

This amends and renumbers Sections 2.4, 2.5, 2.6 in the West Lakeland Township Ordinances.  
*Approved 02/13/2023*

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## **Section 2.4.6 (previously 2.5) Reimbursement of Expenses**

### **2.4.6 Reimbursement of Expenses**

Reimbursement for supplies will be submitted to the Town Board for approval

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## **Section 2.5 (previously Section 2.6 Conditional Uses) Conditional Uses:**

### **2.5 Conditional Uses**

#### **2.5.1 Application**

- 2.5.1.1** Whenever this Ordinance requires a Conditional Use Permit, an application in writing shall be filed with the Township Board.
- 2.5.1.2** The application shall be accompanied by development plans of the proposed use showing such information as may be deemed necessary by the Township Board.
- 2.5.1.3** The scale of maps submitted shall be at least 1 inch to 200 feet. Maps for sites less than fifty (50) acres shall be at least 1 inch to 100 feet. The number of maps and reports to be submitted shall be specified by the Planning Commission, but shall not exceed twenty-five (25). All maps shall be reduced and included in the applicable reports. One (1) transparent Mylar copy of the final general development plans, should they be approved, shall be filed with the Zoning Administrator within sixty (60) days of such approval.
- 2.5.1.4** Certificate of Survey shall include site plan drawn to scale showing the following information:
  - Existing Conditions. Property lines and dimensions, building location and setbacks, dimensions of building, curb cuts, driveways, access roads, parking, off-street loading areas, septic system, and well.
  - Proposed Conditions. Property lines and dimensions, building location and setbacks, building dimensions, curb cuts, driveways, access roads, parking, off-street loading areas, and any other proposed improvements.
- 2.5.1.5** Submittal shall include, if appropriate, Landscape Plan with the following information: Existing vegetation, proposed plantings, plant schedule including information about the plant size, quantity, type and root condition, and ground cover; Grading and Drainage Plan; Soil Conditions; Building Floor Plan; Building Elevations; General Location Map; Principal land uses within 200 feet of the property; Proof of ownership in the

form of Abstract of Title, Certificate of Title, Attorney's Title Opinion, unrecorded documents where petitioner will acquire legal or equitable ownership; Type of business or activity and proposed number of employees; Sanitary sewer, septic, and water plan (areas without public sewer or water).

## **2.5.2 Notice and Hearing Procedure**

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

**2.5.2.2** Notice of the time, place, and purpose of all public hearings shall be given by publication in a newspaper of general circulation in the Township at least 10 days before the hearing.

**2.5.2.3** Notice shall also be mailed to each of the owners of all property located within one quarter mile of the affected property or to the ten properties nearest to the affected property whichever would provide notice to the greater number of owners.

**2.5.2.4** Where required, no less than twenty (20) days prior to the public hearing, the Zoning Administrator shall send notice and copies of the applicant information to the Minnesota Department of Natural Resources for review and comment. This shall apply if subject property lies within the jurisdiction of the master plan for the Lower St. Croix River.

**2.5.2.5** Defects in the notice shall not invalidate the proceedings provided a bona fide attempt to comply with the provisions of this Section has been made. A copy of the notice and a list of property owners and addresses to which the notice was sent shall be made a part of the record.

## **2.5.3 Criteria for Granting Conditional Use Permit**

**2.5.3.1** The Township Board may grant a Conditional Use Permit in any District, provided the proposed use is listed as a conditional use for the District and upon a showing that the standards and criteria stated in this Zoning Ordinance will be satisfied and that the use is in harmony with the general purposes and intent of this Zoning Ordinance and the Comprehensive Plan. In determining whether the proposed use is in

harmony with the general purpose and intent of this Zoning Ordinance and the Comprehensive Plan, the Township Board shall consider:

- The impact of the proposed use on the health, safety, and general welfare of the occupants of the surrounding lands.
- Existing and anticipated traffic conditions, including parking facilities on adjacent streets and lands.
- The effect of the proposed use on utility and school capacities.
- The effect of the proposed use on property values and scenic views in the surrounding area.
- The effect of the proposed use on the Comprehensive Plan.
- The ability of the proposed use to meet the standards of the Zoning Ordinance.
- The results of a market feasibility study, if requested by the Zoning Administrator, when the purpose for which the conditional use is being requested relies on a business market for its success.
- The effects of the proposed use on groundwater, surface water, and air quality.
- That the proposed use is allowed with a Conditional Use Permit in the designated Zoning District in which it is proposed.

**2.5.3.2** In connection with the issuance of Conditional Use Permits to nonconforming situations, the Township Board may require nonconformities to conform to the regulations contained in the Zoning Ordinance and may impose such additional restrictions or conditions as it deems necessary to protect the public interest. When appropriate, restrictive covenants may be entered into regarding such matters.

**2.5.3.3** The Board may impose and the applicant shall pay costs incurred by the Zoning Administrator for monitoring compliance with the conditions of the Conditional Use Permit.

**2.5.4** The Town Board may place reasonable conditions on the issuance of any permit or conditional use permit authorized by the preceding sections in order to protect the public health safety and welfare.

**2.5.5 Compliance**

**2.5.5.1** The use shall conform to the applicable sections of this zoning ordinance.

**2.5.5.2** In the event a complaint has been received by town officials, a report thereof shall be made to the Town Board by the Town Clerk, and the Town Board may direct the applicant to appear at a public hearing preceded by 10 days mailed notice to show cause why the permit should not be revoked. A permit may be revoked for a violation of this ordinance or any condition imposed at the time of issuance.

**2.5.6 Length of Conditional Use.** Any use permitted under the terms of any Conditional Use Permit shall be established and conducted in conformity to the terms of such permit and of any conditions designated in connection

therewith. Conditional Use Permits shall be renewed annually. The town board retains the authority to review and evaluate the continuation of the permit based on citizen response or concerns, Renewal notices will be provided fifteen (15) days prior to the review. The conditional use permit will be renewed for so long as the conditions agreed upon are observed, provided that nothing in this Section shall prevent the Township Board from acting or amending the Zoning Ordinance to change the status of conditional uses.

#### **2.5.7 Expiration of Conditional Use Permit**

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

**2.5.7.2** Any permit issued pursuant to the provisions of section 17 of this ordinance (animal control) shall be renewed annually unless the Board finds that the conditions of the permit have been violated. No permit shall be transferable.

#### **2.5.8 Revocation**

**2.5.8.1** A violation of any condition set forth in a Conditional Use Permit shall be a violation of this Zoning Ordinance, and failure to correct said violation within thirty (30) days of written notice from the Zoning Administrator shall terminate the permit.

**2.5.8.2** Revocation shall not occur earlier than ten (10) working days from the time written notice of revocation is served upon the permittee or if a hearing is requested, until written notice of the Town Board action has been served on the permittee.

**2.5.8.3** Notice to the permittee shall be served personally or by registered or certified mail at the address designated in the permit application. Such written notice of revocation shall contain the effective date of the revocation, the nature of the violation or violations constituting the basis of the revocation, the facts which support the conclusions that a violation or violations have occurred and a statement that if the permittee desires to appeal, he must, within ten (10) working days, exclusive of the day of service, file a request for a hearing.

**2.5.8.4** The hearing request shall be in writing, stating the grounds for appeal, and served personally or by registered or certified mail to the clerk or the Township Zoning Administrator by midnight of the tenth working day following service.

**2.5.8.5** Following the receipt of a request for hearing, the Township Zoning Administrator shall set a time and place for the hearing, which hearing shall be conducted in accordance with the procedures set forth in this Zoning Ordinance.

#### **2.5.9 Records of Conditional Uses**

**2.5.9.1** A certified copy of any conditional use shall be filed with the County Recorder or Registrar of Titles.

- 2.5.9.2** The Zoning Administrator shall maintain a record of all Conditional Use Permits issued including information on the use, location, conditions imposed by the Township, Board time limits, review dates, and such other information as may be appropriate.
- 2.5.9.3** A copy of the filed permit, bearing a notation of the filing date shall be mailed to the applicant.
- 2.5.10 Amended Conditional Use Permits.** Amended conditional use permits shall be requests for changes in conditions of the existing permit. An amended conditional use permit application shall be administered in a manner similar to that required for a new conditional use permit.
- 2.5.11 Reapplication.** No application for a conditional use permit for a particular use on a particular parcel of land shall be resubmitted for a period of twelve (12) months from the date of the denial of the previous application.
- 2.5.12 Phased developments.** In order to preserve an appropriate flexibility in the development plans for a large project which is to be developed over a number of years, a preliminary plan may be approved after a public hearing. The developer would then seek approval of the final plan in stages as he progresses with development. No additional public hearings need be held unless the developer proposes to make a substantial change from the plans or conditions included in the conditional use permit when it was granted approving the preliminary plan. Enlargement, intensification of use, or similar changes not specifically permitted by the conditional use permit issued, shall be considered substantial changes.
- 2.5.13 Existing uses.** All uses existing at the time of adoption of this zoning ordinance that now require a conditional use permit may continue in the same manner of operation as the use did upon the effective date of this zoning ordinance. The zoning administrator may require a conditional use permit for the use. Any enlargement, structural alteration, or intensification of use shall require a conditional use permit as provided for above. The township board may impose additional, reasonable conditions for the continuation of such use in accordance with the hearing provisions as set forth in Section 2.

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## New Section 2.6

### 2.6. Interim Uses

#### 2.6.1 Application

**2.6.1.1** Whenever this Ordinance requires an Interim Use Permit, a permit application for business use shall be filed with the Township Board.

The application shall be accompanied by plans of the proposed use showing such information as may be deemed necessary by the Township Board.

**2.6.1.2** Any map, if requested, shall be at least 1 inch to 200 feet. Maps for sites less than fifty (50) acres shall be at least 1 inch to 100 feet. Documents, including maps, shall be submitted electronically.

**2.6.1.3** A Certificate of Survey, if required, shall include a site plan drawn to scale showing the following information:

- Existing Conditions. Property lines and dimensions, building location and setbacks, dimensions of building, curb cuts, driveways, access roads, parking, off-street loading areas, septic system, and well.
- Proposed Conditions. Property lines and dimensions, building location and setbacks, building dimensions, curb cuts, driveways, access roads, parking, off-street loading areas, and any other proposed improvements.

**2.6.1.4** Submittal of the West Lakeland Township Permit Application for Business Use shall include:

- Identification of applicant, property owner, and description of property
- Type of business with a detail description of business use
- Disclosure of business operations as outlined within the permit application including, but not limited to:
  - Allowed use
  - Outdoor activities
  - Retail or over-the-counter sales
  - Noise
  - Personnel and employees
  - Hours, traffic, and parking, and Signage
  - Vehicles and equipment
  - Materials and storage
  - Site Map
  - Applicable licenses

## **2.6.2 Notice and Hearing Procedure**

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

**2.6.2.2** Notice of the time, place, and purpose of all public hearings shall be given by publication in a newspaper of general circulation in the Township at least 10 days before the hearing.

**2.6.2.3** Notice shall also be mailed to each of the owners of all property located within one quarter mile of the affected property or to the ten properties nearest to the affected property whichever would provide notice to the greater number of owners.

**2.6.2.4** Where required, no less than twenty (20) days prior to the public hearing, the Zoning Administrator shall send notice and copies of the applicant information to the Minnesota Department of Natural Resources for review and comment. This shall apply if subject property lies within the jurisdiction of the master plan for the Lower St. Croix River.

**2.6.2.5** Defects in the notice shall not invalidate the proceedings provided that a bona fide attempt to comply with the provisions of this Section has been made. A copy of the notice and a list of property owners and addresses to which the notice was sent shall be made a part of the record.

### **2.6.3** Criteria for Granting an Interim Use Permit

**2.6.3.1** The Township Board may grant an Interim Use Permit in any District, provided the proposed use is listed as a interim use for the District and upon a showing that the standards and criteria stated in this Zoning Ordinance will be satisfied and that the use is in harmony with the general purposes and intent of this Zoning Ordinance and the Comprehensive Plan. In determining whether the proposed use is in harmony with the general purpose and intent of this Zoning Ordinance and the Comprehensive Plan, the Township Board shall consider:

- The impact of the proposed use on the health, safety, and general welfare of the occupants of the surrounding lands.
- Existing and anticipated traffic conditions, including parking facilities on adjacent streets and lands.
- The effect of the proposed use on utility and school capacities.
- The effect of the proposed use on property values and scenic views in the surrounding area.
- The effect of the proposed use on the Comprehensive Plan.
- The ability of the proposed use to meet the standards of the Zoning Ordinance.
- The results of a market feasibility study, if requested by the Zoning Administrator, when the purpose for which the conditional use is being requested relies on a business market for its success.
- The effects of the proposed use on groundwater, surface water, and air quality.
- That the proposed use is allowed with an Interim Use Permit in the designated Zoning District in which it is proposed.

**2.6.3.2** In connection with the issuance of Interim Use Permits to nonconforming situations, the Township Board may require nonconformities to conform to the

regulations contained in the Zoning Ordinance and may impose such additional restrictions or conditions as it deems necessary to protect the public interest. When appropriate, restrictive covenants may be entered into regarding such matters.

2.6.3.3 The Board may impose and the applicant shall pay costs incurred by the Zoning Administrator for monitoring compliance with the conditions of the Interim Use Permit.

**2.6.4** The Town Board may place reasonable conditions on the issuance of any permit or interim use permit authorized by the preceding sections in order to protect the public health safety and welfare.

## **2.6.5** Compliance

**2.6.5.1** The use shall conform to the applicable sections of this zoning ordinance.

**2.6.5.2** In the event a complaint has been received by town officials, a report thereof shall be made to the Town Board by the Town Clerk, and the Town Board may direct the applicant to appear at a public hearing preceded by 10 days mailed notice to show cause why the permit should not be revoked. A permit may be revoked for a violation of this ordinance or any condition imposed at the time of issuance.

**2.6.6** Length of Interim Use. Any use permitted under the terms of any Interim Use Permit shall be established and conducted in conformity to the terms of such permit and of any conditions designated in connection therewith.

Interim Use Permits shall be renewed annually, unless the Board finds that the conditions of the permit have been violated. The town board retains the authority to review and evaluate the continuation of the permit based on citizen response or concerns. Renewal notices will be provided fifteen (15) days prior to the review. The interim use permit will be renewed for so long as the conditions agreed upon are observed, provided that nothing in this Section shall prevent the Township Board from acting or amending the Zoning Ordinance to change the status of interim uses.

## **2.6.7** Expiration of Interim Use Permit

**2.6.7.1** An Interim Use Permit shall expire and be considered null and void one (1) year after it has been issued if use has not been established.

**2.6.7.2** Any permit issued pursuant to the provisions of section 17 of this ordinance (animal control) shall be renewed annually unless the Board finds that the conditions of the permit have been violated. No permit shall be transferable.

## **2.6.8** Revocation

**2.6.8.1** A violation of any condition set forth in a Interim Use Permit shall be a violation of this Zoning Ordinance, and failure to correct said violation within thirty (30) days of written notice from the Zoning Administrator shall terminate the permit.



**2.6.8.2** Revocation shall not occur earlier than ten (10) working days from the time written notice of revocation is served upon the permittee or if a hearing is requested, until written notice of the Town Board action has been served on the permittee.

**2.6.8.3** Notice to the permittee shall be served personally or by registered or certified mail at the address designated in the permit application. Such written notice of revocation shall contain the effective date of the revocation, the nature of the violation or violations constituting the basis of the revocation, the facts which support the conclusions that a violation or violations have occurred and a statement that if the permittee desires to appeal, they must, within ten (10) working days, exclusive of the day of service, file a request for a hearing.

**2.6.8.4** The hearing request shall be in writing, stating the grounds for appeal, and served personally, or by registered or certified mail, to the clerk or the Township Zoning Administrator by midnight of the tenth working day following service.

**2.6.8.5** Following the receipt of a request for hearing, the Township Zoning Administrator shall set a time and place for the hearing, which hearing shall be conducted in accordance with the procedures set forth in this Zoning Ordinance.

## **2.6.9** Records of Interim Uses

**2.6.9.1** The Zoning Administrator shall maintain a record of all Interim Use Permits issued including information on the use, location, conditions imposed by the Township Board, time limits, review dates, and such other information as may be appropriate.

**2.6.9.2** A copy of the permit, bearing a notation of the filing date, shall be mailed to the applicant.

**2.6.10** Amended Interim Use Permits. Amended Interim Use Permits shall be requests for changes in conditions of the existing permit. An amended Interim Use Permit application shall be administered in a manner similar to that required for a new Interim Use Permit.

**2.6.11** Reapplication. No application for an Interim Use Permit for a particular use on a particular parcel of land shall be resubmitted for a period of twelve (12) months from the date of the denial of the previous application.

**2.6.12** Existing uses. All uses existing at the time of adoption of this zoning ordinance that now require an Interim Use Permit may continue in the same manner of operation as the use did upon the effective date of this zoning ordinance. The zoning administrator may require an Interim Use Permit for the use. Any enlargement, structural alteration, or intensification of use shall require an Interim Use Permit as provided for above. The township board may impose additional, reasonable conditions for the continuation of such use in accordance with the hearing provisions as set forth in Section 2