

ORDINANCE CHANGE #2020-01

WHEREAS Minnesota State Statute #462.353 grants the authority to establish comprehensive land use plans to the township;

WHEREAS Minnesota State Statute #462.3535 encourages a community based comprehensive plan;

WHEREAS Minnesota State Statute #462.357 Subd. 1 grants the authority for land use control to the Townships;

WHEREAS A Zoning Ordinance Public Hearing has been held in accordance with Minnesota State Statute #462.375 Subd. 3;

THEREFORE The Wilson Township Board does hereby ordain the adoption of the Wilson Township Zoning Ordinance Change This 14th day of December 2020. Superceding all previous recorded documents

Robin Jandt Township Clerk

Leon Bowman Chairman

This document was prepared by

Paul Siebenaler Wilson Planning Director

po Box 101 Altura, MN 55910

WILSON TOWNSHIP ZONING ORDINANCE

December 14, 2020

AN ORDINANCE REGULATING THE USE OF LAND IN WILSON TOWNSHIP BY DISTRICTS, INCLUDING THE REGULATION OF THE LOCATION, SIZE, USE AND HEIGHT OF BUILDINGS, THE ARRANGEMENT OF BUILDINGS ON LOTS AND DENSITY OF POPULATION FOR THE PURPOSE OF PROMOTING THE PUBLIC HEALTH, SAFETY, ORDER, AND GENERAL WELFARE OF WILSON TOWNSHIP.

This document supersedes all previously Recorded Wilson Township Zoning Ordinances and amendments

Contents

[CHAPTER 1: TITLE.....9](#)

<u>101 TITLE</u>	<u>9</u>
<u>CHAPTER 2: INTENT AND PURPOSE.....</u>	<u>9</u>
<u>201 PURPOSE.....</u>	<u>9</u>
<u>CHAPTER 3: NONCONFORMING USES AND STRUCTURES.....</u>	<u>9</u>
<u>301 JURISDICTION</u>	<u>9</u>
<u>302 SCOPE.....</u>	<u>10</u>
<u>303 APPLICATION</u>	<u>10</u>
<u>304 SEVERABILITY</u>	<u>10</u>
<u>305 PARCEL OF RECORD STANDARDS</u>	<u>11</u>
<u>306 NONCONFORMING USES</u>	<u>11</u>
<u>306.1 Intent.....</u>	<u>11</u>
<u>306.2 General Provisions</u>	<u>11</u>
<u>306.3 Non-conforming Uses</u>	<u>12</u>
<u>306.4 Non-conforming Structures.....</u>	<u>13</u>
<u>306.5 Non-conformity of Certain Classes of Properties</u>	<u>14</u>
<u>306.6 Non-conformities in Shore land and Floodplain.....</u>	<u>14</u>
<u>306.7 Nonconforming Performance Standards.....</u>	<u>16</u>
<u>307 SUBSTANDARD USE PERFORMANCE STANDARD</u>	<u>16</u>
<u>308 FEES</u>	<u>16</u>
<u>CHAPTER 4: RULES AND DEFINITIONS</u>	<u>18</u>
<u>401 RULES.....</u>	<u>18</u>
<u>401.1 Word Usage</u>	<u>18</u>
<u>401.2 Permitted Uses</u>	<u>18</u>
<u>401.3 Conditional Uses ..</u>	<u>18</u>
<u>401.4 Prohibited Uses</u>	<u>18</u>
<u>402 DEFINITIONS.....</u>	<u>18</u>
<u>CHAPTER 5: ADMINISTRATION.....</u>	<u>40</u>
<u>501 CREATION OF THE OFFICES OF PLANNING DIRECTOR AND ZONING ADMINISTRATOR</u>	<u>40</u>
<u>501.1 Powers and Duties of Planning Director.....</u>	<u>40</u>
<u>501.2 Powers and Duties of the Zoning Administrator.....</u>	<u>40</u>
<u>502 PLANNING COMMISSION.....</u>	<u>41</u>
<u>502.1 Creation and Membership</u>	<u>41</u>

502.2 Organization.....	42
502.3 Powers and Duties	43
503 BOARD OF ADJUSTMENT	43
503.1 Creation and Membership	43
503.2 Organization.....	43
503.3 Functions and Authority of the Board of Adjustment.....	44
504 AMENDMENTS TO THE COMPREHENSIVE PLAN AND	45
504.1 Criteria for Granting Amendments	45
504.2 Required Information and Exhibits.....	45
504.3 Procedure	46
505 CONDITIONAL USE PERMITS.....	47
505.1 Criteria for Granting Conditional Use Permits	47
505.2 Additional Conditions	47
505.3 Required Information and Exhibits.....	48
505.4 Procedure	48
506 INTERIM USE PERMITS	49
507 VARIANCES.....	50
507.1 Purpose and Intent	50
507.2 Required Information and Exhibits.....	51
507.3 Procedure	51
508 ZONING CERTIFICATE AND CERTIFICATE OF COMPLIANCE.....	52
508.1 Zoning Certificate	52
509 ADVERTISING DEVICE PERMITS	54
510 SEWAGE AND WATER SYSTEMS: LICENSES AND PERMITS	54
510 LAND ALTERATION PERMITS	54
511 EXTRACTION PITS/LAND ALTERATION PERMIT.....	54
512 COMMERCIAL TIMBER HARVESTING LICENSES AND PERMITS.....	54
513 VIOLATIONS, PENALTIES AND ENFORCEMENT	54
513.1 Violations and Penalties	55
513.2 Enforcement.....	55
CHAPTER 6: ZONING DISTRICTS.....	57
601 ZONING DISTRICTS	57
602 ZONING MAPS	57

<u>603 AGRICULTURAL - NATURAL RESOURCE DISTRICT (A/NR)</u>	<u>59</u>
<u>603.1 Purpose.....</u>	<u>59</u>
<u>603.2 Permitted Principal Uses</u>	<u>59</u>
<u>603.3 Accessory uses.....</u>	<u>61</u>
<u>603.4 Conditional Uses..</u>	<u>61</u>
<u>603.5 Performance Standards</u>	<u>62</u>
<u>603.6 Performance Standards - Exclusive Agricultural Use Zone.....</u>	<u>64</u>
<u>603.7 Application - Exclusive Agricultural Use Zone.....</u>	<u>64</u>
<u>604 COUNTRY RESIDENTIAL DISTRICT (CR)</u>	<u>66</u>
<u>604.1 Purpose.....</u>	<u>66</u>
<u>604.2 Permitted Uses</u>	<u>66</u>
<u>604.3 Accessory Uses</u>	<u>66</u>
<u>604.4 Conditional Uses..</u>	<u>66</u>
<u>604.5 Performance Standards for development after 2010.....</u>	<u>67</u>
<u>604.6 Performance Standards for development before 2010.....</u>	<u>68</u>
<u>605 RURAL RESIDENTIAL DISTRICT (RR)</u>	<u>69</u>
<u>605.1 Purpose.....</u>	<u>69</u>
<u>605.2 Permitted Uses</u>	<u>69</u>
<u>605.3 Accessory Uses</u>	<u>69</u>
<u>605.4 Conditional Uses..</u>	<u>69</u>
<u>605.5 Performance Standards</u>	<u>70</u>
<u>606 COMMUNITY DEVELOPMENT DISTRICT (CD).....</u>	<u>72</u>
<u>606.1 Purpose.....</u>	<u>72</u>
<u>606.2 Permitted Uses</u>	<u>72</u>
<u>606.3 Accessory Uses</u>	<u>72</u>
<u>606.4 Conditional Uses..</u>	<u>72</u>
<u>606.5 Prohibited Uses</u>	<u>74</u>
<u>606.6 Performance Standards</u>	<u>74</u>
<u>607 COMMERCIAL AND RECREATIONAL DISTRICT (C/R)</u>	<u>76</u>
<u>607.1 Purposes</u>	<u>76</u>
<u>608 LIMITED INDUSTRIAL (LI).....</u>	<u>80</u>
<u>608.1 Purposes</u>	<u>80</u>
<u>608.2 Key words</u>	<u>80</u>

608.3 Permitted Principal Uses	81
608.4 Accessory Uses	81
608.5 Conditional Uses..	82
608.6 Prohibited Uses	82
608.6 Performance Standards	83
609 COUNTY SPECIAL USE DISTRICT (CSU).....	86
609.1 Purpose.....	86
609.2 Permitted Principal Uses	86
609.3 Accessory Uses	86
609.4 Conditional Uses..	87
610 CLOSED LANDFILL RESTRICTED DISTRICT (CLR).....	88
610.1 Purpose.....	88
610.2 Permitted Principle Uses	89
610.3 Accessory Uses	89
610.4 Conditional Uses..	89
610.5 Prohibited Uses	89
610.6 Performance Standards	89
611. RURAL HERITAGE DISTRICT (RH).....	91
611.1 Purpose.....	91
611.2 Permitted Principal Uses	91
611.3 Accessory Uses	91
611.4 Conditional Uses..	92
611.5 Performance Standards	93
CHAPTER 7: PERFORMANCE STANDARDS.....	94
701 PERFORMANCE STANDARDS PURPOSE.....	94
702 STEEP SLOPES / BLUFFS	94
703 EXTERIOR STORAGE	94
704 GLARE	95
705 BULK STORAGE (Liquid)	95
706 NUISANCES	96
706.1 Prohibited Nuisances	96
707 ALTERNATIVE ENERGY SYSTEMS AND SOLAR AND EARTH SHELTERED STRUCTURES.....	96

<u>708 PERMITTED ENCROACHMENTS.....</u>	<u>96</u>
<u>709 CLUSTER DEVELOPMENT</u>	<u>97</u>
<u>708.1 Standards.....</u>	<u>97</u>
<u>710 SOIL EROSION AND SEDIMENT CONTROL.....</u>	<u>97</u>
<u>710.1 General Standards</u>	<u>97</u>
<u>710.2 Standards for Compliance with this Ordinance</u>	<u>98</u>
<u>710.3 Agricultural Activities</u>	<u>98</u>
<u>710.4 Timber Harvesting Activities.....</u>	<u>98</u>
<u>710.5 Development Activities</u>	<u>98</u>
<u>710.6 Procedures for Enforcement.....</u>	<u>99</u>
<u>711 PRESERVATION OF DRAINAGEWAYS</u>	<u>100</u>
<u>711.1 Natural Drainage ways</u>	<u>100</u>
<u>711.2 Standards for Artificial Drainage ways.....</u>	<u>100</u>
<u>712 COMMERCIAL TIMBER HARVESTING PERMIT PROCEDURES, REQUIREMENTS AND PERFORMANCE STANDARDS</u>	<u>101</u>
<u>712.1 Purpose.....</u>	<u>101</u>
<u>712.2 Commercial Timber Harvesting License</u>	<u>101</u>
<u>712.3 Commercial Timber Harvesting Permit.....</u>	<u>102</u>
<u>714 ACCESS DRIVES AND ACCESS</u>	<u>103</u>
<u>716 MANUFACTURED/MOBILE HOMES</u>	<u>103</u>
<u>716.1 Standards.....</u>	<u>103</u>
<u>717 COMMERCIAL RECREATION CAMPGROUNDS REGULATIONS.....</u>	<u>103</u>
<u>717.1 Permit.....</u>	<u>103</u>
<u>717.2 Performance Standards for Commercial Recreation Campgrounds</u>	<u>104</u>
<u>719 PARKING AND LOADING STANDARDS</u>	<u>104</u>
<u>719.1 Surfacing and Drainage</u>	<u>105</u>
<u>719.2 Location</u>	<u>105</u>
<u>719.3 General Provisions</u>	<u>105</u>
<u>719.4 Design and Maintenance of Off-Street Parking Areas.....</u>	<u>105</u>
<u>719.5 Off-Street Parking Spaces Required</u>	<u>105</u>
<u>719.6 Off-Street Loading and Unloading Areas</u>	<u>106</u>
<u>721.1 Administration ...</u>	<u>112</u>
<u>721.2 Required Information</u>	<u>112</u>

[721.3 Performance Standards 113](#)

[721.4 Land Rehabilitation 114](#)

[721.5 Non-Conforming Extraction Pits 114](#)

[722 HOME OCCUPATIONS 114](#)

[722.1 General Information 114](#)

[722.2 Permitted Uses ... 114](#)

[722.3 Conditional Uses 114](#)

[723 ADULT ENTERTAINMENT 114](#)

[723.1 Standards 115](#)

[CHAPTER 9: PENALTY 116](#)

[CHAPTER 10 - VALIDITY AND SEVERABILITY 116](#)

[CHAPTER 11 - EFFECTIVE DATE 116](#)

CHAPTER 1: TITLE
101 TITLE

This Ordinance shall be known, cited and referred to as the **Wilson Township Zoning Ordinance**.

CHAPTER 2: INTENT AND PURPOSE

201 PURPOSE

This Ordinance is adopted for the purpose of:

1. Protecting the public health, safety, comfort, convenience and general welfare.
2. Protecting and preserving agriculture.
3. Protecting and preserving low-density rural residences.
4. Providing compatibility of different land uses uniformly and appropriately throughout the Township consistent with the Wilson Township Comprehensive Plan.
5. Conserving the natural and scenic beauty of the Township.
6. Conserving natural resources in the Township such as streams, wetlands, groundwater recharge areas, steep bluffs, woodlands and soils.
7. Promoting orderly development of the residential, commercial, industrial, recreational and public areas.
8. Minimizing environmental pollution.
9. Conserving energy by allowing renewable energy production and earth sheltered housing.
10. Protecting all existing residences, businesses and facilities.

CHAPTER 3: NONCONFORMING USES AND STRUCTURES

301 JURISDICTION

The jurisdiction of this Ordinance shall apply to all areas of Wilson Township outside the incorporated limits of municipalities.

302 SCOPE

From and after the effective date of this Ordinance and subsequent amendments, the use of all land and every building or portion of a building erected, altered in respect to height and area, added to, or relocated, and every use within a building or use accessory thereto in Wilson Township shall be in conformity with the provisions of this Ordinance. Any existing building or structure and any existing use of properties not in conformity with the regulations herein prescribed shall be regarded as nonconforming,

but may be continued, subject to the special regulations herein provided with respect to nonconforming properties or uses.

MS §394 PLANNING, DEVELOPMENT, ZONING is incorporated by reference.

MS §462 HOUSING, REDEVELOPMENT, PLANNING, ZONING is incorporated by reference.

WINONA COUNTY ZONING ORDINANCE is incorporated by reference.

303 APPLICATION

1. In their interpretation and application, the provisions of this Ordinance shall be held to be the minimum requirements for the promotion of the public health, safety and welfare.
2. Where the conditions imposed by any provisions of this Ordinance are either more restrictive or less restrictive than comparable conditions imposed by any other law, ordinance, statute, resolution, or regulation of any kind, the regulations which are more restrictive or which impose higher standards or requirements shall prevail.

304 SEVERABILITY

It is hereby declared to be the intention that the several provisions of this Ordinance are severable in accordance with the following:

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

305 PARCEL OF RECORD STANDARDS

1. A parcel of record shall be a legal building lot if able to meet the following standards:
 - a. In the A/NR or RR, the parcel has a minimum size of 5 acres, a minimum of 20,000 square feet suitable for development and sewage treatment system.

- b. In the UR or CD district, the parcel has a minimum of 20,000 square feet suitable for development and sewage treatment system.
 - c. Is a parcel recorded on or before August 1, 1970.
 - d. The requirements of the Winona County Zoning Ordinances (WCZO) controlling Subsurface Sewage Treatment Systems (SSTS) can be met.
 - e. The lot is a Parcel of Record, as defined.
 - f. All performance standards and regulations that are applicable in the district for which the parcel is located, except the parcel area as described above
 - g. Non-conforming lots of record within the Shore land District shall conform to the provisions set forth in Chapter 611 of the Ordinance.
 - h. The parcel was created in accordance with the official controls in effect at the time it was created.
2. Adjacent parcels of record containing less than 5 acres under common ownership shall be combined to meet the 5 acres minimum, larger parcels need not be combined.

306 NONCONFORMING USES

306.1 Intent

It is the intent of this Ordinance to allow nonconforming uses to continue until their normal expiration, as defined in MS § 394.36 as may be amended from time to time, but subject to the nonconforming performance standards, finding it necessary for public health, safety, order, convenience and general welfare to define and specify the conditions under which non-conforming buildings, structures, uses, and lots will be operated, maintained, and regulated.

306.2 General Provisions

- 1. Any use or structure legally established prior to the adoption of this Ordinance may be continued in like fashion.
- 2. Any change to the use from the adoption of this Ordinance shall be done in accordance with the provisions of this Ordinance.
- 3. Any material change to the structure other than maintenance from the adoption of this Ordinance shall be done in accordance with the provisions of the Ordinance.
- 4. Variance requests for non-conformances shall not petition for an increase in the existing non-conformances nor create new non-conformances.
- 5. Non-conforming buildings, structures, and/or uses which based upon documented evidence pose a danger and/or threat to the public safety, health, order, convenience, and welfare of the township shall:

- a. upon notification of the owner in writing by the Planning Director or Town Board of such an occurrence, provide to the Town Board a documented time schedule and program with rationale to support the proposed amortization of the building, structure, or use which will result in the correction of the non-conformity.
 - 1) the time schedule for correction shall be based upon, but not be limited to, factors such as the initial investment and degree of threat or danger being posed.
 - 2) the acceptability of the time schedule shall be determined by the Town Board with the right of appeal to the Board of Adjustment.
 - 3) in no case shall a time schedule exceed two (2) years from the date of determination by the Town Board.

306.3 Non-conforming Uses

1. Effective date
 - a. The lawful use of building, structure or land existing at the effective date of this Ordinance which does not conform to the provisions of this Ordinance may be continued; provided, however, that no such non-conforming use of land shall be enlarged or increased, nor shall any such non-conforming use be expanded to occupy a greater area of land than that occupied by such use at the time of the adoption of this Ordinance, nor shall any such nonconforming use be moved to any other part of the parcel of land upon which the same was conducted at the time of the adoption of this Ordinance
2. Continued use
 - a. A lawful, non-conforming use shall not be enlarged, but may be continued at the same size and in the same manner of operation as it existed on the date it became legally non-conforming except as hereinafter specified.
3. Changes to non-conforming uses
 - a. When a lawful non-conforming use of any structure or land in any district has been changed to a conforming use, it shall not thereafter be changed to any non-conforming use.
 - b. A lawful non-conforming use of a structure or parcel of land may be changed to lessen the non-conformity of use. Once a nonconforming structure or parcel of land has been changed, it shall not be so altered to increase the non-conformity.
4. Discontinuance
 - a. In the event that a non-conforming use of any building or premises is discontinued for a period of more than one (1) year, the use of the same shall thereafter conform to the regulations of the district in which it is located.
5. Normal maintenance
 - a. Maintenance of a building or other structure containing or used by a non-conforming use will be permitted when it includes necessary non-structural repair and incidental alterations which do not extend or intensify the non-conforming use.
6. Variances

306.4 Non-conforming Structures

1. Restoration if less than or equal to 50%
 - a. No lawful non-conforming building or structure which has been substantially damaged by fire, explosion, act of God or a public enemy, to the extent of fifty (50) percent of its value, as indicated in the records of the County Assessor at the time of the damage, shall be restored, in conformity with the regulations of this Ordinance so that any subsequent use or occupancy of the land or premises shall be a conforming use or occupancy.
2. Alterations: Alteration and normal maintenance to a lawful nonconforming building or structure may be made provided:
 - a. The alterations do not expand the building footprint.
 - b. The alterations do not change the building occupancy capacity or parking demand.
 - c. The alteration does not increase the non-conformity of the building or the use.
3. Expansion by Administrative Approvals:
 - a. Certain expansions of lawful non-conforming building and structures may be approved through the administrative permit process by the Planning Director subject to provisions of this Ordinance. The Planning Director shall make a determination that the building expansion will not have external negative impacts upon adjacent properties or public rights-of-way.
 - b. Expansion of buildings found to be non-conforming only by reason of height, yard setback or lot area may be permitted provided the structural non-conformity is not increased and the expansion complies with the performance standards of this Ordinance.
 - c. Lawful non-conforming single family and two (2) family units may be expanded to improve the livability provided the nonconformity of the structure is not increased and the occupancy capacity is not increased.
4. Expansion by Conditional Use Permit:
 - a. Lawful non-conforming commercial, industrial, public, semi-public, and multiple family structures may be expanded on the same lot by conditional use permit provided:
 - b. The expansion will not increase the non-conformity of the building or site.
 - c. The new building expansion will conform with all the applicable performance standards of this Ordinance. A conditional use permit shall not be issued under this section for a deviation from other requirements of this Ordinance unless variances are also approved.
 - d. The request for conditional use permit shall be evaluated based on standards and criteria set forth in Chapter 505 of this Ordinance.

306.5 Non-conformity of Certain Classes of Properties

This subdivision applies to homestead and non-homestead residential real estate and seasonal residential real estate occupied for recreational purposes. A nonconformity, including the lawful use or occupation of land or premises existing at the time of the adoption of an official control under this chapter, may be continued, including through repair, replacement, restoration, maintenance, or improvement subject to the limitations below.

1. **Expansion** – Nonconforming real estate may be expanded in neither footprint nor height.

2. **Occupancy** - If the nonconformity or occupancy is discontinued for a period of more than one year any subsequent use or occupancy of the land or premises must be a conforming use or occupancy.
3. **Partial damage** - If any nonconforming building or structure is destroyed by fire or other peril to the extent of greater than fifty (50) percent of its estimated market value, as indicated in the records of the county assessor at the time of damage, and no building permit has been applied for within one hundred eighty (180) days of when the property is damaged, any subsequent use or occupancy of the land or premises must be a conforming use or occupancy.
4. **Destruction** - If a nonconforming building or structure is destroyed by fire or other peril to the extent of greater than fifty (50) percent of its estimated market value, as indicated in the records of the county assessor at the time of damage, the town board may impose reasonable conditions upon a zoning or building permit in order to mitigate any newly created impact on adjacent property or water body.
5. **Shore land** –
 - a. When a nonconforming structure in the shore land district with less than fifty (50) percent of the required setback from the water is destroyed by fire or other peril to greater than fifty (50) percent of its estimated market value, as indicated in the records of the county assessor at the time of damage, the structure setback may be increased if practicable and reasonable conditions are placed upon a zoning or building permit to mitigate created impacts on the adjacent property or water body.

306.6 Non-conformities in Shore land and Floodplain

1. Non-conforming buildings and uses within the special protection districts as described in Chapter 11 of this Ordinance (Floodplain, Shore land) shall be subject to the applicable regulations and standards relating to such buildings and uses in that section. In addition to any requirements imposed by Winona County Zoning Ordinance Chapter 11, repair, replacement, maintenance, improvement, or expansion of nonconforming uses and structures in floodplain areas shall be regulated by Winona County
2. To the extent necessary to maintain eligibility in the National Flood Insurance Program and shall not increase flood damage potential or increase the degree of obstruction to flood flows in the floodway.
3. In addition to requirements imposed by Winona County Zoning Ordinance Chapter 11, for shore land lots of record in the office of the county recorder on the date of adoption of local shore land controls that do not meet the
4. Requirements for lot size or lot width shall apply the following additional requirements within Winona County Zoning Ordinance Section 3.2:
5. A nonconforming single lot of record located within a shore land area may be allowed as a building site without variances from lot size requirements, provided that:
 - a. all structure and septic system setback distance requirements can be met;
 - b. Type 1 sewage treatment system consistent with Minnesota Rules, chapter 7080, can be installed with sufficient land for a second system in the instance of the failure of the first or the lot is connected to a public sewer; and
 - c. the impervious surface coverage does not exceed the performance standards for the district in which the lot is situated.

6. In a group of two (2) or more contiguous lots of record under a common ownership, an individual lot must be considered as a separate parcel of land for the purpose of sale or development, if it meets the following requirements:
 - a. the lot must be at least sixty six (66) percent of the dimensional standard for lot width and lot size for the shore land classification consistent with Minnesota Rules, chapter 6120;
 - b. the lot must be connected to a public sewer, if available, or must be suitable for the installation of a Type 1 sewage treatment system consistent with Minnesota Rules, chapter 7080, with sufficient land for a second system in the instance of the failure of the first;
 - c. impervious surface coverage must not the performance standards for the district in which the lot is situated; and
 - d. development of the lot must be consistent with the Wilson Township Comprehensive Plan.
7. A lot subject to section WCZO 3.2.6(4) not meeting the requirements of section 3.2.6(4) must be combined with the one or more contiguous lots so they equal one or more conforming lots as much as possible.
8. Not with standing section WCZO 3.2.6 (4), contiguous nonconforming lots of record in shore land areas under a common ownership must be able to be sold or purchased individually if each lot contained a habitable residential dwelling at the time the lots came under common ownership and the lots are suitable for, or served by, a sewage treatment system consistent with the requirements of section 115.55 and Minnesota Rules, chapter 7080, with sufficient land for a second system in the instance of the failure of the first; or connected to a public sewer.
9. In evaluating all variances, zoning and building permit applications, or conditional use requests, the zoning authority shall require the property owner to address, when appropriate, storm water runoff management, reducing impervious surfaces, increasing setback, restoration of wetlands, vegetative buffers, sewage treatment and water supply capabilities, and other conservation-designed actions.
10. A portion of a conforming lot may be separated from an existing parcel as long as the remainder of the existing parcel meets the lot size and sewage system requirements of the zoning district for a new lot and the newly created parcel is combined with an adjacent parcel.

306.7 Nonconforming Performance Standards

1. A nonconforming use shall not be extended or enlarged after passage of this Ordinance by attachment on to a building or premises or additional signs intended to be seen from or off the premises, or by the addition of other uses of a nature which would be prohibited generally in the district involved.
2. If a nonconforming use is discontinued for a period of one year, further use of the structures or property shall be in conformance with this Ordinance.
3. Any structure containing a nonconforming use which is destroyed by any cause, to an extent exceeding fifty percent of its fair market value at the time of the destruction, shall not be restored except in conformity with the regulations of this Ordinance.
4. To avoid undue hardship, nothing in this Ordinance shall be deemed to require a change in the plans, construction or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this Ordinance and upon which actual construction has been diligently carried on. Actual construction is hereby defined to

include the placing of construction materials in permanent position and fastened in a permanent manner.

5. If no structural alterations are made, a nonconforming use of a structure may be changed to another nonconforming use of the same or more restricted classification. The foregoing provisions shall also apply to nonconforming uses in districts hereafter changed.
6. Maintenance of a building or other structure containing or used by a nonconforming use will be permitted when it includes necessary, nonstructural repairs and incidental alterations which do not extend or intensify the nonconforming building or use. Nothing in this Ordinance shall prevent the placing of a structure in safe conditions when said structure is declared unsafe by the Township Planning Director.
7. Once a nonconforming use has been changed to a conforming use, it shall not revert back to a nonconforming use.
8. In the floodplain district, no structural alteration or addition to any nonconforming structure over the life of the structure shall exceed 50 percent of its fair market value unless the entire structure is permanently changed to a conforming use or unless the alteration or addition would substantially reduce potential flood damages for the entire structure.

307 SUBSTANDARD USE PERFORMANCE STANDARD

A substandard use may be improved, extended, altered, or expanded without a variance if the work to be done does not decrease the existing substandard dimension.

308 FEES

To defray the administrative costs, the Wilson Town Board may, by resolution, adopt, change, or delete fees for permits, licenses and services as they deem necessary. Such fees shall not exceed the administrative cost. These fees shall be paid by the petitioner at the time of application.

CHAPTER 4: RULES AND DEFINITIONS

401 RULES

401.1 Word Usage

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

1. The word "person" includes a firm, association, organization, partnership, trust, governmental agency, company or corporation, as well as an individual.
2. The word "shall" is mandatory; the word "may" is permissive.
3. Words used in the present tense shall include the future, words used in the singular shall include the plural, and the plural the singular.
4. The masculine gender shall include the feminine and neuter.
5. All stated and measured distances shall be taken to the nearest integral foot. If a fraction is less than one-half ($\frac{1}{2}$) foot, the integral foot next below shall be taken.

401.2 Permitted Uses

Permitted uses of land or buildings, as hereinafter listed, shall be permitted in the districts indicated under the conditions specified. No building or land shall be devoted to any other than a use permitted hereunder in the zoning district in which such buildings, structure or land shall be located, except for the following:

1. Uses lawfully established prior to the effective date of this Ordinance.
2. Conditional uses allowed in accordance with this Ordinance.

401.3 Conditional Uses

Conditional uses of land or buildings, as hereinafter listed, may be allowed in the districts indicated, subject to the issuance of conditional use permits, in accordance with the provisions of Section 505.

401.4 Prohibited Uses

Every activity that is not permitted or otherwise allowed under this ordinance is prohibited.

402 DEFINITIONS

For the purpose of this Ordinance, certain items and words are defined as follows:

ACCESSORY BUILDING: A subordinate building or a portion of a principal building which is located on the same lot as the principal building and the use of which is clearly incidental to the use of the principal building.

ACCESSORY USE OR STRUCTURE: A use or structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal use or structure.

ADDRESS NUMBERING GRID: The Address Numbering Grid for Winona County originates from the northwest corner of Whitewater Township (T. 108N, R. 10W) more accurately described as: a point at the intersection of the following lines: Northerly Base line shall be assumed to be the north line of Whitewater Township (Township 108N, Range 10 West) the Westerly Base line shall be the west line of Whitewater Township (Township 108N, Range 10 West) of Winona County, Minnesota.

ADDRESSING MAPS: Shall mean the maps used by the office coordinating the street address system in Winona County to record addresses as they are assigned and to show all the official road names and numbers.

ADULT BODY PAINTING STUDIO: An establishment or business which provides the service of applying paint or other substance whether transparent or non-transparent to or on the body of a patron when such body is wholly or partially nude in terms of "specified anatomical areas."

ADULT BOOKSTORE: A business engaging in the barter, rental, or sale of items consisting of printed matter, pictures, slides, records, audiotapes, videotapes or motion picture film, if such shop is not open to the public generally but only to one or more classes of the public, excluding any minor by reason of age, and a substantial or significant portion of such items are distinguished or characterized by an emphasis on the depiction or description of "specified sexual activities" or "specified anatomical areas."

ADULT CABARET: An establishment which provides dancing or other live entertainment, if such establishment excludes minors by virtue of age, and such dancing or other live entertainment is distinguished or characterized by an emphasis on the performance, depiction or description of "specified anatomical areas."

ADULT COMPANIONSHIP ESTABLISHMENT: A companionship establishment which excludes minors by reason of age, and which provides the service of engaging in or listening to conversation, talk, or discussion between an employee of the establishment and a customer, if such service is distinguished or characterized by an emphasis on "specified sexual activities" or "specified anatomical areas".

ADULT ESTABLISHMENT: A business engaged in any of the following activities or which utilizes any of the following business procedures or practices; either:

(1) Any business which is conducted exclusively for the patronage of adults and as to which minors are specifically excluded from patronage there either by law or by the operators of such business,

(2) Any other business which offers its patrons services or entertainment characterized by an emphasis on matter depicting, exposing, describing, discussing, or relating to specified sexual activities or specified anatomical areas. Specifically included in the term, but without limitation, are adult bookstores, adult motion picture theaters, adult massage parlors, adult saunas, adult companionship establishments, adult health clubs, adult cabarets, adult novelty businesses, adult motion picture arcades, adult modeling studios, adult hotel or motel, and adult body painting studios.

ADULT HOTEL OR MOTEL: Adult hotel or motel means a hotel or motel from which minors are specifically excluded from patronage and wherein material is presented which is distinguished or characterized by an emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas."

ADULT MASSAGE PARLOR, HEALTH CLUB: A massage parlor as required to be licensed or a health club which restricts minors by reason of age, and which provides the services of massage, if such service is distinguished by an emphasis on "specified sexual activities" or "specified anatomical areas."

ADULT MINI-MOTION PICTURE THEATER: A business premises within an enclosed building with the capacity for less than 50 persons used for presenting visual media material if such business as a prevailing practice excludes minors by virtue of age, and if said material is distinguished or characterized by an emphasis on the depiction or description of "specified sexual activities" or "specified anatomical areas" for observation by patrons therein.

ADULT MODELING STUDIO: An establishment whose major business is the provision, to customers, of figure models who are provided with the intent of providing sexual stimulation or sexual gratification to such customers and who engage in specified sexual activities or display specified anatomical areas while being observed, painted, painted upon, sketched, drawn, sculptured, photographed, or otherwise depicted by such customers.

ADULT MOTION PICTURE ARCADE: Any place to which the public is permitted or invited wherein coin or slug-operated or electronically or mechanically controlled still or motor picture machines, projectors or other image-producing devices are maintained to show images to five or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by an emphasis on depicting or describing "specified sexual activities or "specified anatomical areas."

ADULT MOTION PICTURE THEATERS: A business premises within an enclosed building with a capacity of 50 or more persons used for presenting visual media material if said business as a prevailing practice excludes minors by virtue of age, or if said material is distinguished or characterized by an emphasis on the depiction or description of "specified sexual activities" or "specified anatomical areas" for observation by patrons therein.

ADULT NOVELTY BUSINESS: A business which has as a principal activity the sale of devices which simulate human genitals or devices which are designed for sexual stimulation.

ADULT SAUNA: A sauna which excludes minors by reason of age, or which provides a steam bath or heat bathing room used for the purpose of bathing, relaxation, or reducing, utilizing steam or hot air as a cleaning, relaxing or reducing agent, if the service provided by the sauna is distinguished or characterized by an emphasis on "specified sexual activities" or "specified anatomical areas."

ADVERTISING DEVICE: Any billboard, sign, notice, poster, display or other device in view of the general public which directs attention to a product, place, activity, person, institution or business.

AGRICULTURAL USE: The use of land for the growing and/or production of field crops, livestock and livestock products; for the production of income including but not limited to the following:

- (1) Field crops, including but not limited to barley, soy beans, corn, hay, oats, potatoes, rye, sorghum, sunflowers, and wheat.
- (2) Livestock, including but not limited to dairy and beef cattle, goats, horses, sheep, hogs, poultry, game birds and other animals including dogs, ponies, rabbits, mink, buffalo and deer.
- (3) Livestock products, including but not limited to milk, butter, cheese, eggs, meat, fur and honey.
- (4) Fruits and vegetables.

AGRICULTURAL BUILDINGS OR STRUCTURES: Any building or structure existing or erected on land used principally for agricultural purposes, with the exception of dwelling units.

AIR POLLUTION: The presence in the outdoor atmosphere of any air contaminate or combination thereof in such quantity, of such nature and duration, and under such conditions as would be injurious to human health or welfare, to animal or plant life, or to property, or to interfere unreasonably with the enjoyment of life or property.

ANIMAL MANURE: Poultry, livestock or other animal excreta or a mixture of excreta with feed, bedding or other materials.

ANIMAL UNIT: A unit of measure used to compare differences in the production of animal manure that employs as a standard the amount of manure produced on a regular basis by a 1,000 pound slaughter steer or heifer based upon Minn. Rules 7020.

Animal Units

Animal	Units
One horse	1.0
One slaughter steer or heifer	1.0
One feeder cattle (back grounding) or pair	0.7
One beef cow and calf	1.2
One beef calf	0.2
One mature dairy cow (over 1,000 lbs.)	1.4
One mature dairy cow (under 1,000 lbs.)	1.0
One dairy heifer	0.7
One dairy calf	0.2
One swine over 300 pounds	0.4
One swine over 55-300 pounds	0.3
One swine under 55 pounds	0.05
<u>One sheep or lamb</u>	<u>0.1</u>
<u>One Goat</u>	<u>0.1</u>

One turkey over 5 pounds	0.018
One chicken over 5 pounds (dry manure)	0.005
One turkey under 5 pounds	0.005
One chicken over 5 pounds (dry manure)	0.005
One chicken under 5 pounds (dry manure)	0.003
One laying hen or broiler (liquid manure)	0.033
One duck	0.01

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

AQUIFER: A geologic unit capable of yielding usable amounts of water.

AQUIFER RECHARGE AREA: That area from which water is added to the saturated zone by natural processes such as infiltration of precipitation.

AREA, NET DEVELOPABLE: Those lands remaining after the deletion of flood lands, wetlands and slopes of twelve **(12) percent** or greater.

BASEMENT: Any area of a structure, including crawl spaces, having its floor or base subgrade (below ground level) on all four sides, regardless of the depth of excavation below ground level.

BLOCK: That property abutting one side of a street and lying between the **two** nearest intersecting or intercepting streets or railroad right-of-way or un-subdivided acreage.

BLUFF: A topographical feature such as a hill or cliff having all the following characteristics:

- (1) Rises above a valley floor at least 100 feet or drops away from the elevated land at least 100 feet
- (2) Has a slope greater than or equal to 30%

BLUFF, SHORELAND: A topographic feature such as a hill, cliff, or embankment having all of the following characteristics:

- (1) Part or all of the feature is located in a shore land area;
- (2) The slope rises at least 25 feet above the ordinary high water level of the water body;
- (3) The grade of the slope from the toe of the bluff to a point 25 feet or more above the ordinary high water level averages 30 percent or greater; and
- (4) The slope must drain toward the water body. An area with an average slope of less than 18 percent over a distance for 50 feet or more shall not be considered part of the bluff.

BLUFF IMPACT ZONE: A bluff and land located within 20 feet from the top of a bluff.

BLUFFLINE: A line along the top of a slope connecting the points at which the slope becomes less than 12%. This applies to those slopes within the land use district(s) which are beyond the setback provisions from the ordinary high water mark.

BOATHOUSE: A structure designed and used solely for the storage of boats or boating equipment.

BUILDING: Any structure for the shelter, support or enclosure of persons, animals, chattel or property of any kind; and when separated by party walls without openings, each portion of such buildings so separated shall be deemed a separate building.

BUILDING HEIGHT: The vertical distances to be measured from the grade of a building to the highest part of the building.

BUILDING LINE: A line parallel to a lot line or the ordinary high water level at the required setback beyond which a structure may not extend.

BUILDING, PRINCIPAL: The primary or predominant building or structure on any parcel of land.

BUILDING, TEMPORARY: A structure that has no electrical or water connections, no permanent foundation, is built on skids and can be moved when empty with a farm tractor.

CHANGE IN OPERATIONS: “Change in operation” means an increase beyond the permitted maximum number of animal units, an increase in the number of animal units which are confined at an unpermitted animal feedlot requiring a construction investment, or a change in the operation of an animal feedlot that would affect the storage, handling, utilization or disposal of animal manure.

CHURCH: A building where persons regularly assemble for religious service and which is maintained and controlled by an organized group for public worship and includes but is not limited to temples, mosques, and monasteries.

CLEAR-CUTTING: The removal of an entire stand of timber.

CLUSTER DEVELOPMENT: A residential development in which a number of single family dwelling units are grouped on smaller than usual or minimum lots, leaving some land undivided for common use by all residents of the development. This type of development shall be encouraged in areas where a portion of the area is unbuildable due to poor soils, high water table and steep slopes. In return for leaving the unbuildable areas open, the owner shall be permitted to cluster the housing on the buildable portions of the area.

COMMERCIAL USE: The principal use of land or buildings for the sale, lease, rental or trade of products, goods and services.

COMMISSIONER: Minnesota Commissioner of Natural Resources.

COMMUNITY WATER SUPPLY SYSTEM: See Wells

COMPREHENSIVE PLAN: A compilation of goals, policy, statements, standards, programs and maps for guiding the physical, social and economic development, both public and private, of the Township

and its environs, as defined in the Minnesota County Planning Act, and includes any unit or part of such plan separately adopted and any amendment to such plan or parts thereof.

CONDITIONAL USE: A land use or development as defined by this Ordinance that would not be appropriate generally, but may be allowed for convenience, with appropriate restrictions as provided by official controls upon a finding that:

- (1) Certain conditions as detailed in the Zoning Ordinance exist;
- (2) The use or development conforms to the Comprehensive Plan of the Township; and
- (3) Is compatible with the existing neighborhood.

CORNER LOT: A lot situated at the junction of and fronting on **two** or more roads or highways.

CONVENIENCE STORE: A retail store containing less than three thousand (3,000) square feet of gross floor area that is designed and stocked primarily to sell food, beverages and other household supplies to customers who purchase only relatively few items. The facility has a design to attract a large volume of stop-and-go traffic and may include gasoline sales as an accessory use.

COUNTY: Winona County, Minnesota.

COUNTY BOARD: Winona County Board of Commissioners.

COUNTY ENGINEER: The Registered Professional Engineer employed by the County unless otherwise stated.

CROP LAND: The use of land for the production of, but not limited to, adopted row or close sown crops, fruits and nuts.

DECK: A horizontal, unenclosed platform with or without attached railings, seats, trellises or other features, attached or functionally related to a principal use or site and at any point extending more than three feet above ground.

DEPTH OF LOT: The mean horizontal distance between the mean front street line and the mean rear lot line. The greater frontage of a corner lot is its depth, and its lesser frontage of its width.

DRAINAGEWAY: Any natural or artificial water course, including but not limited to, streams, rivers, creeks, ditches, channels, canals, conduits, culverts, streams, waterways, gullies, ravines, or washes, in which waters flow in a definite direction or course, either continually or intermittently; and including any area adjacent thereto which is subject to inundation by reason of overflow or floodwater.

DREDGING: The process by which soils are removed for the purpose of deepening the body of water or the purpose of mining.

DUPLEX: A dwelling structure on a single lot, having two units, being attached by common walls and each unit equipped with separate sleeping, cooking, eating, living and sanitation facilities.

DWELLING: A building or structure intended for habitation. Dwellings must be attached to the dwelling site. A dwelling must not rely upon water to support a substantial portion of the dwelling weight.

DWELLING, FARM: A residence in which the occupant, is the owner or operator of the farm, which is engaged in agricultural production.

DWELLING, MULTIPLE FAMILY: A residence designed for or occupied by three or more families, either wholly (attached) or partially a part of a larger structure (detached), with separate housekeeping and cooking facilities for each.

DWELLING, TWO FAMILY: A residence designed for or occupied by **two** families only, with separate housekeeping and cooking facilities for each.

DWELLING, SINGLE FAMILY: A free standing (detached) residence designed for or occupied by one family only.

DWELLING SITE: A designated location for residential use by one or more persons using a temporary or movable shelter, including camping and recreational vehicle sites. Dwelling sites must provide for the attachment of the dwelling to the ground through a slab, basement, pilings, footings or mobile home stand.

DWELLING UNIT: Two or more rooms within a structure which are arranged, designed or used as living quarters for one family only. Individual bathrooms and complete kitchen facilities permanently installed shall be included for each dwelling. A manufactured home with the above accommodations, located in areas approved for manufactured homes, shall be considered a dwelling unit. A house trailer, camper trailer, camper bus or tent are not considered dwelling units.

EARTH SHELTERED BUILDING: A building constructed so that **50%** or more of the completed structure is covered with earth. Earth covering is measured from the lowest level of livable space in residential units and of useable space in non-residential buildings. An earth-sheltered building is a complete structure that does not serve just as a foundation or substructure for aboveground construction. A partially completed building shall not be considered earth sheltered.

EARTH SHELTERED BERM: An earth covering on the above grade portions of building walls.

EASEMENT, UTILITY: A grant by a property owner for the use of a strip of land for the purpose of constructing and maintaining utilities, including, but not limited to, sanitary sewers, water mains, electric lines, telephone lines, storm sewer or storm drainage ways and gas lines.

EMERGENCY SERVICES AGENCY, PUBLIC OR PRIVATE: Any agency providing police, fire, rescue, or emergency medical services; whose service area boundaries are established by Minnesota Statute or the Commissioner of Public Safety, and which is dispatched through a Public Safety Answering Point.

EMERGENCY SERVICE AREA OR ZONE (ESN): The area included within the boundaries of a specified area served by a public or private emergency service agency.

EMPLOYEE: One or more persons doing work for another.

EQUAL DEGREE OF ENCROACHMENT: A method of determining the location of floodway boundaries so that floodplain lands on both sides of a stream are capable of conveying a proportionate share of flood flows.

EROSION: The process by which the ground surface is worn away by action of wind or water.

ESSENTIAL SERVICES: Electrical, telephone, gas, water, sewer transportation and communication service systems.

EXCLUSIVE AGRICULTURAL USE ZONE: Agricultural land placed under a legal covenant by legal description, thereby prohibiting its use for any purpose other than agricultural for a specified period of time. Additional information and requirements are found in Chapter 40A, Minnesota State Statutes.

EXTERIOR STORAGE (includes open storage): The storage of goods, materials, equipment, manufactured products and similar items not fully enclosed by a building.

EXTRACTION PIT: Any artificial excavation of the earth exceeding 500 cubic yards, excavated or made by the removal from the natural surface of the earth of sod, soil, sand, gravel, stone or natural matter or made by turning, breaking or undermining the surface of the earth, when materials will be removed from the property on which the excavation is being conducted. Excavations incidental to work which requires a building permit shall be exempted, if the building or installation shall be completed immediately following such excavation. Excavations for the purpose of impounding water for agricultural purposes are also exempted.

FACILITY ABANDONMENT (WECS): When the owner or operator intends to permanently cease operations or fails to, for a substantial period of time: (a) pay property taxes; (b) generate electricity; or(c) perform regularly scheduled maintenance.

FAMILY: An individual, or two or more persons related by blood, marriage or adoption, living together as a single housekeeping unit in a dwelling unit.

FARM: A tract of land which is principally used for agricultural activities such as the production of cash crops, livestock or poultry farming. Such farms may include agricultural dwelling and accessory building or structures necessary to the operation of the farm.

FEED LOT, LIVESTOCK: 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 a vegetative cover cannot be maintained within the enclosure. Pastures shall not be considered animal feedlots under these rules. The terms "Feedlot", "Animal Feedlot" and "Livestock Feedlot" are to be construed synonymously, and include Existing Feedlots, New Feedlots and Changes in Operation.

FEED LOT, NEW: An animal feedlot to be constructed and operated on a site where no animal feedlot existed previously or where a preexisting animal feedlot has been abandoned or unused for a period of five (5) years or more.

FEED LOT OFFICER: A County employee or an MPCA employee authorized by the County who is knowledgeable in agriculture and who is designated by the County Board to receive and process animal feedlot permit applications.

FEED LOT OPERATING PERMIT: Means a document issued by the county animal feedlot pollution control officer which may contain requirements, conditions, or schedules for achieving compliance with the discharge standards and requirements for management of animal manure, construction, or operation of animal holding areas or manure storage areas.

FEED LOT OPERATOR: An individual, a corporation, a group of individuals, a partnership, joint venture, owner or any other business entity having charge or control of one or more livestock feedlots, poultry lots or other animal lots.

FEED LOT RUNOFF: The movement of water from a feedlot, either in the form of rainfall or as water from a waterway, ditch, etc., passing through a feedlot, carrying particles of manure as well as soil into a body of water and thereby constituting a potential pollution hazard.

FEED LOT SITE: The area where an animal feedlot is located. Two feedlot sites shall be considered separate if the sites can be sold independently of the other without the need for any modifications to either site. This includes each site having its own road access, water supply, utilities as well as separate land parcels.

FENCE: Any partition, structure, wall or gate erected as a dividing marker, barrier or enclosure and located along the boundary, or within the required yard.

FILL: Any soil, earth, sand, gravel, rock or any similar material deposited, placed, pushed, pulled or transported and shall include the conditions resulting therefrom.

FLOOD: A temporary increase in the flow or stage of a stream or in the stage of a wetland or lake that results in the inundation of normally dry areas.

FLOOD FREQUENCY: The frequency for which it is expected that a specific flood stage or discharge may be equaled or exceeded.

FLOOD FRINGE: That portion of the floodplain outside of the floodway. Flood fringe is synonymous with the term "floodway fringe" used in the Flood Insurance Study for Winona County.

FLOODPLAIN: The beds proper and the areas adjoining a wetland, lake or watercourse which have been or hereafter may be covered by the regional flood.

FLOOD-PROOFING: A combination of structural provisions, changes or adjustments to properties and structures subject to flooding primarily for the reduction or elimination of flood damages. For the purpose of this Ordinance, the classification of buildings and structures (FP-1 through FP-4) shall be defined in **Section 210.1** of the 1972 Edition of 'Flood Proofing Regulations', as developed by the office of the Chief of Engineers, U.S. Army, Washington, D.C., **Sections 209 through 1406** of which are hereby incorporated by reference and declared to be a part of this Ordinance. Where definitions of terms as set forth in **Section 301** of the *Flood Proofing Regulations* conflict in meaning with the definition of terms set forth in this Ordinance, the latter shall apply.

FLOODWAY: The bed of a wetland or lake and the channel of a watercourse and those portions of the adjoining floodplain which are reasonably required to carry or store the regional flood discharge.

FLOOR AREA: The sum of the gross horizontal areas of the several floors of a building measured from the exterior walls, including basements and attached accessory building.

FORESTRY: The use and management, including logging, of a forest, woodland or plantation and related research and educational activities including the construction, alteration or maintenance of wood roads, skid ways, landings and fence

FOREST LAND CONVERSION: The clear cutting of forested lands to prepare for a new land use other than reestablishment of a subsequent forest stand.

GARAGE, PRIVATE: A garage which is erected as an accessory building.

GARAGE, PUBLIC: Any premises, except those described as a private garage, used for the storage or care of power driven vehicles, or where any such vehicles are equipped for operation, repair or are kept for remuneration, hire or sale.

GRADE: The average of the finished level at the center of the exterior walls of the building. For an earth-sheltered building, grade means the average of the finished level at the center of the lot. For a building with earth berms but less than **50 percent** earth covering, grade means the average of the finished level at the center of the building at the beginning of the earth berm.

GRADING AND FILLING: The excavation, grading or filling of land involving movement of earthen materials in excess of fifty (50) cubic yards in the shore land district and the movement of more than ten (10) cubic yards of material on steep slopes or within shore and bluff impact zones.

GUEST COTTAGE: A structure used as a dwelling unit that may contain sleeping spaces, kitchen and bathroom facilities in addition to those provided in the primary dwelling unit in a lot.

HEIGHT OF BUILDING: The vertical distance between the highest adjoining ground level at the building or ten feet above the lowest ground level, whichever is lower, and the highest point of a flat roof or average height of the highest gable of a pitched or hipped roof.

HIGHWAY: Any public thoroughfare or vehicular right-of-way with a Federal or State numerical route designation; or any public thoroughfare or vehicular right-of-way with a Winona County numerical route designation.

HOME OCCUPATION: An enterprise of a character which is clearly secondary to the main use of the premises as a dwelling and does not change the character thereof or have any exterior evidence of such secondary use.

HORSE STABLE: A building in which livestock, especially horses, are kept. It most commonly means a building that is divided into separate stalls for boarding of individual animals commercially

IMPERVIOUS SURFACES: A constructed hard surface that either prevents or retards the entry of water into the soil and causes water to run off the surface in greater quantities and at an increased rate

of flow than prior to development. Examples include rooftops, sidewalks, patios, driveways, parking lots, storage areas and concrete, asphalt or gravel roads

INDUSTRIAL USE: The use of land or buildings for the production, manufacture, warehousing, storage or transfer of goods, products, commodities or other wholesale items.

INTENSIVE VEGETATION CLEARING: The complete removal of trees or shrubs in a contiguous patch, strip, row or block.

INDUSTRIAL WASTE: Any liquid, gaseous or solid waste substance resulting from any process of industry, manufacturing trade or business or from the development of any natural resource.

IRRIGATION SYSTEM: Any structure or equipment, mechanical or otherwise, used to supply water to cultivate fields or supplement normal rainfall including but not limited to wells, pumps, motors, pipes, culverts, gates, dams, ditches, tanks, ponds and reservoirs.

KENNEL: Any structure or premises on which four (4) or more dogs over four (4) months of age are kept for sale, breeding, profit, etc., for six (6) or more months.

LAND ALTERATION: The excavation, grading or filling of land involving movement of earthen materials in excess of five-hundred (500) cubic yards, when none of the earthen materials will be removed from the property on which the land alteration is to take place. The movement of land at one time from one place to another shall be counted only once.

LANDFILL, DEMOLITION WASTE: A place for the disposal of demolition wastes including waste building materials, packaging and rubble resulting from construction, remodeling, repair and demolition.

LANDFILL, SANITARY: A method of disposing of solid waste on land without creating nuisances or hazards to public health or safety, by utilizing the principles of engineering to confine the solid waste to the smallest practical area, to reduce it to the smallest practical volume, and to cover it with a layer of earth at the conclusion of each day's operation, or at such more frequent intervals as may be necessary.

LAND OCCUPIER: Any person, firm, corporation, municipality or other legal entity who holds title to, or is in possession of, any lands lying within the district, whether as owner, lessee, renter, tenant or otherwise. Where the term land occupier is used in this Ordinance, the term shall include both the owner and the occupier of the land when they are not the same.

LIVESTOCK WASTE LAGOON: A diked enclosure for disposal of livestock wastes by natural process.

LODGING ROOM: A room rented as sleeping and living quarters, but without cooking facilities. In a suite of rooms, without cooking facilities, each room which provides sleeping accommodations shall be counted as one lodging room.

LOGGING: The cutting of timber on any public or private land of **one** acre or more for the purpose of selling the timber for a profit. This shall not include the selective cutting of trees by the property owner for the purpose of removing dead or diseased trees.

LOT: A parcel of land, whether subdivided or otherwise legally described and recorded or approved by the County or Township as a lot and which is occupied or intended for occupancy by one principal building or principal use together with any accessory building and such open space as required by this Ordinance and having its principal frontage upon a road.

LOT AREA: The area of a horizontal plan bounded by the front, side and rear lot lines, but not including any area occupied by the waters of a duly recorded lake, river, floodplain zone or floodway.

LOT COVERAGE: The area of a lot occupied by the principal buildings and accessory buildings. Earth berms are not to be included in calculating lot coverage. Only the above grade portions of an earth sheltered building should be included in lot coverage calculations.

LOT DEPTH: The lot depth is the mean horizontal distance between the front line and the rear lot line of a lot, measured within the lot lines.

LOT WIDTH: The lot width is the mean horizontal distance between the side lot lines of a lot, measured within the lot boundaries.

LOT LINE: A property boundary line of any lot held in separate ownership except that where any portion of the lot extends into the abutting alley or street, the lot line shall be deemed to be the street or alley line.

LOT, CORNER: A lot situated at the junction of an abutting two or more intersecting streets or roads; or a lot at the point of deflection in alignment of a single street or road.

MAINTENANCE AND MINOR REPAIRS: Includes roofing, re-siding, new or repair of windows, doors, floors and eave troughs, repainting and stuccoing of exterior, interior redecorating, foundation or basement repair, new heating, air conditioning and plumbing equipment or repair of present equipment; each of which may be done in total, or in part, except the structure shall not be altered or extended in any way unless a zoning certificate is obtained.

MANUFACTURED HOME: A structure, transportable in one or more sections, which in the traveling mode, is eight feet or more in width or 40 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 of the United States Department of Housing and Urban Development or the head of any successor agency with the responsibility for enforcement of federal laws relating to the manufactured homes and complies with the standards established under Minnesota Statutes Chapter 327.

METES AND BOUNDS DESCRIPTION: A description of real property which is not described by reference to a lot or block shown on a map or a recorded plot, but is described by starting at a known point and describing the bearing and distance of the lines forming the boundaries of the property.

MANUFACTURED HOME PARK: Any site, lot, field or tract of land under single ownership designed, maintained or intended for the placement of three (3) or more occupied manufactured homes. "Manufactured Home Park" shall include any buildings, structure, vehicle or enclosure intended for use as part of the equipment of such manufactured home park.

MANUFACTURED HOME STAND: The part of an individual manufactured home lot which has been reserved for placement of the manufactured home, appurtenant structures or additions.

OBSTRUCTION (waterway): Any dam, wall, wharf, embankment, levee, dike, pike, abutment, projection, excavation, channel modification, culvert, building, wire, fence, stockpile, refuse fill, structure or matter in, along, across or projecting into any channel, watercourse or regulatory floodplain which may impede, retard or change the direction of the flow of water, either in itself or by catching or collecting debris carried by water.

OFFICIAL CONTROLS: Legislatively defined and enacted policies, standards, precise detailed maps and other criteria, all of which control the physical development of the Township and are 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 regulations, site plan regulations, sanitary codes, building codes, housing codes, official maps and zoning maps.

OFF-PREMISE SIGN: A sign which directs attention to a business, profession, activity, commodity, service or entertainment offered or existing elsewhere than upon the same lot where such sign is displayed.

OFF-STREET LOADING SPACES: A space assessable from a street, alley or driveway for the use of trucks or other vehicles while loading or unloading merchandise or materials. Such space shall be of size as to accommodate one vehicle of the type typically used in the particular business.

OFFICIAL SIGNS: Signs and notices erected and maintained by public officers or public agencies within their territorial jurisdiction and pursuant to and in accordance with direction or authorization contained in federal or state law for the purposes of carrying out an official duty or responsibility. Historical markers authorized by state law and erected by state or local government agencies or nonprofit historical societies may be considered official signs.

ON-PREMISE SIGN: A sign which directs attention to a business, profession, activity, commodity, service, or entertainment, offered or existing on the same lot where such sign is displayed. An on-site sign may also display a non-commercial message.

ORDINARY HIGH WATER MARK: The boundary of public waters and wetlands, and shall be an elevation delineation the highest water level which has been maintained for a sufficient period of time to leave evidence upon the landscape, commonly that point where the natural vegetation changes from predominantly aquatic to predominantly terrestrial. For watercourses, the ordinary high water

level is the elevation of the top of the bank of the channel. For reservoirs and flowages, the ordinary high water level is the operating elevation of the normal summer pool.

PARCEL OF RECORD: A parcel of land, either in the form of a platted lot or a metes and bounds plat, which has been recorded with the County Recorder's Office prior to the passage of this Ordinance, or amendments thereto, which may not conform to the lot width, depth and area requirements.

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 standard automobile.

PEDESTRIAN WAY: A public right-of-way across or within a block, to be used by pedestrians.

PERSON: Any individual, firm, association, syndicate or partnership, corporation, trust, or any other legal entity.

PLANNING DEPARTMENT: Winona County Planning Department

PLANNING DIRECTOR: The Planning Director of the Wilson Township Planning and Zoning Department or the Director's authorized representative.

PORTABLE BUILDING: A structure that can be moved when empty.

PRACTICAL DIFFICULTIES: Any modification or variation of official controls where it is determined that, by reason of exceptional circumstances, the strict enforcement of the official controls would cause unnecessary practical difficulties.

PRINCIPAL USE OR STRUCTURE: All uses or structures that are not accessory uses or structures.

PROPERTY LINE: The legal boundaries of a parcel of property which may also coincide with a right-of-way line of a road, caraway and the like.

PROTECTIVE COVENANT: A contract entered into between private parties which constitutes a restriction of the use of a particular parcel of property.

PUBLIC LAND: Land owned or operated by municipal, school district, Township, County, state or other governmental units.

PUBLIC WATERS: Any waters as defined in Minnesota Statutes, Section 105.37, Subdivisions 14 and 15. However, no lake, pond or flowages of less than 10 acres in size in municipalities and 25 acres in size in unincorporated areas need be regulated for the purposes of parts 6120.2500 to 6120.3900. A body of water created by a private user where there was no previous shore land may, at the discretion of the local government, be exempted from parts 6120.2500 to 6120.3900. The official determination of the size and physical limits of drainage areas of rivers and streams shall be made by the Commissioner.

REACH: A hydraulic engineering term to describe longitudinal segments of a stream or river influenced by a natural or man-made obstruction. In an urban area, the segment of a stream or river between two consecutive bridge crossings would most typically constitute a reach.

REAL ESTATE SIGN: A sign offering property (land and/or buildings) for sale, lease or rent.

RECREATION CAMPGROUND, COMMERCIAL: A parcel of land upon which **five** or more campsites are located, established or maintained for occupancy by camping units of the general public as a temporary living quarters for recreation, education or vacation purposes on a daily, nightly, weekly or monthly basis or combination thereof.

RECREATION CAMPGROUND, FULL SEASON: A parcel of land upon which five or more campsites are located, established or maintained for occupancy by camping units as temporary living quarters leased on an annual seasonal basis, not on a daily, nightly, weekly or monthly basis.

RECREATION CAMPGROUND, INCIDENTAL: A parcel of land upon which four or less units are parked as temporary living quarters for recreation, education or vacation purposes. Occupancy by camping units shall be on a very limited basis.

REGIONAL FLOOD: A flood which is representative of large floods known to have occurred generally in Minnesota and reasonably characteristic of what can be expected to occur on an average frequency in the magnitude of the 100-year recurrence interval. Regional flood is synonymous with the term "base flood" used in the Flood Insurance Study.

REGULATORY FLOOD PROTECTION ELEVATION: An elevation no lower than one foot above the elevation of the regional flood, plus any increases in flood elevation caused by encroachments on the floodplain that result from designation of a floodway.

REGISTERED LAND SURVEY: A survey map of registered land designating the same into a tract or tracts of a Registered Land Survey Number. See Minnesota Statutes 508.47.

RESIDENTIAL NON-FARM PARCEL OF RECORD (SEC. 719 ONLY): A parcel of land, in the form of a platted lot or a metes and bounds plat, which has been recorded with the County Recorder's Office, is less than 35 acres in size, is intended or designed for future construction of a non-farm residence and is located in an A/NR District.

RESORT: A development consisting of buildings, camping spaces, parking areas, recreation areas, for lease or rent for temporary residence, on one tract of land, under one ownership for the purpose of vacationing, relaxation or recreation.

RIGHT-OF-WAY: The land covered by a public road or other land dedicated for public use or for certain private use such as land over which a power line passes.

ROAD: A public right-of-way affording primary access by pedestrians and vehicles to abutting properties, whether designated as a street, highway, thoroughfare, parkway, throughway, road, avenue, boulevard, land, place or however otherwise designated.

ROAD FRONTAGE: road frontage shall be defined as the length of the contiguous property lines which are in direct contact with a public road right-of-way.

SALVAGE YARD: Land or buildings where waste, discarded or salvaged materials are brought, sold, exchanged, stored, cleaned, packed, disassembled or handled, including, but not limited to, scrap

metal, rags, paper, rubber products, glass products, lumber products and products resulting from the wrecking of automobiles or other vehicles, provided further that the storage of three (3) or more inoperative motor vehicles for a period in excess of three (3) months shall also be considered a salvage yard.

SCENIC BYWAY: Areas specifically designated as Scenic Byways by the State Scenic Byway Commission which comprises members of MN/DOT, DNR, Office of Tourism and the Minnesota Historical Society.

SELECTIVE CUTTING: The removal of single scattered trees while maintaining a continuous tree cover.

SENSITIVE RESOURCE MANAGEMENT: The preservation and management of areas unsuitable for development in their natural state due to constraints such as shallow soils over groundwater or bedrock, highly erosive or expansive soils, steep slopes, susceptibility to flooding or occurrence of flora or fauna in need of special protection.

SETBACK: The minimum horizontal distance between a structure, sewage treatment system or other facility and an ordinary high water level, sewage treatment system, top of a bluff, road, highway, property line or other facility.

SEWAGE TREATMENT SYSTEM: A septic tank and soil absorption system or other individual or cluster type sewage treatment system as described and regulated in Chapter 715 of this Ordinance, Minimum Standards for Sewage Treatment and Water Systems.

SHORE IMPACT ZONE: Land located between the ordinary high water level of a public water and a line parallel to it at a setback of 50 percent of the structure setback.

SHORELAND: Land located within the following distances from public waters: (1) 1,000 feet from the ordinary high water mark of a lake, pond or flow; and (2) **300 feet** from a river or stream, or the landward extent of a floodplain designated by ordinance on such a river or stream, whichever is greater. The practical limits of shore lands may be less than the statutory limits whenever the waters involved are bounded by natural topographic divides which extend landward from the waters for lesser distances and when approved by the Commissioner.

SHORELAND SETBACK: The minimum horizontal distance between a structure and the ordinary high water mark.

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

SINKHOLE: Any depression in the surface of the ground with or without collapse of adjacent rock which provides a means through which surface water can come in contact with subsurface water.

SIZE, BUILDING: Building size as it applies to non-conformance shall mean footprint of habitable area (square footage) and footprint of inhabitable area (square footage) of a contiguous building.

SOIL SURVEY: A soil map or inventory of the soils of an area and a report of text describing the kinds of soils shown on the map and summarizing what is known about these soils including their classification and capabilities.

SOLAR ACCESS SPACE: That airspace above all lots within the district necessary to prevent any improvement, vegetation or tree located on said lots from casting a shadow upon any solar device located within said zone greater than the shadow cast by a hypothetical vertical wall ten (10) feet high located along the property lines of said lots between the hours of 9:30 AM and 3:30 PM, Central Time on December 21, provided, however, this Ordinance shall not apply to any improvement or tree which casts a shadow upon a solar device at the time of the installation of said device or to vegetation existing at the time of installation of said solar device.

SOLAR COLLECTOR: A device, or combination of devices, structures or part of a device or structure that transforms direct solar energy into thermal, chemical or electrical energy and that contributes significantly to a structure's energy supply.

SOLAR ENERGY SYSTEM: A complete design or assembly consisting of a solar energy collector, an energy storage facility (where used) and components to the distribution of transformed energy (to the extent they cannot be used jointly with a conventional energy system). To qualify as a solar energy system, the system must be permanently located for not less than ninety (90) days in any calendar year beginning with the first calendar year after completion of construction. Passive solar energy systems are included in this definition but not to the extent that they fulfill other functions such as structural and recreational.

SOLAR SKYSPACE: The space between a solar energy collector and the sun which must be free of obstructions that shade the collector to an extent which precludes its cost-effective operation.

SOLAR SKYSPACE EASEMENT: A right, expressed as an easement, covenant, condition or other property interest in any deed or other instrument executed by or on behalf of any landowner, which protects the solar sky space of an actual, proposed or designated solar energy collector at a described location by forbidding or limiting activities or land uses that interfere with access to solar energy. The solar sky space must be described as the three dimensional space in which obstruction is prohibited or limited, or as the times of day during which direct sunlight to the solar collector may not be obstructed, or as a combination of the two methods.

SOLAR STRUCTURE: A structure designed to utilize solar energy as an alternate for, or supplement to, a conventional energy system.

SOLID WASTE: Garbage, refuse and other discarded solid materials, except animal waste as used as fertilizer, including solid waste materials resulting from industrial, commercial and agricultural operations and from community activities. Solid waste does not include earthen fill, boulders, rock

and other materials normally handled in construction operations, solid or dissolved materials in domestic sewage or other significant pollutants in water resources, such as silt, dissolved or suspended solids in industrial waste water effluents, dissolved materials in irrigation return flows or other common water pollutants.

SPECIFIED SEXUAL ACTIVITIES:

- (1) Actual or simulated sexual intercourse, oral copulation, anal intercourse, oral-anal copulation, bestiality, direct physical stimulation of unclothed genitals, flagellation or torture in the context of a sexual relationship, or the use of excretory functions in the context of a sexual relationship, and any of the following sexually-oriented acts or conduct; anilingus, buggery, coprophagy, coprophilous, cunnilingus, fellatio, necrophilia, pederasty, pedophilia, pauperism, sapphism, zoerasty; or
- (2) Clearly depicted human genitals in the state of sexual stimulation, arousal or tumescence; or
- (3) Use of human or animal ejaculation, sodomy, oral copulation, coitus, or masturbation; or
- (4) Fondling or touching of nude human genitals, pubic region, buttocks, or female breast(s); or
- (5) Situations involving a person or persons, any of whom are nude, clad in undergarments or in sexually revealing costumes, and who are engaged in activities involving the flagellation, torture, fettering, binding or other physical restraint of any such persons; or F. Erotic or lewd touching, fondling or other sexually oriented contact with an animal by a human being; or
- (6) Human excretion, urination, menstruation, vaginal or anal irrigation.

STEEP SLOPE: Lands where agricultural activity or development is either not recommended or described as poorly suited due to slope steepness and the site's soil characteristics, as mapped and described in available County soil surveys or other technical reports, unless appropriate design and construction techniques and farming practices are used in accordance with the provisions of these regulations. Where specific information is not available, steep slopes are lands having average slopes over **12 percent**, as measured over horizontal distances of **50 feet** or more, that are not bluffs.

STREET: (See Road)

STREET WIDTH: The width of the right-of-way, measured at right angles to the centerline of the street.

STORY: That portion of a building included between the surface of any floor and the surface of the next floor above it, or if there is no floor above it, the space between the floor and the ceiling next above it.

STORY, HALF: That portion of a building under a gable, hip or gambrel roof, the wall plates of which on at least two opposite walls are not more than two feet above the floor of such story.

STRUCTURE: Anything constructed or erected on the ground or attached to the ground or onsite utilities, including, but not limited to, buildings, factories, sheds, detached garages, cabins, manufactured homes, travel trailers/vehicles not meeting the exemption criteria specified in Section 610.9 (3) (a) of this Ordinance and other similar items.

STRUCTURAL ALTERATIONS: Any change in the supporting members of a building, such as bearing walls, columns, beams or girders.

SUBDIVIDER: Any person proceeding under the Wilson Township Zoning Ordinance to effect a subdivision of land for themselves or for another.

SUBDIVISION: A described tract of land which is to be or has been divided into two or more lots for the purpose of immediate or future transfer of ownership for the purpose of sale or of building development, including the re-subdivision or re-platting of land or lots.

SUPERVISOR: Wilson Township board member

TIMBER: Trees that will produce forest products of value whether standing or down, and including logs, posts, poles, bolts, pulpwood, cordwood, lumber and decorative material.

TIMBER HARVESTING, COMMERCIAL: The gathering of timber on private lands for the purpose of realizing a profit and which involves more than five (5) acres of land area.

TOE OF THE BLUFF: The lowest point of a 50-foot segment with an average slope exceeding 18 percent.

TOP OF THE BLUFF: The higher point of a 50-foot segment with an average slope exceeding 18 percent.

TOWN BOARD: Wilson Township Board of Supervisors

TOXIC AND HAZARDOUS WASTES: Toxic and hazardous wastes are waste materials including, but not limited to, poisons, pesticides, herbicides, acids, caustics, pathological wastes, radioactive materials, flammable or explosive materials and similar harmful chemicals and wastes which require special handling and must be disposed of in a manner to conserve the environment and protect the public health and safety.

TRAVEL TRAILER: A vehicle without motor power used or adaptable for living, sleeping, business or storage purposes, having no foundation other than wheels, blocks, skids, jacks, horses or skirting, which does not meet with building code requirements and has been or reasonably may be equipped with wheels or other devices for transporting the structure from place to place. The term "trailer" shall include camp car, camp bus, camper and house car. A permanent foundation shall not change its character unless the entire structure is erected in accordance with the approved State of Minnesota Building Code.

USE: The purpose for which land or premises or building thereon is designated, arranged or intended, or for which it is or may be occupied or maintained.

USE, NONCONFORMING: Any legal use of lands, structures or buildings already in existence, before the adoption of this Ordinance or amendments thereto that would not have been allowed to become established under the terms of this Ordinance as now written, if this Ordinance had been in effect prior to the date the use was established.

USE, PERMITTED: A public or private use which of itself conforms with the purposes, objectives, requirements, regulations and performance standards of a particular district.

USE, PRINCIPAL: The main use of land or buildings as distinguished from subordinate or accessory uses. A "principal" use may be either permitted or conditional.

USE, SEMIPUBLIC: The use of land by a private, nonprofit organization to provide a public service that is ordinarily open to some persons outside the regular constituency of the organization.

USE, SUBSTANDARD: Any use existing prior to the adoption of this Ordinance or amendments thereto which is allowed either as a permitted or conditional use but does not meet the minimum lot area, height, yard, width or depth standards.

USE, SURFACE WATER-ORIENTED COMMERCIAL: The use of land for commercial purposes, where access to and use of a surface water feature is an integral part of the normal conductance of business. Marinas, resorts and restaurants with transient docking facilities are examples of such use.

UTILITIES: Shall refer to all utility service providers, whether the same be government owned facilities or furnished by private utility companies.

VARIANCE: Any modification or variation of official controls where it is determined that, by reason of exceptional circumstances, the strict enforcement of the official controls would cause unnecessary hardship.

YOUTH FACILITY: A public playground, public swimming pool, library, or licensed day care facility or other similar facilities providing entertainment to youth.

WATER-ORIENTED ACCESSORY STRUCTURE OR FACILITY: A small, above ground building or other improvement, except stairways, fences, docks and retaining walls, which, because of the relationship of its use to a surface water feature, reasonably needs to be located closer to public waters than the normal structure setback. Examples of such structures and facilities include boathouses, gazebos, screen houses, fish houses, pump houses and detached decks.

WETLAND: A surface water feature classified as a wetland in the United States Fish and Wildlife Service Circular No. 39 (1971 Edition), which is hereby incorporated by reference, is available through the Minitex Inter library Loan System, and is not subject to frequent change.

WECS: Wind Energy Conver Systems.

WINONA COUNTY ZONING ORDINANCE: The official zoning controls adopted by Winona County as may be amended from time to time. WCZO shall be an abbreviation for "Winona County Zoning Ordinance."

YARD: A required open space on a lot which is unoccupied and unobstructed by a structure from its lowest level to the sky except as permitted in this Ordinance. The yard extends along the lot line at right angles to such lot line to a depth or width specified in the setback regulations for the zoning district in which such lot is located. For earth sheltered buildings and buildings covered with earth

berms, the line of the building is measured from the exterior surface of the building regardless of whether it is above or below grade.

YARD, FRONT: A measurement extending across the front of the lot between the side yard lines and lying between the center line of the road or highway and the nearest line of the building or in the event of a platted lot, measured from the front property line.

YARD, REAR: An open space unoccupied except for accessory buildings on the same lot with a building between the rear lines of the building and rear line of the lot, for the full width of the lot.

YARD, SIDE: An open, unoccupied space on the same lot with a building between the building and the side line of the lot extending from the front lot line to the rear of the back yard.

ZONING CERTIFICATE: A document issued by the Planning Director as required by the Zoning Ordinance stating conditions precedent to the commencement of a use or erection, construction, reconstruction, restoration, alteration, conversion or installation of a structure or building which acknowledges that such use, structure or building complies with the provisions of this Zoning Ordinance, or authorized variance therefrom.

ZONING DISTRICT: An area or areas within the limits of the Township for which the regulations and requirements governing use are uniform.

ZONING MAP: The official Wilson Township Zoning Map setting forth zoning districts.

CHAPTER 5: ADMINISTRATION

501 CREATION OF THE OFFICES OF PLANNING DIRECTOR AND ZONING ADMINISTRATOR

The office of the Planning Director is hereby established for which the Wilson Town Board may appoint such employee or employees of the Township as it may deem proper. The term of office of the Planning Director shall be indefinite and shall terminate at the pleasure of the Board. The position of the Zoning Administrator is hereby established. The term of office of the Zoning Administrator shall be indefinite and shall terminate at the pleasure of the Board. The Zoning Administrator shall report functionally to the Planning Director and administratively to the Town Board.

501.1 Powers and Duties of Planning Director

The Planning Director shall have the following powers and duties consistent with MS § 394.29:

1. Enforce this Ordinance as prescribed in this Ordinance through the proper legal channels
2. Assist and advise the Township Board on matters of planning and land use
3. Assist and advise the Planning Commission on matters of planning and land use
4. Administer the Wilson Township Board of Adjustment variance process
 - a. Receive, manage applications, research, and report upon all applications for variances
 - b. Work in coordination with the Town Clerk to post or publish all public announcements related to the variance
 - c. Provide Board of Adjustment written findings of facts in a timely fashion matters which come before the Board
 - d. Provide to the Board of Adjustment recommendations regarding variance applications
 - e. Work in coordination with the Town Clerk in matters pertaining to the outcome of Board of Adjustment decisions
5. Act as Township representative to the County Floodplain and Shore land Manager
6. Act as Township representative to the County Environmental Review Program Coordinator
7. Assist the Township Clerk with maintenance of current records of this Ordinance including but not limited to all official controls, variances, appeals and application therefore
8. Provide and maintain a public information bureau relative to matters arising out of this Ordinance in coordination with the Township Clerk.

501.2 Powers and Duties of the Zoning Administrator

1. Enforce this Ordinance as prescribed in the Ordinance through the proper legal channels.
2. Issue development certificates and any other permits as required by the terms of this Ordinance.
3. Conduct inspections of the use of buildings and land to determine compliance with the terms of this Ordinance.
4. Work in coordination with the Town Clerk to post or publish all public announcements related to the Planning Commission.

5. Administer the Wilson Township conditional use through the public hearing with the town board.
 - a. Receive, manage applications, research, and report upon all applications for conditional use applications including the starting date for the 60-day rule.
 - b. Work directly with the application to assist in the conditional use process
 - c. Work in coordination with the Town Clerk to post or publish all public announcements related to the conditional use process
 - d. Provide a written package of relevant information to the Planning Commission in a timely fashion prior to the Planning Commission public hearing.
 - e. Be present at the Town Board meeting when the application is brought before the Town Board.
1. Administer the Wilson Township zoning change application process through the public hearing process with the town board.
 - a. Receive, manage applications, research, and report upon all applications for zoning change applications including the starting date for the 60-day rule.
 - b. Work directly with the application to assist in the zoning change process
 - c. Work in coordination with the Town Clerk to post or publish all public announcements related to the zoning change process
 - d. Provide a written package of relevant information to the Planning Commission in a timely fashion prior to the Planning Commission public hearing.
 - a. Be present at the Town Board meeting when the application is brought before the Town Board.
2. Maintain the official town records that result from these responsibilities.

502 PLANNING COMMISSION

502.1 Creation and Membership

1. The Wilson Township Board of Supervisors hereby establishes the Wilson Township Planning Commission which is vested with such authority hereinafter provided **and consistent with MS § 394.30**.
2. The Planning Commission shall consist of no less than five (5) and no more than seven (7) members.
 - a. One Planning Commission member shall be a member of the Wilson Town Board of Supervisors.
 - b. Given the importance of having a Planning Commission with a geographically diverse membership and a solid grounding in agriculture, the Board Chairperson should strive to accomplish this in appointments to the Planning Commission.
 - c. No voting member of the commission shall have received, during the two years prior to appointment, any substantial portion of his or her income from business operations involving the development of land within the Township.
3. The members of the Planning Commission shall be appointed by the Town Board Chairperson after being fully advised by and with input from the Planning Director and the Town Board.

- a. The Town Board member who is appointed to serve on the Planning Commission shall serve a one-year term. The Town Board Chair may also appoint a Town Board member to serve as an alternate member of the Planning Commission.
 - b. All appointments to the Planning Commission shall be made by the Board at an official meeting of the Town Board and shall be made part of the permanent minutes of that Town Board meeting.
 - c. These appointments are recommended to be made no later than the last regularly scheduled meeting in January of each year but in no case later than the second regularly-schedule Town Board meeting of the same year.
4. Members of the Planning Commission who are not Town Board members shall serve out their appointed two-year terms unless:
 - a. They submit a written resignation to the Wilson Town Board;
 - b. They are absent from three (3) consecutive meetings of the Planning Commission which results in the lack of a quorum, in which case they may be removed from office by majority vote of the Wilson Town Board for non-performance of duty; or
 - c. They are removed from office by majority vote of the Wilson Town Board for misconduct in office or
 - d. They otherwise become unable, unwilling, unavailable or unqualified to serve as determined by majority vote of the full Board of Wilson Town Board of Supervisors.
 5. Vacancies created shall be filled by appointment by the Town Board Chairperson with the advice of and input from the Town Board. Said appointment shall be made within thirty (30) days of the creation of the vacancy or as soon thereafter as practical for the balance of the term.

502.2 Organization

1. The Planning Commission shall elect a chairperson and vice-chairperson among its members. They shall serve terms of one year each and shall be elected at the first meeting in each calendar year. Any vacancy created during a term shall be filled by election among the remaining members for the remainder of the term. The Town Clerk shall serve as recording secretary to the Planning Commission.
2. The Planning Commission shall adopt rules of procedure governing its operations. Those rules of procedure shall be reviewed at the first meeting in each calendar year. They may be amended at that time, **and from time to time when an insufficiency is recognized**, by majority vote.
3. The members of the Planning Commission, may be compensated for meeting attendance in an amount determined by the Wilson Town Board of Supervisors. All Planning Commission members may be paid their necessary expenses in attending meetings of the Planning Commission and in the conduct of business of the Planning Commission.

502.3 Powers and Duties

1. The Planning Commission shall hold public hearings on
 - a. all applications for conditional use permits,

- b. all **applications** for subdivisions of land, all plans for planned unit developments,
 - c. all proposals for comprehensive plans and
 - d. all **petitions for amendments to** official controls
2. The Planning Commission **may** perform such other duties as are assigned by the Wilson Town Board of Supervisors, including but not restricted to the conduct of public hearings.

503 BOARD OF ADJUSTMENT

MS § 394.27 is incorporated by reference.

503.1 Creation and Membership

1. The Wilson Township Board of Supervisors hereby establishes the Wilson Township Board of Adjustment which is vested with such authority hereinafter provided **and consistent with MS § 394.27**.
2. The Board of Adjustment shall consist of **five (5) members**.
 - a. **No more than one member of the Board of Adjustment may also be a member of the Planning Commission.**
 - b. **No more than one member may be a member of the Town Board.**
3. The members of the Board of Adjustment shall be appointed by the Wilson Town Board of Supervisors. The term of office for the persons so appointed shall be for a term of two (2) years. Three positions will be appointed in a given year, the remaining **two** positions in the subsequent year. The member from the Town Board shall serve a term of 1 year.
4. Members of the Board of Adjustment shall serve out their appointed terms unless:
 - a. They submit a written resignation to the Wilson Town Board of Supervisors;
 - b. They are absent from three (3) consecutive meetings of the Board of Adjustment, in which case they may be removed by a majority vote of the Town Board for nonperformance of duty; or
 - c. They are removed from office by majority vote of the Wilson Town Board of Supervisors for misconduct in office.
5. Vacancies shall be filled by appointment by the Town Board Chairperson with the advice of and input from the Town Board. Said appointment shall be made within thirty (30) days of the creation of the vacancy or as soon thereafter as practical.

503.2 Organization

1. The Board of Adjustment shall elect a chairperson and a vice-chairperson from among its members. They shall serve terms of one year each and shall be elected at the first meeting in each calendar year.
2. The Board of Adjustment shall adopt rules of procedure governing its operations. Those rules shall be reviewed at the first meeting in each calendar year. They may be amended at that time, and from time to time when an insufficiency is recognized, by majority vote.
3. The meetings of the Board of Adjustment shall be held at the call of the Zoning Administrator and such other times as the Board of Adjustment in its rules of procedures may specify.
4. Members of the Board of Adjustment may be paid compensation for meeting attendance in an amount determined by the Wilson Town Board of Supervisors and may be paid their necessary

expenses in attending meetings of the Board of Adjustment and in the conduct of the business of the Board of Adjustment.

503.3 Functions and Authority of the Board of Adjustment

1. The Board of Adjustment shall have the authority to:
 - a. order the issuance of variances, hear and decide appeals from and review of any order, requirement, decision or determination made by any administrative office charged with enforcing any ordinance adopted pursuant to the provision of MS § 462.12 to 462.17,
 - b. order the issuance of permits for buildings in areas designated for future public use on an official map and perform such other duties as required by the official controls.
2. Such appeal may be taken by any person aggrieved or by any officer, department, board or bureau of a town, municipality, county or state.
3. The Board of Adjustment shall have the authority to grant variances to the vehicular access requirements of the Floodplain Ordinance in coordination with Winona County and other relevant agencies as necessary to the situation.
4. In exercising its powers under this subdivision, the Board of Adjustment shall take into consideration the Town Board's recommendation.
5. A tie vote shall be a denial of the variance request.
6. The Board of Adjustment shall have the exclusive power to order the issuance of variances from the requirements of any official control including restrictions place on nonconformities.
7. Variances shall only be permitted when they are in harmony with the general purposes and intent of the official control and when the variances are consistent with the comprehensive plan.
8. Variances may be granted when the applicant for the variance establishes that there are practical difficulties in complying with the official control. "Practical difficulties," as used in connection with the granting of a variance, means that the property owner proposes to use the property in a reasonable manner not permitted by an official control; the plight of the landowner is due to circumstances unique to the property not created by the landowner, and the variance, if granted, will not alter the essential character of the locality.
9. Economic considerations alone do not constitute practical difficulties. Practical difficulties include, but are not limited to, inadequate to access to direct sunlight for solar energy systems.
10. Variances shall be granted for earth sheltered construction as defined in MN 216C.06, subdivision 14, when in harmony with the official controls.
11. 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.
12. The board of adjustment 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.
13. Appeals to the board of appeals and adjustments has the following powers with respect to zoning ordinance.

504 AMENDMENTS TO THE COMPREHENSIVE PLAN AND OFFICIAL CONTROLS

504.1 Purpose

It is the purpose of this chapter to provide a definition for the processes by which official controls of Wilson Township may be amended. Requests for amendment of official controls shall be made in writing by the Town Board, the Planning Commission, the Planning Director, or land owners within Wilson Township. Application for amendments shall be submitted to the Zoning Administrator with simultaneous payment of fees as listed in the official fee schedule for the township. Any amendment not initiated by the Planning Commission shall be referred to the Planning Commission for review and recommendation to the Town Board for further action. Requests for official control amendments may not be acted upon by the Board until it has received the Planning Commission recommendations.

504.1 Criteria for Granting Amendments

1. The Township may adopt amendments to the official controls in relation both to land use within a particular district or to the location of the district lines. Such amendments shall not be issued indiscriminately, but shall only be used as a means to reflect changes in the goals and policies of the Township as reflected in the Comprehensive Plan or changes in conditions within the Township.

504.2 Required Information and Exhibits

1. **APPLICATIONS TO CHANGE WORDING OF OFFICIAL CONTROLS.**
 - a. The names and addresses of the petitioner or petitioners, and their signature to the petition.
 - b. Stated reason for requested change.
 - c. Statement of conditions warranting change in zoning district or uses, to insure compatibility with the Township Comprehensive Plan.
 - d. Text or portion of the existing official control to be amended.
 - e. Proposed amended text and statements outlining any other effects that the amendment may have on other areas of the Ordinance or other official controls.
 - f. Additional information as may be requested by the Planning Commission.
2. **APPLICATIONS TO CHANGE DISTRICT BOUNDARIES OR LAND USE.**
 - a. The names and addresses of the petitioner or petitioners, and their signatures to the petition.
 - b. A legal description of the area proposed to be rezoned or amended.
 - c. The present district classification of the area and the proposed district classifications.
 - d. Proposed use of the land (a statement of the type, extent, area, etc.) and location of buildings.
 - e. Statement of conditions warranting change in zoning district or uses, to insure compatibility with the Comprehensive Plan.
 - f. Map, plot plan or survey drawing of property to be rezoned or amended showing location, dimensions, zoning of adjacent properties, existing uses and buildings of adjacent properties within one hundred (100) feet.
 - g. Any other information and material requested by the Planning Director or Planning Commission. Such information may include topography, geographical and geological features, existing and proposed utilities, traffic flow patterns, soils analysis, soil percolation tests, water table, floodplain, proposed development plan and other relevant materials.

504.3 Procedure

1. Formally accept application from applicant according to MS §462.
2. Public hearing by the Planning Commission
3. Recommendation by the Planning Commission to the Town Board
4. Public hearing by the Town Board
5. Decision by the Town Board
 - a. zoning change and
 - b. this Ordinance
 - c. comprehensive plan
6. Written notice of public hearings on the proposed amendment to the wording of an official control shall be sent to the Wilson Township Planning Commission, the governing bodies of municipalities located within two (2) miles of the Township and shall be published in the official newspaper of the Township at least ten (10) days prior to the hearing. Written notice of public hearings on proposed changes of zoning district boundaries shall be published at least ten (10) days prior to the hearing in the official newspaper of the Township and sent at least ten (10) days prior to the hearing to the following:
 - a. Municipal councils of any municipality within two (2) miles of the affected property;
 - b. Property owners of record within one-half mile of the property in question;
 - c. In incorporated areas, property owners of record within 500 feet of the property in question.
7. The Planning Commission may require a review of the proposed amendment, when appropriate, by the Winona County Planning Department, Winona County Soil and Water Conservation District, County Attorney, County Highway Engineer and County Sanitarian.
8. A public hearing on the application for amendments shall be held by the Planning Commission within sixty (60) days after the request for the amendment has been received. The Planning Commission shall make its report to the Town Board at their public hearing recommending approval, disapproval or modified approval of the proposed amendment.
9. The Town Board shall hold a public hearing on all amendments. Every ordinance shall be enacted by a majority vote of the members of the Town Board. Public hearing notice shall be as stated in Section 504.3 (1).
10. Every amendment enacted by the Wilson Town Board of Supervisors shall be published once as part of the proceedings of the meeting at which it was enacted. Publication shall be in the official newspaper of the Township. An amendment shall be published in its entirety, or as specified in MS §462.355, Subdivision 2 and Subdivision 3.
11. Proof of publication shall be attached to and filed with the amendment in the Office of the Township Clerk. The amendment shall be recorded in an ordinance book in the Office of the Township Clerk within 20 days after its publication. The amendment shall be suitably entitled as specified in MS § 462.355, Subdivision 2 and Subdivision 3.
12. Upon the adoption of an amendment, including any maps or charts supplemented to or as part thereof, the Township clerk shall file a certified copy thereof with the County Recorder for record.
13. In the event a zoning district amendment or re-zoning request is denied by the Wilson Town Board of Supervisors, no request on the same property will be considered for rezoning for at least one (1) year.

505 CONDITIONAL USE PERMITS

MS § 15.99 Time Deadline for Agency Action is incorporated by reference.

MS § 462 xxx is incorporated by reference.

505.1 Criteria for Granting Conditional Use Permits

In granting a conditional use permit, the Wilson Town Board of Supervisors shall consider the advice and recommendation of the Planning Commission and the effect of the proposed use upon the health, safety and general welfare of occupants of surrounding lands. Among other things, the following shall be the minimum criteria to be applied for determining the granting of a conditional use permit:

1. The use will not create an excessive burden on existing parks, schools, streets and other public facilities and utilities which serve or are proposed to serve the area.
2. The use will be sufficiently compatible or separated by distance or screening from adjacent land so that existing properties will not be depreciated in value and there will be no deterrence to development of vacant land.
3. The structure and site shall have an appearance that will not have an adverse effect upon adjacent residential properties.
4. The use is reasonably related to the overall needs of the Township and to the existing land use.
5. The use is consistent with the purpose of the Zoning Ordinance and the purposes of the zoning district in which the applicant intends to locate the proposed use.
6. The use is in conformance with the Wilson Township Comprehensive Land Use Plan.
7. The use will not cause traffic hazard or congestion.

505.2 Additional Conditions

In permitting a new conditional use or in the alteration of an existing conditional use, the Planning Commission may, in addition to the standards and requirements expressly specified by this Ordinance, recommend the imposition of additional conditions which the Planning Commission considers necessary to protect the best interest of the surrounding area or the Township as a whole. These conditions may include, but are not limited to the following:

1. Increasing the required lot size or yard dimension.
2. Limiting the height, size or location of buildings.
3. Controlling the location and number of vehicle access points.
4. Increasing the street width.
5. Increasing the number or required off-street parking spaces.
6. Limiting the number, size, location or lighting of signs.
7. Requiring diking, fencing, screening, landscaping or other facilities to protect adjacent or nearby property
8. Designing sites for open space.
9. Establishing a time period for the conditional use.

Any change involving structural alterations, enlargement, intensification of use or similar change not specifically permitted by the conditional use permit issued shall require an amended conditional use permit and all procedures shall apply as if a new permit were being issued. The Town Clerk shall

maintain a record of all conditional use permits issued including information on the use, location and conditions imposed by the Township or County and time limits, review dates and such other information as may be appropriate.

505.3 Required Information and Exhibits

1. Completed application, including the names and addresses of the petitioner or petitioners and their signature to the petition and a statement of the requested conditional use.
2. A legal description of the property for which the conditional use is requested.
3. A statement of conditions warranting the proposed use in the zoning district used to insure compatibility of the proposed use with the Township Comprehensive Plan.
4. A site plan of the property. The site plan shall include, as pertinent but not limited to, the following information: the location of proposed structures, existing structures, geological features, architectural plans, traffic generation, signs, drainage, water table, flood proofing, landscaping plans, lighting arrangements, placement of solid waste, hours of operation, utilities, topography, vegetation, soils information, adjacent land use, roads, property lines, waterways, sewage treatment areas, water supply systems, parking, road access and floodplains.
5. Any other relevant information and material requested by the Planning Director or the Planning Commission.

505.4 Procedure

1. The person applying for a conditional use permit shall fill out and submit to the Planning Director a Conditional Use Permit application form.
2. The Zoning Administrator shall submit the completed and accepted application with the Planning Commission for review.
3. The Planning Commission shall hold a public hearing on the proposal. Notice of the public hearing shall be published in the official newspaper designated by the Town Board at least ten (10) days prior to the hearing. Property owners of record within one quarter (¼) mile of the affected property or the ten (10) properties nearest to the affected property, whichever is the greatest number of property owners, shall be notified in writing of the public hearing on the request for a conditional use permit. In incorporated areas of the County, property owners of record within five hundred (500) feet of the property in question shall be notified in writing of the public hearing on the request for a conditional use permit. Written notice shall also be given to the affected board of town supervisors and the municipal council of any municipality within two miles of the affected property.
4. The Planning Commission may require a review of the conditional use permit, when appropriate, by the Winona County Soil and Water Conservation District to determine the adequacy of the soils in the area for the proposed conditional use.
5. The Planning Commission shall make a recommendation to the Town Board along with its report of findings within thirty (30) days after holding the public hearing. Such recommendation may include any conditions for the issuance of the permit.
6. The Town Board shall take action on the conditional use permit application within fourteen (14) days following receipt of the findings and recommendation by the Planning Commission. The person making application for conditional use permit shall be notified in writing of the Board's action and the reason for approval or denial. If the conditional use permit is granted, the Town Board may impose conditions it considers necessary to protect the public health, safety and welfare. Such conditions may include a time limit for the use to exist or operate.

7. An amended conditional use permit application shall be administered in a manner similar to that required for a new conditional use permit. Amended conditional use permits shall include requests for changes in conditions and as otherwise described in this Ordinance.

506 INTERIM USE PERMITS

1. **Land use permits which are intended to be temporary in nature shall be issued as an interim use permit. 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 consistent with MS § 394.303. Interim use permits may be granted permission for an interim use of the property if:**
 - a. **the use conforms to the zoning regulations**
 - b. **the date or event will terminate the use can be identified with certainty**
 - c. **permission of the use will not impose additional costs on the public if it is necessary for the public to take the property in the future**
 - d. **the user agrees to any conditions that the township deems appropriate for the permission of the use.**
 - e. **An interim use permit may be terminated by a change in zoning regulations.**
2. **Interim use permits shall follow the same process as outlined for conditional use permits.**

507 VARIANCES

507.1 Purpose and Intent

1. The purpose of this section is to provide for deviations from the literal provisions of this Ordinance in instances where their strict enforcement would cause practical difficulties because of physical circumstances unique to the individual property under consideration, and to grant such variances only when it is demonstrated that such actions will be in keeping with the spirit and intent of this Ordinance.
2. The Wilson Township Board of Adjustment shall not grant a variance from the regulations of this Ordinance unless it shall make findings of fact based upon the evidence presented and on the following standards as required in **MS § 394.27 subdivision 7:**
 - a. **The variance request is in harmony with the intent and purpose of the Ordinance.**
 - b. **The variance request is consistent with the Comprehensive Plan**
 - c. **The applicant has established that there are practical difficulties in complying with the official control and proposes to use the property in a reasonable manner.**
 - d. **The variance request is due to special conditions or circumstances unique to the property not created by owners of the property since enactment of this Ordinance.**
 - e. **The variance will not alter the essential character of the locality nor substantially impart property values, or the public health, safety or welfare in the vicinity.**
 - f. **Economic considerations alone do not constitute practical difficulties.**
 - g. **The variance cannot be alleviated by a reasonable method other than a variance and is the minimum variance which would alleviate the practical difficulty.**
 - h. The request is not a use variance and shall not have the effect of allowing any use that is not allowed in the zoning district, permit a lower degree of flood protection than the regulatory flood protection elevation or permit standards lower than those required by State Law.
3. When deciding on a petition regarding the Floodplain District the Board of Adjustment must also satisfy the following additional criteria of the Federal Emergency Management Agency (FEMA):

- a. Variances shall not be issued by a community within any designated regulatory floodway if any increase in flood levels during the base flood discharge would result.
- b. Variances shall only be issued by Wilson Township upon:
 - 1) A showing of good and sufficient cause, and
 - 2) A determination that failure to grant the variance would result in exceptional hardship to the applicant, and
 - 3) Determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, crease nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.
- c. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief, and have the concurrence of the Winona County Planning Department floodplain officer.
4. Application for a variance shall set forth reasons that the variance is justified in order to make reasonable use of the land, structure, or building.
5. Should the Board of Adjustment find that the conditions outlined heretofore apply to the proposed lot or parcel, the Township may grant a variance from the strict application of this Ordinance so as to relieve such practical difficulties to the degree considered reasonable, provided such relief may be granted without impairing the intent of this Ordinance
6. Practical difficulties include, but are not limited to, inadequate access to direct sunlight for solar energy systems.
7. Variances shall be granted for earth-sheltered construction as defined in MS § 216C.06 subdivision 14 when in harmony with the official controls.
8. The Board of Adjustment 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. The Board of Adjustment shall arrive at a decision on such appeal or variance in accordance with MS § 15.99 also known as the “Sixty (60)-day law.” It shall make its decision in writing setting forth the findings of fact and the reasons for its decisions.

507.2 Required Information and Exhibits

1. Completed application including the names and addresses of the petitioner or petitioners and their signature to the petition; and a statement of the requested variance.
2. A legal description of the property for which the variance is requested.
3. Proposed use of land or building for which the variance is requested.
4. A statement of conditions warranting the proposed variance used to insure compatibility of the proposed variance with the Wilson Township Comprehensive Plan.
5. A site plan of the property. The site plan shall include, as pertinent but not limited to, the following information: the location of proposed structures, dimensional variance requested, existing structures, topography, vegetation, soils information, adjacent land use, roads, property lines, waterways, sewage treatment areas, water supply systems, parking, road access and floodplains.
6. Any other relevant information and material requested by the Planning Director or Board of Adjustment.

507.3 Procedure

1. The person applying for a variance shall fill out and submit to the Planning Director a variance request form.
2. The Planning Director shall refer the application to the Board of Adjustment for review.
3. The Board of Adjustment shall hold a public hearing on the proposal. Notice of the public hearing shall be published in the official newspaper designated by the Town Board at least ten (10) days prior to the hearing. Written notice shall be given to the municipal council of any municipality within two miles of the affected property. Property owners of record within five hundred (500) feet of the affected property or the ten (10) properties nearest to the affected property, whichever is the greatest number of property owners, shall be notified in writing of the public hearing on the request for a variance. In incorporated areas of the County, property owners of record within five hundred (500) feet of the property in question shall be notified in writing of the public hearing on the request for a variance.
4. The Board of Adjustment must take action on the application within sixty (60) days after receiving the application. If it grants the variance, the Board may impose conditions (including time limits) it considers necessary to protect the public health, safety and welfare and such conditions may include a time limit for the use to exist or operate.
5. All decisions by the Board of Adjustment in granting variances or in hearing appeals from any administrative order, requirement, decision or determination shall be final except that any aggrieved person or persons, or any department, board of commission of the jurisdiction or of the state shall have the right to appeal within thirty (30) days after receipt of notice of the decision to the Winona County District Court in which the land is located on questions of law and fact.
6. No application for a variance shall be resubmitted for a period of one year from the date that the request is denied, except the Board of Adjustment may allow a new application, if in the opinion of the Board, new evidence or a change in circumstances warrant.
7. A certified copy of any order issued by the Board of Adjustment acting upon appeal from an order, requirement, decision or determination by an administrative official, or a request for a variance, shall be filed with the County Recorder for record. The order issued by the Board of Adjustment shall include the legal description of the property involved. The Planning Director shall be responsible for meeting the requirements of this subsection.
8. Flood insurance notice and record keeping
9. The Planning Director shall notify the applicant for a variance that:
10. The issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance up to amounts as high as \$25 or \$100 of insurance coverage; and
11. Such construction below the 100-year or regional flood level increases risks to life and property. Such notification shall be maintained with a record of all variance actions. The Township shall maintain a record of all variance actions, including justification for their issuance, and report such variances issued in its annual or biennial report submitted to the Administrator of the National Flood Insurance Program.

508 ZONING CERTIFICATE AND CERTIFICATE OF COMPLIANCE

508.1 Zoning Certificate

1. Hereinafter no person shall erect, make structural alterations, alter or move any permanent building or part thereof without first securing a zoning certificate from the Township as described below.

2. An application for a **zoning** certificate shall be submitted by the property owner or his authorized representative for the following:
 - a. Erecting or building a new building or structure
 - b. Erecting a pre-manufactured building or structure;
 - c. Moving, extending or expanding the exterior dimensions of any existing building or structures; and
 - d. Changing the permitted use of any and all buildings, structures or land.
3. No zoning certificate shall be required for the following:
 - a. Structural alterations costing less than \$2,000.
 - b. Interior and exterior maintenance and minor-repairs of existing buildings or structures.
4. The application for a zoning certificate shall be made on forms to be furnished by the Township and shall be submitted to the Planning Director before beginning or undertaking any such work or use to see that such work or use does not conflict with and is not a violation of the terms of this Ordinance. Each application for a zoning certificate shall, when deemed necessary, be accompanied by a site plan drawn to scale upon substantial paper or cloth and shall be of sufficient clarity to indicate the nature and extent of the work proposed and shall indicate in detail that it will conform to this Ordinance. The site plan shall include, as pertinent, but not limited to the following:
 - a. Location of lot or parcel;
 - b. North arrow;
 - c. Roads: State, County and/or Township, including driveway;
 - d. All dimensions in feet (front, sides and rear including any deflections or angles);
 - e. Location of proposed structure including setback from centerline of public road;
 - f. Location of all other buildings on the lot;
 - g. Direction of surface run-off;
 - h. Names of all abutting or adjacent property owners;
 - i. Elevation and topography at 10 feet intervals;
 - j. Location of all waterways, dry runs, streams (by name) and springs;
 - k. Location of vegetation including woodlands;
 - l. Location of all proposed and/or existing sewage treatment systems;
 - m. Location of all proposed and/or existing water supplies;
 - n. Parking and loading areas;
 - o. Such other information as required elsewhere in this Ordinance;
 - p. Landscaping design plan;
 - q. Lighting arrangement (outside); and
 - r. Location of solid waste containers.
5. A zoning certificate shall consist of two parts:
 - a. **A SITE PLAN APPROVAL**, which shall be issued by the Zoning Administrator before any work for which approval is sought is begun, stating that the plans as submitted comply with the terms of the Ordinance.
 - b. **A CERTIFICATE OF COMPLIANCE**, which shall be issued by the Zoning Administrator before any land or building or structure hereinafter erected, altered, changed or remodeled is occupied or used stating that the building or proposed use of a building or structure or land complies with all the provisions of this Ordinance.

6. Commercial and Limited Industrial Applications ONLY
 - a. All applications for zoning certificates shall be accompanied by a fee, the amount of which shall be set by resolution of the Wilson Town Board of Supervisors.

509 ADVERTISING DEVICE PERMITS

A permit shall be required for all advertising devices according to the specific requirements, exceptions and application procedures as set forth in Chapter 7, Performance Standards.

510 SEWAGE AND WATER SYSTEMS: LICENSES AND PERMITS

This section shall be under the jurisdiction of Winona County.

510 LAND ALTERATION PERMITS

A land alteration permit shall be required in the following situations:

1. When there is to be a land alteration, as defined in Chapter 402;
2. When there is to be excavation, grading or filling of land that would change existing drainage;
3. When there is to be excavation, grading or filling of land that would cause flooding or erosion; or
4. When there is to be excavation or filling of land that would deprive an adjoining property owner of lateral support.

Specific requirements, exceptions and application procedures are set forth in Chapter 7, Performance Standards. A Land Alteration Permit shall not be required for all soil conservation and agricultural practices when directly related to and accessory to a farming operation in the Agricultural Districts. If permits are required from any other units of government for the use of the altered area, all necessary permits must be obtained prior to the movement of any earthen material. In situations where an extraction permit is required, a land alteration permit shall not be required.

511 EXTRACTION PITS/LAND ALTERATION PERMIT

1. An extraction pit/land alteration permit shall be required when there is to be an extraction pit as defined in Chapter 402. Specific requirements, exceptions and application procedures are set forth in Chapter 7, Performance Standards.

512 COMMERCIAL TIMBER HARVESTING LICENSES AND PERMITS

1. A permit shall be required to cut, fall, harvest or otherwise remove timber for the purpose of profit from property owned or used by a landowner. Specific requirements and application procedures are set forth in Chapter 7, Performance Standards. A license shall be required of any person, firm or corporation engaging in the business of cutting or harvesting trees. Specific requirements and application procedures are set forth in Chapter 7, Performance Standards.

513 VIOLATIONS, PENALTIES AND ENFORCEMENT

513.1 Violations and Penalties

1. Any person, firm or corporation who shall violate any of the provisions hereof or who shall fail to comply with any of the provisions hereof or who shall make any false statement in any document required to be submitted under the provisions hereof, shall be guilty of a misdemeanor. Each day that a violation continues shall constitute a separate offense.

513.2 Enforcement

1. This Ordinance shall be administered by the Planning Director or Zoning Administrator, as so directed by the Wilson Town Board, who is hereby designated the administering officer.
2. In the event of a violation of this Ordinance, the Wilson Township Board of Supervisors, in addition to other remedies, may institute appropriate actions or proceedings to prevent, restrain, correct or abate such violations, and it shall be the duty of the Township Board to institute such action.
3. Any taxpayer or taxpayers of the Township may institute mandamus proceedings in the District Court to compel specific performance by the proper official or officials of any duty required by this Ordinance.
4. It shall be the duty of Wilson Town Board of Supervisors when called upon to perform such duties as may be necessary to enforce the provisions of this Ordinance.
5. Nothing herein contained shall prevent Wilson Township from taking such other lawful action as is necessary to prevent or remedy any violation. Such actions may include but are not limited to:
 - a. In responding to a suspected ordinance violation, Wilson Township may utilize the full array of enforcement actions available to it including, but not limited to, prosecution and fines, injunctions, after-the-fact permits, orders for corrective measures or a request to the National Flood Insurance Program for denial of flood insurance availability to the guilty party. The community must act in good faith to enforce these official controls and to correct ordinance violations to the extent possible so as not to jeopardize its eligibility in the National Flood Insurance Program.
 - b. When an ordinance violation is either discovered by or brought to the attention of the Planning Director, the Planning Director shall immediately investigate the situation and document the nature and extent of the violation of the official control. As soon as is reasonably possible, this information will be submitted to the Wilson Town Board, the appropriate department of Winona County, Department of Natural Resources and Federal Emergency Management Agency Regional Office along with the community's plan of action to correct the violation to the degree possible.
 - c. The Planning Director shall notify the suspected party of the requirements of this Ordinance and all other Official Controls and the nature and extent of the suspected violation of these controls. If the structure and/or use is under construction or development, the Planning Director or Zoning Administrator may with the approval of the Wilson Town Board inform the violator of the need to obtain the proper permit or approval is granted by the community. If the construction or development is already completed, then the Planning Director or Zoning Administrator may either:
 - 1) notify the responsible party to apply for an after-the-fact permit/development approval within a specified period of time not to exceed 30 days.
 - 2) Advise the Wilson Town Board to take pursue legal action through the advice and actions of the Township attorney.
6. **If the responsible party does not appropriately respond to the Planning Director or Zoning Administrator within the specified period of time, each additional day that lapses shall constitute an**

additional violation of this Ordinance and shall be prosecuted accordingly. The Planning Director or Zoning Administrator shall also, upon the lapse of the specified response period, notify the landowner to restore the land to the condition which existed prior to the violation of this Ordinance.

7. COMPLAINT.

- a. **Wilson Township Land Occupiers, Township, County, State or Federal Officials may submit a complaint verbal or written against any land occupier alleging that accelerated erosion or sediment damage has occurred or is occurring. The complaint shall include the approximate dates and location of the alleged violation and describe the source, nature and extent of the accelerated erosion or sediment damage alleged to have occurred or which is occurring.**

8. ACTION INITIATED BY COMPLAINT.

- a. **The Planning Director or Zoning Administrator, upon the receipt of a complaint, shall request the Winona County Soil and Water Conservation District to have an investigation made. A representative of the Soil and Water Conservation District Board, a representative of the Township Board and a representative of the Planning Department shall arrange for a meeting with the land occupier to determine whether an actual violation exists. The complainant will be notified of the time of the investigation and will be given the opportunity to be present when the investigation is conducted.**
- b. **Within five (5) working days of the investigation, the above committee will notify the Planning Director in writing whether an actual violation exists.**
- c. **Upon notification by the committee, the Director shall notify the land occupier by letter postmarked within five (5) working days of the notification of the above committee.**
- 1) If a violation is believed to exist, the land occupier will be given thirty (30) days from the date of the letter to develop a suitable plan to correct the violation with the Soil and Water Conservation District Board Representative. The plan shall include the following:
- a) Specific conservation management and/or structural practices to be implemented to stop the accelerated erosion or sedimentation.
- b) The date when the practices will be completed.
- (i) If the land occupier is unwilling or unable to develop a plan within 30 days, the Soil and Water Conservation District Representative will notify the Planning Director of the situation and request an evaluation of what practices will be required to bring the land into compliance with the Ordinance.
- (ii) If no suitable plan is submitted within 30 days, the matter shall be turned over to the Township Board of Supervisors for appropriate action.

CHAPTER 6: ZONING DISTRICTS

601 ZONING DISTRICTS

The zoning districts in this Ordinance are so designed as to assist in carrying out the Comprehensive Plan for Wilson Township. For purposes of this Ordinance, Wilson Township is hereby divided into the following zoning districts:

SYMBOL NAME

A/NR	Agricultural-Natural Resource District
CR	Country Residential District
RR	Rural Residential District
CD	Community Development District
B	Commercial and Recreational District
LI	Limited Industrial
CSU	County Special Use
CLR	Closed Landfill Restricted

602 ZONING MAPS

1. **GENERAL.** The location and boundaries of the districts established by this Ordinance are set forth on the zoning map except the Shore land District, which is done by definition, which is hereby incorporated as part of this Ordinance. The shore lands of Wilson Township are hereby designated as a Shore land Overlay District. A copy of the official zoning map shall be kept with the Town Clerk and the Winona County Planning Department. It is the responsibility of the Planning Director to continually maintain and update this map. Any amendments to the zoning map shall be recorded on such map within **thirty (30) days** after the official adoption of the zoning amendment by the Wilson Township Board.
2. **FLOODPLAINS.** The Floodplain Districts are based on the data contained within the Flood Insurance Study for Winona County prepared by the Federal Management Agency dated July 18, 1983 and the Flood Insurance Rate Maps and Flood Boundary and Floodway Maps therein dated January 18, 1984 as amended by the Letter of Map Revision issued by the Federal Emergency Management Agency on November 19, 2001 with an effective date of March 29, 2002, including all maps, tables and profiles

attached thereto. The above noted Flood Insurance Study, Flood Insurance Rate Maps, Flood Boundary and Floodway Maps, and Letter of Map Revision are hereby adopted by reference and attached to the Official Zoning Map.

3. The Official Zoning Map shall be identified by the signature of the Chair of the Town Board attested by the County Auditor, and bearing the seal of the County under the following words: "This is to certify that this is the Official Zoning Map of Wilson Township, Minnesota."
4. Any unauthorized change of whatever kind of any person or persons shall be considered a violation of this Ordinance and punishable as provided under the provisions of this Ordinance.
5. **DISTRICT BOUNDARIES.** The boundaries between districts are, unless otherwise indicated, the center lines of highways, roads, streets, alleys or railroad right-of-way or such lines extended or lines parallel or perpendicular thereto, or section, half-section, quarter-section, quarter-quarter-section or other fractional section lines of the United States public land surveys, as established by law. Where figures are shown on the Zoning Map between a road and district boundary line, they indicate that the District boundary line runs parallel to the road centerline at a distance therefrom equivalent to the number of feet so indicated, unless otherwise indicated. The boundaries of the Floodplain District shall be determined by scaling distances on the Official Map.
6. **CONFLICTING LAND USES.** Use of lots directly adjacent to a different zoning district require a conditional use permit.

603 AGRICULTURAL - NATURAL RESOURCE DISTRICT (A/NR)

603.1 Purpose

Agricultural-Natural Resource areas are established for the purpose of protecting, promoting, maintaining and enhancing the use of land for agricultural and timber harvesting purposes, to protect and preserve the natural resource areas including the natural forest reserves, to prevent scattered and leap-frog non-farm growth and to stabilize increases in public expenditures for such public services as roads and road maintenance, police, fire protection and schools.

Wilson Township encourages land development in this district attempt to retain special features such as natural vegetation, stream crossings, unique geologic elements, or distinctive structures in the site design. Whenever possible, property owners should place new residences and accessory structures in a manner that is in keeping with the locality and results in the least amount of substantial modifications to perennial vegetation, existing natural vegetation, and topography. Property owners should also take advantage of existing driveways and access roads as a means to improve safety and efficiency of extant thoroughfares and as a means to maintain the rural character of Wilson Township.

Owners, residents and other users of property in this zone or neighboring properties may be subjected to inconvenience or discomfort arising from normal and accepted agricultural practices and operation, including but not limited to, noise, odors, dust, operation of machinery of any kind including aircraft, the storage and disposal of manure or the application of fertilizers, herbicides and pesticides. Owners, residents and users of this property or neighboring property should be prepared to accept such inconveniences or discomfort from normal operations and are hereby put on official notice that this declaration may prevent them from obtaining a legal judgment against such normal operations.

603.2 Permitted Principal Uses

1. Farm buildings.
2. Farm dwellings (frame or manufactured homes) and their accessory buildings located on each farm provided the resident or residents of said dwelling or dwellings either owns, operates or is employed on said farm. Each farm dwelling shall be located at least 1,000 feet from an existing feedlot, except:
 - a. the dwelling of the feedlot owner or operator, and
 - b. one manufactured home when the manufactured home is occupied by family members providing health care to or needing health care from one or more residents of the permitted dwellings and for part-time farm help when established upon the land where the work is being performed.
 - c. The sale of such dwelling or dwellings for non-farm dwellings must meet the requirements for non-farm dwellings in this district.
3. Farm production, which shall include the raising of crops, livestock and timber harvesting.
4. Livestock feedlots having 299 animal units or less and subject to the standards found in Chapter 7.
5. Farm drainage systems, flood control and watershed structures and erosion control devices meeting all County, State and Soil Conservation District minimum regulations.
6. Land disturbance including grading, filling, and land alterations associated with farm production.

7. Land disturbances including grading, filling, and land alterations less than or equal to 500 cubic yards when not associated with farm production.
8. Land disturbance less than or equal to 10 cubic yards in overlay districts
9. Temporary or seasonal roadside stands with adequate off street parking - not to exceed one stand per farm.
10. Temporary small businesses
11. National, state and county parks and wildlife areas, game management and forest preserves.
12. Public campgrounds, canoe trails, snowmobile trails, scenic and nature trails or routes.
13. Commercial forest operations subject to standards found in Chapter 7.
14. Greenhouses, nurseries and tree farms with no on-site retail sales.
15. Public and private schools.
16. Public administration and government buildings including police stations, fire halls and town halls.
17. Family non-farm dwellings, but not including residential subdivisions and subject to the following additional standard
 - a. No more than a single one (1) family non-farm dwellings in addition to parcels of record shall be allowed per quarter-quarter section of land (approximately 40 acres) provided the lot containing a non-farm dwelling is at least 1,000 feet from an existing feedlot.
 - b. A two family non-farm dwelling shall be allowed as a non-conforming use only if the structure is existing at the time of the enactment of this Ordinance.
18. Historic sites and monuments, scenic lookouts and public recreation information centers.
19. Essential services located within public rights-of-way and essential services to supply individual sites, excluding pressurized gas lines, power lines over 35 KV, broadcasting towers – radio and television appurtenant structures.
20. Home occupations complying with the Standards of 723.2.
21. Minor fabrication and repair businesses
22. Horse stables and riding academies
23. Archery range
24. Private garages
25. Land treatment of petroleum-contaminated soils as defined in Minn. Rules 7037, subject to the following specific conditions:
 - a. The activity must be consistent in all respects with each and every one of the requirements and conditions as contained within Minn. Rules 7037, as it currently exists, and as from time to time amended; and
 - b. All monitoring shall be conducted by an MPCA approved contractor; and
 - c. Each person maintaining such a permitted use that will involve the excavation of more than 50 cubic yards, shall post an assurance bond for each individual land treatment site maintained to be in effect until the site meets all MPCA requirements, including Minn. Rules 7037.2700. The amount of the bond shall be set by the Town Board, shall be graduated according to the volume of contaminated soil spread and shall be intended to compensate the Township for monitoring and site-management costs should the operator fail to fully perform. Upon application, the Township Board can at its discretion waive or reduce the bond based on the circumstances of each site and its operator.
26. Advertising devices which comply with Section 721.3 of this Ordinance.

603.3 Accessory uses

1. Any incidental machinery, structure or building necessary to the conduct of agricultural or timber harvesting operations or other permitted and conditional uses.
2. Recreational area, incidental.
3. Micro and non-commercial WECS
4. Outdoor wood-fired burners

603.4 Conditional Uses

1. Temporary housing for migratory or other farm workers.
2. Agriculture oriented businesses such as grain and feed sales, general repair and installation services, custom meat processing.
3. Farm implement sales and service
4. Outside storage of disabled vehicles in excess of five(5).
5. Commercial grain storage and drying.
6. Livestock sales barns and accessory facilities.
7. A new animal feedlot or change in the operation of an animal feedlot which results in a feedlot having in excess of 300 animal units but not more than 1,500 animal units.
8. Outdoor storage as principal use
9. Commercial sawmills, lumber processing or treatment plants.
10. Worship structures, cemeteries, hermitages and monasteries with normal accessory buildings for education and living quarters.
11. Essential services located outside of public rights-of-way or power transmission lines up to 35KV. Services located outside of public rights-of-way must have a minimal 25 feet setback from the right-of-way.
12. Pressurized gas pipelines, power transmission lines over 35KV, and towers used for relay, radio, television and other commercial purposes.
13. WECS metrological tower
14. Commercial WECS
15. WECS wind farm
16. Solar energy farms
17. Extraction pits and related land alterations.
18. Extraction pits incidental to residential subdivision
19. Land disturbances, including grading, filling, and land alterations greater than 500 cubic yards not associated with farm production
20. Land disturbances greater than 10 cubic yards in an overlay district
21. Home occupations not complying with 722.
22. Dog kennels 5 or more.
23. Commercial outdoor recreation areas that are similar to public recreation areas including private campgrounds.
24. Full-season campgrounds
25. Recreational cabins and RV rental
26. Golf courses, both full and par 3, and associated restaurants.
27. Golf driving range

28. Miniature golf courses
29. Motorized racing tracks
30. Sporting good establishment, outfitter, supplier, or retailer
31. Museums
32. Convalescent health care facilities
33. Nursing or residential health care facilities.
34. Animal healthcare facilities
35. One manufactured home, in addition to other permitted dwellings, when the manufactured home is occupied by family members providing health care to or needing health care from one or more residents of the permitted dwellings and for part-time farm help when established upon the land where the work is being performed.
36. Temporary small businesses subject to the following conditions:
 - a. aid temporary small businesses shall employ no more than 12 full time people on the premises or the equivalent of 12 full time people exclusive of household members.
 - b. The owner of the property must reside on the property and be employed in the temporary small business.
 - c. The owner of the property and the owner of the temporary small business must be the same individual.
 - d. Said temporary small business may be reviewed annually pursuant to Section 505.
37. Wine-tasting facility, on and off-premises sales.
38. Wholesale trade.
39. Biomass Burners.

603.5 Performance Standards

1. MINIMUM LOT AREA

- a. The minimum lot area for one (1) dwelling in the A/NR district shall be 40 acres contiguous acres under common ownership except when:
 - 1) a parcel of land which has been recorded with the County Recorder's Office prior to 1970 which may not conform to the lot dimension requirements in this Ordinance
 - 2) the split of an existing residence and associated accessory structures for the purpose of farm consolidation if the subject residence existed prior to the enactment of the January 5, 1989 Winona County Zoning Ordinance, and the remaining parcel contains a minimum of 20 contiguous acres.
- b. Proposed dwellings on less than 40 acres and not meeting the exceptions above shall require a conditional use permit (CUP).
- c. A proposal to create separate lots of five (5) acres or less resulting in a total of 3 or more lots including the original tract, or the creation of a lot or lots with a road or an easement access intended for dedication as a public thoroughfare shall meet the requirements of the Wilson Township Subdivision Ordinance however so named.
- d. A division of land into 3 or more lots, including the original tract, larger than five (5) acres in area and containing 33 feet of public road right of way, and which does not involve any new streets or easements of access shall be exempt from the requirements of the Wilson Township Subdivision Ordinance however named.

2. HEIGHT REGULATIONS

- a. Agricultural structures, permitted principal uses listed under Section 603.2 (15), and properly permitted conditional uses listed in Section 603.4 (9) are exempt from height limitations unless they are located in a special airport zone.
- b. Structures not enumerated in (a) shall not exceed a height of two and one half (2 ½) stories or thirty-five (35) feet.

3. FRONT YARD REGULATIONS

- a. Required Setback Distance:

From Road Centerline	Road Class
200 Feet	Principal Arterial
130 feet	Minor Arterial
130 feet	Major Collector
100 feet	Minor Collector
100 feet	All other roads

- b. Where a lot is located at the intersection of two or more roads or highways, there shall be a front yard setback on each road or highway side of each corner lot. No accessory buildings shall project beyond the front yard of either road.

4. SIDE YARD REGULATIONS.

- a. There shall be a minimum side yard of twenty (20) feet on each side of the building.

5. REAR YARD REGULATIONS.

- a. For non-agricultural buildings, there shall be a minimum rear yard of fifty (50) feet.

6. LOT AREA REGULATIONS FOR NON-FARM RESIDENTIAL DWELLINGS.

- a. There shall be minimum buildable lot size for nonfarm residential uses of five (5) acres.
- b. An increase of the minimum lot size may be required by the Township if determined to be necessary by the Planning Director for private sewer systems to function properly.

7. LOT WIDTH AND DEPTH REGULATIONS.

- a. Every lot or parcel of land of which a one family dwelling is erected shall have a minimum width at the building setback line of two hundred (200) feet and a minimum depth of two hundred (200) feet.

8. LOT COVERAGE

- a. No more than 25 percent of the land area may be covered by an impervious surface.

9. GENERAL REGULATIONS.

- a. Additional requirements for parking, signs, sanitary sewage systems and other standards are set forth in Chapter 7.

10. SLOPE RESTRICTIONS.

- a. Single or multi-family non-farm dwellings are not permitted on land which has a slope of 12% or greater unless said building application is accompanied by an engineer's report showing adequate footage, drainage and grading plans.

- b. Buildings and other structures may not be constructed on land which has a slope greater than or equal to 15% under any circumstances.
- c. Driveways with slopes greater than 12% are not permitted.

603.6 Performance Standards - Exclusive Agricultural Use Zone

- 1. Landowners, farm or timber, in making application for exclusive agricultural use zone designation, must verify in writing compliance with one of the following two conditions:
 - a. Farmland must be in production for the intended purpose of growing a cash crop and/or in support of livestock, inclusive, but not limited to, dairy cows, hogs, beef cattle and poultry, or land used exclusively for animal feedlots where crop production is not germane to the operation:
- 2. Farmland identified in the application must lie in the Agricultural/Natural Resource district.
- 3. Each application must be accompanied with a soil conservation plan, developed with the assistance of the local SCS (Soil Conservation Service) office, outlining the methods to be utilized to prevent soil erosion.
 - a. Timberland must contain 50% or more of growing tree stands. However, land with less than 50% forestation can qualify if the landowner agrees to plant the deficit acreage with tree seedlings:
- 4. Timberland identified in the application must lie in the Agricultural/Natural Resources district.
- 5. Each application must be accompanied with a soil conservation plan developed with the assistance of the local SCS (Soil Conservation Service) office outlining the methods to be utilized to prevent soil erosion.
- 6. Each application must be accompanied by a Forest Management Plan. The Plan must be prepared by a competent public or private land forester.
- 7. Land owners, by making application, agree that sound soil conservation practices will be utilized in their exclusive use zones. Requirements under Minnesota Statute 40A.13, "Soil Conservation Practices", apply.

603.7 Application - Exclusive Agricultural Use Zone

- 1. A person having title to land contained within a Wilson Township Agricultural/Natural Resource District may apply for designation as an exclusive agricultural use zone, as outlined in Minnesota Statute 40A.
- 2. Applications should be delivered to the Wilson Township Planning Director using forms provided by Minnesota's Commissioner of Agriculture, and contain at least, but not limited to, the following information:
 - a. Legal description of the area to be designated including parcel identification numbers, when available.
 - b. Name and address of the owner(s).
 - c. A witnessed signature of the owner stating that the land be kept exclusive agricultural and will be used in accordance with the provisions of Chapter 40A, applicable at the date of application
 - d. A statement that the restrictive covenant will be binding on the owner or the owner's successor or assignee and will run with the land.
- 3. In the case of registered property, the owner shall submit the owner's duplicate certificate of title along with the application.
- 4. All applications are subject to review by Wilson Township and by the local Soil Conservation District in all matters regarding application requirements. Additional requirements may be imposed by either body, when conditions warrant.
- 5. Exclusive use zones will commence for purposes of benefits and restrictions **thirty (30) days** from the date the Township Board approves an application.

6. An application fee will be imposed on each exclusive agricultural preservation application. The fee will be set by Township resolution, however, the fee will not exceed the limitation imposed by Chapter 40A.10 of Minnesota Statutes.

604 COUNTRY RESIDENTIAL DISTRICT (CR)

604.1 Purpose

This District is intended to recognize and allow low-density residential development in township areas that have been developed or are surrounded by developed lands

604.2 Permitted Uses

1. Single-family dwellings.

2. Farm dwellings and farm buildings
3. Existing agricultural uses including farm production.
4. Livestock less than or equal to 2 animal units
5. Seasonal roadside stands
6. Parks, natural recreation areas, wildlife areas and preserves.
7. Public administrative and government buildings and structures, including police stations, fire halls and town halls.
8. Essential services located within public rights-of-way and essential services to supply individual sites, excluding pressurized gas lines, power lines over 35 KV, broadcasting towers – radio and television appurtenant structures.
9. Home occupations complying with the Standards of 722 of this Ordinance.
10. Advertising devices which comply with Section 721.3 of this Ordinance.
11. Land disturbances, including grading and filling less than 50 cubic yards.
12. Land disturbances, including grading and filling less than or equal to 10 cubic yards in an overlay district.
13. Grading and filling within shore and bluff impact zones less than or equal to 10 cubic yards.
14. Historic sites and monuments

604.3 Accessory Uses

1. Private garages.
2. Living quarters of persons employed on the premises.
3. Agricultural machinery, structures, or buildings, incidental
4. Uses customarily accessory or incidental to the uses listed in 604.2 and 604.4.
5. Wind micro and non-commercial WECS systems
6. Solar WECS system for private use
7. Recreational use, incidental

604.4 Conditional Uses

1. Home occupations not meeting the standards of 723.2..
2. Public and private schools.
3. Churches, chapels, temples, synagogues, or other such structures of worship
4. Regional pipelines, power transmission lines over 35KV, relay, radio, television and commercial towers.
5. Residential health care facilities.
6. Commercial outdoor recreational facilities.
7. Cluster development.
8. The raising, breeding or housing of animals which equals or exceeds two animal units.
9. Grading and filling outside shore and bluff impact zones greater than 50 cubic yards.
10. Grading and filling within shore and bluff impact zones greater than 10 cubic yards.
11. Land alterations.
12. Extraction pits.
13. One manufactured home, in addition to other permitted dwellings, when the manufactured home is occupied by family members providing health care to or needing health care from one or more residents of the permitted dwellings and for part-time farm help when established upon land used as a farm

604.5 Performance Standards for development after 2010

1. **HEIGHT REGULATIONS.**

a. No building shall exceed a height of two and a half (2 1/2) stories or thirty-five (35) feet.

2. FRONT YARD REGULATIONS.

a. Required setback distance:

From Road Centerline	Road Class
200 Feet	Principal Arterial
130 feet	Minor Arterial
130 feet	Major Collector
100 feet	Minor Collector
100 feet	All other roads

b. Where a lot is located at the intersection of two or more roads or highways, there shall be a front yard setback on each road or highway side of each corner lot. No accessory building shall project beyond the front yard of either road.

3. SIDE YARD REGULATIONS.

a. There shall be a side yard width of not less than eight (8) feet on each side of the building.

4. REAR YARD REGULATIONS.

a. There shall be a rear yard of not less than fifteen (15) feet.

5. LOT AREA REGULATIONS. The minimum lot size shall be:

a. Three acres (130,680 square feet) for lots with individual sewer and water; and

b. One acre (43,560) square feet for lots with a community water supply system and a community sewer system.

6. LOT WIDTH AND DEPTH REGULATIONS.

a. Every lot or plat shall have a minimum width of not less than two hundred (200) feet

b. Every lot or plat shall have a minimum depth of not less than two hundred (200) feet.

c.

7. GENERAL REGULATIONS.

a. Additional requirements for parking, signs, sanitary sewage systems and other regulations as set forth in Chapter 7.

604.6 Performance Standards for development before 2010

8. HEIGHT REGULATIONS.

a. No building shall exceed a height of two and a half (2 1/2) stories or thirty-five (35) feet.

9. FRONT YARD REGULATIONS.

a. Required setback distance:

From Road Centerline	Road Class
200 Feet	Principal Arterial
130 feet	Minor Arterial
130 feet	Major Collector
100 feet	Minor Collector

100 feet	All other roads
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b. Where a lot is located at the intersection of two or more roads or highways, there shall be a front yard setback on each road or highway side of each corner lot. No accessory building shall project beyond the front yard of either road.

10. **SIDE YARD REGULATIONS.**

a. There shall be a side yard width of not less than eight (8) feet on each side of the building.

11. **REAR YARD REGULATIONS.**

a. There shall be a rear yard of not less than fifteen (15) feet.

12. **LOT AREA REGULATIONS.** The minimum lot size shall be:

- a. Up to three acres (130,680 square feet) for lots with individual sewer and water; and
- b. Up to one acre (43,560) square feet for lots with a community water supply system and a community sewer system.

13. **LOT WIDTH AND DEPTH REGULATIONS.**

- a. Every lot or plat shall have a width of up to two hundred (200) feet
- b. Every lot or plat shall have a depth of up to two hundred (200) feet.
- c.

14. **GENERAL REGULATIONS.**

a. Additional requirements for parking, signs, sanitary sewage systems and other regulations as set forth in Chapter 7.

605 RURAL RESIDENTIAL DISTRICT (RR)

605.1 Purpose

This District is created to allow low-density residential development in areas that are not suitable for agricultural or timber production and will not adversely impact agricultural or timber production or natural resource areas. The density of residential development shall not over time result in the need for municipal services.

605.2 Permitted Uses

1. Single-family dwellings.
2. Existing farm dwellings and farm buildings
3. Existing agricultural uses including farm production.
4. Seasonal roadside stands.
5. Fabrication and repair, minor
6. Greenhouses and nurseries with or without retail sales
7. Parks and natural recreation areas.
8. Public administrative and government buildings and structures, including police stations, fire halls and town halls.
9. The raising, breeding or housing of animals which total less than or equal, two animal units.
10. Essential services located within public rights-of-way and essential services to supply individual sites, excluding pressurized gas lines, power lines over 35 KV, broadcasting towers – radio and television appurtenant structures.
11. Home occupations complying with the standards of Section 722.
12. Advertising devices which comply with Section 721.3 of this Ordinance.
13. Land alterations including grading and filling less than or equal to 50 cubic yards.
14. Land alterations including grading and filling less than or equal to 10 cubic yards in an overlay district.

605.3 Accessory Uses

1. Private garages.
2. Living quarters of persons employed on the premises.
3. Uses customarily accessory or incidental to the uses listed in 605.2 and 605.4.
4. Wind micro and non-commercial WECS
5. Solar WECS systems
6. Outdoor wood-fired burner
7. Recreational area, incidental

605.4 Conditional Uses

1. Home occupations not complying with the standards of 722
2. Advertising devices which do not comply with Section 720 of this Ordinance.
3. Temporary small business
4. Nurseries and tree farms
5. Temporary dwelling for farm workers
6. Wholesale trade
7. Retail sale
8. Public and private schools.
9. Churches, chapels, temples, synagogues, or other such structures of worship
10. Essential services located outside of public rights-of-way or power transmission lines up to 35KV. Services located outside of public rights-of-way must have a minimal 25 feet setback from the right-of-way.

11. Pressurized gas pipelines, power transmission lines over 35KV, and towers used for relay, radio, television and other commercial purposes.
12. Residential health care facilities.
13. Nursing or convalescence home facility
14. Commercial outdoor recreational activities.
15. The raising, breeding or housing of animals which exceeds two animal units.
16. Dog kennels
17. Animal or pet hospital
18. Horse stables or riding academies
19. Land alterations including grading and filling greater than 50 cubic yards.
20. Land alterations including grading and filling greater than 10 cubic yards in an overlay district.
21. Timber harvesting
22. Commercial timber harvesting
23. Extraction pits or land alterations related to extraction pits
24. Extraction pits if incidental to a residential subdivision for which a final plat has been approved under the Wilson Township Subdivision Regulations.
25. One manufactured home, in addition to other permitted dwellings, when the manufactured home is occupied by family members providing health care to or needing health care from one or more residents of the permitted dwellings and for part-time farm help when established upon land used as a farm.
26. Wind commercial WECS farm
27. Solar WECS system or farm for commercial use

605.5 Performance Standards

1. **HEIGHT REGULATIONS.**
 - a. No building shall exceed a height of two and a half (2 ½) stories or thirty-five (35) feet.
2. **FRONT YARD REGULATIONS.**
 - a. Required setback distance:

From Road Centerline	Road Class
200 Feet	Principal Arterial
130 feet	Minor Arterial
130 feet	Major Collector
100 feet	Minor Collector
100 feet	All other roads

- b. Where a lot is located at the intersection of two or more roads or highways, there shall be a front yard setback on each road or highway side of each corner lot. No accessory buildings shall project beyond the front yard of either road.
3. **SIDE YARD REGULATIONS.**
 - a. There shall be a side yard width of not less than twenty (20) feet on each side of the building.
4. **REAR YARD REGULATIONS.**

- a. There shall be a rear yard of not less than fifteen (15) feet.
- 5. **LOT AREA REGULATIONS.**
- a. The minimum lot size shall be five (5) acres.
- 6. **LOT WIDTH AND DEPTH REGULATIONS.**
- a. Every lot or plat shall have a minimum width of not less than two hundred (200) feet
- b. Every lot or plat shall have a minimum depth of not less than two hundred (200) feet.
- 7. **LOT COVERAGE**
- a. No more than 25 percent of the land surface may be covered by an impervious surface.
- 8. **GENERAL REGULATIONS.**
- a. Additional requirements for parking, signs, sanitary sewage systems and other regulations as set forth in Chapter 7 of this Ordinance.
- 9. **SLOPE RESTRICTIONS.**
- a. Single or multi-family non-farm dwellings are not permitted on land which has a slope of 12% or greater unless said building application is accompanied by an engineer's report showing adequate footage, drainage and grading plans.
- b. Buildings and other structures may not be constructed on land which has a slope greater than or equal to 15% under any circumstances.
- c. Driveways with slopes greater than 12% are not allowed.

606 COMMUNITY DEVELOPMENT DISTRICT (CD)

606.1 Purpose

The purpose of this District is to allow a continuation and limited expansion of existing land uses in the unincorporated communities throughout the Township. Most of these communities were platted and developed some time ago and include a mixture of land uses. Thus, this district has been designed for maximum flexibility within standards related to public health and safety.

606.2 Permitted Uses

1. Single family residential.
2. Existing two-family residence in existence prior to the enactment of this Ordinance.
3. Home occupations which comply with Section 722 of this Ordinance
4. Temporary small business
5. Fabrication and repair, minor
6. Commercial uses including the following:
 - a. Agricultural supplies and feed stores
 - b. Greenhouses and nurseries
 - c. farm implement sales and service
 - d. seasonal roadside stands
 - e. auto repair
 - f. laundries, except dry cleaning
 - g. dog kennel
 - h. recreational equipment sales and service
7. Advertising devices which comply with Section 720 of this Ordinance.
8. Public and private schools.
9. Parks and open space.
10. Wildlife areas and preserves
11. Historic sites and monuments
12. Public administration and government buildings including police stations, fire halls and town halls.
13. Essential services located within public rights-of-way and essential services to supply individual sites, excluding pressurized gas lines, power lines over 35 KV, broadcasting towers – radio and television appurtenant structures.
14. The raising, breeding or housing of animals which total less than or equal, two animal units.
15. Land alterations including grading and filling less than or equal to 50 cubic yards.
16. Land alterations including grading and filling less than or equal to 10 cubic yards in an overlay district.

606.3 Accessory Uses

Garages, fences, parking facilities and any incidental structures or buildings necessary for the permitted and conditional use.

606.4 Conditional Uses

1. Home occupations not complying with the standards of 722.
2. Cluster developments.
3. Churches, chapels, temples, synagogues, or other such structures of worship and cemeteries.
4. Commercial uses including:
 - a. automobile sales
 - b. automobile and truck washes with and without fueling
 - c. banking institutions
 - d. adult-oriented business
 - e. commercial hotel and motel
 - f. commercial lumber processing
 - g. convenience stores
 - h. commercial offices
 - i. museums
 - a. restaurants and cafes
 - b. on and off sale liquor establishments
 - a. sporting goods retail
 - b. taverns
 - c. other similar commercial uses
2. Highway business activities including:
 - a. hotels and motels
 - b. other similar highway businesses
3. Light industrial uses including the following:
 - a. Grain elevators.
 - b. Transportation fuel
 - c. Light manufacturing.
 - d. Transportation and freight terminals.
 - e. Road salt storage and loading facilities.
 - f. Manufactured home sales
 - g. Warehousing, storage, and wholesaling with no outside storage
 - h. office buildings
 - i. other similar light industrial uses
4. Health care services including:
 - a. Convalescent homes.
 - b. Residential nursing homes
 - c. Health facilities
 - d. Animal hospitals
 - e. other similar health care uses
5. Recreational uses including:
 - a. archery range
 - b. bowling alleys
 - c. commercial recreation, outdoor
 - d. commercial recreation, indoor

- e. Golf course, miniature
- f. Golf course, par 3
- g. Golf course
- h. Full-season recreation campground
- i. other similar recreational uses
- 6. Extraction pits incidental to residential development
- 7. Essential services located outside of public rights-of-way or power transmission lines up to 35KV. Services located outside of public rights-of-way must have a minimal 25 feet setback from the right-of-way.
- 8. Pressurized gas pipelines, power transmission lines over 35KV, and towers used for relay, radio, television and other commercial purposes.
- 9. The raising or breeding of animals which equals or exceeds two animal units.
- 10. Grading and filling outside shore and bluff impact zones exceeding more than 50 cubic yards.
- 11. Grading and filling within shore and bluff impact zones greater than 10 cubic yards.
- 12. Land alterations.
- 13. One manufactured home, in addition to other allowed dwellings, being that the occupant of said manufactured home is providing health care to or needing health care from one or more residents of the permitted dwellings.

606.5 Prohibited Uses

Any industrial or commercial use which would cause land use conflicts or lead to pollution problems or increase demand for urban services.

606.6 Performance Standards

1. **HEIGHT REGULATIONS.**

- a. Residential - 2 ½ stories or thirty-five (35) feet.
- b. Commercial - 2 ½ stories or thirty-five (35) feet.

2. **FRONT YARD REGULATIONS.**

- a. Required Setback Distance:

From Road Centerline	Road Class
200 Feet	Principal Arterial
130 feet	Minor Arterial
130 feet	Major Collector
100 feet	Minor Collector
100 feet	All other roads

- b. Except that in a block where two or more buildings (commercial or residential) have been erected facing the same, the setback for the remaining lots in that block fronting on the same street shall be determined by the average setback of existing buildings.
 - c. Where a lot is located at the intersection of two or more roads and highways, there shall be a front yard setback on each road or highway side of each corner lot.
3. **SIDE YARD REGULATIONS.**
- a. Residential - ten (10) feet.

b. Commercial - twenty (20) feet.

c. Industrial - twenty (20) feet.

4. **REAR YARD REGULATIONS.**

a. Residential - thirty (30) feet.

b. Commercial - thirty (30) feet.

c. Industrial - forty (40) feet.

5. **LOT AREA REGULATIONS.**

a. The minimum lot size shall be three acres (130,680 square feet).

b. The Town Board may require larger lot sizes for residential dwellings based upon recommendations of the Planning Director to ensure the proper functioning of the private sewer system.

c. The Town Board shall also require the combining of adjacent, vacant lots under single ownership to meet the Minnesota requirements.

6. **LOT WIDTH AND DEPTH REGULATIONS.**

a. Every lot or plat shall have a minimum width of not less than two hundred (200) feet and a minimum depth of not less than two hundred (200) feet.

7. **LOT COVERAGE**

a. No more than 25% of a residential lot or plat may be covered by an impervious surface

b. No more than 40% of a commercial lot or plat may be covered by an impervious surface

8. **GENERAL REGULATIONS.**

a. Additional requirements for parking, signs, sanitary sewage systems and other regulations are set forth in Chapter 7.

9. **SLOPE RESTRICTIONS**

a. Single, multi-family non-farm dwellings, or commercial structures are not permitted on land which has a slope of 12% or greater unless said building application is accompanied by an engineer's report showing adequate footage, drainage and grading plans.

b. Buildings and other structures may not be constructed on land which has a slope greater than or equal to 15% under any circumstances.

c. Driveways of slopes greater than 12% are not permitted.

10. **DRAINAGE REGULATIONS.**

a. The entire area of any business shall have an approved drainage system prior to construction.

11. **SCREENING AND FENCING.**

a. The Township may require the screening and fencing of commercial and industrial uses to prevent visual blight, especially on side and rear yards which face residential and agricultural uses.

607 COMMERCIAL AND RECREATIONAL DISTRICT (C/R)

607.1 Purposes

The intended purpose of this District is to provide a wide range of goods and services, commercial and recreational, for local residents and the traveling public.

607.2 Permitted Principal uses

- (1) Car washes and repair shops.
- (2) Regional pipelines, power transmission lines under 35 KV relay, radio, television and commercial towers.
- (3) Motels.
- (4) The raising, breeding or housing of animals which equals or exceeds two animal units.
- (5) Agricultural business and farm implement dealers.
- (6) Recreational equipment and vehicles, boat sales and servicing establishments.
- (7) Nursery, garden stores and commercial greenhouses.
- (8) Professional offices.
- (9) Auto service stations.
- (10) Banks and lending institutions.
- (11) Resort facilities including lodges, guest houses and cabins.
- (12) Taverns, restaurants and supper clubs servicing a resort or recreation development.
- (13) Indoor theaters.
- (14) Grading, excavating, and/or filling for volumes less than or equal to 50 cubic yards outside shore and bluff impact zones.
- (15) Grading, excavating, and/or filling for volumes less than or equal to 10 cubic yards inside shore and bluff impact zones.

607.3 Permitted Accessory Uses

- (1) Single-Family dwelling for personnel directly connected with the ownership or operation of a resort or recreational facility.

607.4 Conditional Uses

- (1) Adult-oriented businesses.
- (2) Golf courses, par-three golf courses, Miniature golf courses, Golf Driving Ranges and club houses operated for commercial purposes.
- (3) Indoor and outdoor archery ranges.
- (4) Pet animal Hospitals.
- (5) Essential services located outside of public rights-of-way or power transmission lines up to 35KV. Services located outside of public rights-of-way must have a minimal 25 feet setback from the right-of-way.
- (6) Auditoriums, coliseums or convention halls.
- (7) Sporting goods establishments, outfitters and suppliers, taxidermy and tannery.
- (8) Ski areas and lodges.
- (9) Riding academies and stables.
- (10) Recreational campground (commercial and full season).
- (11) Laundries and laundrettes: automatic and self-service and dry cleaners.
- (12) Grading, excavating, and/or filling for volumes over 50 cubic yards outside shore and bluff impact zones.
- (13) Grading, excavating, and/or filling for volumes greater than 10 cubic yards inside shore and bluff impact zones.
- (14) Land alterations.
- (15) Advertising devices which comply with section 721.3 of this ordinance.
- (16) Automobile sales, used car lots.

607.5 Performance Standards

Highway businesses shall be located only adjacent to thoroughfares. Each development shall provide a service road between thoroughfares and the business establishments and the service road shall have access only to the thoroughfare. No service roads shall have direct access to local residential streets nor shall highway business orientated traffic be routed on or directed through local residential areas.

- (1) **HEIGHT REGULATIONS.** No buildings shall hereafter be erected or structurally altered to exceed three (3) stories or forty (40) feet in height.

(2) FRONT YARD REGULATIONS.

(a) Required Setback Distance:

From Road Centerline.	Road Class
200 Feet	Principal Arterial
130 Feet	Minor Arterial
130 Feet	Major Collector
100 Feet	Minor Collector
100 Feet	All other Roads

(b) Where a lot is located at the intersection of two or more roads or highways there shall be a front yard setback, in each road or highway side, of each corner lot. No building shall project beyond the front yard line of either road.

(3) SIDE YARD REGULATIONS.

- (a) There shall be a side yard having a width of not less than thirty (30) feet on each side of a building.
- (b) No building shall be located within fifty (50) feet of any side lot line abutting a lot line in any Residential or Agricultural District

(4).LOT AREA REGULATIONS. The minimum lot area shall be one (1) acre.

(5) REAR YARD REGULATIONS.

- a. There shall be a minimum rear yard of thirty-five (35) feet.
- b. No building shall be located within fifty (50) feet of any rear lot line abutting a lot in any Residential or Agricultural/Natural Resources District.

(6) LOT WIDTH AND DEPTH REGULATIONS. Every lot shall have a width of not less than one hundred and fifty (150) feet abutting a public right of way.

(7) LOT COVERAGE. Not more than fifty (50) percent of the lot shall be occupied by buildings.

(8) SCREENING AND FENCING. The Township may require the screening or fencing of commercial or industrial uses to prevent visual blight, especially on side and rear yards which face residential or Agricultural/Natural Resources Districts.

(9) GENERAL REGULATIONS. Requirements for signs, parking, shopping centers and other regulations are set forth in Chapter 7.

(10) DRAINAGE REGULATIONS. The entire area of any business shall have an approved drainage system prior to construction, by Soil and Water Conservation District.

(11)SLOPE RESTRICTIONS.

- a. Commercial buildings or other structures are not permitted on land which has a slope of 12% or greater unless said building application is accompanied by an engineer's report showing adequate footage, drainage and grading plans.
- b. Buildings and other structures may not be constructed on land which has a slope greater than or equal to 15% under any circumstances.
- c. Driveways of slopes greater than 12% are not permitted.

608 LIMITED INDUSTRIAL (LI)

608.1 Purposes

This district is intended to provide for development of non-resource intensive commerce and industry that will be acceptable within the Township of Wilson. Industrial uses in this district must be able to co-exist with adjacent permitted land uses and must be relatively free from objectionable influences on these adjacent uses. Wilson Township is primarily a farming based, agricultural community. Therefore, it is highly likely that industrial uses in this District will border on farming or other agricultural operations. Accordingly, owners, residents and users of properties in this District should be prepared to accept such inconveniences, discomfort, and possibility of injury from normal agricultural operations, and are hereby put on official notice that the state Right-To-Farm Law (Minnesota Statute 561.19) may bar them from obtaining a legal judgment against such normal agricultural operations. Land uses in this District will be required to manage incoming water supplies and outgoing waste water using methods and quantities appropriate for an environmentally sensitive surrounding.

608.2 Key words

BUILDING HEIGHT: The vertical distance at the midpoint of the side exterior foundation wall, measured (6) six inches below the sill plate supporting the first set of floor joists to the highest point of the peak. In the event that a floor joist is not present, the measurement will be the vertical distance at the midpoint of the side exterior foundation wall, measured between the top of the footer and the highest point of the peak.

LOT AREA: The area of a horizontal plan bounded by the front, side and rear lot lines, but not including any area occupied by the waters of a duly recorded lake, river, floodplain zone, man-made holding/containment pond, sinkhole or floodway.

LOT DEPTH: The lot depth is the mean horizontal distance between the front line and the rear lot line of a lot, measured within the lot lines.

LOT WIDTH: The lot width is the mean horizontal distance between the side lot lines of a lot, measured within the lot boundaries.

RIGHT-OF-WAY: The land covered by a public road or other land dedicated for public use or for certain private use such as land over which a power line passes.

SETBACK: The minimum horizontal distance between a structure, sewage treatment system or other facility and an ordinary high water level, sewage treatment system, top of a bluff, road centerline, highway, property line, well, feedlot or other facility.

BUILDINGS: Building shall be defined as and include as a minimum the primary structure and all supporting structures such as but not limited to ancillary enclosed support buildings, security fencing,

power transformer pads, and loading docks to include the offloading tractor and trailer and/or straight truck.

608.3 Permitted Principal Uses

1. Manufacturing: Any manufacturing use or process, including assembly, fabricating, altering, converting, finishing, processing, treating or bottling; except any uses or process hereinafter specifically excluded, uses which would be hazardous, offensive or objectionable by reason of odor, dust, cinder, gas, fumes, noise, vibrations, radiation, refuse matters or fluid waste or which would not be in keeping with the purpose of the District as stated above.
2. Warehousing, storage and wholesaling: The storage, handling, assembly and distribution of goods and materials for retail, wholesale, or on-site use, except any combustible materials and/or flammable liquids, with loading bays or docks numbering 20 or less.
3. Freight stations and transportation terminals with loading bays or docks numbering 20 or less.
4. Advertising devices complying with the requirements of this Ordinance
5. Business training centers
6. Planned office parks
7. Minor fabrication and repair
8. Farm implement sales and services
9. Public administration and governmental buildings and utility structures.
10. Greenhouses and nurseries – no outside storage or sales
11. Financial institutions, including automated teller machines but not drive-through service windows.
12. Essential services located within public rights-of-way and essential services to supply individual sites, excluding pressurized gas lines, power lines over 35 KV, broadcasting towers – radio and television appurtenant structures.
13. Parks and open spaces
14. Wildlife areas and preserves
15. Existing agricultural uses, but no increase in agricultural land area
16. Historic sites and monuments
17. Land disturbances including grading and filling less than or equal to 50 cubic yards
18. Land disturbances including grading and filling less than or equal to 10 cubic yards in an overlay district

608.4 Accessory Uses

1. Any accessory use, building or structure customarily incidental to a principal permitted use or conditionally permitted use, located on the same lot.
2. Dwellings and sleeping or boarding accommodations for watchmen, caretakers, operators or crews as are customarily incidental and necessary to a permitted use.
3. Antennas and towers when mounted on the top of a building room are limited to twenty-five (25) feet above the roof line and stand-alone towers are limited to seventy-five (75) feet in height above grade.
4. WECS, micro and non-commercial
5. AES, non-commercial solar arrays

608.5 Conditional Uses

1. Processing of raw agricultural products
2. Warehousing, storage and wholesaling: The storage, handling, assembly and distribution of goods and materials for retail, wholesale, or on-site use, except any combustible materials and/or flammable liquids, with loading bays or docks numbering more than 20.
3. Freight stations and transportation terminals with loading bays or docks numbering more than 20.
4. Planned office parks
5. Business training centers
6. Road salt storage and loading
7. Land disturbances exceeding 500 cubic yards or more of material, unless otherwise approved,
8. Land disturbances including grading and filling in excess of 500 cubic yards
9. Land disturbances including grading and filling in excess of 10 cubic yards in an overlay district
10. Land treatment of petroleum-contaminated soil
11. Timber harvesting incidental to site development
12. WECS wind farms as set forth in the WECS regulations
13. WECS metrological tower
14. AES solar farms as set forth in the Solar regulations
15. Outdoor wood-fired burner
16. Essential services located outside of public rights-of-way or power transmission lines up to 35KV. Services located outside of public rights-of-way must have a minimal 25 feet setback from the right-of-way.
17. Pressurized gas pipelines, power transmission lines over 35KV, and towers used for relay, radio, television and other commercial purposes.

608.6 Prohibited Uses

1. Residential dwellings, single family or multi-family, other than accessory uses
2. Industrial processing of raw or primary materials into other materials including but not limited to the manufacturing of alloys, synthetics, or chemicals
3. Industrial processes which pollute or require an increase in public utilities
4. Extraction pits
5. Landfill or other waste storage
6. Waste transfer facilities
7. Solids or liquids waste processing or transfer
8. Auto, equipment, and/or machinery recycling centers
9. Automotive graveyard or the storage of disabled vehicles
10. Automotive sales, vehicle rental offices
11. Commercial retail
12. Livestock agricultural, horse stables, or riding academies
13. Commercial recreation, including ski areas and lodging
14. Golf courses, including mini-golf, driving ranges, par 3, or full-sized
15. Motels, hotels, restaurants, taverns, liquor on and off sales
16. Schools, public or private

- 17. Worship structures or accessory structures for same
- 18. Bulk storage of flammable gases, liquids, or solids other than specifically permitted elsewhere in this district
- 19. Car and truck washes not associated with an automotive fueling facility or truck stop
- 20. Manufactured home sales
- 21. Outdoor storage as the principal use
- 22. Motorized Racing tracks or go kart tracks

608.6 Performance Standards

- 1. **HEIGHT REGULATIONS:** No building shall be erected or structurally altered to exceed thirty-five (35) feet in height.
- 2. **FRONT YARD REGULATION:**

Front Yard Regulations Table

From Road Centerline	Road Class
200 Feet	Principal Arterial
130 feet	Minor Arterial
130 feet	Major Collector
100 feet	Minor Collector
100 feet	All other roads

- a. Required Setback Distance: See “Front Yard Regulations” table.
- b. Where a lot is located at the intersection of two (2) or more roads or highways, there shall be a front yard setback on each road or highway side of each corner lot. No building shall project beyond the front yard line of either road.
- 3. **SIDE YARD REGULATIONS:** See “Side and Rear yard Regulations” table.
 - a. There shall be a side yard having a width of not less than fifty (50) feet on each side of the building.
 - b. No building shall be located within one hundred (100) feet of any side lot line abutting a lot in any Residential or Agricultural District.
- 4. **REAR YARD REGULATIONS:**
 - a. See “Side and Rear Yard Regulations” table.
 - b. There shall be a minimum rear yard of fifty (50) feet.
 - c. No building shall be located within fifty (50) feet of any rear lot line abutting a lot in any Residential or Agricultural District.
- 5. **LOT AREA REGULATIONS:**
 - a. The minimum lot area shall be ten (2) acres or the area necessary to meet the stipulated yards setback and all parking, loading, buffering, sewage or other space requirements set forth for the particular use in this Ordinance, whichever is larger.
 - b. The minimum total lot area shall be the area described in a parcel of record. However, no lot or parcel of land shall be allowed as a building site unless the owner can prove that adequate sanitary sewer facilities can be provided.
- 6. **LOT WIDTH AND DEPTH REGULATIONS:**
 - a. Every lot shall have a minimum width of two hundred (200) feet abutting a public right-of-way.

b. There shall be a minimum lot depth of not less than one hundred twenty-five (125) feet.

7. **LOT COVERAGE**

a. No more than 40% of the lot or plat shall be covered by an impervious surface.

8. **GENERAL REGULATIONS**

a. Requirements for signs, parking, sewage treatment systems, erosion and sediment control and storm water management shall be in accordance with Sensitive Lands Overlay Districts as set forth in Section (section # to be updated upon completion of Ordinance).

9. **SLOPE RESTRICTIONS**

a. Industrial buildings or other structures are not permitted on land which has a slope of 12% or greater unless said building application is accompanied by an engineer's report showing adequate footage, drainage and grading plans.

b. Buildings and other structures may not be constructed on land which has a slope greater than or equal to 15% under any circumstances.

c. Driveways of slopes greater than 12% are strongly discouraged in the interest of erosion control and emergency vehicle access

10. **EROSION, SEDIMENT CONTROL AND STORMWATER MANAGEMENT:**

a. The entire area of any business shall have an approved Land Disturbance Permit, an approved Erosion and Sediment Control Plan and a Storm Water Management Plan prior to construction.

11. **SCREENING AND FENCING:**

a. The Township may require the screening or fencing landscaped trees and/or shrubs or fencing of commercial or industrial uses to prevent visual blight.

12. **SITE DESIGN CRITERIA AND RELATIONSHIPS TO ADJACENT PROPERTIES:**

a. Developments in the Limited Industrial District shall strive to coexist sensibly with adjacent properties by adhering to the following sight design criteria as a means to promote a coordinated built environment.

1) All developments in the Limited Industrial District shall not have an impervious surface exceeding 40% of the area of the plat.

2) All developments in the Limited Industrial District shall have direct vehicular access to and from an arterial or a major collector capable of supporting the average heaviest gross transport loads at any time of the year. Alleys and half-streets abutting a business use shall not be a means of ingress and egress for any freight or for any employees and the development shall not utilize them for loading and unloading berths, or maneuvering room. All parking areas and drives shall be paved with asphalt or concrete.

3) Wilson Township encourages the use of common entrances shared by several adjoining properties to prevent the proliferation of hazardous curb cuts along public right-of-ways. Parking lots are required to have coordinated access to parking areas on adjoining parcels to eliminate the need to travel on public thoroughfares to enter neighboring sites. Wilson Township seeks the cooperation of the Minnesota Department of Transportation and the Winona County Engineer with access management.

4) Any developments in the Limited Industrial shall adhere to acceptable access management design principals to ensure the safe and efficient flow of traffic on and off the site. Parking areas must have one shade tree and two shrubs for every ten spaces or not less than ten plants per one-acre or parking. Parking areas shall also have four landscaped, rain gardens or a minimum of ten square feet per one acre of parking to aid storm water retention.

- 5) All developments in the Limited Industrial District shall have a forty (40) foot wide green space area within the required front yard, landscaped with a combination of shade and ornamental trees, shrubs, grasses and ground cover as approved by the Wilson Township Planning Commission.
- 6) Structures in the Limited Industrial District shall avoid single, large dominant massing to a reasonable extent. All buildings must have a design contributing to the promotion of the concept of four-sided architecture to avoid single, large dominant massing.
- 7) Facades in the Limited Industrial District fronting arterials or major collects shall have architectural interest and variety and avoid the effects of a single, long or massive wall by implementing a change in plane, a change in texture, or a material change every fifty (50) feet or less in length, measured horizontally. All facades fronting County Roads, and visible from Interstate 90 shall have architectural interest and variety as a means to avoid generic or franchise buildings by implementing changes in plane, texture, or material every fifty (50) feet or less in length, measured horizontally.
- 8) Screening, fencing, or the enclosing of storage, loading, and refuse areas of commercial or industrial uses with either an architecturally compatible enclosure or with landscaping/fencing shall be in accordance with established developmental plan.
- 9) An applicant of a development in the Limited Industrial District shall submit a landscape plan for approval by the Wilson Township Planning Commission, illustrating planting designs for the required yards, green space, parking areas, and building foundations. The landscape plan should include the greatest amount of plant diversity to ensure variety and visual appeal.
- 10) Developmental projects, especially consisting of multiply tenants, shall include patio/seating areas, pedestrian plazas, water features, or a clock / bell tower or any other amenity or focal features having the ability of promoting community enhancement.

13. FIRE FIGHTING SETUP AREA (FFSA)

- a. Every Structure development or modification within the Limited Industrial District shall include a “Fire Fighting Setup Area”. The area shall be available to be used by the local fire department in any firefighting operation on the site. The area shall be at a minimum 75' Long by 50' wide, near level and approved by the fire chief, surfaced with paving materials (crushed rock at a minimum) sufficient to support local fire department equipment and maintained to assure its availability throughout the year. The location of the area shall be within 150' of the front and rear of the building, depending on size of the building. Location of the FFSA shall be approved by the fire chief.
- b. The Fire Fighting Setup Areas shall be marked with signs and pavement markings designating them as fire lanes and the no parking will be enforced by the sheriffs department.
- c. Knox boxes are advised to be at all businesses, to be located by the fire chief and be purchased from the fire department.

609 COUNTY SPECIAL USE DISTRICT (CSU)

609.1 Purpose

The County Special Use District promotes the successful reuse of the property surrounding the former landfill site as a means to improve the quality of life for Winona County residents. The District has the intent of accommodating communal land uses such as recreational, agricultural, and other related open space uses. The District also enables the County to construct structures and facilities to ensure the efficient delivery of County services as well as the placement of public utilities.

Wilson Township officials through the application of more flexible zoning requirements in the County Special Use District, encourage Winona County to establish beneficial land uses while simultaneously preserving natural features. Township officials also envision the use of innovative design practices to ensure development occurs without jeopardizing the integrity of the closed landfill.

609.2 Permitted Principal Uses

1. **Farm buildings.**
2. **Farm production, which shall include the raising of crop, livestock and horses.**
3. **Research and /or experimental farm.**
4. **Sale of agricultural products produced in the District.**
5. **Farm drainage systems, flood control and watershed structures and erosion control devices meeting all County, State and Soil Conservation District minimum regulations.**
6. **National, State and County parks and wildlife areas, game management and forest preserves.**
7. **Scenic trails, horseback-riding trails and nature trails or similar outdoor recreational features.**
8. **Communal gardens, nurseries, and tree farms.**
9. **Public administration and government buildings including County Sheriff facilities, fire stations, Wilson Township facilities.**
10. **Historic sites and monuments, scenic lookouts and public recreation information centers.**
11. **Collection and use of methane gas collected from the former landfill.**
12. **Essential services excluding power lines over 35 KV and broadcasting towers – radio and television appurtenant structures.**
13. **Grading and filling.**
14. **Advertising devices which comply with Section 721.3 of this Ordinance.**

609.3 Accessory Uses

1. **Any incidental machinery, structure or building necessary to the conduct of a permitted governmental program or activity.**
2. **Any incidental machinery, structure or building necessary to the conduct of a permitted agricultural activity.**
3. **Any incidental machinery, structure or building necessary associated with a permitted use or a use operating through a Conditional Use Permit.**
4. **Structures or buildings associated to a recreational area.**

609.4 Conditional Uses

1. **Regional pipelines, power transmission lines over 35KV relay, radio, television, and cellular telecommunication towers.**
2. **Land alterations exceeding 500 cubic yards.**

3. **Temporary small businesses subject to the following conditions:**
4. **Said temporary small businesses shall employ no more than 12 full time people.**
5. **Said temporary small business may be reviewed annually pursuant to Section 505.**
6. **Other uses similar to those listed as permitted and conditional uses intended to promote Winona County purposes for the District.**
7. **Alternative energy sources such as but not limited to Commercial WECS, non-commercial WECS, or solar panel arrays.**

610 CLOSED LANDFILL RESTRICTED DISTRICT (CLR)

The Closed Landfill Restricted (CLR) District is intended to apply to the former Winona County Landfill which is qualified to be under the Closed Landfill Program of the Minnesota Pollution Control Agency (MPCA).

610.1 Purpose

The purpose of the district is to limit uses of land within the closed landfill, both actively filled and related lands, to minimal uses in order to protect the land from human activity where response action systems are in place and, at the same time, are protective of human health and safety. This district shall only apply to the closed landfill's Land Management Area, the limits of which are defined by the MPCA. This district shall apply whether the landfill is in public (MPCA, County, City, Township), Indian tribal, or private ownership.

The location of this landfill is described by:

That part of the Southwest quarter of Section 10 and that part of the Southeast quarter of Section 9, all in Township 106 North, Range 7 West, Winona County, Minnesota, described as follows:

Commencing at a county monument found at the West quarter corner to Section 10; thence South 00 Degrees 03 Minutes 07 Seconds West (NAD 83 Winona County Coordinate System, 1996 Adjustment), along the West line of said Southwest quarter, a distance of 172.50 Feet to a found ¾" pipe at the Point of Beginning of the land to be described; thence South 81 Degrees 21 Minutes 04 Seconds East, a distance of 409.89 Feet to a set 5/8" rebar with aluminum cap, thence South 41 Degrees 26 Minutes 43 Seconds East, a distance of 1042.69 Feet to a set 5/8" rebar with aluminum cap; thence South 27 Degrees 26 Minutes 53 Seconds West, a distance of 500.24 Feet to a set 5/8" rebar with aluminum cap; thence South 67 Degrees 13 Minutes 45 Seconds West, a distance of 531.83 Feet to a set 5/8" rebar with aluminum cap; thence Westerly 346.88 Feet along a tangential curve concave to the North, central angle of 42 Degrees 50 Minutes 01 Seconds, with a radius of 464.00 Feet to a set 5/8" rebar with aluminum cap; thence North 69 Degrees 56 Minutes 14 Seconds West, a distance of 497.25 Feet to a set 5/8" rebar with aluminum cap; thence South 50 Degrees 39 Minutes 25 Seconds West a distance of 271.18 Feet to a found ¾" pipe; thence South 82 Degrees 15 Minutes 44 Seconds West, a distance of 154.01 Feet to a found ¾" pipe; thence Southwesterly 157.75 Feet along a tangential curve concave to the Southeast, central angle of 54 Degrees 26 Minutes 58 Seconds, radius 166.00 Feet to a found ¾" pipe; thence South 27 Degrees 48 Minutes 46 Seconds West, a distance of 71.43 Feet to a found ¾" pipe; thence Westerly 206.08 Feet along a tangential curve concave to the North, central angle of 135 Degrees 09 Minutes 37 Seconds, radius 87.36 Feet to a found ¾" pipe; thence North 17 Degrees 01 Minutes 37 Seconds West, a distance of 84.02 Feet to a found ¾" pipe; thence North 11 Degrees 07 Minutes 26 Seconds West, a distance of 244.95 Feet to a found ¾" pipe; thence North 23 Degrees 35 Minutes 02 Seconds West, a distance of 301.50 Feet to a found ¾" pipe; thence Northwesterly 215.47 Feet along a tangential curve concave to the Southwest, central angle of 29 Degrees 40 Minutes 36 Seconds, radius 416.00 Feet to a found

¾” pipe; thence North 53 Degrees 15 Minutes 38 Seconds West, a distance of 251.50 Feet to a found ¾” pipe; thence North 36 Degrees 01 Minutes 23 Seconds East, a distance of 1105.50 Feet to a found ¾” pipe; thence South 81 Degrees 21 Minutes 04 Seconds East, a distance of 1000.00 Feet to the Point of Beginning.

Tract containing 74.73 acres more or less and subject to any and all easements of record.

610.2 Permitted Principle Uses

- 1. closed landfill**
- 2. existing buildings and the corresponding existing footprints for those buildings at the time of enactment of this Ordinance.**

610.3 Accessory Uses

Accessory uses allowed in this district include outdoor equipment or small buildings used in concert with gas extraction systems, other response action systems, monitoring wells or any other equipment designed to protect, monitor or otherwise ensure the integrity of the landfill monitoring or improvement systems. Fences and gates shall apply under these provisions.

610.4 Conditional Uses

Conditional uses shall be limited to uses that do not damage the integrity of the Land Management Area and that continue to protect any person from hazards associated with the landfill. Any application for a conditional use must be approved by the Commissioner of the MPCA and the Wilson Town Board. Such approved use shall not disturb or threaten to disturb, the integrity of the landfill cover, liners, any other components of any containment system, the function of any monitoring system that exists upon the described property, or other areas of the Land Management Area that the Commissioner of the MPCA deems necessary for future response actions.

The following conditional uses are permitted within the CLR District:

- 1. solar collection system**

610.5 Prohibited Uses

All other uses and structures not specifically allowed as permitted or conditional uses, or that cannot be considered as accessory uses, shall be prohibited in the CLR District.

610.6 Performance Standards

- 1. HEIGHT REGULATIONS**
 - a. No structure or building shall exceed a height of two and a half (2-1/2) stories or 35 feet. No structure or building shall be constructed, repaired, or removed without the written consent of the Minnesota Pollution Control Agency.**
- 2. FRONT YARD, SIDE YARD AND LOT WIDTH REGULATIONS**
 - a. This District shall be the entire area as described in Section 610.1. It is acceptable for land use in the Special Use District in Chapter 609 to approach the perimeter of the SLR District, but may not cross the perimeter line.**
- 3. SCREENING, FENCING, AND SIGNAGE**

a. **Fencing – fencing is recommended to prevent inadvertent damage to the closed landfill within this District.**

b. **Signage – signage is recommended denoting the boundaries of this District designed and placed in such a manner as to mark the perimeter of the District. Such recommended signage shall follow the standards set forth in Chapter 7 of the Wilson Township Zoning Ordinance.**

4. **SITE DESIGN CRITERIA AND RELATIONSHIPS TO ADJACENT DISTRICTS**

a. **The established boundaries of the District may be modified from time to time as information gathered by authorized governmental agencies suggests. While it is anticipated the boundaries may contract, it should be recognized the actual boundaries cannot be accurately predicted and as such district lines may move in such a manner which will affect the adjacent Special Use District as described in Chapter 609.**

5. **GENERAL REGULATIONS**

a. **Any additional requirements for ground water management systems, methane gas management systems, and other such systems required for the protection of public safety, health, and welfare shall be under the management and authority of the appropriate agency of and for the State of Minnesota.**

b. **All permitted conditional use project plans require approval of the appropriate agency (agencies) of and for the State of Minnesota and written approval by the Commissioner of the Minnesota Pollution Control Agency as a condition of the Wilson Township conditional use permit.**

6. **LAND ALTERATIONS, EROSION AND SEDIMENT CONTROL AND STORMWATER MANAGEMENT**

a. **No land alterations are permitted without the written consent of the Minnesota Pollution Control Agency.**

7. **AMENDMENTS**

a. **All amendments to this District require the approval of the Wilson Town Board and the Commissioner of the Minnesota Pollution Control Agency.**

611. RURAL HERITAGE DISTRICT (RH)

611.1 Purpose

The Rural Heritage District recognizes the existence of single-family residences and their accessory structures on rural properties prior to the adoption of this Ordinance. The Rural Heritage District respects the rights of property owners to expand and modify their residences and enjoy their lands. The Rural Heritage District is similar to the previous Agricultural / Natural Resource District since the residences occupying the District adhered to the A/NR standards when constructed. The application of the bluff / slope standards found in Chapter 702 of this Ordinance do not render existing residences and their accessory structures as nonconformities. The properties are also subject to found in this Section. Any established use or structure legally established prior to the adoption of this Ordinance, may be continued in like fashion and provided the use or structure is in compliance with Chapter 306 of this Ordinance.

611.2 Permitted Principal Uses

1. Farm buildings, and the production of agricultural commodities including the raising of crops and livestock.
2. Farm drainage systems, grade stabilization ponds and watershed and erosion control devices meeting all County, State, and Federal minimum regulations.
3. Home Occupations complying with the standards of Chapter 702
4. Land disturbances.
5. Livestock feedlots having less than three hundred (300)-animal units and subject to the standards found in Chapter 8.
6. Nurseries and tree farms.
7. Recreational cabins and recreational vehicles complying with the standards of Chapter 717.
8. Single-family residences established prior to the adoption of this Ordinance.
9. Timber harvesting subject to standards found in Chapter 712
10. Essential services located within public rights-of-way and essential services to supply individual sites, excluding pressurized gas lines, power lines over 35 KV, broadcasting towers – radio and television appurtenant structures.

611.3 Accessory Uses

1. Any incidental machinery, structure or building necessary to conduct agricultural or timber harvesting operations or permitted and conditional uses.
2. Dwellings and their accessory buildings shall be located at least one thousand (1,000) feet from an existing feedlot, except:
 - a. The dwelling of the feedlot owner or operator, and

- b. One manufactured home for the occupation by family members providing health care or need health care from one or more residents of the permitted dwellings associated with the feedlot, and for part-time farm help when established upon the land where the work is being performed.
- 3. Micro WECS subject to standards in Chapter 707.
- 4. Non Commercial WECS subject to standards in Chapter 707
- 5. Outdoor wood-fired burner.

611.4 Conditional Uses

- 1. A new animal feedlot or change of an animal feedlot which results in a feedlot having in excess of 300-animal units but not more than one thousand and five hundred (1,500) animal units.
- 2. Agriculture oriented businesses such as grain and feed sales, general repair and installation services, custom meat processing.
- 3. Churches, chapels, temples, synagogues, cemeteries, hermitages and monasteries with normal accessory buildings for education and living quarters.
- 4. Commercial grain storage and drying.
- 5. Commercial sawmills and lumber processing and treatment plants.
- 6. Commercial WECS subject to standards in Chapter 707.
- 7. Convalescent, health, convention facilities and business existing at the adoption of this Ordinance.
- 8. Dog kennels.
- 9. Home occupations complying with standards of Chapter 702.
- 10. Horse boarding facility and riding clubs.
- 11. Land Disturbances exceeding one thousand (1,000) cubic yards.
- 12. Livestock sales barns and accessory facilities.
- 13. Essential services located outside of public rights-of-way or power transmission lines up to 35KV. Services located outside of public rights0of-way must have a minimal 25 feet setback from the right-of-way.
- 14. Pressurized gas pipelines, power transmission lines over 35KV, and towers used for relay, radio, television and other commercial purposes.
- 15. Metrological Tower (WECS) subject to standards in Chapter 707.
- 16. Museums.
- 17. One (1) manufactured home, in addition to other permitted dwellings, when the manufactured home is occupied by family members providing health care to or needing care from one or more residents of the permitted dwellings and for part-time farm help when established upon the land where the work is being performed.
- 18. Other uses similar to those listed as permitted and conditional uses.
- 19. Public and private harbors and landings.
- 20. Single-family dwellings and their accessory structures established prior to the adoption of this Ordinance.
- 21. Temporary small businesses
- 22. Wine Tasting Facility.

611.5 Performance Standards

1. **HEIGHT REGULATIONS.**

- a. Agricultural structures, permitted principal uses listed under Section 603.2 (15), and properly permitted conditional uses listed in Section 603.4 (9) are exempt from height limitations unless they are located in a special airport zone.
- b. Structures not enumerated in (a) shall not exceed a height of two and one half (2 ½) stories or thirty-five (35) feet.

2. **FRONT YARD REGULATIONS.**

- a. Required Setback Distance:

From Road Centerline	Road Class
200 Feet	Principal Arterial
130 feet	Minor Arterial
130 feet	Major Collector
100 feet	Minor Collector
100 feet	All other roads

- b. Where a lot is located at the intersection of two or more roads or highways, there shall be a front yard setback on each road or highway side of each corner lot. No accessory buildings shall project beyond the front yard of either road.

3. **SIDE YARD REGULATIONS.**

- a. There shall be a minimum side yard of twenty (20) feet on each side of the building.

4. **REAR YARD REGULATIONS.**

- a. For non-agricultural buildings, there shall be a minimum rear yard of **fifty (50) feet.**

5. **LOT AREA REGULATIONS FOR NON-FARM RESIDENTIAL DWELLINGS.**

- a. There shall be minimum buildable lot size for nonfarm residential uses of five (5) acres.
- b. An increase of the minimum lot size may be required by the Township if determined to be necessary by the Planning Director for private sewer systems to function properly.

6. **LOT WIDTH AND DEPTH REGULATIONS.**

- a. Every lot or parcel of land of which a one family dwelling is erected shall have a minimum width at the building setback line of two hundred (200) feet and a minimum depth of two hundred (200) feet.

7. **GENERAL REGULATIONS.**

- a. Additional requirements for parking, signs, sanitary sewage systems and other standards are set forth in Chapter 7.

8. **SLOPE RESTRICTIONS.**

- a. No single or multi-family non-farm dwelling is permitted on land having a slope greater than fifteen (15) percent unless a building application is accompanied by an engineer's report showing adequate footage, drainage or grading plans.

CHAPTER 7: PERFORMANCE STANDARDS

701 PERFORMANCE STANDARDS PURPOSE

The performance standards established in this Section are designed to encourage a high standard of development by providing assurance that neighboring land uses will be compatible. The performance standards are designed to allow innovative and energy efficient housing to protect the natural environment, and to prevent and eliminate those conditions that cause blight. 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.

702 STEEP SLOPES / BLUFFS

1. Performance Standards for Development within Steep Slopes/Bluffs
2. Proposed Development, including all structures and driveways that occurs on slopes greater than twelve (12) percent are required to submit a site plan created by a Licensed Engineer or a Professional Geologist or other qualified individual that has experience in building, earth work, and soil erosion control which is deemed acceptable to Winona County Planning Department and Winona County SWCD.
3. Proposed Development including all structures and driveways that occurs within slopes between **fifteen (15) percent and eighteen (18) percent** shall be allowed only by a Conditional Use Permit.
4. Driveways shall be constructed to standards in Chapter xx.
5. Developments and other land disturbing activities are prohibited on slopes over **eighteen (18) percent**. Such slopes shall be preserved in their natural state.
6. Proposed Development including all structures and driveways are prohibited between the toe and the top of the Bluff, as defined in Chapter yy.
7. A one hundred (100) foot setback shall be observed from the top of the bluff of all bluffs which have a total height of one hundred (100) feet or more as measured from the toe of the bluff to the top of the bluff. This setback shall pertain to all structures and impervious surfaces.
8. Timber Harvesting and selective cutting for approved forest management purposes shall be conducted in accordance with performance standards in Chapter 9.
9. Properties containing woodlands shall not disturb more than one (1) acre of the woodlands for altering, regrading, clearing or building except as specifically provided in an approved land disturbance permit.

703 EXTERIOR STORAGE

In residential districts, all materials and equipment shall be stored within a building or fully screened so as not to be visible from adjoining properties, except for the following: laundry drying and recreational equipment, construction and landscaping materials and equipment currently being used on the premises, agricultural equipment and materials if these are used or intended for use on the premises, off-street parking of passenger automobiles and pickup trucks and firewood. Existing uses shall be brought into compliance with this provision within twelve (12) months following enactment of this Ordinance. In all districts, the Township may require a conditional use permit for any exterior storage if it is demonstrated that such storage is hazardous to the public health and safety or has a depreciating affect upon nearby property values, or impairs scenic views or constitutes a threat to living amenities.

704 GLARE

In all districts, any lighting used to illuminate an off-street parking area, sign or other structure shall be arranged as to deflect light away from any adjoining non-commercial property or from the public street.

Craft language suitable to our land uses which is as quantitative as possible and practical to both

administer and implement. The language below is taken from the Winona County Zoning Ordinance 2011.

1. Any lighting used to illuminate an off-street parking area, sign or other structure, shall be arranged as to deflect light away from any adjoining residential use or zone and from public thoroughfare.
 - a. Direct or sky-reflected glare, when from floodlights or from high temperature processes such as combustion or welding shall not be directed into any adjoining property.
 - 1) The lights shall be hooded or controlled in some manner so as not to light adjacent property or the public right-of-way.
 - 2) The lights shall be of a design so as to direct light downward and minimize or prevent sky-reflected glare.
 - b. ~~Bare incandescent~~ light bulbs shall not be permitted in view of adjacent property or public right-of-way.
 - c. Any light or combination of lights which cast light on a public thoroughfare shall not exceed one (1) foot candle (meter reading) as measured from the center line of said thoroughfare.
 - d. Any light or combination of lights which cast light directly on neighboring dwelling shall not exceed four (4) foot candles (meter reading) as measured from said dwelling.

705 BULK STORAGE (Liquid)

1. All uses associated with the bulk storage of oil, gasoline, liquid fertilizer, chemicals and similar liquids in excess of 2,500 gallons shall require a conditional use permit in order that the Town Board may have assurance that fire, explosion or water or soil contamination hazards are not present that would be detrimental to the public health, safety and general welfare.
2. All existing, above-ground liquid storage tanks having a combined capacity in excess of ten thousand (10,000) gallons shall secure a conditional use permit within twenty-four (24) months following enactment of this Ordinance.
 - a. The Town Board shall require the development of diking around said tanks. Diking shall be suitably sealed and shall hold a leakage capacity equal to one hundred fifteen percent (115%) of the largest tank. Any existing storage tank that, in the opinion of the Town Board, constitutes a hazard to the public safety shall discontinue operations within five (5) years following enactment of this Ordinance.

706 NUISANCES

706.1 Prohibited Nuisances

1. The following are declared to be nuisances affecting public health and safety and shall be prohibited:
 - a. 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, to be exposed and accessible to the public without removing the doors, lids, hinges or latches or providing locks to prevent access by the public.

707 ALTERNATIVE ENERGY SYSTEMS AND SOLAR AND EARTH SHELTERED STRUCTURES

1. Winona County Zoning Ordinance Chapter 12 is incorporated by reference.
2. Solar energy systems and solar and earth-sheltered structures shall be a permitted use in all districts provided the system or structures are in compliance with minimum lot requirements and setbacks.
3. Solar energy systems and solar and earth-sheltered structures may be exempted from setback, height and lot coverage restrictions in all districts by variance.
4. In a residential district no owner, occupier or person in control of property shall allow vegetation or structures to be placed or grow so as to cast a shadow on a solar energy system which is greater than the shadow cast by a hypothetical wall ten (10) feet high located along the boundary line of said property between the hours of 9:30 a.m. and 2:30 p.m. Central Standard Time on December 21 provided, however, this standard shall not apply to vegetation or structures which casts a shadow upon the solar energy system at the time of installation of said solar energy system or to vegetation existing at the time of installation of said solar energy system. Violation of this standard shall constitute a private nuisance, and any owner or occupant whose solar energy system is shaded because of such violation, so that performance of the system is impaired, may have claims for damages sustained thereby and may have such nuisance abated.
5. As a means of evidencing existing conditions, the owner of a solar energy system may file notarized photographs of the affected area with the Township prior to installation of said system.

708 PERMITTED ENCROACHMENTS

The following shall be considered as permitted encroachments on setback and height requirements except as hereinafter provided:

1. **IN ANY YARD.** Posts, off-street open parking spaces, solar systems, flues, belt course, leaders, sills, pilasters, lintels, cornices, eaves, gutters, awnings, open terraces, service station pump islands, open canopies, steps, chimneys, flag poles, ornamental features, open fire escapes, sidewalks and fences and all other similar devices incidental and appurtenant to the principal structure except as hereinafter amended.

709 CLUSTER DEVELOPMENT

708.1 Standards

Except for minimum front setbacks and height limitations for the district in which the development is proposed, altered dimensional standards may be allowed as exceptions to this Ordinance for cluster development, provided that:

1. In residential UR, RR and CD districts of this Ordinance, the number of dwelling units allowed shall not exceed the total number of dwelling units allowed if the development was based on the minimum lot size and density requirements for a single family residential subdivision.
2. The maximum number of residential units on any one cluster subdivision shall not exceed ten (10).
3. Open space shall be preserved. At least forty percent (40%) of the site shall be kept in its natural state or utilized for recreation or agricultural purposes.

4. In areas where public sewer and water are not available, adequate soil area shall be shown on the preliminary plat for two (2) individual septic drain fields for each dwelling unit or plans and tests which provide adequate space for one (1) reserve or back-up area.
5. Complete plans and documents of the homeowners association are submitted which explain:
 - a. Ownership and membership requirements.
 - b. Organization of the association.
 - c. Time at which the developer turns the association over to the homeowners.
 - d. Approximate monthly or yearly association fee for homeowners.
 - e. Specific listing of items owned in common including such items as roads, recreation facilities, parking, common open space grounds, utilities and central sewer system.
6. No cluster development lot shall be less than one acre in area.
7. The developer shall be responsible to pay all cost for any sewer, water or utility services that cross any agricultural lands to service the proposed cluster development.
8. Common open space shall be preserved as agricultural land, open recreational space for recreational facilities or for preservation of natural or scenic resources.

710 SOIL EROSION AND SEDIMENT CONTROL

The major purpose of this Section of the Ordinance is to minimize excessive or accelerated soil erosion caused by activities of man including agricultural production, timber harvesting and the development of land.

710.1 General Standards

1. No land occupier/landowner or other person may cause or conduct any activity on the land which causes accelerated soil erosion or sediment damage within the district. Accelerated soil erosion means much more rapid than normal or geological erosion, and which is caused by activities of man on the land.
2. Each land occupier, owner or developer, whether engaged in agricultural, timber harvesting or subdivision activity, shall be encouraged to work with the Winona County Soil and Water Conservation District in adopting "best management practices" and/or a conservation plan to minimize soil erosion.

710.2 Standards for Compliance with this Ordinance

1. A land occupier of agricultural land shall be deemed to be in compliance with this Ordinance if one of the following conditions exist:
 - a. The land occupier is using an approved soil conservation plan by the Soil and Water Conservation District;
 - b. The land does not have rills, gullies or sediment deposits; and
 - c. Farming methods do not create erosion or sediment problems on adjoining properties.
2. A land occupier or timber harvester on timber land shall be deemed to be in compliance with this Ordinance if the following condition exists:
 - a. The land occupier is using an approved soil conservation plan by the Soil and Water Conservation District.

3. A land occupier or developer of land being developed shall be deemed to be in compliance with this Ordinance if one of the following conditions exist:
 - a. The land occupier is using an approved soil conservation plan by the Soil and Water Conservation District; and
 - b. The gross soil loss does not exceed the following:
 - 1) Five tons per acre per year during construction;
 - 2) Two tons per acre per year during construction when the land is located adjacent to a water body or water course;
 - 3) ½ ton per acre per year after construction activities is completed.

710.3 Agricultural Activities

1. Each farmer or land occupier engaged in farming not meeting the criteria of Section 709.2 (1) shall be required to work with the Winona County Soil and Water Conservation District in developing a soil conservation plan to minimize soil erosion. Some of the soil conservation practices which the land owner or occupier shall consider adopting is minimum or no tillage systems, strip-cropping, terracing, contour plowing, shelter-belts, etc.
2. Each farmer or land occupier engaged in farming shall adopt programs to regulate excessive grazing on timberland to minimize erosion.

710.4 Timber Harvesting Activities

1. Each person or land occupier engaged in timber harvesting shall be required to follow the standards and procedures found in Section 714 Access Drives and Access.
2. Each person or land occupier engaged in timber harvesting not meeting the criteria set forth in Section 709.2 shall be required to work with the Winona County Soil and Water Conservation District in developing a conservation plan.

710.5 Development Activities

1. All development shall conform to the natural limitations presented by the topography and soil types in order to minimize soil erosion.
2. Development on slopes with a grade over eight (8) percent shall be carefully reviewed to insure adequate measures have been taken to prevent erosion, sedimentation and structural damage.
3. Erosion and siltation control measures shall be coordinated with the different stages of development. Appropriate control measures shall be installed prior to development when necessary to control erosion.
4. Land shall be developed in increments of workable size such that adequate 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.
5. Exposed slopes shall be protected by whatever means will effectively prevent erosion considering the degree of slope, soils materials and expected length of exposure. Slope protection shall consist of mulch, sheets of plastic, burlap or jute netting, sod blankets, fast growing grasses or temporary seeding or annual grasses. Mulch consists of hay, straw, wood chips, corn stalks, bark or other protective material. Mulch

should be anchored to slopes with liquid asphalt, stakes and netting, or should be worked into the soil to provide additional slope stability.

710.6 Procedures for Enforcement

1. COMPLAINT.
 - a. Wilson Township Land Occupiers, Township, County, State or Federal Officials may submit a complaint verbal or written against any land occupier alleging that accelerated erosion or sediment damage has occurred or is occurring. The complaint shall include the approximate dates and location of the alleged violation and describe the source, nature and extent of the accelerated erosion or sediment damage alleged to have occurred or which is occurring.
2. **ACTION INITIATED BY COMPLAINT.**
 - a. The Planning Director, upon the receipt of a complaint, shall request the Winona County Soil and Water Conservation District to have an investigation made. A representative of the Soil and Water Conservation District Board, a representative of the Township Board and a representative of the Planning Department shall arrange for a meeting with the land occupier to determine whether an actual violation exists. The complainant will be notified of the time of the investigation and will be given the opportunity to be present when the investigation is conducted.
 - b. Within five (5) days of the investigation, the above committee will notify the Planning Director whether an actual violation exists. Upon notification by the committee, the Director shall notify the land occupier by letter within five (5) working days.
 - c. If a violation exists, the land occupier will be given thirty (30) days from the date of the letter to develop a suitable plan to correct the violation with the Soil and Water Conservation District Board Representative. The plan shall include the following:
 3. Specific conservation management and/or structural practices to be implemented to stop the accelerated erosion or sedimentation.
 4. The date when the practices will be completed.
 - a. If the land occupier is unwilling or unable to develop a plan within 30 days, the Soil and Water Conservation District Representative will notify the Planning Director of the situation and request an evaluation of what practices will be required to bring the land into compliance with the Ordinance.
 - b. If no suitable plan is submitted within 30 days, the matter shall be turned over to the County Attorney for appropriate action.

711 PRESERVATION OF DRAINAGEWAYS

711.1 Natural Drainage ways

1. The natural drainage system shall be used as far as is feasible for storage and flow of runoff. Storm water drainage shall be discharged to marshlands, swamps, retention basins or other treatment facilities. Diversion of storm water to marshlands or swamps shall be considered for existing or planned surface drainage. Marshlands and swamps used for storm water storage shall provide for natural or artificial water level control. Temporary storage areas or retention basins scattered throughout developed areas shall be encouraged to reduce peak flow, erosion damage and construction cost.

711.2 Standards for Artificial Drainage ways

1. The width of the drainage way shall be sufficiently large to adequately channel runoff from a ten (10) year storm. Adequacy shall be determined by the expected runoff when full development of the drainage area is reached.

2. No fences or structures shall be constructed across the drainage way that will reduce or restrict the flow of water.
3. The banks of the drainage way shall be protected with permanent turf vegetation.
4. The banks of the drainage way shall not exceed five (5) feet horizontal to one (1) foot vertical in gradient.
5. The gradient of the drainage way bed shall not exceed a grade that will result in a velocity that will cause erosion of the banks of the drainage way.
6. The bed of the drainage way shall be protected with turf, sod or concrete. If turf or sod will not function properly, rip-rap may be used. Rip-rap shall consist of quarried limestone, fieldstone (if random rip-rap is used) or construction materials provided said construction materials are limited to asphalt, cement and concrete. The rip-rap shall be no smaller than two (2) inches square nor no larger than two (2) feet square. Construction materials shall be used only in those areas where the drainage way is not used as part of a recreation trail system.
7. If the flow velocity in the drainage way is such that erosion of the turf sidewall will occur and said velocity cannot be decreased via velocity control structures, then other materials may replace turf on the side walls. Either gravel or rip rap would be allowed to prevent erosion at these points.
8. To prevent sedimentation of waterways, pervious and impervious sediment traps and other sediment control structures shall be incorporated throughout the contributing watershed.
9. Temporary pervious sediment traps may consist of a construction of bales of hay with a low spillway embankment section of sand and gravel that permits a slow movement of water while filtering sediment. Such structures would serve as temporary sediment control features during the construction state of development. Development of housing and other structures shall be restricted from the area on either side of the waterway required to channel a twenty-five (25) year storm.
10. Permanent impervious sediment control structures consist of sediment basins (debris basins, de-silting basins or silt traps) and shall be utilized to remove sediment from runoff prior to its disposal in any permanent body of water.
11. The erosion and velocity control structures shall be maintained in a condition that will insure continuous functioning according to the provisions of this Ordinance.
12. Sediment basins shall be maintained as the need occurs to insure continuous de-silting action.
13. Prior to the approval of any plat for development, the developer shall make provisions for continued maintenance on the erosion and sediment control system.

712 AQUIFER RECHARGE AREAS

This section shall be remain under the jurisdiction of Winona County.

712 COMMERCIAL TIMBER HARVESTING PERMIT PROCEDURES, REQUIREMENTS AND PERFORMANCE STANDARDS

712.1 Purpose

1. To insure the economy of harvesting and processing of the Township's woodland natural resources through proper forest management principles.

2. To prevent further watershed destruction through unwise logging operations and to protect streams and waterways from woodland debris.
3. To establish a means with which to assure continued restocking of depleted forested areas.
4. To maintain an esthetic wooded conservation area where lands are not suited for other types of agriculture.

712.2 Commercial Timber Harvesting License

1. No person shall commercially harvest trees within the Township without first securing a license.
2. Application for a Commercial Timber Harvesting License shall be filed with the Township Planning Director. The application shall contain the following information:
 - a. The applicant's name, address and phone number.
 - b. The names and addresses of any partners or corporate officers.
 - c. The number of years that the applicant has been engaged in the business.
 - d. Related education and experience to said business.
3. **QUALIFICATION.** The applicant for a license shall have at least one (1) year of demonstrated experience or a combination of experience and education.
4. **LICENSE FEE.** The application for a Commercial Timber Harvesting License shall be accompanied by a fee which shall be established by resolution of the Wilson Township Board of Supervisors.
5. **PERFORMANCE BOARD.** The application for a Commercial Timber Harvesting License shall also be accompanied by a bond in a principal sum of \$1,500.00 conditioned upon the observance of all laws, regulations and standards relative to timber harvesting and upon the faithful and workmanlike performance of all work performed or to be performed pursuant to such license. Such bond shall run to the Township of Wilson.

712.3 Commercial Timber Harvesting Permit

1. No person shall harvest trees within the Township without first securing a permit.
2. Application for a Commercial Timber Harvesting Permit shall be filed with the Township Planning Director who may submit the application to the State Forester for review. The application shall contain the following information:
 - a. The applicant's name, address and phone number.
 - b. A full description of the location of the land where the timber harvesting is to be undertaken and the volume of timber to be removed.
 - c. A statement of the purpose of the timber harvest, intent of replanting, disposal program and program of land restoration.
 - d. The highways, roads or other public ways in the Township upon and along which the timber is to be hauled.
 - e. The estimated time when the timber harvest is to begin and will be completed.
 - f. A map or plat of the proposed area of timber harvest showing the confines or limits thereof, together with a plan showing generally the vegetative growth pattern.
 - g. A forest management plan, including method of harvesting, method of reforestation and soil conservation.
3. **PERMIT FEE.** The application for a Commercial Timber Harvesting Permit shall be accompanied by a fee which shall be established by resolution of the Wilson Township Board of Supervisors.

4. Permits shall be valid for a period of one (1) year from the date of issuance.
5. When evaluating the Commercial Timber Harvesting Permit, the Planning Director, as a prerequisite to the granting of a permit, may require the applicant to whom such permit is issued or to the owner or user of the property on which the timber harvesting occurs to:
 - a. Restore to a reasonable and useable condition all cuts, access roads or stripped slopes.
 - b. Dispose of all slashings or other refuse resulting from cutting operations in a safe manner.
 - c. Exercise reasonable care and take whatever practical action necessary to prevent and suppress forest fires in the permit area and vicinity.
 - d. Perform all cutting operations in cooperation with conservation programs administered by the Department of Natural Resources and authorized representatives thereof.
 - e. Apply timber stand improvement practices to the area.

713 TRAFFIC CONTROL

This section shall be remain under the jurisdiction of Winona County.

714 ACCESS DRIVES AND ACCESS

Access drives onto any roads shall require a review by the appropriate governing body. The Township 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.

Access drives to principal structures which traverse wooded, steep or open field areas shall be constructed and maintained to a width and base material depth sufficient to support access by emergency vehicles. All driveways shall have a minimum width of ten (10) feet and capable of supporting emergency and fire vehicles.

715 STANDARDS FOR SEWAGE AND WASTEWATER TREATMENT

This section shall be remain under the jurisdiction of Winona County.

716 MANUFACTURED/MOBILE HOMES

716.1 Standards

1. Manufactured homes as principal uses or dwellings shall be allowed in the platted and un platted areas of the A/NR, UR, RR and CD Districts provided they meet the following minimum standards:
 - a. Twenty-four (24) feet in width.
 - b. Have a minimum floor area of 800 square feet.

- c. The dwelling is placed on a permanent foundation.
- d. All other requirements of state law and county codes are met.
- 2. Manufactured homes shall only be allowed in the A/NR District, the un-platted and platted area of the UR, RR and CD Districts for part-time farm help, for health care reasons, for temporary dwellings, or emergency temporary dwellings, provided they meet the following minimum standards:
 - a. Be at least twelve (12) feet in width.
 - b. Have a minimum floor area of 500 square feet.

717 COMMERCIAL RECREATION CAMPGROUNDS REGULATIONS

717.1 Permit

In addition to other permit requirements of this Ordinance, the applicant shall submit three (3) copies of the plans, which indicate the following:

- 1. Location and size of recreation campground.
- 2. Location and size of all lots, dead storage areas, recreation areas, laundry drying areas, roadways, parking spaces and sites and all setback dimensions.
- 3. Detailed grading plan with ten (10) foot contour intervals.
- 4. Plans for sanitary sewage disposal, surface drainage, water systems, electrical service and gas service.
- 5. Plans for a park lighting system.
- 6. The method of disposing the garbage and refuse.
- 7. Location and size of all streets servicing the campgrounds.
- 8. Construction plans and specifications for roadways within the campgrounds.
- 9. Plans for any and all structures.
- 10. Such other information as may be required or requested by the Township.

717.2 Performance Standards for Commercial Recreation Campgrounds

- 1. All water supply and sanitary facilities must conform to the current health standards of the Minnesota Department of Health and Pollution Control Agency.
- 2. All utilities, such as sewer, water, fuel, electric, telephone and television antenna lead ins, shall be buried to a depth specified by the State Department of Health, and there shall be no overhead wires or support poles except those essential for street or other lighting purposes. All utility connections shall be approved by the State Department of Health prior to connection. Plans for the disposal of surface storm water shall be reviewed by the County Engineer and Soil and Water Conservation District.
- 3. All land area shall be adequately drained and properly maintained free of refuse, garbage, rubbish or debris. The proposed method of garbage, waste and trash disposal must meet or exceed the current Minnesota Department of Health Standards.
- 4. All structures shall require a zoning certificate.
- 5. No recreation campground shall be located so that drainage from the campground area will endanger any water supply. All campgrounds shall be well drained.

6. Each lot, or pair of lots, shall contain adequate containers to store, collect and dispose of refuse and garbage so as to create no health hazards, rodent damage, insect breeding, accident or hazardous fire areas or air pollution.
7. All centralized refuse collection containers and equipment and park maintenance equipment shall be stored in a screened and fenced service yard within the campground.
8. All campgrounds shall have an adult caretaker with instruction on how to reach that person posted at all times.
9. All campgrounds shall be equipped with at least one (1) central toilet which meets or exceeds the requirements of the Minnesota Department of Health, except that in primitive tent camping areas, only toilet facilities shall be required as per the Minnesota Department of Health.
10. Incidental Recreation Campgrounds are exempt from the requirements of Section 718.

718 LIVESTOCK FEEDLOTS

This section shall be remain under the jurisdiction of Winona County.

719 PARKING AND LOADING STANDARDS

719.1 Surfacing and Drainage

Off-street parking areas shall be improved with a durable surface and such area shall be so graded and drained as to dispose of all surface water accumulation within the parking area.

719.2 Location

1. All accessory off-street parking facilities required herein shall be located as follows:
2. Spaces accessory to one and two-family dwellings on the same lot.
3. Spaces accessory to the multiple-family dwellings on the same lot as the principal use served or within two hundred (200) feet of the main entrance to the principal building served.
4. No off-street open parking area containing more than four (4) parking spaces shall be located closer than five (5) feet from a residential lot.

719.3 General Provisions

1. **PARKING SPACES.** Each parking space shall not be less than nine (9) feet wide and twenty (20) feet in length exclusive of an adequately designed system of access drives.
2. **USE OF PARKING AREA.** Required off-street parking space in any District shall not be utilized for open storage of goods or for the storage of vehicles which are inoperable or for sale or for rent.

719.4 Design and Maintenance of Off-Street Parking Areas

3. **PARKING AREAS.** Parking areas shall be designed so as to provide adequate means of access to a public alley or street. Such driveway access shall be so located as to cause the least interference with traffic movement.
4. **SIGNS.** No signs shall be located in any parking area except as necessary for orderly operation of traffic movement and such signs shall not be a part of the permitted advertising space.
5. **CURBING AND LANDSCAPING.** All open off-street parking areas designed to have head-in parking along the property lines shall provide a bumper curb not less than three (3) feet from all property lines or guard of normal bumper height not less than (1) foot from all property lines.

6. **PARKING SPACE FOR SIX (6) OR MORE CARS.** When a required off-street parking space for six (6) cars or more is located adjacent to a Residential District, adequate screening shall be provided.
7. **MAINTENANCE OF OFF-STREET PARKING SPACE.** It shall be the joint and several responsibilities of the operator and owner of the principal use, uses and/or building to maintain, in a neat and adequate manner, the parking space, access ways, landscaping and fences.
8. **DETERMINATION OF AREAS.** A parking space shall not be less than three hundred (300) square feet per vehicle of standing and maneuvering area.

719.5 Off-Street Parking Spaces Required

1. One and two family residences - Two (2) spaces per dwelling unit
2. Multiple dwellings - Two (2) spaces per dwelling unit
3. Churches, theaters - One (1) space per each three (3) auditoriums and other seats or for each five (5) feet places of assembly of pew length, based upon maximum design capacity
4. Business and professional - One (1) space for each 400 offices square feet of gross floor space
5. Medical and dental - Five (5) spaces per doctor or clinics dentist, plus one (1) space for each employee
6. Hospitals and sanitariums - At least one (1) parking space for each three (3) hospital beds, plus one (1) space for each four (4) employees, other than doctors, plus one (1) parking space for each resident and regular staff doctor (7) Convalescent or nursing homes - One (1) parking space for each four (4) beds for which accommodations are offered, plus one (1) space for each four (4) employees
7. Hotel or motel - One (1) space per rental unit plus one (1) space per employee
8. Schools
 - a. Elementary and Junior High - Three (3) spaces for each classroom
 - b. High School through College - One (1) space for each four students based upon design capacity plus three (3) additional spaces for each classroom
9. Drive-in food establishments - One (1) space for each 15 square feet of gross floor space in the building allocated to drive-in operation
10. Bowling alley - At least five (5) parking spaces for each alley, plus additional spaces as may be required here- in for related uses such as one (1) additional space for each employee
11. Automobile service station- At least two (2) off-street parking spaces plus four (4) off-street parking spaces for each service stall
12. Retail store - At least one (1) off-street parking space for each 150 square feet of gross floor area
13. Restaurants, cafes, bars, taverns - At least one (1) space for each three night clubs (3) seats based upon capacity
14. Mortuary - Eight (8) spaces for each chapel or parlor, plus one (1) space for each funeral vehicle maintained on the premises
15. Industrial, warehouse - One (1) space for each employee storage, handling of on maximum shift or one (1) space bulk goods for each 2,000 square feet of gross floor area, whichever is larger
16. Uses not specifically mentioned - as determined by the Town Board following review by the Planning Commission

719.6 Off-Street Loading and Unloading Areas

1. **ACCESS.** Each required loading berth shall be located with appropriate means of vehicular access to a street or public alley in a manner which will least interfere with traffic.

2. **SURFACING.** All loading berths and access ways shall be improved with a durable material to control excessive dust and drainage.
3. **ACCESSORY USE.** Any space allocated as a loading berth or maneuvering area so as to comply with the terms of this Ordinance shall be used for the storage of goods, inoperable vehicles or be included as a part of the space requirements necessary to meet the off-street parking area.

720 Advertising Devices / Signs

720.01 Purpose

The purpose of this Section is to regulate advertising devices placed for observance so as to protect property values, maintain the character of Wilson Township, facilitate the creation of an attractive, and harmonious landscape, protect against danger in travel and transportation, improve and protect the public health, safety, convenience and general welfare, and to further the purposes and intent of the Zoning Ordinance.

720.02 General Regulations

1. Advertising devices under the authority of Minnesota Statute Chapter 173 are exempt from the regulations of this Ordinance as the State has control of these devices.
2. The State of Minnesota Statutes Chapters 173 regulates advertising devices visible to and primarily intended to advertise and inform, or to attract, or which attract the attention of those traveling in areas designated by the State of Minnesota as scenic byways if applicable. The Township has the authority as well to regulate such advertising devices.
3. Except for the advertising devices under the authority of Minnesota Statute Chapter 173, all other devices placed in Wilson Township must comply with the following general siting and design standards:
 - a. No advertising device shall be allowed that is a hazard to public health, safety, convenience, welfare or that prevents entrance or departure from any door, window or fire escape that tends to accumulate debris as a fire hazard or that is attached to a stand pipe or fire escape.
 - b. No advertising device may be erected that by reason of position, shape, movement, color or any other characteristics interferes with the proper functioning of traffic signs or signals or otherwise constitute a traffic hazard. No advertising device shall be permitted that would interfere with traffic control.
 - c. As determined by the Zoning Administrator, County Engineer, MNDOT, or County Sheriff, any advertising device which becomes structurally unsafe or endangers the safety of a building or premise or

endangers the public safety shall be repaired or removed by the owner, agent or person having beneficial use of the building, structure or land upon which said device is located.

d. Any advertising device which no longer advertises a bonafide business or product shall be taken down and removed by current property owner.

e. The Ordinance permits illuminated advertising devices but prohibits flashing advertising devices, except ones giving time, date, temperature, weather or similar public service information. Prohibited are advertising devices giving off an intermittent or rotating beam or ray of light. Illuminated advertising devices shall be constructed and maintained so as not to direct light onto adjacent properties or onto the public right-of-ways. All advertising devices and displays using electrical power shall have a cut-off switch outside of the attached building or structure, and shall have been inspected by a Minnesota State Building Code Official.

f. Private advertising devices are prohibited within the public right-of-way of any road.

g. The owner or lessee of any advertising device shall be required to have such a device properly maintained.

h. The maximum overall height of any advertising device shall not exceed forty (40) feet including any sign face extensions, borders, trim, base supports, and other structural members. All advertising devices shall meet all Local, State, and Federal building and electrical code requirements.

i. No advertising devices may be attached to a tree or other vegetation, utility pole, fence, curbstone, rock, sidewalk, lamppost, hydrant, bridge, highway marker, or another sign.

j. No advertising device shall be placed or constructed upon a berm.

k. No person shall place, paste, print or affix, in any manner, a handbill, sign, poster, advertisement, advertisement device or notice of any kind in any public right-of-way.

l. Any nonconforming, advertising device or supporting structure may be continued, but may not be replaced or otherwise increased in nonconformity except as specified herein or as permitted by the provisions of this Section.

4. Political advertising devices erected on Election Day at officially designated polling places are permitted. Owners may place political advertising devices on their property, and each device shall not exceed thirty-two (32) square feet, or exceed eight (8) feet in height.

5. Official Signs, such as traffic control, parking restrictions, information and notices are allowed when erected and maintained by public officers or public agencies.

6. Dynamic Signs shall have no flashing, special effects, or animated scenes. All images and messages displayed must be static, and the transition from one (1) static display to another must be direct and immediate without any special effects. Each image and message must remain constant for at least eight (8) seconds before changing to the next one (1). Each image and message must be complete in itself, and may not continue on the subsequent one (1). No sign may be brighter than necessary for adequate visibility, and may not be of such intensity or brilliance as to impair the vision of a driver with average eyesight or to otherwise interfere with drivers' operation of their vehicles. No sign may be of such intensity, brilliance or location where it would interfere with the effectiveness of an official traffic control sign, signal or device, or otherwise interfere with the safety of the public, as determined by the County Engineer.

720.03.1 Permitted Signage

1. The Zoning Ordinance allows the following advertising devices in all districts without the requirement of an Advertising Device Permit. However, the Planning Department requires the

property owner or their authorized agent to submit a site plan and device specifications for review by the Department before proceeding with the installation.

- a.** Advertising devices for the purposes of identifying the name of schools, churches, community buildings, or other public or semipublic institutional buildings, residential subdivisions, apartments or mobile home parks, that do not exceed thirty-two (32) square feet, not exceed a height of six (6) feet in total height, and have a minimal setback of ten (10) feet from the public right-of-way.
- b.** One bulletin board not illuminated except by indirect light and not exceeding thirty-two (32) square feet for any church, school, or other similar public or semi-public structures.
- c.** Permanent off-site directional devices intended for the purposes of directing traffic to such civic or public facilities as churches, schools, or public parks, provided such signs do not exceed six (6) square feet in area and are not placed so as to create a traffic hazard.
- d.** Devices erected by the Township, the County, the State, any municipality, or public utility, including traffic-control and safety signs, handicapped parking signs, railroad signals, entrance and exit signs, signs indicating scenic or historical places, welcome signs, public directional signs and memorial plaques.
- e.** Any flags bearing the official design of a nation, state, city, or organizations, a corporation or a school or decorative flags.
- f.** On-site directional devices for the purpose of directing traffic and parking on the same lot as the signs. Such devices shall not exceed five (5) square feet, exceed six (6) feet in height, and located outside any public right-of-way.
- g.** Devices warning the public against hunting, fishing, dumping, trespassing, dangerous animals, swimming or the like. Such devices may be freestanding or attached to a fence or tree.
- h.** Building names, dates of construction, commemorative tablets and the like, when carved in stone, concrete or similar material, or made of bronze, aluminum or other permanent type of construction, and made an integral part of the building of the structure.
- i.** Advertising devices accessory to an agricultural use for the purpose of identifying such agricultural uses or advertising the products thereof, including seed and demonstration test areas. No such device shall exceed thirty-two (32) square feet in area, a height of six (6) feet, and have a minimum setback of ten (10) feet from the public right-of-way.
- j.** Advertising devices erected by farm operators on their property, barns, or other accessory buildings giving their name, the name of the farm, and the year the farm was established. No such device shall exceed thirty-two (32) square feet in area, a height of six (6) feet, and have a minimum setback of ten (10) feet from the public right-of-way.

 - k.** No advertising device shall be placed or constructed upon a berm.
 - l.** Temporary real estate advertising devices on any property being sold, leased, or developed if they are not illuminated, or placed in any required side or rear yard. Temporary real estate advertising devices may not exceed twenty-four (24) square feet, exceed six (6) feet in height, and have a minimum setback of ten (10) feet from the public right-of-way. These devices shall be promptly removed when the sale, lease or development of the property has been completed.
- m.** Any temporary construction advertising device which announces the names of architects, engineers, contractors, other individuals or firms involved with the construction, alteration or repair of a building or development. The device may also announce the character and the intended purpose of an enterprise the

building will accommodate. These devices shall be located on the construction site, may not exceed thirty-two (32) square feet, and be placed out of the road right of way.

n. Banners or flags announcing an event for a civic, charitable, educational, historical or religious organization. Such signs may be mounted on a building or freestanding, and may be on or over public property or Township right-of-way with the approval of the Wilson Township Planning Department. These devices do not have to be located at the event site, and the organization may keep the device erected for a maximum of sixty (60) days.

720.03.2 On Premise Signage

1. Wilson Township considers on premise advertising devices as accessory uses to the principal use on the site. Such devices require the issuance of an Advertising Device Permit before installation and comply with the following standards:
 - a.** Building-mounted advertising devices or signs, either single or double-faced and freestanding signs may be erected on a commercial or industrial site, provided the device, including any structure to which it is attached, shall not exceed forty (40) feet in height, shall be set back not less than ten (10) feet from the road right-of-way, and from the adjacent property line. Building mounted devices shall not project more than eighteen (18) inches from the wall of the building.
 - b.** The advertising device shall not be larger in total surface area than one hundred (100) square feet per face.
 - c.** The advertising device shall contain only the logotype, trademark or name of the company, commercial or industrial center on the property.
 - d.** No advertising device shall be placed or constructed upon a berm.
 - e.** Each individual parcel may only have one (1) freestanding advertising device. However, within commercial or industrial centers containing more than one (1) business, the freestanding sign may identify all businesses in the center but in this instance, the combined total area of the sign shall not exceed one hundred (100) square feet.
 - f.** Businesses with drive-up windows may have directional devices and one exterior menu board with said devices directed toward customers on the site, and shall not display any product advertising visible by passing motorists or pedestrians. Directional devices and exterior menu boards may not exceed forty (40) square feet or a height of six (6) feet.
 - g.** For businesses having service bays, may have wall advertising devices identifying special functions of the various service bays provided they do not exceed ten (10) square feet each, and do not contain any product advertising.
 - h.** All on premise, advertising devices must be internally illuminated, and have no flashing lights or any moving parts.
 - i.** The Wilson Township Planning Department requires the placement of shrubs, perennials, and/or ground covers around the base of all freestanding, advertising devices, and that landscaping must be attractively maintained.
 - j.** Bases of freestanding, advertising devices shall have an exterior composed of masonry, finished split face block, stone, hardwood, polymer material with a wood appearance, metal, or other sturdy material that matches or complements the face of the sign. The base shall have a minimum width that is seventy five (75) percent the width of the advertising device face. For monument devices that are designed with

two (2) columns or masts as the supports, they shall only be constructed of brick, stone, hardwood, or polymer material with a wood appearance that matches or complements the face of the advertising device.

720.03.3 Off Premise Signage

1. Wilson Township classifies off premise advertising devices as a principal land use, and such devices may be on the same property as other principal land uses provided each use complies with all applicable standards of this Ordinance.
 - a. Each face of an off premise, advertising device shall not exceed three hundred (300) square feet, and no structure shall contain more than two (2) such faces in the same direction, and shall not be separated by more than twelve (12) inches.
 - b. Off premise, advertising devices shall have a minimum separation distance of one thousand (1,000) feet from one (1) device to another, and fifteen hundred (1,500) feet from any residence, church, school, or health care institution.
 - c. Each building-mounted, advertising device shall not exceed three hundred (300) square feet, and there shall be no more than one (1) such face on any building wall facing in the same direction.
 - d. Building-mounted, off premise advertising devices must have a minimum separation of two hundred (200) feet from any freestanding or building-mounted device on the same side of the street, and five hundred (500) feet from any residence, church, school, or health care institution on the same side of the street.
 - e. Off premise, advertising devices cannot exceed a height of forty (40) feet, and must use indirect and non-flashing lighting.
 - f. No advertising device shall be placed or constructed upon a berm.

721 EXTRACTION PITS/LAND ALTERATIONS

The objective of this provision is to control alterations of land surfaces, minimize soil erosion and land scarring, to monitor the consumption of natural resources and minimize its impact on the adjacent lands and persons residing in the area.

721.1 Administration

1. A conditional use permit shall be required for all extraction pits and land alteration operations. The Town Board may also require a performance bond from the land owner.
2. The crushing, washing, refining or processing other than the initial removal of material shall be considered a conditional use. Quarries producing or manufacturing veneer stone, sills, lintels, cut flagstone, hearthstones, paving stone and similar architectural or structural stone and the storing or stockpiling of such products on the site shall be considered a conditional use.
3. The manufacture of concrete building blocks or other similar blocks, the production or manufacturer of lime products, the production of ready-mixed concrete and any similar production or manufacturing processes which might be related to the mining operation shall be considered as a conditional use.

721.2 Required Information

1. The following information shall be provided by the person requesting the permit:
 - a. Name and address of person requesting the mining permit.

- b. The exact legal property description and acreage of area to be mined.
- 2. The following maps of the entire site and to include all areas within five hundred (500) feet of the site. All maps shall be drawn at a scale of one (1) inch to one hundred (100) feet unless otherwise stated below.
 - a. **Map A** - Existing conditions to include:
 - 1) Contour lines at **two (2)** foot intervals.
 - 2) Existing vegetation.
 - 3) Existing drainage and permanent water areas.
 - 4) Existing structures.
 - 5) Existing wells.
 - b. **Map B** - Proposed operations to include:
 - 1) Structures to be erected.
 - 2) Location of sites to be excavated showing depth of proposed excavation.
 - 3) Location of excavated deposits showing maximum height of deposits.
 - 4) Location of storage of excavated materials, showing the height of storage deposits.
 - 5) Location of vehicle parking.
 - 6) Location of storage of explosives.
 - 7) Erosion and sediment control structures.
 - c. **Map C** - End of plan to include:
 - 1) Final grade of proposed site showing elevations and contour lines at **two (2)** foot intervals.
 - 2) Location and species of vegetation to be re-planted.
 - 3) Location and nature of any structures to be erected in relation to the end use plan.
 - 4) A soil erosion and sediment control plan.
 - 5) A plan for dust and noise control.
 - 6) A full and adequate description of all phases of the proposed operation to include an estimate of duration of the mining operation.
 - 7) Any other information requested by the Planning Commission or governing body.

721.3 Performance Standards

- 1. **WATER RESOURCES.** The extraction pit or land alteration operation shall not be allowed to interfere with surface water drainage beyond the boundaries of the operation. The work done shall not adversely affect the quality of surface or subsurface water resources. Surface water originating outside and passing through the mining district shall, at its point of departure from the site, be of equal quality to the water at the point where it enters the site.
- 2. **SAFETY FENCING.** Any operation adjacent to a residential zone or within three hundred (300) feet of two (2) or more residential structures shall be bound by the following standards:
 - a. Where collections of water occur that are one and one-half (1½) feet or more in depth existing for any period of at least one (1) month, and occupy an area of seven hundred (700) square feet or more, all access to such collections of water shall be barred by a fence of at least four (4) feet in height.
 - b. In locations where slopes occur that are steeper than one (1) foot vertical to three (3) feet horizontal existing for a period of one (1) month or more, access to such slopes shall be barred by a fence or some similar effective barrier such as a snow fence at least four (4) feet in height.

3. **ACCESS ROADS.** The location of the intersection of access roads with any public roads shall be selected such that traffic on the access roads will have a sufficient distance or public road in view so that any turns onto the public road can be completed with a margin of safety.
4. **SETBACK.** Processing of minerals shall not be conducted closer than one hundred (100) feet to the property line nor closer than five hundred (500) feet to any residential or commercial structures located prior to commencement of processing operations without the written consent of all owners and residents of said structures. Mining operations shall not be conducted closer than thirty (30) feet to the boundary of any zone where such operations are not permitted, nor shall such production or processing be conducted closer than thirty (30) feet to the boundary of an adjoining property line, unless the written consent of the owner of such adjoining property is first secured in writing. way line of an existing or platted street, road or highway, except that excavating may be conducted within such limits in order to reduce the elevation thereof in conformity to the existing or platted street, road or highway.
5. **APPEARANCE.** All buildings, structures and plants used for the production of processing of sand and gravel shall be maintained in such a manner as is practical and according to acceptable industrial practice as to assure that such buildings, structures and plants will not become dangerously dilapidated.
6. **HOURS OF OPERATION.** All operations shall be conducted between the hours of 6:00 a.m. and 10:00 p.m. CST. Permission may be granted for operations beyond these hours to respond to public or private emergencies or whenever any reasonable or necessary repairs to equipment are required to be made.

721.4 Land Rehabilitation

1. All sites shall be rehabilitated immediately after operations cease. Rehabilitation shall be complete within one (1) calendar year after operation ceases. The following standards shall apply:
 - a. Within a period of three (3) months after the termination of a operation, or within three
 - b. months after abandonment of such operation for a period of six (6) months, or within three (3) months after expiration of a permit, all buildings, structures and plans incidental to such operation shall be dismantled and removed by, and at the expense of, the mining operator last operating such buildings, structures and plants. A temporary variance may be granted for those buildings, structures, machinery and plants.

721.5 Non-Conforming Extraction Pits

Existing non-conforming pits shall be required to submit a reclamation and rehabilitation plan following the standards in this Section.

722 OIL AND URANIUM EXPLORATION

This section shall remain under the jurisdiction of Winona County.

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722 HOME OCCUPATIONS

722.1 General Information

1. All home occupations shall be required to meet the following minimum standards:
 - a. No mechanical or electric equipment shall be used which will interfere with TV or radio reception or affect the health and safety of the residents of the area.
 - b. Sufficient off-street parking must be provided as required in Section 720.
 - c. In residential districts, home occupations cannot exceed one-third (1/3) the main floor space of a dwelling or in an accessory building it cannot exceed the square footage of the main floor of the dwelling.

722.2 Permitted Uses

1. Home occupations meeting all of the following standards shall be a permitted use in the A/NR, UR, RR and CD Districts:
 - a. Home occupations employing not more than one member other than members of the household on the premises.
 - b. Home occupations selling articles made on the premises.
 - c. Home occupations which involve only the selling of goods and services off the premises.
 - d. Home occupations with no outside storage of materials.

722.3 Conditional Uses

All home occupations not meeting the standards of 722 shall require a conditional use permit.

723 ADULT ENTERTAINMENT

Adult Entertainment facilities shall only be allowed in the Commercial and Recreational (B) as a permitted use provided they meet the following minimum standards:

723.1 Standards

1. **Entertainment, Adult:** Adult bookstores, adult motion picture theaters, adult mini-motion picture theaters, adult massage parlors, adult saunas, adult companionship establishments, adult health clubs, adult cabarets, adult novelty businesses, adult motion picture arcades, adult modeling studios, adult hotel or motel, adult body painting studios, and other similar adult establishments, located at least 1,500 feet from:
 - a. any existing residential zoning district
 - b. any areas designated for future residential development or any Urban Services Area Land Use Plan.
 - c. any other adult establishment
 - d. and provided the facility is located at least ½ mile from any church, school, public park or youth facility.
 - e. For the purposes of this Ordinance, such linear measurement shall be made in a straight line, without regard to intervening structures or objects, from the nearest portion of the building or structure used as a part of the premises where an adult entertainment business is located to the nearest property line of the premises of the facilities enumerated in Subsection (1) above.
2. **Signs and Advertising Devices:**
 - a. Adult Establishments shall not publicly display any signs or advertisements, which include sexually oriented materials.
 - b. For the purpose of this Section, any materials are sexually-oriented if the material consists of representations or descriptions of the following for purpose of sexual stimulation, gratification or perversion: actual or simulated masturbation, sodomy, excretory functions, exhibition of the genitals or female breasts, sadomasochistic abuse (for the purpose of sexual stimulation or gratification), bestiality, sexual intercourse, or physical contact with a person's clothed or unclothed genitals, pubic area, buttocks, or the breasts of a female. For the purpose of this Section, "public display" means if the sign, advertisement or other material is on or in a billboard, viewing screen, theater stage or marquee, newsstand, display rack or similar place so that it is easily visible from a public street, public road or sidewalk or from areas of public businesses in which minors are customary or occasional business invitees.

CHAPTER 8: RURAL ADDRESSING

Rural addressing shall remain under the jurisdiction of Winona County.

CHAPTER 9: PENALTY

Any person, firm or corporation violating any of the provisions of this Ordinance shall be guilty of a misdemeanor, and upon conviction thereof shall be punished. Each day during which compliance is delayed shall constitute a separate offense.

The platting, re-platting, sub-dividing or conveyance of land not in accordance with the requirements of this Ordinance may be enforced by mandamus injunction, or any other appropriate remedy in any court of competent jurisdiction.

CHAPTER 10 - VALIDITY AND SEVERABILITY

If any CHAPTER, sub-CHAPTER, Sections, Subpart, sentence, clause or phrase of this Ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this Ordinance.

CHAPTER 11 - EFFECTIVE DATE

This Ordinance shall be in full force and effect from and after passage and publication according to law. Passed and Approved this ____ day of _____, 20__

Recommended by the Planning Commission:

Date: _____
Chairman

FOR WILSON TOWNSHIP

Signed _____
Chair of Township Supervisors

Attest: _____
Township Clerk

Published
