
- (N) Towers shall be designed and engineered to collapse progressively within the distance between the tower and property line. The application for any tower shall submit written documentation explaining tower construction and possible failure and provide assurance that blowing or falling ice can be contained on the subject property.
- (O) A tower shall be located on a parcel of land so as to have the least impact on adjoining properties and any negative impacts of the tower shall be confined as much as possible to the property on which the tower is located.
- (P) An applicant must comply with all Federal Communication Commission and Federal Aviation Administration rules.
- (Q) No temporary mobile cell sites are permitted except in the case of equipment failure, equipment testing, or in the case of an emergency situation as authorized by the County Sheriff. Use of temporary mobile cell sites for testing purposes shall be limited to twenty-four (24) hours; use of temporary mobile cell sites for equipment failure or in the case of emergency situations shall be limited to a term of thirty (30) days. These limits can be extended by the Zoning Administrator.
- (R) Permanent platforms or structures, exclusive of antennas, other than those necessary for safety purposes or for tower maintenance are prohibited.
- (S) No wireless communication facilities shall have lights, reflectors, flashers, daytime strobes, steady nighttime red lights or other illuminating devices affixed or attached to it unless required by the FAA or FCC.
- (T) No advertising signs shall be placed on wireless communication facilities.
- (U) Wireless communication facilities not fully camouflaged from public viewing areas by existing buildings or structures shall be surrounded by buffers of dense tree growth and under-story vegetation in all

directions to create an effective year-round visual buffer. Trees and vegetation may exist on the subject property or installed as part of the proposed wireless communication facilities or a combination of both. The Township shall determine the types of trees and plant materials and depth of the needed buffer based on site conditions.

- (V) The Township may require towers and antennas to be painted light gray, light blue, or off white to blend with sky and clouds.
- (W) Structural design, mounting, and installation of wireless communication facilities shall be in compliance with manufacturer's specifications. The plans shall be approved and certified by a registered professional engineer.
- (X) The use of a guyed and lattice towers are not permitted.
- (Y) Tower base equipment must be located within a building.
- (Z) Metal towers shall be constructed of, or treated with, corrosive resistant material.
- (AA) If space is available on a tower, the tower owners shall in good faith lease space to other users so long as there is no disruption in the existing service provided by the towers' existing users and no negative structural impact upon the tower. If a dispute arises, as a condition to any permit or certificate of compliance, Stillwater Township reserves the right to act as arbiter in determining if a tower owner is acting in good faith in leasing to other tenants.
- (BB) Generally, only one communication tower is permitted on a parcel of land. If more than one communication tower can be located on a parcel and meet the requirements of the Zoning Ordinance, the additional tower or towers may be allowed following the issuance of a conditional use permit. All other standards contained in this Zoning Ordinance must be met.
- (CC) All towers shall be reasonably protected against unauthorized climbing. The bottom of the tower from ground level to 12 feet above ground shall be designed in a manner to preclude unauthorized

climbing and/or shall be enclosed by a six (6) feet high chain link fence with a locked gate.

(DD) Co-location.

1. Carriers shall make available their wireless communication facilities where feasible and appropriate, thereby reducing the number of stand-alone facilities. All applicants for a Conditional Use Permit for proposed wireless communication facilities shall demonstrate good faith efforts to co-locate. Such good faith effort includes:
 - a) Submission of a survey of all existing structures that may be feasible sites for co-locating;
 - b) Sharing information necessary to determine if co-location is feasible under the design configuration most accommodating to co-location.
2. In the event that co-location is found to be not feasible, a written statement of the reasons shall be submitted to the Township, which may retain a technical expert to verify that co-location is or is not feasible.

(EE) Upon filing an application for a CUP, the Township may require the applicant shall arrange for a balloon or crane test at the proposed site to illustrate the height of the proposed facility. The date, time and location of such test shall be provided to the Township at least 14 days in advance and the Township can notify the property owners and agencies on the public hearing notice list.

(4) Performance Standards – New Antennas on Existing Towers or Structures.

(A) A new antenna on a tower must not cause the tower to violate any provision of this section, other zoning ordinance provisions or the tower's conditions of approval.

(B) Antennas mounted on existing structures shall not extend more than twenty (20) feet above the height of the structure.

(C) When a wireless communication facility extends above the roof height of a structure on which it is mounted, the facility shall be screened within or behind existing architectural features to limit its visibility from public places. Wireless communication facilities mounted on a roof shall be stepped back from the front facade in order to limit their impact on the structure's silhouette.

(D) Wireless communication facilities that are side-mounted shall blend with the existing structure's architecture and, shall be painted or shielded with material that is consistent with the design features and materials of the structure.

(5) Historic Buildings and Districts.

(A) Any wireless communication facilities located on or within an historic structure shall not alter the character-defining features, distinctive construction methods, or original historic materials of the building.

- (B) Any alteration made to an historic structure to accommodate a wireless communication facility should be fully reversible.
- (C) Wireless communication facilities within an historic district shall be concealed within or behind existing architectural features, or shall be located so that they are not visible from public roads and viewing areas within the district.

(6) Environmental Standards.

- (A) Locating of wireless communication facilities in wetland buffer areas shall be avoided whenever possible; disturbance to wetland buffer areas shall be minimized.
- (B) Stormwater run-off shall be contained on-site.

(7) Modification.

Except for the requirements of (3) (A), (B), and (C) herein, a modification to any requirement of this section may be granted if the applicant demonstrates an existing significant gap in coverage to users who either cannot connect to the existing national network or cannot maintain a signal and demonstrate that the coverage gap is being filled with the least intrusive means.

(8) Monitoring and Maintenance.

- (A) Within 90 days of beginning operations, and at annual intervals from the date of issuance of the CUP, the applicant shall submit measurements of RFR at the facility. Such measurements shall be signed and certified by a RF engineer, stating that RFR measurements are accurate and meet FCC Guidelines.
- (B) Within 90 days of beginning operations, and at annual intervals from the date of issuance of the CUP, the applicant shall submit measurements of noise from the facility. Such measurements shall be signed by an acoustical engineer, stating that noise measurements are accurate and meet applicable noise standards.
- (C) The applicant and co-applicant shall maintain the wireless communication facility in good condition, and in a manner that maintains the stealth or camouflage design. Such maintenance shall include,

but not be limited to, painting, structural integrity of the mount and security barrier, maintenance of the buffer areas, and landscaping.

- (D) Annual Information Report.
 - 1. Owners shall annually submit an annual report to the Township on or before January 31 of each year. The annual report shall include the tower owner's name, address, phone number, and contact person, landowner's name, address and phone number, annual review fee, proof of bond as security for removal, and the legal description of the location of the tower. The tower owner shall supply the tower height and current occupancy.
 - 2. Annual Report Fee. The tower owner shall remit, on or before January 31 of each year, an annual review fee per tower set by the Town Board. The fee for this review will be waived for stealth towers.
 - 3. At any time that the Township has reason to believe that an existing wireless communication facility has become a safety risk or is structurally unsafe, it may require the permit holder to perform an inspection of the tower by a registered engineer and to provide a copy of the inspection results to the Township within sixty days of the Township's order. The Township shall provide the owner of the tower with the information that formed the basis for the Township's belief that the tower was unsafe before ordering an inspection of the tower be performed.
- (E) Wireless communication facilities shall be removed once they are no longer in use and not a functional part of providing telecommunications service. It is the responsibility of the permittee to remove such facilities.
- (F) The Township may require the design of a wireless communication facility to be modified if it is established in the future that required service can be provided with a less intrusive facility.
- (G) The telecommunications tower owner shall furnish to the Township a performance bond by a surety satisfactory to the Township in the amount of a

written estimate from a qualified tower removal contractor guaranteeing that the wireless communications facility will be removed when no longer in operation.

(9) Application Requirements – New Towers.

General Filing Requirements. In addition to the general requirements for conditional use permit applications, all application for new towers must also include the following:

- (A) A written description of the proposal.
- (B) All of the appropriate application materials and escrow fees.
- (C) Proposed location of wireless communication facilities, including the following:
 - 1. A map showing property lines for the subject property and showing property lines of all properties within five hundred (500) feet of the subject property.
 - 2. Location of all roads, public and private, on the subject property and on all adjacent properties within five hundred (500) feet including driveways proposed to serve the wireless communication facilities.
 - 3. Outline of all existing buildings, labeled with principal use (e.g., residential, garage, accessory structure, etc.) on subject property and all adjacent properties within five hundred (500) feet.
- (D) Map, parcel number, legal description and property ownership for the location of the proposed wireless communication facilities.
- (E) Site data, including:
 - 1. Scaled drawings of the proposed tower, antennas, equipment shelter(s), cable runs, parking areas and any other construction or development attendant to the proposed wireless communication facilities.
 - 2. Contours at each two feet above mean sea level (AMSL) for the subject property and

adjacent properties within five hundred (500) feet.

3. Distances, at grade, from the proposed wireless communication facilities to each building on the vicinity plan.
4. All proposed changes to the existing property, including grading, vegetation removal and temporary or permanent roads and driveways.
5. Tree cover on the subject property by dominant species and average height, as measured by or available from a verifiable source.
6. A viewshed analysis using digital elevation data to create a map showing areas from which the camouflage wireless communication facilities will be visible, indicating that camouflage facilities will not be visible from Highways 96, 95 or County Road 15, the surface of the St. Croix River and its public areas, existing or proposed parks, or DNR protected lakes and waters.
7. Existing (before condition) photographs. Photographs taken from the periphery of the viewshed north, south, east and west of the proposed wireless communication service facilities.
8. Proposed (after condition) photo image. Each of the existing condition photographs shall have the proposed wireless communication service facilities superimposed on it to show what will be seen after construction.
9. Siting elevations, or views at-grade from the north, south, east and west for a 50-foot radius around the proposed wireless communication service.
10. Equipment information for all of the proposed wireless communication facilities such as manufacturer's specifications or trade journal reprints.
11. Materials of all of the proposed wireless communication facilities specified by generic type and specific treatment (e.g., anodized

aluminum, stained wood, painted fiberglass, etc.).

12. Colors for all of the proposed wireless communication facilities represented by a color board showing actual colors proposed.
13. Dimensions for all of the proposed wireless communication facilities specified for all three directions: height, width and breadth.
14. Landscape plan including existing trees and shrubs and those proposed to be added, identified by size of specimen at installation and species.

(F) A report from a qualified and licensed professional engineer that:

1. Describes the tower height and design including a cross section and elevation.
2. Certifies the tower's compliance with structural and electrical standards.
3. Describes the tower's capacity, including the potential number and type of antennas that it can accommodate.
4. Describes the lighting to be placed on the tower if such lighting is required by the FCC or FAA.
5. Describes that the applicant will avoid causing destructive interference to co-located, previously established public safety communications.
6. Specifies the distance to any DNR protected lake or river, the St. Croix River, a scenic road designated in part (4)(D), and any boundary of an existing or proposed park.

- (G) Zoning district designation for the proposed wireless communication facilities.
- (H) A map showing all other existing wireless communication facilities in the Township and within three (3) miles outside its limits.
- (I) An address of each governmental unit in Wisconsin and Minnesota from which the tower could be visible, including both State Historical Preservation Offices and the National Park Service. Written notification of the application will be sent to these agencies by the Township.
- (J) Copies of all materials already provided to the Federal Communication Commission. Copies of materials provided subsequently shall be given to the Township within thirty (30) days of being provided.
- (K) The applicant shall provide a statement listing the existing and maximum future projected measurements of noise from the proposed wireless communication facilities for the following:

- 1. Existing, or ambient noise.
- 2. Existing plus proposed wireless communication facilities; maximum estimate of noise from the proposed wireless communication facilities plus the existing noise environment.

Such statement shall be certified and signed by an acoustical engineer, stating that noise measurements are accurate and meet the applicable noise standards.

- (L) The applicant shall provide a statement listing the existing and maximum future projected measurements of RFR from the proposed wireless communication facilities, for the following:

- 1. Existing, or ambient RFR.
- 2. Existing plus proposed wireless communication facilities: maximum estimate of RFR from the proposed wireless communication facility plus the existing RFR environment.

Such statement shall be certified and signed by

a RF engineer, stating that RFR measurements are accurate and meet FCC Guidelines.

- (M) An Environmental Assessment (EA) that meets FCC requirements shall be attached to the application.

The National Environmental Policy Act (NEPA) applies to all applications for proposed wireless communication service facilities. The FCC requires that an environmental assessment (EA) be filed with the FCC prior to beginning operations for any proposed wireless communication facilities in or involving wilderness areas, wildlife preserves, endangered species habitat, historical site, Native American religious site, flood plain, wetland, high intensity white lights in residential neighborhoods, or excessive radio frequency radiation exposure.

- (N) The applicant shall list location, type and amount (including trace elements) of any materials proposed for use within the proposed wireless communication facility that are considered hazardous by the federal, state or local government or state that there are none.

- (O) A statement that the applicant and any co-applicant agree that the Township is authorized to retain independent experts to review technical materials submitted or to prepare any technical materials required but not submitted, and that applicant and any co-applicants will be jointly and severally responsible for the costs. An escrow for such costs, as estimated by the Township, will be submitted by the applicant prior to an application being deemed complete. Subject to the provisions of any applicable law governing government data, any proprietary information disclosed to the Township's experts shall remain non-public and subject to the terms and conditions of a properly executed non-disclosure agreement.

- (P) Each application shall include a five-year wireless communication facilities plan containing the following information. The plan must be updated with each submittal as necessary:
 1. Written description of type of consumer services each company/carrier will provide to its customers over the next five years (Cellular, Personal Communication Services, Specialized Mobile Radio, Paging Private Radio or other anticipated communications technology).

2. A list of all existing sites, existing sites to be upgraded or replaced, and proposed cell sites within the County for these services by the applicant.
 3. A presentation size map of the County that shows the five-year plan for cell sites, or if individual properties are not known, the geographic service areas of the cell sites.
- (Q) Written acknowledgment by the applicant and landowner that they will abide by all applicable conditional use permits.
- (R) Appropriate visual impact demonstrations including mock-ups and/or photo montages; screening and painting plans; network maps; alternative site analysis; lists of other nearby telecommunication facilities; or facility design alternatives for the proposed tower.
- (10) Term of Permit and Revocation.
- (A) A conditional use permit or certificate of compliance will remain in effect so long as the conditions contained in the certificate or permit are met.
- (B) The grounds for revocation of a certificate or conditional use permit shall be based on a finding that:
1. The permittee has failed to comply with conditions of approval imposed; or
 2. The facility has not been properly maintained; or
 3. The facility is no longer in use and has not been in use for the previous twelve (12) months.
- (C) In the event of revocation of a permit, the tower and all accessory structures must be removed and the site restored to its original condition within one hundred and twenty (120) days. Failure to do so will result in the Township completing the removal and site restoration and the Township's cost shall be assessed against the property.

Wind Energy Conversion System (WECS): A wind energy conversion system is defined as one (1) tower with rotors and motors with one conversion generator.

2.27

Wind Energy Conversion Systems (WECS)

- (1) Purpose and Intent - The purpose is to establish regulations for wind energy conversion systems. A wind energy conversion system is defined as one (1) tower with rotors and motors with one (1) conversion generator.
- (2) Required Permits - A conditional use permit is required for a wind energy conversion system in all zoning districts.
- (3) Other Requirements - Wind energy conversion systems shall comply with all rules and regulations of Federal, State, County, and local agencies.
- (4) Performance Standards - Wind energy conversion systems must comply with the following standards:
 - (A) The parcel on which a wind energy conversion system is proposed to be located must be at least ten (10) acres in size.
 - (B) One (1) wind energy conversion system is permitted on a parcel.
 - (C) The maximum at height of a wind energy conversion system shall be one hundred (100) feet in all zoning districts. The system height shall be measured from the base of the tower to the highest possible extension of the rotor.
 - (D) No lights, flashers, reflectors, or any other illuminated devices shall be affixed to the wind energy conversion system.
 - (E) The wind energy conversion system shall be located so as to have the least impact on adjoining parcels.
 - (F) No wind energy conversion system shall be located within any required setback and shall have a minimum setback from any property line a distance equal to twice the height of the tower.
 - (G) Rotors shall not exceed 26 feet in diameter and shall have a clearance of 30 feet over any tree or structure. Each wind energy conversion system shall be equipped with both a manual and automatic braking device capable of stopping the wind energy conversion system in high winds (40 MPH or greater).

- (H) All State, County, and local noise standards must be met. Applicable electrical permits/inspections must be obtained.
- (I) To prevent unauthorized climbing, wind energy conversion system towers must comply with one of the following provisions:
 - 1. Tower climbing apparatus shall not be located within 12 feet of the ground.
 - 2. A locked anti-climb device shall be installed on the tower.
 - 3. A protective fence at least six (6) feet in height.
 - 4. The color of the structure shall be either gray or off-white.
- (J) In the event of permit revocation or if the wind generator is abandoned, the wind generator must be removed and the site restored to its original condition within one hundred and twenty (120) days, at the property owner's expense.
- (K) The WECS shall be grounded to protect against natural lightning strikes.
- (L) WECS shall have one (1) sign not to exceed two (2) square feet, posted at the base of the tower, containing the following information: Warning/High Voltage, manufacturer's name, emergency telephone number, and emergency shutdown procedures.
- (M) Drawings and engineering calculations shall be certified by a registered engineer.]
- (N) Ornamental or historic windmills are exempt from this Ordinance, if total height is less than twenty-five (25) feet.

***SECTION 3. ENVIRONMENTALLY
SENSITIVE AREA
OVERLAY DISTRICTS***

3.1 St. Croix River Overlay District

Properties and uses within this district are regulated in accordance with Part 1 and Part 2 of this ordinance and must abide by the Washington County St. Croix River District regulations.

3.2 Shoreland Management Overlay District

Properties and uses within this district are regulated in accordance with the Washington County Shoreland Management Overlay District regulations.

SECTION 4. OPEN SPACE DEVELOPMENT

4.1 Purpose and Scope

“OSD” Development is established to encourage development of rural housing clusters that meet the following purposes:

- (1) Permanently preserve open space.
- (2) Retain the “rural character” of Stillwater Township in accordance with the Township’s adopted Comprehensive Plan.
- (3) Fit new development and homes into the landscape.
- (4) Create distinct rural neighborhoods.

4.2 Definitions

- (1) Community Garden: Land which is cultivated by the residents of the development for the production of trees, vegetables, fruits, flowers, herbs and grasses for the residents’ use or to be sold directly through memberships.
- (2) Common Open Space: Undeveloped land within a conservation easement that has been designated, dedicated, reserved, and/or restricted in perpetuity from further development and is set aside for the use and enjoyment by residents of the development. Common open space shall not be part of individual residential lots. It shall be substantially free of structures, but may contain historic structures, archaeological sites and passive recreational facilities.
- (3) Conservation Easement: An interest in real property created in a manner that imposes limitations or affirmative obligations in regard to the use of property including the retention, protection and maintenance of natural resources, open space and agriculture.
- (4) Cultural Resource: The historic and archeological characteristics of the land, including buildings and landscapes, which provide information regarding the history of Washington County and its people.
- (5) Historic Building and Structure: A structure which has been identified by the Washington County History Network inventory or the State Historic Preservation Office as having public value due to their notable architectural features relating to the cultural heritage of the County.

- (6) Homeowners Association: A formally constituted non-profit association or corporation made up of the property owners and/or residents of the development for the purpose of owning, operating and maintaining the common open space and facilities.
- (7) Neighborhood: An area containing a contiguous group of residential lots where people live in close proximity to one another.
- (8) Open Space: Land used for agriculture, natural habitat pedestrian corridors and/or recreational purposes, that is undivided and permanently protected from future development.
- (9) Open Space Development: A grouping of residential structures on smaller lots than allowed in the specific zoning district, leaving some land dedicated as open space.
- (10) Perimeter Road: A road lying outside of and abutting the development parcel.
- (11) Plant Community: A grouping of plants with common environmental requirements living within the landscape, i.e., wetlands, grasslands, boreal forests.
- (12) Protective or Restrictive Covenant: A contract entered into between private parties that constitutes a restriction of the use of a particular parcel of property.
- (13) Resource Inventory: A survey of the land's features including its natural resources, cultural resources, scenic views and viewsheds, and physical characteristics.

4.3 Applicability

Open Space Development (OSD) is an alternative method of subdividing and developing land for residential use. Its primary purpose is to set aside permanent open spaces by grouping residential homes together on lots smaller than allowed by conventional zoning.

OSD is a tool that may be used in order to develop land consistent with the Township's Comprehensive Plan and Vision Statement. OSD may be allowed when it will preserve the rural character of the Township through the permanent preservation of open spaces and sensitive natural resources. It is to be used to create residential neighborhoods with distinct identities and quality open spaces. OSD allows development of property while providing incentives to permanently conserve land.

OSD may be permitted by the Township under the Planned Unit Development (PUD) process within the Agricultural (A-4), and Transition (TZ) zones. The Township may require OSD in the area of the Conceptual Greenway Corridor and the Conservation District. The Open Space Development design standards and bonuses are not applicable in the St. Croix River District and Shoreland Overlay Districts. A minimum of 40 acres is required for OSD.

4.4 Permitted Uses

- (1) Residential. The following are allowed uses in the designated residential area:
 - (A) Detached single-family homes
 - (B) Residential townhomes in the TZ zone only
 - (C) Bed and Breakfast homes
 - (D) Accessory apartments
 - (E) Community residences

- (2) Open Space. The following are allowed uses in the designated open space. The applicant must propose what land area will be designated open space and what specific uses will be allowed by the open space conservation easement.
 - (A) Conservation (i.e., woodland, meadow, prairie)
 - (B) Agricultural
 - (C) Equestrian
 - (D) Passive recreational uses and associated parking.
 - 1. trails (walking, skiing, cycling, horseback riding,)
 - 2. picnic areas
 - 3. community gardens
 - 4. composting (for waste generated by residents of the development)
 - 5. turf areas for informal play
 - 6. common area such as greens or squares

7. common buildings

(E) Stormwater management facilities

(F) Community sewage disposal systems

4.5 Density Standards

(1) The base density is determined by the zoning district of the property.

The number of density units allowed by the zoning may be increased if the following percent of the gross land is preserved in open space:

(A) A-4 50%

(2) Density Bonuses

(A) A density bonus may be allowed based on the following criteria:

1. Preserving the minimum percent of open space as required in (1) above, 50% increase in the number of lots. The percent bonus determining the number of lots allowed is always rounded down.

2. For parcels of 80 acres or more, one (1) additional lot may be given for each of the following criteria; no more than a total of two (2) additional lots will be given for a development:

a) Preserve or rehabilitate wood or timber frame traditional barn structures with two stories and a hayloft on parcels of 80 acres or more may be allowed at the discretion of the Town Board.

b) Community septic system serving the entire development when there are on 80 acres or more.

c) Community water system serving the entire development when there are 80 acres or more.

3. For parcels of 40 acres or more, one (1) additional lot may be given for the following criteria:

- a) Community water plus community septic system serving the entire development.

4.6 **Performance Standards**

(1) General considerations. OSD may be permitted through approval of a Planned Unit Development (PUD). In evaluating the proposal, the Township will consider innovative and creative design that preserves rural character, scenic views, sensitive open spaces and provides economy in providing public services.

- (A) For single-family attached and multi-family structures, the maximum number of units per freestanding building is six. Density restrictions must be met, however for townhomes, the minimum lot size requirement would not apply.
- (B) All structures shall be setback a minimum of 75 feet from unclassified water bodies.
- (C) Multi-family structures shall be setback a minimum of 50 feet from the lot line of a lot designated for single-family detached dwelling units.
- (D) A maximum of 40% of the residential dwelling units may be multi-family residential.

(2) Residential Lot Requirements.

- (A) Minimum Lot Size 2 acres*

*Exception: Up to 20% of the lots may be as small as one (1) acre in size if the difference of land between the required minimum two acres and the proposed lot size is dedicated as additional open space.

(B) Principal Building Minimum Setbacks

- 1. Front lot line40 feet
- 2. Side lot line20 feet
- 3. Rear lot line50 feet

(C) Accessory Building Setbacks

- 1. Side lot line15 feet
- 2. Rear lot line10 feet

- (D) Minimum Road Frontage
on a Public Street 150 feet
- (E) Maximum Lot Coverage 35%
- (F) Maximum Building Height 35 feet
- (G) All lots shall take access from interior local streets.
- (H) Fifty percent of the lots within a neighborhood shall
abut open space on at least one side. A local street
may separate lots from the open space.

(3) Neighborhood Siting Standards

- (A) Homes shall be sited to be hidden from view from
any highway or arterial roadways.
- (B) Neighborhoods shall be located to minimize their
impacts on the natural, scenic and cultural resources
of the site.
- (C) Neighborhoods shall avoid encroaching on rare plant
communities or endangered species identified in the
Department of Natural Resources' County Biological
Survey for Natural Communities and Rare Species.
- (D) Developments should be sited to achieve the
following goals, to the extent practicable. In cases
where impact on one or more of the following
resource areas is unavoidable, the impact should be
minimized through use of landscaping, topography,
or other features.
 - 1. Avoid prime farmland soils and large tracts of
land in agricultural use, and avoid interference
with normal agricultural practices;
 - 2. Minimize disturbance to woodlands,
hedgerows, mature trees or other significant
vegetation;
 - 3. Protect scenic views of open land from
adjacent roads.
 - 4. Protect existing historic buildings or
incorporate them through adaptive reuse.

(E) The maximum number of residential lots permitted in a neighborhood is 50.

(F) OSD neighborhoods shall be buffered up to 300 feet from adjacent property to screen new homes from views and impacting adjacent properties. The buffer may be comprised of a combination of two or more of the following elements: street pattern, marked topographical changes, drainageways, ponds, wetlands, streams, greenways and woodlands.

(4) Open Space

(A) With the exception of Open Space Development in the Transition Zone (TZ), the minimum open space required shall be subject to a permanent conservation easement and used for the purposes as defined by this Zoning Ordinance. The conservation easement shall be dedicated to an acceptable land trustee or other similar organization as approved by the Township.

(B) The designated open space and common facilities must be owned and managed a Homeowners' Association in accordance with Section 4.7 of this ordinance.

(C) Open space should be contiguous where possible. Fragmentation of open space shall be minimized.

(D) Open space shall be connected to existing or planned public parks, trails, and Conceptual Greenway Corridor as adopted in the Comprehensive Plan.

(E) The required open space shall not be divided into lots and shall be restricted from further development.

(F) Road rights-of-way shall not be counted towards the required minimum open space. Right-of-way through the open space is discouraged.

(G) The uses proposed for the open space must be consistent with the allowed uses as defined in 4.4(2) of this ordinance, and shall be defined in the conservation easement over the open space. A financial guarantee ensuring the construction and completion of the common facilities shall be submitted to the Zoning Administrator.

- (H) The following areas or structures may be located within the open space area and shall be counted toward the overall open space percentage required:
 - 1. Parking areas for access to and use of the open space.
 - 2. Privately held buildings or structures if they are accessory to the use of the open space.
- (I) No more than 50 percent of the required open space may consist of unclassified water bodies, ponds, areas within the 100 year floodplain (or high water mark as documented by County records), wetlands, or slopes of greater than 25 percent.
- (J) At least 25 percent of the open space shall be accessible to the residents of the development.
 - 1. At least 25% of the "accessible" open space, shall be suitable for recreational uses such as trails, play fields, or community gardens.
 - 2. A pathway system connecting all parts of those open space areas accessible to neighborhood residents, and connecting these areas to neighborhood streets and to planned or developed trails on adjacent parcels shall be identified in the plan.
 - 3. That portion of the open space designated for the location of sewage treatment facilities shall not be included as part of this accessible open space.

(5) Street Standards

Neighborhood streets may take the form of a two-way street, a pair of one-way streets on either side of a landscaped median, or a one-way loop street around a small neighborhood green. Streets shall be developed according to the following standards that promote road safety, assure adequate access for fire and rescue vehicles, and promote adequate vehicular circulation:

- (A) The applicant must demonstrate that access to the development has the capacity to handle traffic generated by the proposed project, and will not endanger the safety of the general public.

(B) Streets shall have the following minimum design standards:

1. Right-of-way widths. The right-of-way width for each road shall be wide enough to provide for all public services, including roadway drainage, trails and walkways, utilities and snow storage. The minimum right-of-way shall be provided in accordance with the following:

Type of Street	ROW Width	Roadway Width
Minor arterial	120'	Per Traffic Needs
Collector	100'	Per Traffic Needs
Local Street	60' minimum	32'

2. Additional Standards:
 - a) The minimum design speed shall be thirty (30) miles per hour.
 - b) Horizontal and vertical curves shall be designed in accordance with Minnesota Department of Transportation's Road Design Manual guidelines. The sight distance shall, as a minimum, be designed to comply with the minimum Stopping Sight Distance requirements.
 - c) Centerline grades shall be at least one-half (0.5) percent and all grades shall not exceed eight (8) percent.
 - d) Pavement Strength: 7-ton minimum
 - e) Clear Zones:
 Rural sections: 10' from edge of travel lane
 Urban sections: 2' from face of curb
 - f) Access of streets to county roadways or State Highways shall meet all requirements of the access spacing guidelines of Washington County or the Minnesota Department of Transportation.
 - g) The maximum length of a cul-de-sac shall be six hundred and sixty (660) feet.

h) Lots with frontage at the end of the cul-de-sac shall have a minimum of sixty (60) feet of road frontage and meet the lot width requirements at the building setback line for the zoning district in which the property is located.

3. If determined necessary by the Zoning Administrator, shade trees shall be planted on both sides of the street at 50-foot intervals or placed in clusters at the same ratio.
4. Street connections to adjacent parcels shall be provided in logical locations to avoid creating landlocked parcels and provide for connecting street patterns.
5. Streets that serve as collectors, interconnecting subdivisions and other major traffic generators, shall be designed according to the Township standards for collector roads.
6. Where streets will connect with streets having differing standards, the street dimensions shall be the same as those of the connecting street. All street widenings shall occur at the nearest intersection.

(6) Sewage and Water Facilities

Water for an OSD Development shall be provided by individual on-site wells or by one or more community wells meeting the permit requirements of the Minnesota Department of Health. The use of shared or community wells is encouraged.

All OSD Developments shall be provided with adequate sewage treatment facilities meeting the standards of the Washington County Subsurface Sewage Treatment Standards Regulations and the permit requirements of the Minnesota Pollution Control Agency.

4.7 Homeowners' Associations

A Homeowners' Association shall be established. Membership in the Association is mandatory for all purchasers of homes in the development and their successors.

A Homeowners' Association Agreement, guaranteeing continuing maintenance, shall be submitted to the Township as part of the data required for the Planned Unit Development. The Homeowners'

Association documents or the declaration of covenants, conditions and restrictions shall contain the following information:

- (1) The legal description of the common lands or facilities;
- (2) The restrictions placed upon the use and enjoyment of the lands or facilities including the persons or entities entitled to enforce the restrictions;
- (3) A mechanism for resolving disputes among the owners or association members;
- (4) A mechanism to assess and enforce the common expenses for the land or facilities including upkeep and maintenance expenses, real estate taxes and insurance premiums.
- (5) The conditions and timing of the transfer of ownership and control of land or facilities to the Association or to common ownership;
- (6) Any other matter the developer deems appropriate.
- (7) The management of collector sewage treatment systems.

4.8 Application Process

- (1) A Planned Unit Development (PUD) is required for an open space design development. The PUD must be designed by a Professional Land Planner or Landscape Architect. A Planned Unit Development application shall be filed with the Town Planner.
- (2) A three (3)-step process is required for an OSD: Concept Plan Review; Preliminary Approval; and Final Approval.
 - (A) Concept Plan Review. In this step the developer presents a concept subdivision plan to the Planning Commission and Town Board to gain input and feedback. A resource inventory is not required at this stage, however any readily accessible information on the property, such as aerial photos, section maps, National Wetland Inventory maps and USGS maps should be used to create the concept plan. The developer shall present the following:
 1. An indication of which areas are to be home sites, which areas are to be protected as permanent open space, how buffering will be accomplished, and the intended use(s) for the open space.

2. Boundaries of areas to be developed.
3. Proposed general street and lot layout, with plans drawn at a scale of 1" = 100'.
4. Number and type of housing units proposed.
5. Areas proposed for stormwater management and on- or off-site sewage treatment.
6. For Open Space Developments in the Transition Zone a "build-out plan" showing the ultimate development of the entire parcel at urban densities is submitted as part of the concept subdivision plan.
7. Type of sewage disposal system.
8. Type of water supply system.

- (B) Preliminary Review. This stage requires all materials in this section, the PUD section, and fees to be submitted for an application to be considered complete. Upon submittal of a complete application, the Town Planner will schedule a public hearing before the Planning Commission.

The Town Planning Commission will hold a public hearing and review the application in accordance with the requirements of this Zoning Ordinance. The Planning Commission will make a recommendation to the Town Board on the proposal.

The Town Board will review the proposal, the Planning Commission recommendations and make a determination on the application.

In addition to those submittal requirements stated in the PUD section, the following items shall be submitted as part of the application for OSD:

1. General Location Map
2. Resource Inventory including the following, mapped at a scale of no less than one inch: 100 feet:
 - a) Topographic contours at 10-foot intervals, showing rock outcrops and slopes of more than 15 percent.

- b) Soil type locations and identification of soil type characteristics such as agricultural capability, depth to bedrock, and suitability for wastewater disposal systems.
- c) Hydrologic characteristics, including surface water bodies, floodplains, wetlands, natural swales and drainageways.
- d) Vegetation of the site, according to general cover type (pasture, woodland, etc.), defining boundaries of woodland areas and stand-alone trees with a caliper of more than 18 inches. Vegetative types shall be classified as generally deciduous, coniferous or mixed and described by plant community, relative age and condition.
- e) Current land use and land cover (cultivated areas, paved areas, etc.), all buildings and structures on the land, and all encumbrances, such as easements or covenants.
- f) Visual resources, showing views onto the tract from surrounding roads and public areas, as well as views within the tract.
- g) Cultural resources: brief description of historic character of buildings and structures, historically important landscapes, and archeological features.
- h) Context: general outlines of existing buildings, land use, and natural features such as water bodies or wooded areas, roads and property boundaries within 500 feet of the tract. This information may be presented on an aerial photograph at a scale of no less than 1 inch: 400 feet.
- i) Buffering: how the surrounding properties will be buffered from the new development.

3. Yield Plan

The applicant shall submit a “yield plan,” showing the maximum number of dwelling units that would be permitted given the minimum lot size and lot widths for conventional subdivisions and other requirements of the Zoning Ordinance and Subdivision Regulations. The yield plan need not be engineered; however, it shall be drawn to scale and it shall identify all the major physical features on the parcel.

The minimum lot areas and width for each zoning district are the following:

Zoning District	Minimum Lot Size (Acres)	Minimum Lot Width (Feet)
A-4	10	300
TZ	10	300

- 4. Landscape Plan, prepared by a registered Landscape Architect. The landscape plan must be designed to complement the rural landscape, using materials native to the area and planting an average of five (5) trees per lot on the site.
- 5. Preliminary Plat, Preliminary Grading and Drainage Plans and Preliminary Engineering Plans as required by the Subdivision Ordinance. Preliminary plat must show home locations, home types and septic locations.
- 6. Proposal for any sewer and water equipment or building

(C) Final Approval. This stage requires submittal of the final plat, final engineering plans, all required financial guarantees, a signed development agreement, park dedication, homeowner’s association documents, finalization of the conservation easement and any other conditions of approval to be completed and submitted to the satisfaction of the Township.

SECTION 5. PLANNED UNIT DEVELOPMENT

5.1 Uses

The uses within a planned unit development are limited to those uses permitted in the underlying zoning district.

5.2 Performance Standards

- (1) The maximum density of the Planned Unit Development shall not exceed the maximum density permitted in the underlying zoning districts.
- (2) The uses allowed within the PUD are restricted to those uses which are allowed in the underlying zoning district.
- (3) The impervious surface coverage shall not exceed the maximum lot coverage of the underlying zoning district.

5.3 Exclusion from Requirements

Planned Unit Developments may be excluded from certain requirements of the Zoning Ordinances relating to land use, subdivision and development, including the provisions of this Zoning Ordinance, providing that:

- (1) A general development plan is approved by the Town Board.
- (2) The Town Board finds that the proposed development is fully consistent with the purposes of this Zoning Ordinance relating to land use, subdivision and development and that the development is in conformity to the Comprehensive Plan.
- (3) Adequate performance bonds or other security are given to the County to secure completion of the development as provided by the general development plan.
- (4) A Planned Unit Development permit is granted by the Town Board.

5.4 Administration

- (1) Application. Whenever a development requires approval for a planned unit development, a preliminary and final application shall be filed in writing with the Zoning Administrator. Applications shall be accompanied by the required application fee.

- (2) Applications for PUD's located in Shoreland Districts or the St. Croix Riverway District shall complete the required application process and obtain approval from Washington County. Applicants shall contact the County regarding its application and approval requirements.
- (3) The applicant shall pay costs incurred by the Zoning Administrator for monitoring compliance with the conditions of the planned unit development.

5.5 Criteria for Granting a Planned Unit Development

- (1) The Town Board may grant a planned unit development in any district provided the proposed development complies with the standards and criteria stated in the Stillwater Township Code and Subdivision Regulations and that said development is in harmony with the general intent of this Zoning Ordinance and comprehensive plan.
- (2) In granting approval for a planned unit development, the Town Board shall consider:
 - (A) The impact of the proposed use on the health, safety, and general welfare of the occupants of the surrounding lands;
 - (B) Existing and anticipating traffic conditions including parking facilities on adjacent streets and land;
 - (C) The effect of the proposed use on utility and school capacities;
 - (D) The effect of the proposed use on property values and scenic views in the surrounding area;
 - (E) The effect of the proposed use on the Township's Comprehensive Plan;
 - (F) The ability of the proposed use to meet the standards of the Zoning Ordinance; and
 - (G) That the proposed use(s) is (are) permitted in the underlying zoning district

If the Town Board determines that the proposed use will not be detrimental to the health, safety, or general welfare of the Township, or that said use is in harmony with the general purpose and intent of the Zoning Ordinance and Comprehensive Plan, it may approve such planned unit development.

5.6 Preliminary Review

Before applying for a planned unit development permit, the developer shall first apply for preliminary review of the proposed development. The application shall be accompanied by payment of a preliminary review fee. The application shall be filed with the Zoning Administrator. The application shall include the following information relating to the property, the developer and the proposed development, and may include such further information as the developer deems appropriate to preliminary review the proposed planned unit development. The Town Board may require additional information.

- (1) Reports shall be spiral or three-ring loose leaf bound and submitted on 8½" x 11" size paper, vertical format. The scale of the maps shall be at least 1" to 200'. Maps for sites less than fifty (50) acres shall be at least 1" to 100'.
- (2) A sketch plan shall be submitted showing the location of the site, size of the site, utilization of land adjacent to the site, existing buildings on the site, significant topographical and physical features of the site, proposed site, proposed general street layout and proposed general lot layout.
- (3) If the developer contemplates the retention of existing buildings or extension of facilities or utilities serving adjacent uses, these facts shall be documented.
- (4) The developer shall have a property interest in the site which shall consist of a fee simple title, or an option to acquire a fee simple title within a specified time period, or a leasehold interest in excess of thirty (30) years, or a substantial interest in a joint venture agreement, real estate investment trust or other real estate syndication which has or can obtain a fee simple title, or a marketable title subject to certain restraint which will not substantially restrict its development within a reasonable time. All mortgages including purchase money mortgages, all easements restricting land use, all liens and all judgments which may affect the site shall be documented.

The applicant shall supply proof of existing ownership consisting of an abstract of title, certified currently, a current Certificate of Title, or an attorney's title opinion based thereon, together with any unrecorded documents whereby the applicant acquired a legal or equitable property interest.

- (5) Notice and Hearing Procedure.
 - (A) Upon receipt of an application that contains all required information, the Zoning Administrator shall refer the matter to the Town Board and establish a

time for hearing on the application before the Planning Commission. From the date the Zoning Administrator receives the application containing all required information, the Township has sixty (60) days to take action on the request or the request shall be deemed approved, provided, however, that the Zoning Administrator may extend this time line by providing written notice of the extension to the applicant before the end of the initial sixty (60) day period. This notification must state the reasons for the extension and its anticipated length, which may not exceed sixty (60) days. The deadline may also be extended as indicated in Minnesota Statute 15.99 Subd. 3.

- (B) Notice of the time, place and purpose of all public hearing 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 county at least 10 days before the hearing. The notice shall state the purpose, time and place of the public hearing.
 - (C) Written notice shall be sent to all property owners of record within 500 feet of the affected property in incorporated areas.
 - (D) Where required, no less than twenty (20) days prior to the public hearing, the Zoning Administrator shall send notice and copies of the applicant information to the Minnesota Department of Natural Resources for review and comment.
 - (E) Defects in the notice shall not invalidate the proceedings provided a bona fide attempt to comply with the provisions of this Section has been made. A copy of the notice and a list of property owners and addresses to which the notice was sent shall be made a part of the record.
- (6) Town Board Action. Within sixty (60) days after the first regular meeting after the application for a Preliminary Review has been submitted to the Zoning Administrator, the Town Board shall give preliminary review approval to the proposed plan, reject the proposed plan or request specific additional information. The Town Board shall also establish the process necessary for completion of a general development plan and shall notify the applicant of which alternative process or parts of the development plan process that will be applicable to his project. As soon as is reasonably practical, the Zoning Administrator shall inform

the applicant of the action taken by the Town Board, in writing, accompanied by a copy of the resolution or minutes of the Planning Commission stating its reasons therefore. If additional information is requested, the Town Board shall accept or reject the Preliminary Review within thirty (30) days of such request. If the Preliminary Review is accepted, the developer may proceed to apply for a permit for a Planned Unit Development. Approval of the Preliminary Plan does not guarantee approval of the project.

5.7 **Final Review**

- (1) The applicant shall have secured preliminary review approval by the Town Board within the previous year.
- (2) The application shall be accompanied by development plans of the proposed planned unit development and supporting information as listed below as deemed necessary by the Zoning Administrator or by the Town Board.
 - (A) The scale of maps submitted shall be at least 1" to 200'. Maps for sites less than fifty (50) acres shall be at least 1" to 100'. The number of maps and reports to be submitted shall be specified by the Planning Commission, but shall not exceed twenty-five (25). All maps shall be reduced and included in the applicable reports. One (1) transparent Mylar copy of the final general development plans, should they be approved, shall be filed with the Planning Commission within sixty (60) days of such approval.
 - (B) An **environmental impact study** may be required by State, Regional or Federal agencies.
 - (C) A **regional location component map** shall be submitted showing the site and its interrelationship with the community. Said map shall include the location and distance in road miles to the following facilities servicing the site:
 1. Elementary School(s)
 2. Secondary School(s)
 3. Fire Department
 4. Police Station
 5. Arterial and Limited Access Highways
 6. Recreational Areas
 7. Shopping Areas
 8. Industrial Areas
 9. Public Transportation Routes, including non-vehicle trails and major transportation depots
 10. Churches and Public Buildings

The names of all property owners within five hundred (500) feet of the development site shall be shown on the map.

- (D) A **land evaluation component** which shall consist of a map or maps and accompanying report setting forth the natural limitations on land development, including slopes, drainage systems, vegetation, soil types, soil quality and how these limitations are incorporated in the development plan. Said land evaluation component shall also contain a descriptive statement of objectives, principles and standards used for its formulation.
- (E) A **land use component** which shall consist of a map or maps and report setting forth the distribution, location and extent of the acres of land devoted to each category of land use proposed as part of the general plan of development. Said land use component shall also contain a descriptive statement of objectives, principles and standards used in its formulation.
- (F) A **circulation component** which shall consist of a map or maps and report setting forth the general location, extent, and nature of all transportation facilities proposed as part of the general plan of development, all proposed points of inter-connecting access to existing transportation facilities and the present use and design capacities of existing transportation facilities. Proposed transportation facilities information shall include:
 - 1. Location of paths or bikeways.
 - 2. Location of major and local thoroughfares.
 - 3. Location and definition of trash removal system.
 - 4. Location and definition of industrial and commercial delivery areas and systems.
 - 5. Identification by function of principal arterials, intermediate arterials, minor arterials, collector streets and local streets.
 - 6. Location and function of one-way street systems, divided roads, left-turn lanes and such other matters as may be related to the provision for the circulation of traffic within

the planned area.

The following information pertaining to parking areas shall be shown:

- a) Paved areas for all parking compounds.
- b) Landscaped areas contained within parking areas.
- c) Service estimates which show the number of residential units or gross flow area and the number of parking spaces for each area.

This circulation component shall also contain a descriptive statement of objectives, principles and standards used in its formulation.

- (G) A **population component** which shall contain a report of the standards of population density and building intensity for the various proposed land uses, including estimates of future population, correlated with supporting data, and shall include but not be limited to dwelling (housing) units per acre for the various residential uses proposed; and square footage by type for the various nonresidential facilities, including sufficient data to calculate traffic generation, parking requirements, water consumption, sewage needs and the necessary capacity of related utilities and services traditionally rendered by public or private organizations for a population of such size as is projected for the completed planned development. This report shall contain an analysis indicating the projected marketability of the development in respect to effective demand specifically relating the size to the community. Any public and/or subsidized housing shall be identified to include an explanation of the assistance program and the number of units affected. Said population component shall also contain a descriptive statement of objectives, principles and standards used for its formulation.
- (H) A **services and facilities component** which shall contain a map or maps setting forth the general location and extent of any and all existing and proposed systems for sewage, existing and proposed sewage flows, location of on-site sewage treatment systems and backup areas, domestic water supply and

distribution, refuse disposal, drainage, local utilities and right-of-way easements, facilities and appurtenances necessary therefore. Said services and facilities component shall also contain a descriptive statement setting forth objectives, principles and standards used for its formulation, as well as a detailed statement describing the proposed ownership, method of operation and maintenance of each such service and facility.

- (I) An open space and community facilities component map and report which shall show:
1. All land dedicated or deed restricted for public or common use showing major trails, acreage and proposed use.
 2. Location of all play fields, tot-lots, tennis and handball courts, or other recreational facility indicating type and general area of concentrated use.
 3. Location of all buildings intended for community, school, religious or institutional use indicating approximate building coverage in square feet.
 4. Location of all existing buildings, historical areas or scenic areas to be preserved.

The report shall contain an explanation of how the common open space shall be maintained including an estimate of additional charges or costs to be paid by each housing unit. The method by which citizen participation is provided in the maintenance of these facilities shall be specified. All improvements to be placed as fixtures upon the land shall be described. A statement of conformance or lack thereof to the requirements of design ratios and common open space shall be included. Said open space and community facilities component shall also contain a descriptive statement of objectives, principles and standards used for its formulation.

- (J) A **land coverage and drainage component** map or maps which shall include the location and square feet of all areas of the site to be covered by paving or building roofs, and the proportion of each as related to the total site, and the relation to each watershed

existing on an off-site location prior to proposed development.

All areas of the site in which the natural vegetative cover will be altered shall be identified and the proportion by type of change shall be identified with the amount of area in acres and the proportion of each as related to the total site shall be indicated on the map legend.

A grading and drainage plan identifying the collection and retention and drainage of stormwater shall be submitted to the Watershed District and the Washington County Soil and Water Conservation District at the time of application. Erosion control structures must be in place before grading begins. On-site drainage shall be directed to a stormwater holding pond prior to leaving the site. Drainage and erosion control systems shall be designed to prevent any increase in site runoff over pre-existing peak flows.

- (K) A **building quality component** which shall consist of a map or maps, schematic drawings and report showing locations of all buildings with floor elevations, typical building types to illustrate architectural intent and character, and the name, address and certification of the architect approving the exhibit.

- (L) A **legal submissions component** which consist of the following:
 - 1. The articles of incorporation and bylaws for any homeowners association, condominium association or other form of nonprofit corporation to maintain or advise in the operation of any common space.
 - 2. Any agreement by which an organization is to serve in the capacity of a trustee.
 - 3. Typical deed or lease agreement specifying all rights and obligations including required fees to be paid to maintain common open space.
 - 4. A signed statement establishing the rights of the County to substitute for the organization to maintain common open space and to collect the necessary funds.

5. Copies of all existing or proposed easements and covenants to permit other persons to utilize portions of land or to maintain facilities and/or utility service lines.
6. Copies of all existing or proposed agreements by which private roads shall be maintained, refuse collected, snow plowed and other supplementary services be provided.
7. Copies of all dedications, restrictions and covenants imposed upon the land including reservations in favor of any homeowners association.

- (M) A **construction order component** which shall contain a map or maps setting forth the proposed chronological order of construction relating each proposed use and structure to the construction of the various services and facilities as may be required herein. Said component shall include estimated completion dates and shall specify the proposed order of request for utility release or other authority to occupy complete structures so as to provide a basis for determining the adequacy of the related services and facilities which would not require a variance under existing zoning. Said component shall also contain a descriptive statement of objectives, principles and standards used for its formulation.
- (N) A **Subdivision Design** which shall comply with the provisions of the Washington County Subdivision Regulations.
- (O) A **financial impact component** which shall consist of a report demonstrating the additional taxes generated by the planned unit development for the community and the school district, the additional financial burden generated by the planned unit development on the school system, fire department, police department, road maintenance and other increased financial burden on the community. Said component shall also contain a descriptive statement of objectives, principles and standards used for its formulation.
- (P) A **marketing component** which shall consist of a report demonstrating the economic feasibility of the planned unit development including a marketing survey of proposed residential and apartment units, the impact on existing property values, the impact on

any other proposed real estate developments in the surrounding area, the amount of federal, state and local subsidy or loan programs utilized by the planned unit development and the impact of such governmental subsidy or loan programs being curtailed or eliminated.

(Q) An **air pollution component** which shall consist of a map and report setting forth the location of all air pollution sources including areas of heavy traffic, parking lots, incinerators and smokestacks. The report shall include the amount of pollution expected from each source and the abatement procedures to be used to control such air pollution. Said component shall also contain a descriptive statement setting forth objectives, principles and standards used for its formulation.

(R) The **general plan of development** may include as additional components: A Recreation Component, a Public Building Component, Noise Component, Lighting Component providing for consideration for administrative and public safety quarters, and such other components indicated by the nature of the particular proposed development.

(3) Referrals. Upon receipt of all required information, the Zoning Administrator shall refer the same to the Town Board, Washington Conservation District, the local Watershed District, and such other public bodies, agencies and officials as may be interested or affected. Reports on those aspects of the proposed plan which concern such department or body must be filed with the Zoning Administrator within thirty (30) days of the referral thereof.

(4) Public Hearing. Within the period of time the matter is under consideration, the Planning Commission shall hold a public hearing concerning the particular planned unit development application. A minimum ten (10)-day notice of said meeting shall be given by the U.S. Mail to all property owners within one thousand three hundred and twenty (1,320) feet of the affected property or the ten (10) properties nearest to the affected property, whichever would provide notice to the greatest number of owners. At least ten (10) days prior to such public hearing, a notice indicating the time, place and reason for such public hearing shall be published in the official newspaper of the Township. Notice shall contain a legal description of the property described in the application. The failure of any property owner to receive notification or defect in such notification shall not invalidate the proceedings. Within the period of time the matter is under

consideration by the Township, the applicant shall be allowed to make such amendments to his application, including any part of the general development plan or any applicable components thereof, as the Township shall request or permit.

- (5) Action by the Planning Commission. The planned unit development general development plans shall be placed on the agenda of the Planning Commission at its next regular meeting following the required public hearing. The Planning Commission shall make a recommendation on these plans within sixty (60) days after such meeting.

If it shall determine by resolution that the proposed use will not be detrimental to the health, safety, morals or general welfare of the Township and that said use is fully consistent with the purposes of the Zoning Ordinances relating to land use, subdivision and development, including the provisions of this Zoning Ordinance and in conformity with the Comprehensive Plan, the Town Board may grant such approval. If it approves the plans, the Board may impose conditions, including time limits it considers necessary. Periodic review of the project and the final permit may be required; the cost of periodic review shall be paid by the permittee. Each project approval shall be granted for a particular use and development, and not for a particular applicant.

5.8 **Method of Amending a Planned Unit Development Permit**

Any desired change involving structural alteration, enlargement or intensification of the use not specifically allowed by a particular planned unit development permit, or any request for a variance from the specific terms of a previously passed planned unit development permit, shall require that an application be filed for an amended permit and all procedures shall then apply as if a new permit was applied for.

5.9 **Method of Cancellation of a Planned Unit Development Permit**

Any existing approved planned unit development permit shall be deemed to be canceled if the owner of the land involved in the permit applies for and receives a rezoning with respect to said property prior to the time that there is any physical implementation of the matters covered by the previously approved planned unit development permit. In addition, an existing planned unit development permit shall be deemed to be automatically canceled in the event that a final plat, if the same is required in connection with the permit, is not filed as required by and in accordance with the terms of the Subdivision Regulations. The planned unit development permit shall expire and be considered null and void one (1) year after it has been issued if no construction has begun or if use has not been established. In all other situations, an existing planned unit development permit shall be canceled and revoked, short of expiring according to its own terms, only upon the event of the Township acting in accordance with law and due process, taking some rezoning action which supersedes the planned unit development.

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