

## **11 Performance Standards for Home Occupation, Neighborhood Commercial and Highway Commercial Uses**

### **11.1 Seasonal Agricultural Business**

**11.1.1 Required Permits.** Agricultural Business - Seasonal is allowed in the Single Family Estate District. The business must comply with all rules and regulations of federal, state, county, and local agencies.

**11.1.2 Performance Standards.** Seasonal agricultural businesses must comply with all of the following standards:

**11.1.2.1** The majority of product sold on the property shall be grown or raised on the property. No sale of product shall take place on any County road or Township road right-of-way.

**11.1.2.2** All structures, including temporary structures shall meet the minimum setback requirements of the zone in which it is located.

**11.1.2.3** Any temporary structure placed on the property for such sales must be removed at the end of the selling season. The size of the temporary structure shall not exceed 100 square feet.

**11.1.2.4** Off-street parking may be required.

**11.1.2.5** The Certificate of Compliance shall be reviewed annually.

### **11.2 Balloon Port, Commercial**

**11.2.1 Required Permits.** A commercial hot air balloon port is allowed in the Highway Commercial/Business District with a Conditional Use Permit.

**11.2.2 Other Requirements.** The commercial balloon port must comply with all rules and regulations of Federal, State, County and local agencies.

**11.2.3 Performance Standards.** A commercial hot air balloon port must meet all of the following:

**11.2.3.1** The take-off area must be at least 20' from any property line.

**11.2.3.2** Minimum lot size requirement is ten acres.

**11.2.3.3** The minimum lot width required is 300'.

**11.2.3.4** Uses accessory to commercial hot air balloon ports which include but are not limited to office, storage of equipment and vehicles are permitted. Accessory structures are limited to a maximum of 2,500 square feet.

### **11.3 Car Wash**

**11.3.1 Required Permits.** A car wash is permitted in the Highway Commercial/Business District with a Conditional Use Permit. The car wash must comply with all rules and regulations of federal, state, county, and township agencies.

**11.3.2 Performance Standards**

**11.3.2.1** The site shall be designed to provide additional parking or car stacking space to accommodate that number of vehicles which can be washed during a 15 minute period.

- 11.3.2.2 The car wash shall be serviced with a public sanitary sewer system or with an on-site recycling water system that meets or exceeds State requirements and that assures protection of the surface water and groundwater in the Township and its environs.

#### 11.4 Cemeteries

- 11.4.1 **Required Permits.** An approved conditional use permit is required for cemeteries in the Single Family Estate District.
- 11.4.2 **Other Requirements.** Cemeteries must comply with all rules and regulations of Federal, State, County and local agencies.
- 11.4.3 **Performance Standards.** Cemeteries must comply with all of the following standards.
  - 11.4.3.1 The minimum area of a cemetery shall be five (5) acres unless associated with a house of worship.
  - 11.4.3.2 The site proposed for a cemetery or cemetery expansion shall not interfere with the development of a system of collector or larger streets in the vicinity of such site.
  - 11.4.3.3 Burial plots, grave markers, monuments and buildings operated in connection with a cemetery must meet the building setbacks and structure height requirements of the underlying zoning district.
  - 11.4.3.4 Graves and structures used for interment shall be setback 50 feet from wells.
  - 11.4.3.5 Cemeteries are prohibited below the regulatory flood protection elevation as defined in the Washington County Flood Plain Regulations.

#### 11.5 Daycare Center

- 11.5.1 **Required Permits.** Daycare centers are allowed in the Single Family Estates Neighborhood Commercial/Business Districts with a Conditional Use Permit.
- 11.5.2 **Other Requirements.** Must comply with all rules and regulations of Federal, State, County and local agencies.

#### 11.6 Essential Services – Government Uses, Buildings and Storage

- 11.6.1 **Required Permits.** Essential services - government uses, buildings, and storage are allowed in all Zoning Districts with a Certificate of Compliance. The essential service must comply with all rules and regulations of federal, state, county and Township agencies.
- 11.6.2 **Performance Standards.** The essential service must comply with all of the following standards:
  - 11.6.2.1 The parcel on which the essential service will be located must have a minimum lot area of two (2) acres.
  - 11.6.2.2 Structures must be set back in accordance with the required setbacks of the Zoning District.
  - 11.6.2.3 The site shall be landscaped to screen the facility from view from property lines and road.

## 11.7 Essential Services

- 11.7.1 Required permits.** Essential services - utility substations are allowed in all Zoning Districts with a Certificate of Compliance. The essential service must comply with all rules and regulations of federal, state, county and township agencies.
- 11.7.2 Essential services.** The essential service must comply with all of the following standards.
- 11.7.2.1** Notwithstanding the prohibition against two or more uses on an individual parcel, the lot area for essential service-utility substation can be acquired by lease provided the lot shall be large enough so all structures/facilities comply with the required setbacks for the Zoning District.
- 11.7.2.2** If no longer needed or used by the utility, the applicant shall return the property to its original state. The Zoning Administrator may require a bond to ensure compliance with this standard.
- 11.7.2.3** A Certificate of Compliance shall be recorded with the Office of the Recorder.
- 11.7.2.4** The site shall be landscaped to screen the facility from view from property lines and road.
- 11.7.2.5** Utility substations to any other essential service as defined above containing antennas and towers greater than 45' in height must comply with Section 8.14 of this Zoning Ordinance.

## 11.8 Golf Course

- 11.8.1 Accessory Uses.** Accessory uses to a golf course are limited to a driving range, putting greens, a pro shop, a club house, locker rooms, a restaurant and bar and maintenance buildings.
- 11.8.2 Required Permits.** Golf courses are permitted in the Single Family Estate (SFE) with a conditional use permit.
- 11.8.3 Other Requirements.** All rules and regulations of federal, state, county and local agencies must be met.
- 11.8.4 Performance Standards.** The golf course must meet all of the following standards:
- 11.8.4.1** Landscaping shall be planted to buffer the use from adjacent residential land uses and to provide screening. A landscape plan shall be submitted to the Zoning Administrator at the time of application for a conditional use permit.
- 11.8.4.2** Storage and use of pesticides and fertilizers shall meet the standards of the State Department of Agriculture. A plan shall be submitted for pesticide and fertilizer use at the facility.
- 11.8.5** A mandatory environmental assessment worksheet shall be required for the development of a golf course facility. West Lakeland Township will be the responsible governmental unit for the preparation of the environmental assessment worksheet. Costs associated with the preparation of the environmental assessment worksheet shall be borne by the applicant.

## **11.9 Golf Driving Range**

**11.9.1 Required Permits.** Golf Driving Ranges are allowed in the Neighborhood Commercial/Business District with a Conditional Use Permit.

**11.9.2 Performance Standards.** A Golf Driving Range must meet all of the following:

- 11.9.2.1** Minimum lot area of 35 acres is required for the driving range. This parcel shall be a separate parcel of record.
- 11.9.2.2** Hours - 7 AM to dusk.
- 11.9.2.3** Lighting - No lighting except security lighting is permitted.
- 11.9.2.4** Site must be large enough so that safety netting is not necessary to keep golf balls on the property.
- 11.9.2.5** Parking - One and one-half off-street parking space shall be provided for each hitting station plus one for each employee. Additional parking shall be provided if necessary.
- 11.9.2.6** A highway access permit must be obtained from the permitting authority.
- 11.9.2.7** A 150 foot setback from all property lines to the outer boundaries of the driving range fairway is required.
- 11.9.2.8** A maximum of 25 tees are permitted.
- 11.9.2.9** Fencing and landscaping shall be installed where deemed necessary by the Township.
- 11.9.2.10** Miniature golf holes or any other amusement type activities are prohibited.
- 11.9.2.11** Access to the driving range must be from a collector or arterial street.
- 11.9.2.12** One office/storage building is permitted. The structure shall meet setback requirements for the Neighborhood Commercial/Business District. The use of the structure shall only be for the golf practice range on the 35 acre parcel.
- 11.9.2.13** A public address system is prohibited.
- 11.9.2.14** No liquor license will be permitted.
- 11.9.2.15** One business identification sign of 20 square feet is allowed. The sign shall not be lighted nor illuminated and shall be of natural color and shall have a maximum height of 6 feet.
- 11.9.2.16** Sanitary facilities shall be provided in accordance with the Minnesota State Building Code.
- 11.9.2.17** There shall be no food preparation on site.
- 11.9.2.18** The facility is to be an open air type facility. A domed or any other type of covered facility is prohibited.
- 11.9.2.19** Flags must be used for yardage markers. Signs or any other yardage or target markers are prohibited.

## **11.10 Horse Training Facility**

- 11.10.1 Required Permits.** Horse training facilities are allowed in Single Family Estate (SFE) district. A conditional use permit shall be required for private horse training facilities of less than ten horses.
- 11.10.2 Other Requirements.** A horse training facility must comply with all rules and regulations of Federal, State, County and local agencies.
- 11.10.3 General Standards.** Horse training facilities must comply with all of the following standards:
  - 11.10.3.1** Horse training facilities shall meet the setback requirements for detached domesticated farm animal buildings and agricultural farm buildings as indicated in the Accessory Structures section of this Development Code.
  - 11.10.3.2** Horse training facilities equipped with wash stalls shall be provided with a drainage and septic system separate from the principal structure.
  - 11.10.3.3** All horse training facilities must meet the animal density per acre and livestock operation requirements of Development Code.
  - 11.10.3.4** All accessory buildings must meet the requirements for size as indicated in the Accessory Structures section of this Development Code.
  - 11.10.3.5** A manure management plan may be required by the zoning administrator or planning advisory commission.
- 11.10.4** Horse training facilities are considered accessory to residential or farm dwellings.
- 11.10.5** Private horse training facilities may not be used for human living quarters, preparing of meals, or for similar personal living activities.

## **11.11 Motor Vehicle Repair**

- 11.11.1 Required Permits.** A Conditional Use Permit is required for motor vehicle repair establishments in the Highway Commercial/Business district. Motor vehicle repair establishments must comply with all rules and regulations of federal, state, county, and township agencies.
- 11.11.2 Performance Standards.** Motor vehicle repair establishments must comply with all of the following standards:
  - 11.11.2.1** Lots and structures utilized for motor vehicle repair must meet the minimum standards of the Zoning District in which the use is located.
  - 11.11.2.2** A drainage system for collection of any hazardous material run-off must be installed. Such system shall be subject to approval by the Zoning Administrator.
  - 11.11.2.3** The entire site, other than that devoted to structures and landscaped areas shall be an impervious surface and maintained for control of dust, erosion, and drainage.
  - 11.11.2.4** Location and number of access driveways shall be approved by the County Engineer if such establishment is located along a county road and by the local Township Engineer, if located along a Township road.
  - 11.11.2.5** No vehicles shall be parked on the premises other than those utilized by employees, customers awaiting service, or as allowed through a Conditional Use Permit. Storage of salvage vehicles shall be prohibited.

- 11.11.2.6 All areas utilized for the storage and disposal of trash, debris, discarded parts, and similar items shall be fully screened. All structures and ground shall be maintained in an orderly, clean and safe manner.
- 11.11.2.7 Landscaping shall be planted to buffer the use from adjacent residential land uses. A landscape plan shall be submitted to the Zoning Administrator at the time of application for a Conditional Use Permit.

## **11.12 Motor Vehicle Service Station**

- 11.12.1 **Required permits.** A Conditional Use Permit is required for motor vehicle service stations in the Highway Commercial/Business District. Motor vehicle service stations must comply with all rules and regulations of federal, state and county agencies.
- 11.12.2 **Performance Standards.** Service stations must comply with all the following standards:
  - 11.12.2.1 A minimum lot width of 150 feet is required.
  - 11.12.2.2 Setbacks of all buildings, canopies, and pump islands shall be in compliance with the standards of the Highway Commercial/Business District.
  - 11.12.2.3 A drainage system for collection of hazardous materials must be installed. Such installation is subject to approval by the Township staff.
  - 11.12.2.4 The entire site other than that devoted to structures and landscaped areas shall be an impervious surface and maintained for control of dust, erosion, and drainage.
  - 11.12.2.5 Wherever fuel pumps are installed, pump islands shall be installed. Pump islands shall not be placed in the required yards.
  - 11.12.2.6 Interior concrete or asphalt curbs shall be constructed within the property to separate driving and parking surfaces from landscaped areas. Interior curb shall be six inches in height, except at approved entrances and exits.
  - 11.12.2.7 Access drives onto a county road must be approved by the County Engineer. Access drives onto a Township road must be approved by the West Lakeland Township Engineer.
  - 11.12.2.8 No vehicles shall be parked on the premises other than those utilized by employees, customers awaiting service, or as allowed through a Conditional Use Permit. Storage of salvage vehicles shall be prohibited.
  - 11.12.2.9 Exterior storage shall be limited to vehicles, service equipment, and items offered for sale on pump islands. Exterior storage of items offered for sale shall be within yard setback requirements and shall be located in containers such as the racks, metal trays, and similar structures designed to display merchandise, or as indicated by the Conditional Use Permit.
  - 11.12.2.10 All areas utilized for the storage and disposal of trash, debris, discarded parts, and similar items shall be fully screened. All structures and ground shall be maintained in an orderly, clean, and safe manner.
  - 11.12.2.11 Landscaping shall be planted to buffer the use from adjacent residential land uses. A landscape plan shall be submitted to the Township Board at the time of application for a Conditional Use Permit.

### **11.13 Multiple Use Commercial Centers (MUCC)**

**11.13.1 Required Permits.** Multiple Use Commercial Centers are permitted in the Neighborhood Commercial/Business District. A single MUCC within this District shall not exceed 10,000 square feet of building area and requires a Conditional Use Permit. Multiple Use Commercial Centers must comply with all rules and regulations of federal, state and county agencies.

**11.13.2 Performance Standards.** Multiple Use Commercial Centers must comply with all of the following requirements:

**11.13.2.1** The development plan for the MUCC shall include a minimum of five (5) acres.

**11.13.2.2** Multiple Use Commercial Centers shall have direct access to an arterial, or Collector Street, or Local Street as designated in the Comprehensive Plan.

**11.13.2.3** The Multiple Use Commercial Centers must comply with the use requirements and dimensional standards of the Neighborhood Commercial/ Business District.

### **11.14 Place of Worship**

**11.14.1 Required Permits.** An approved conditional use permit is required for places of worship in the Single Family Estate District. The conditional use application must include a site plan of all structures and a detailed listing of all uses to be conducted at the property.

**11.14.2 Other Requirements.** Places of worship must comply with all rules and regulations of Federal, State, County and local agencies.

**11.14.3 Performance Standards.** Places of worship must comply with all of the following standards in addition to other performance standards of this Development Code.

**11.14.3.1** The minimum lot area required is two and a half (2.5) acres.

**11.14.3.2** Landscaping shall be installed to buffer the use from adjacent residential land uses and to provide screening. A landscape plan shall be submitted to the zoning administrator at the time of application for a conditional use permit.

**11.14.4** All accessory residential or school uses upon the premises shall be subject to all requirements of this Development Code.

### **11.15 Plant Nursery**

**11.15.1 Required Permits.** Allowed in Neighborhood Commercial/Business and Highway Commercial/Business Districts with a Conditional Use Permit.

**11.15.2 Other Requirements.** All rules and regulations of Federal, State, County and Local authorities must be met.

**11.15.3 Performance Standards.** Plant Nurseries must meet all of the following minimum standards in addition to other performance standards in this Development Code.

- 11.15.3.1** The minimum lot area shall be ten (10) acres.
- 11.15.3.2** The majority of product sold on the property shall be grown or raised on the property.
- 11.15.3.3** The exterior storage of landscape equipment and storage areas shall be screened from view of Federal, State, County or Township roadways and property lines.
- 11.15.3.4** Except to the extent allowed by this paragraph, the composting of materials not generated on the same site as the plant nursery is prohibited. Composting of materials generated off of the site, and the sale of such composted materials, is permitted as an accessory use to a plant nursery provided it meets the following standards and is expressly approved by the Conditional Use Permit issued for the plant nursery:
  - 11.15.3.4.1** The materials composted are limited to garden waste, leaves, lawn cuttings, weeds, shrub and tree waste, prunings, and similar vegetative materials.
  - 11.15.3.4.2** Composting, storage, transfer, loading and processing activities must be setback as follows:
    - a. Property lines . . . . . 100'
    - b. Existing Residential uses not on the property . . . 500'
    - c. DNR protected watercourse . . . . . 200'
    - d. Wetland (100 yr flood line). . . . . 75'
  - 11.15.3.4.3** Access to the site shall be controlled to prevent unauthorized dumping during nonbusiness hours.
  - 11.15.3.4.4** A plan for collection, retention and drainage of storm water shall be provided for review and approval. On-site drainage shall be directed to a constructed stormwater holding pond prior to any drainage leaving site. The stormwater holding pond shall be located a minimum of 75' from the composting storage area. The runoff directed towards this pond shall be filtered through a 75' wide vegetated buffer.
  - 11.15.3.4.5** The operator shall provide sufficient equipment on site to properly manage the composting process. At a minimum this shall include a front end loader or similar machinery for loading, unloading, turning, and aeration operations; a shredder for reducing new material to a smaller particle size for faster decomposition; a source of water or watering trucks; and a screen to improve the quality and marketability of the final product. The operator shall provide plans showing all equipment maintenance and storage areas. Plans shall show the location of all fuel storage facilities, hazardous material storage and hazardous waste disposal.
  - 11.15.3.4.6** The decomposition process shall be properly managed and maintained in an aerobic condition to prevent all unnecessary odors.

The yard waste must be decomposed through a process which encompasses turning of the yard waste on a periodic basis to aerate the yard waste, maintain temperatures, and reduce pathogens. The composted yard waste must contain no sharp objects greater than one inch in diameter.

**11.15.3.4.7** The operator shall provide information specifying the types and volume of materials brought onto the property for composting.

**11.15.3.4.8** The facility shall operate only between the hours of 7:00 am and 7:00 PM, Monday through Friday, unless other hours or days of operation are specifically authorized by the Conditional Use Permit.

## **11.16 Public Recreation Facility**

**11.16.1 Required Permits.** A Conditional Use Permit is required for public recreational facilities in all Zoning Districts. Public Recreational Facilities must comply with all rules and regulations of federal, state, and county agencies.

**11.16.2 Performance Standards.** Public Recreation Facilities must comply with the following:

**11.16.2.1** A minimum lot area of five (5) acres shall be provided.

**11.16.2.2** All structures (including backstops, goalposts, etc.) shall meet the required setbacks for the District in which it is located.

**11.16.2.3** There shall be no overnight accommodations provided for the guests or visitors of the recreation area.

**11.16.2.4** A concession or temporary food stand may be permitted on the property provided it only serves food and refreshments to guests and visitors of the facility.

**11.16.2.5** Information shall be provided regarding the recreational activities provided, number of members, and participants in the recreation programs, sanitary facilities and waste disposal, security, lighting, and hours of operation. As deemed necessary, the Township Board may restrict the operation of the facility.

**11.16.2.6** Exterior lighting will be designed in compliance with West Lakeland township ordinances. Any lighting shall not exceed one-half foot candle at the nearest existing residential home.

**11.16.2.7** The noise levels on the sight shall not exceed the levels allowed by the Minnesota Pollution Control Agency regulations. In the event that there are noise complaints, the Applicant agrees to meet with the West Lakeland Town Board to discuss ways of alleviating the noise complaints.

**11.16.2.8** The hours of operation shall be limited to 9:00 a.m. to 10:00 p.m. Monday through Thursday and 7:00 a.m. to 10:00 p.m. Friday through Sunday. Everyone will be off the property by the designated closing time except for persons attending meetings inside a structure and all field lights will be shut off by the designated closing time.

- 11.16.2.9** Screening may be required to buffer the use from adjacent residential land use.
- 11.16.2.10** A transportation management plan shall be submitted to the Zoning Administrator at the time of application. This plan shall address off-street parking and traffic control, including the mitigation of overflow parking and traffic movement to the public street system and impact on the surrounding roadways. The transportation management plan shall include periodic monitoring of traffic to and from the facility.
- 11.16.2.11** A grading and drainage plan shall be submitted. The standards of the Watershed Management Organization or Watershed District and the Washington Conservation District must be met.
- 11.16.2.12** The Applicant shall execute and deliver to the Town a developer's agreement in a form approved by the Town attorney. The developer's agreement shall provide security which, in the opinion of the Town engineer, will be sufficient to restore the property to a condition which would not cause surface water runoff to neighboring properties or create other nuisances to adjoining properties and which would allow for removal of any partially constructed site improvements in the event the Applicant failed to complete the project.
- 11.16.2.13** The Applicant shall pay all reasonable expenses of the town in connection with the review of its plan and the inspection and approval of all improvements to be made by the Applicant.

## **11.17 Schools**

- 11.17.1 Required Permits.** A Conditional Use Permit is required for schools in the "SFE" Single Family Estate District. Schools must comply with all rules and regulations of federal, state, county, and Township agencies.
- 11.17.2 Performance Standards.** Schools must comply with of the following standards:
  - 11.17.2.1** The minimum lot area required for schools is two and one half (2-1/2) acres.
  - 11.17.2.2** Landscaping may be required to be installed to buffer the use from adjacent land uses and to provide screening. A landscape plan shall be submitted at the time of application for a Conditional Use Permit.

## **11.18 Self Service Storage Facility (Mini-Storage)**

- 11.18.1 Required Permits.** Self service storage facilities are allowed in the Neighborhood Commercial/Business and Highway Commercial/Business Districts following the issuance of a conditional use permit.
- 11.18.2 Performance Standards.**
  - 11.18.2.1** Units are to be used for dead storage only. Units are not to be used for retailing, auto repair, human habitation, or any commercial activity. Storage of any flammable or hazardous material is prohibited.
  - 11.18.2.2** One off-street parking space is required for each 100 storage units and two spaces are required for the live-in manager if one is provided for.

Interior drives must be wide enough to accommodate a parked car and traffic that must pass.

**11.18.2.3** No outside storage is allowed.

**11.18.2.4** An on-site manager may be allowed provided adequate sanitary facilities are provided.

**11.18.2.5** The facility shall be secured by either the walls of the structure and/or fencing. All doors on the units shall face inward and away from the street and property lines.

**11.18.2.6** Only one entrance and exit to the facility are allowed except for an additional emergency exit.

### **11.19 Veterinary Clinic**

**11.19.1 Required Permits.** Allowed in the Neighborhood Commercial/Business and Highway Commercial/Business Districts with a Conditional Use Permit.

**11.19.2 Other Requirements.** Must comply with all rules and regulations of Federal, State, County and local agencies.