

**This Replaces all of Section 4
Approved 02/13 2023**

4. Zoning Regulations, Zoning Maps, Districts and Uses

4.1. Zoning Regulations

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

4.2. Zoning Districts

The Township is divided into Districts. Each District has primary uses; uses that may be allowed with a Certificate of Compliance; uses that may be allowed with an Interim Use Permit; and uses that may be allowed with a Conditional Use Permit as herein defined. Unless a use is specifically defined as a primary use or allowed with a Certificate of Compliance, or an Interim Use Permit or a Conditional Use Permit, it is a prohibited use. The boundaries of the districts are as shown on the map published and made part hereof. This map is designated as the official zoning map of the Township. The district boundary lines on this map are intended to follow street right-of-way lines, street centerlines, or lot lines unless such boundary is indicated otherwise on the map. In the case of unsubdivided property or in any case where street or lot lines are not used as boundaries, the district boundary lines shall be determined by use of dimensions or the scale appearing on the map. All of the notations, references and other information shown thereon shall have the same force and effect as if fully set forth herein and are made a part of this section by reference and incorporated herein fully as if set forth herein at length. Whenever any street or public way is vacated, any zoning district line following such centerline of said vacated street or way shall not be affected by such vacation.

4.3. 'SFE' Single Family Estate District and Uses

4.3.1. Purpose and Scope. The Single Family Estate District provides residential areas in developing rural areas. The purpose of this District is to provide lots large enough to maintain a semi-rural setting. The following are primary uses in the "SFE" District: Agriculture and Single Family Residential. A Class 1 Home Occupation business is allowed without a permit. A Class 2 Home Occupation business is allowed with a Certificate of Compliance. A Class 3 Home Occupation business is allowed with an Interim Use Permit, and a Class 4 Home Occupation business is allowed with a Conditional Use Permit. Chapter 10 of these ordinances defines specific limitations for each of these Home Occupation businesses.

4.3.2. Uses with a Conditional Use Permit. The following uses may be

permitted in the “SFE” District after the issuance of a Conditional Use: Permit: Agricultural Business – Seasonal; Essential Services - Government Uses, Building, and Storage; Essential Services - Utility Substation; Certain Home Occupations; Cemeteries; Day Care Facility; Community Residence (up to 10 patients); Golf Course; Place of Worship; Public Recreation Facility; Schools; Horse Training Facility, Private (under 10 horses); Livestock and Livestock Operations (over 11 animal units).

4.3.3. Rental of dwelling, structure, or premises in SFE District: Intent of ordinance: to limit disruption by, and frequency of rentals within our neighborhoods, while preserving the township’s quiet, rural, residential character and promoting a sense of community and neighborhood within the SFE District.

4.3.3.1 Short Term Rental Definitions:

Rental: Any transactional exchange of value, including rental or lease payments, bartering, sharing, trading, or any form of compensation.

Short Term Rental Period: 180 days or less; consecutive, overlapped, or aggregate.

Bedroom Definition: For the purposes of this section, a bedroom is a recognized sleeping quarters by the UBC, to include a closet and egress.

4.3.3.2 Short Term or Vacation Rentals Prohibited.

It is prohibited to rent, lease, sublease, or offer for rent or lease any dwelling unit, part of a dwelling unit, guest house, guest room or lodging room, structure, or premises for lodging or events for a period of 180 days or less.

Rentals, leases, or offers to individuals, parties, corporations or any other entities may not be overlapped or aggregated to meet the 180 day requirement.

The premises can not be rented out for more than 2 rentals per rolling year.

4.3.3.3 Rentals for periods longer than 180 days:

- Rentals, leases, or offers for over 180 days must be in compliance with all Town ordinances.
- Rentals, leases, or offers for less than 1 year are limited to a minimum length of 180 days. Overlapping or aggregating of rental periods is prohibited. (For example, the next rental period cannot start until 180 days has lapsed since the start of the previous rental.)
- The number of people allowed to reside in the rental is no more than 2x the number of bedrooms plus 1 person.
- During the rental or offered period, the number of allowed persons on the premises cannot exceed 2x the number of bedrooms plus one person.

4.4. 'NC-B' Neighborhood Commercial/Business District and Uses

4.4.1. **Purpose and Scope.** The purpose of this District is to provide for individual and small groups of retail and customer service establishments serving primarily the convenience of a local neighborhood. The character, appearance, and operation of a neighborhood business area should be compatible with surrounding residential areas. The only allowed primary use in this district is agriculture. There are no uses with a Certificate of Compliance or Interim Use Permit in this District.

4.4.2. **Uses with a Conditional Use Permit.** The following uses may be permitted in the "NC-B" District after the issuance of a Conditional Use Permit: Bakeries; Banks, Savings and Loan Associations and other Financial Institutions; Barber Shops/Beauty Shops; Business Offices; Coffee Shops; Day Care Centers; Drug Stores; Golf Driving Ranges; Essential Services - Government Buildings, Storage, and Uses; Essential Services - Utility Substations; Florists; Insurance Sales Offices; Optical Stores; Park and Ride, Plant Nurseries; Self Service Storage Facilities; Transit Stops/Shelters; Places of Worship; Public Recreation Facility; Real Estate Sales; Schools (i.e. Dance, Karate); Soda Fountain and Ice Cream Stores; Small Arts and Crafts stores providing specialty products for sale; Veterinary Clinics; other substantially similar uses in terms of traffic volume, noise, waste generation, parking, lighting, odor, compatibility with surrounding uses and intended to primarily serve Township residents.

4.5. 'HC-B' Highway Commercial/Business District and Uses

4.5.1. **Purpose and Scope.** The purpose of this District is to provide an area for highway oriented commercial businesses that are non-threatening to the environment or the neighborhood. There are no primary uses in Highway Commercial/Business Districts. There are no uses with a Certificate of Compliance or Interim Use Permit in this District.

4.5.2. **Uses with a Conditional Use Permit.** The following uses may be permitted in the "HC-B" District after the issuance of a Conditional Use Permit: Balloon Ports –Commercial; Convenience Food Store; Essential Services - Government Buildings, Storage, and Uses; Essential Services - Utility Substations; Medical/Dental Clinics; Mining/Extraction-Related Industries; Motor Vehicle Service Stations (Automobile)/Parts; Car Wash; Physical Fitness Center; Plant Nursery/Sales; Restaurants; Self Service Storage Facilities; Drive-through Restaurants; Veterinary Clinic; Wireless Communication Facility.

4.6. Conservancy District and Uses

- 4.6.1. **Purpose and Scope.** The Conservancy District is established to provide special regulatory protection for those areas that either contain a valuable natural resource or other similar resource or to foster, preserve, and promote sensitive development in these areas. Land within this District may be unsuitable for agricultural production or development due to wetlands, woodlands, steep slopes, scenic views, bedrock formations, and/or other physical features of unique natural and biological characteristics.
- 4.6.2. **Land Uses in the Conservancy District.** The following are primary uses in the Conservancy District: hiking, fishing, trapping, hunting, swimming, and boating, unless otherwise prohibited; harvesting of wild crops, such as marsh hay, ferns, moss, wild rice, berries, tree fruits, and tree seeds, in a manner that is not injurious to the natural reproduction of such crops and does not involve filling, flooding, draining, dredging, ditching, tiling, or excavating; silviculture, including the planting, thinning, and harvesting of timber, provided no filling, flooding, draining, dredging, ditching, tiling, or excavating is done except for temporary water level stabilization measures to alleviate abnormally wet or dry conditions which would have an adverse impact on silvicultural activities if not corrected; Construction and maintenance of fences; existing agricultural uses that do not involve extension of cultivated areas, extension of or creation of new drainage systems, and do not substantially disturb or impair the natural fauna, flora, topography, or water regimen; ditching, tiling, dredging, excavating, or filling done to maintain or repair an existing agricultural drainage system only to the extent necessary to maintain the level of drainage required to continue the existing agricultural use; or the maintenance, repair, replacement, and reconstruction of existing streets, roads, and bridges.
- 4.6.3. **Uses with a Certificate of Compliance or Interim Use Permit.** The following uses are permitted in the Conservancy District after the issuance of a Certificate of Compliance: Agriculture. There are no uses with a Certificate of Compliance or Interim Use Permit in this District.
- 4.6.4. **Uses with a Conditional Use Permit.** Uses with a Conditional Use Permit include passive recreational uses.

4.7. Airport Overlay District

- 4.7.1. **Applicability.** The Airport Overlay District applies to West Lakeland Township Zoning Districts, including Single Family Estate, Neighborhood Commercial/Business, Highway Commercial/Business, Conservancy, and Agriculture, that are located within the Airspace Zone or Safety Zone of private or publicly owned and operated airfields in adjacent areas. Uses of land within the Airport Overlay District are subject to the Lake Elmo Airport Zoning Ordinance as adopted by the Lake Elmo Airport Joint Zoning Board as well as Federal and State regulations pertaining to the use of land adjacent to airports.