

ORDINANCE NO. 29

AN ORDINANCE AMENDING SECTIONS 301, 505, 602 and 604 of  
ORDINANCE NO. 18 BEING THE TOWN OF NEW SCANDIA ZONING ORDINANCE

The Town Board of Supervisors of New Scandia Township does  
ordain:

1. Section 301 is hereby amended by eliminating definition  
#104, Manufacturing - Limited and replacing it with the  
following definition.

(104) Manufacturing - Limited. All compounding,  
processing, packaging, treatment or assembly  
of goods and materials, provided such use  
will not involve the risk of offensive odors,  
glare, smoke, dust, noise, vibrations or  
other pollution extending beyond the lot on  
which the use is located.

2. Section 505 Conditional Use Permits is hereby amended to  
renumber the first subsection thereunder from 501.01 to  
505.01.
3. Section 602.05 is hereby amended by deleting this Section in  
its entirety and replacing it with the following:

602.05 (1). Antennas/Towers between forty-five (45) feet  
and one hundred fifty (150) feet are permitted only after  
issuance of a conditional use permit. A conditional use  
permit shall only be issued if the following conditions are  
met:

1. The subject parcel shall meet the minimum lot size  
requirement for the underlying zoning district.
2. Tower, accessory buildings, and guy wires shall meet  
setback requirements of the underlying zoning district.
3. Fencing of the tower facility is required.
4. Landscaping plan must be approved by the Zoning  
Administrator.
5. Construction of broadcasting studio, business office,  
vehicular storage, and other facilities not needed for  
the facility's operation are prohibited unless in a  
commercial zoning district.
6. Tower must meet all FCC and FAA regulations.

602.05 (2). Antennas/Towers in excess of 150 feet are only  
permitted after the issuance of a conditional use permit. A  
conditional use permit shall only be granted if the  
following conditions are met:

1. Towers in excess of one hundred fifty (150) feet are not permitted in residential zones.
2. In order not to cause safety hazard with aircraft utilizing visual flight rules, a tower is not permitted within two miles of either the St. Croix or Mississippi Rivers or any principal or intermediate arterial highway as shown in the Washington County Comprehensive Plan.
3. Minimum lot size for a two hundred (200) foot plus tower is forty (40) acres. The site must also be large enough to contain within its boundaries any debris resulting from tower failures and/or falling ice.
4. The distance between the base of the tower and property line shall equal twenty (20) percent of the tower height. Anchors shall meet setbacks of underlying zoning districts.
5. The tower shall be adequately fenced to prevent vandalism and unauthorized entry.
6. Strobes are not permitted to be used at night.
7. A landscaping plan shall be approved by the Zoning Administrator.
8. Construction of broadcast studio, business office, vehicular storage, and other facilities not needed for the facility's operation are prohibited unless in a commercial zoning district.
9. If the site abuts both a collector and a local street, access shall be from the collector street.
10. All FCC and FAA requirements shall be met.
11. The applicant shall submit, among other items, a report from a professional engineer describing the tower and the technical, economic, and other reasons for the tower design; demonstrating that the tower complies with the applicable structural standard; describing the capacity of the tower, including the number and type of antennas that it can accommodate and the basis for the calculation of capacity; and demonstrate planned equipment cannot be accommodated on an existing tower.
12. If the tower is approved, the owner shall demonstrate that the tower will support a specified number of antennas and furnish a letter of intent to lease to other users in "good faith".

4. Section 604.01 is amended by eliminating the columns Commercial (RB) and Commercial (GB) and replacing them with the following columns:

Section 604.01 Uses in Commercial - Retail Business and Commercial - General Business Zones.

The following uses are permitted in the Commercial - Retail Business zone with the issuance of a conditional use permit. A conditional use permit may only be granted if all performance standards contained in other sections of the zoning ordinance are complied with and standards set forth in Section 505.01 are met.

- Antennas and towers over 45 feet (See Section 602.05)
- Armories, conventional halls and similar uses
- Automobile service station and repair
- Bars/taverns
- Boat/marine sales
- Seasonal business
- Cafes and restaurants
- Clubs/lodges
- Drive-in business
- Essential services - government uses, buildings/storage
- Essential services - transmission services, buildings/storage
- Funeral homes
- Hotel/motel
- Medical services/offices
- Nature centers, public or private
- Nursery, commercial production of trees and shrubs
- Nursery and garden supplies (exterior or enclosed sales)
- Offices
- Photo/Art studio
- Recreation area, commercial
- Retail business
- Structure, historic/scenic
- Theater
- Utility substation
- Veterinary clinic

The following uses are permitted in the Commercial - General Business Zone with the issuance of a conditional use permit. A conditional use permit may only be granted if all performance standards contained in other sections of the zoning ordinances are complied with and standards set forth in Section 505.01 are met.

- Broadcasting Studio
- Commercial schools
- Equipment sales/repair/storage
- Propane gases and fuel oil sales (business/distribution)
- Greenhouses, commercial production only
- Manufacturing, limited

Public enclosed rental storage or garages  
Recreation equipment storage, commercial  
Rental of cars, trailers, campers, trucks and similar  
equipment  
Indoor/outdoor storage  
Storage as a principal use  
Vehicles Sales (See Section 729)  
Warehousing  
Wholesale business  
All other uses allowed in the Retail Business Zone.

5. Section 604.01 is hereby amended to make Clubs/Lodges, Research and Storage as a principal use non-permitted uses in the A-1, A-2 and CFP zoning districts.

6. Section 604 is hereby amended to add the following sections:

Section 604.02.

All applicants for a conditional use permit in the commercial zones must thoroughly explain their business and any manufacturing processes involved. Any business/use storing or using hazardous substances as defined in Title 49 CFR, the Clean Water Act, Hazardous Waste Rules or Department of Transportation Rules must have floor drains going directly into a sealed holding tank. The holding tank must be pumped periodically and the liquid disposed of in accordance with all local, county and state regulations.

Section 604.03

All applicants for a conditional use permit in the commercial zones must demonstrate a septic system can be installed in accordance with Chapter 4 of the Washington County Development Code (Individual Sewage Treatment System Ordinance). Water usage of any proposed use must conform with the long term sewage treatment capacities of each individual lot. The system, or systems, shall be designed to receive all sewage from the dwelling, building or other establishment served. Footing or roof drainage shall not enter any part of the system. Products containing hazardous materials must not be discharged to the system other than a normal amount of household products and cleaners designed for household use. Substances not used for household cleaning, including but not limited to solvents, pesticides, flammables, photo finishing chemicals, or dry cleaning chemicals, must not be discharged to the system.

Section 604.04

Any business having outside storage or product inventory or having storage as a principal use must have all storage items fully screened from the public road and adjoining property lines. All areas used for storage must meet required yard setback requirements. All structures and grounds shall be maintained in an orderly, clean and safe manner.

Section 604.05

In all commercial zoning districts, prior to the issuance of any building permits and/or conditional use permits which would be subject to Board of Architectural Review, copies of the project plans, as well as additional materials (color and texture chips, etc.) as may be required shall be filed with the New Scandia Township Clerk. The plans shall include the information and details required by the Washington County Planning Department. The Board of Architectural Review shall review the plans and materials and make recommendations to the New Scandia Town Board.

This ordinance shall be in full force and effect from and after the date of its passage and publication according to law.

Adopted by the Town Board of New Scandia Township this 15<sup>th</sup> day of August, 1989.

By Russell Jackson  
Russell Jackson, Chairman

ATTEST:

Dolores Peterson  
Dolores Peterson, Clerk