

## 6 General Development Standards

### 6.1 Application

All lots or uses will be subject to these general standards as well as other specific regulations which apply to the lot or the proposed use. All agricultural and livestock operations being conducted in compliance with the terms of this Zoning Ordinance shall not be deemed a violation of this Zoning Ordinance notwithstanding the fact that there may have been changes in the surrounding character of the area. All such operations existing upon the effective date of this code will be grandfathered in.

### 6.2 Commercial Certificate of Compliance or Conditional Use Permit

All applicants for a Certificate of Compliance or Conditional Use Permit in the Commercial Districts must 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 meet all applicable Environmental Standards. All applicants must demonstrate that a sewage treatment system can be installed in accordance with the Washington County Individual Sewage Treatment System Regulations. Water usage of any proposed use must conform to 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.

### 6.3 Building Sites

**Sloping or Erodible Building Sites.** No structure shall be constructed on sites with slopes of greater than twenty five percent (25%) or on easily erodible soils as defined on the community soils maps and compiled by the Washington Conservation District.

### 6.4 Setback Restrictions

**6.4.1 Permitted Encroachments into Required Setbacks.** The following shall be permitted encroachments into setback requirements: flues, eaves, and awnings up to three (3) feet in width; steps, chimneys, sidewalks, and stoops up to three (3) feet in width; exposed wheelchair ramps, bay windows, and doors up to three (3) feet in width.

**6.4.2 Corner Lots.** Nothing shall be placed or allowed to grow, with the exception of seasonal crops, in such a manner as to materially impede vision between a height of one and one half (1-1/2) and ten (10) feet above the centerline grades of the intersecting streets to a distance such that a clear line of vision is possible of the intersecting street from a distance of 50 feet from the intersection of the right of way lines.

**6.4.3 Setbacks along Arterials.** The minimum setback for all structures shall be one hundred fifty (150) feet from the centerline, or 75 feet from the right-of-way, whichever is greater, along roads designated as "Arterials" in the West Lakeland Township Comprehensive Plan.

**6.4.4 Unclassified Water Bodies.** All lots having frontage on or containing an unclassified water body as defined in the Washington County Shoreland Management Regulations shall be subject to the setback regulations for unclassified water bodies as established in Chapter Six.

## **6.5 Building Size Restrictions**

**6.5.1 Minimum Width and Foundations.** In all Districts where single family dwellings are permitted, the following standards shall apply for single family dwellings. The minimum width of the main portion of the structure shall be not less than twenty (20) feet, as measured across the narrowest portion. All dwellings shall be placed on a permanent foundation and anchored to resist overturning, uplift, and sliding in compliance with the Minnesota State Building Code.

**6.5.2** No residential building hereafter erected nor any building now erected and not now used for residential purposes shall be used for residence purposes unless it complies with the following requirements: It shall be a structure of at least 800 square feet on a single level for the first or main living floor when it is a two-story or split-level residence. Any other floor used for living shall have at least 400 square feet, which shall include second floors and the smaller of any split-level area. Where there is only one living floor, any residence shall contain at least 1010 square feet. There shall be at least three livable rooms. No room except the bath shall be less than seven (7) feet wide.

## **6.6 Building Code Restrictions**

**6.6.1** All principal buildings shall meet or exceed the minimum standards of the Minnesota Building Code, the Minnesota State Uniform Fire Code, the Minnesota Department of Health, the Minnesota Pollution Control Agency, and the Washington County Individual Sewage Treatment System Regulations, except that manufactured homes shall meet or exceed the requirements of the State of Minnesota Manufactured Home Building Code in lieu of the Minnesota State Building Code.

**6.6.2 Buildable Land.** All new parcels created, which are not served by public sanitary sewer, must have at least one (1) contiguous acre of accessible buildable land. Buildable land is defined as land with a slope less than 25 percent; and outside of any required setbacks, except that on a natural environment lake where a 200 foot structure setback is required, the buildable area calculation would be measured from a 150 foot setback rather than the required 200 foot setback; and above any 100 year floodplain, drainage way, or drainage easement.

**6.6.3** The Town of West Lakeland has adopted and enforces the International Building Code (IBC) standards except as those standards are modified by other provisions of these ordinances.

- 6.6.4 Structural Footing Requirements.** All structural footings shall have a minimum of 2 reinforcing rods, each ½” in diameter, placed to provide a minimum of 3" concrete cover. The requirement for this reinforcement may be waived by the town building official upon submittal of an engineered system providing calculations in accordance with the building code.
- 6.6.5 Permits required for certain footings.** A building permit shall be required for any structure, whether new construction, repair, remodeling or addition where frost footings are required at 42" or more regardless of whether a permit would otherwise be required by the town code.

## **6.7 Limitations on Structures**

- 6.7.1** There shall be no more than one (1) principal structure on any one (1) parcel of land, unless otherwise authorized by the Zoning Ordinance.
- 6.7.2 Certain Dwelling Units Prohibited.** No cellar, garage, recreational vehicle or trailer, mobile home, basement with unfinished exterior above, or accessory building shall be used at any time as a dwelling unit except as specifically authorized herein. Where an existing occupied residence on the property has been destroyed by fire, tornado, or other natural disaster the owner of the property shall be allowed to temporarily use a trailer or mobile home as living quarters provided that a building permit is applied for within six months of the placement of the trailer or mobile home on the property and that such trailer is removed within three months of issuance of a Certificate of Occupancy for the new residence. All other provisions of the West Lakeland Code including, but not limited to, those regarding sanitation, utilities and setbacks shall apply to any temporary residence allowed by this section.
- 6.7.3 Occupancy of a Single Family Residential Dwelling.** No more than six (6) persons can reside in a single family residential dwelling not related by blood, marriage or adoption.
- 6.7.4** No structure shall exceed the maximum height permitted for the Zoning District in which it is located, except for church spires, chimneys, flag poles up to 45 feet in height, wind generators and home - use antennas. Any such structures greater than the maximum height permitted shall be subject to Conditional Use Permits in the "SFE" District. Wireless Communication Facilities are regulated in accordance to section 8.14 of this Ordinance.
- 6.7.5** Structures must be set back a minimum of 50' from an underground pipeline easement.
- 6.7.6 Temporary Family Health Care Dwellings**
- 6.7.6.1 Purpose.** On May 12, 2016, Governor Dayton signed into law the creation and regulation of temporary family health care dwellings, codified at Minnesota Statute §462.3593, which permit and regulate temporary family health care dwellings. Subdivision 9 of Minnesota Statute §462.3593 allows municipalities to “opt out” of those regulations.
- 6.7.6.2 Opt Out of Minnesota Statute §462.3593.** Pursuant to authority granted by Minnesota Statutes, Section 462.3593, subdivision 9, West Lakeland Township opts-out of the requirements of Minnesota Statute §462.3593, which defines and regulates Temporary Family Health Care Dwellings.

## **6.8 Nonconforming Uses, Structures, and Lots**

**6.8.1 Nonconforming Situations.** Within the Districts established by this Zoning Ordinance or amendments that may later be adopted, situations may occur where as a result of the regulations contained in this Zoning Ordinance, an existing lot or structure, or use of an existing lot or structure, does not conform to one or more of the regulations contained in this Zoning Ordinance. It is the intent of this Zoning Ordinance to regulate such nonconforming situations in such a way that they can continue, but will ultimately be phased out by prohibiting their enlargement, expansion, or alteration, re-establishment after discontinuance or abandonment, or restoration after damage or destruction.

**6.8.2 Nonconforming Use.** Any use legally existing on the effective date of this Zoning Ordinance which is not in conformity with the regulations contained in this Zoning Ordinance shall be allowed to continue, subject to the following conditions. The Township Board may require that a Conditional Use Permit be issued for the nonconforming use.

**6.8.2.1** No such use shall be expanded, enlarged, or altered, including any increase in the volume, intensity, frequency, or use of property where a nonconforming use exists. A change from one nonconforming use to another nonconforming use is not permitted.

**6.8.2.2** A nonconforming use of a parcel of open land may not be extended to cover more land than was occupied by that use when it became nonconforming, except that use involving the removal of natural materials, such as sand or gravel. This one use may be expanded within the boundaries of the parcel where the use was established at the time it became nonconforming, subject to the standards contained in the Washington County Mining Regulations and this Zoning Ordinance.

**6.8.2.3** A nonconforming use which has been discontinued for a period of twelve (12) consecutive months shall not be re-established and any further use shall be in conformity with the regulations of this Zoning Ordinance.

**6.8.2.4** If a structure used for a nonconforming use is damaged to the extent that the cost of repair or replacement would exceed fifty percent (50%) of the appraised valuation of the damaged structure, then the damaged structure shall not be restored, repaired or replaced, except in conformity with this Zoning Ordinance.

**6.8.2.5** All nonconforming projects on which a building permit has been issued may be completed in accordance with the terms of their permit as long as the permit is valid.

**6.8.3 Nonconforming Structure.** Any structure existing on the effective date of this Zoning Ordinance which is not in conformity with the regulations contained in this Zoning Ordinance shall be allowed to continue, subject to the following conditions:

**6.8.3.1** No such structure shall be expanded, enlarged, or altered, without first obtaining a variance, provided however, that a nonconforming structure may be enlarged, altered, or expanded without the necessity of obtaining a variance as long as each of the following conditions can be met for the

District in which the structure is located: This enlargement, alteration, or expansion itself does not violate any other provisions of this Zoning Ordinance, other than the provision that made the structure nonconforming in the first place; and Long-term sewage disposal needs can be met.

- 6.8.3.2** A nonconforming structure except a non-conforming dwelling unit used as the primary residence, which is destroyed or damaged by any means to the extent that the cost of repair or replacement would exceed fifty percent (50%) of the appraised value of the original structure shall not be restored, repaired, or replaced, except in conformity with this Zoning Ordinance. If a structure cannot be placed on the lot meeting all current standards, the variance procedure must be followed. For the purposes of this Zoning Ordinance the term "Appraised Value" shall mean the market value of the structure as determined by the current records of the County Assessor for the year in which damage was done.
- 6.8.3.3** Nothing in this Zoning Ordinance shall prevent repair of a structure when said structure is declared unsafe by a certified Building Inspector, providing the cost of the repairs shall not constitute more than fifty percent (50%) of the appraised value of the original structure.
- 6.8.3.4** All construction projects for which a valid building permit was granted before the effective date of this Zoning Ordinance may be completed although the structure would not meet newly established standards of this Zoning Ordinance.
- 6.8.4 Nonconforming Lots**

  - 6.8.4.1** Any separate lot or parcel created in accordance with the applicable Subdivision Regulations and of record in the Washington County Recorder's Office on or before the effective date of this Zoning Ordinance may be used for the legal use for which it is zoned, provided the following provisions can be met.

    - 6.8.4.1.1** It has a minimum of eighty (80) percent of the required frontage on an improved public road or on a private road approved by the Township. To be considered an approved private road, the Township Board of Supervisors must, by resolution, specify the road, indicate the road is capable of supporting emergency vehicles, and specify that provisions exist for on-going maintenance of the road.
    - 6.8.4.1.2** An on-site waste disposal system can be installed in accordance with Washington County Individual Sewage Treatment System Regulations.
    - 6.8.4.1.3** All other requirements of this Zoning Ordinance can be met.
  - 6.8.4.2** If in the case of two (2) or more contiguous lots or parcels of land under a single ownership, any individual lot or parcel does not meet the minimum requirements of this Zoning Ordinance, such individual lot or parcel cannot be considered as a separate parcel of land for purposes of sale or development but must be combined with adjacent lots under the same ownership so that the combination of lots will equal one or more parcels of land meeting the full requirements of this Zoning Ordinance.

- 6.8.4.3** A conforming lot shall not be reduced in size so that it would become nonconforming in any aspect of this Zoning Ordinance. A nonconforming parcel shall not be reduced in size.
- 6.8.4.4** Where a nonconforming lot of record contains a conforming principal structure, said principal structure may be enlarged, altered, or expanded without a variance provided that the enlargement, alteration, or expansion meets all other standards of this Zoning Ordinance and long term sewage disposal needs can be met.
- 6.8.5** **Lots Fronting on More Than One Street, Public road Easement or Right of Way.** Lots which front on more than one street, public road easement or right of way shall be considered as fronting on all such streets, public road easements or right of ways. No building hereafter erected shall be set back less than 50 feet from any such street, public road easement or right of way.

## **6.9** Accessory Structures

- 6.9.1** **Purpose.** The purpose of these standards is to regulate the size, use and location of accessory buildings.
- 6.9.2** **Required Permits.** A building permit is required for all accessory structures except agricultural buildings on a farm as defined in Minnesota Statute §16B.61. A Certificate of Compliance is required for all agricultural buildings and accessory structures over 1,000 square feet in size. Solar installations will not be considered accessory structures.
- 6.9.3** **General Performance Standards for Accessory Structures.** These performance standards will apply to accessory structures in all districts.
- 6.9.3.1** No accessory structure shall be constructed, nor shall construction of an accessory building be commenced, on a lot prior to completion of construction of the principal residence on the lot. Completion of construction of the principal residence shall mean that a certificate of occupancy has been issued for the principal residence.
- 6.9.3.2** An accessory building shall be any building which is not physically attached to the main residence on the property. The size of the accessory building shall not exceed 1,000 square feet on lots less than 2.5 acres; 2000 square feet on lots of 2.5 acres but less than 5 acres; 2500 square feet on lots of 5 acres but less than 20 acres. On lots of less than 7 acres a “lean to” covering not more than 700 square feet may be added to the accessory building and on lots of 7 acres or more a “lean to” covering not more than 1000 additional square feet may be added to the accessory building.
- 6.9.3.3** On parcels 2.5 acres and greater but less than 20 acres a maximum of two accessory structures are allowed. On parcels greater than 20 acres, there is no limit on the number of accessory structures, provided they are agricultural buildings or structures. For all parcels, one single story shed of 120 square feet or less is permitted in addition to the allowed accessory structures. All accessory structures shall be limited to one story in height.

**6.9.4** The accessory structures shall have a front yard setback equal to or greater than the setback of the main residence from the right-of-way.

**6.9.5 "SFE" Residential Districts Additional Performance Standards.** The following additional standards apply to all land within these districts.

**6.9.5.1** On parcels less than 2.5 acres, one accessory structure is allowed. On parcels greater than 2.5 acres and less than 20 acres, a maximum of two accessory structures are allowed, however the total square footage of all accessory structures shall not exceed 2000 square feet for parcels of 2.5 to 5 acres or 2500 square feet for parcels greater than 5 acres but less than 20 acres. On parcels greater than 20 acres, there is no limit on the number of accessory structures, provided they are agricultural buildings. One single story shed of 120 square feet or less is permitted in addition to the accessory structures. All accessory structures shall be limited to one story in height. The permitted sizes of accessory structures are as follows:

Lot Area	Total Square Footage
Parcels less than 1 acre	720 sq. ft.
1 acre - 2.49 acres	1,000 sq. ft.
2.5 acres – 5.0 acres	2,000 sq. ft.
5.01 acres – 20 acres	2,500 sq. ft.

**6.9.5.2** All detached accessory structures are to be used for personal use or agricultural use only. No commercial use or commercial related storage is allowed in these structures.

**6.9.5.3** Land may be subdivided with a minor subdivision into parcels of no less than 5 acres and retain the existing number and square footage of accessory structures on the site if they were part of the farmstead as existed in January 1, 2001, subject to the following conditions: There shall be no additional accessory buildings constructed on the property; and If any existing accessory buildings become "Hazardous Buildings", they shall be repaired or removed by the owner.

**6.9.6 Accessory Structures to House Domestic Farm Animals.** Accessory structures used to shelter domestic farm animals must meet the following requirements.

**6.9.6.1** All domestic farm animal structures, feedlots, and manure storage sites shall be setback as follows:

Natural/Man- Made Features	Horizontal Setbacks
(a) Any property line	100 feet
(b) Any existing well or residential structure on the same parcel	50 feet
(c) Any existing well or residential structure on adjacent or nearby parcel	200 feet

(d) Any body of seasonal or year round surface water	200 feet
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Said structure, feedlot, or manure storage shall not be placed on slopes which exceed thirteen percent (13%).

**6.9.6.2** Evidence of seasonally high ground water level or mottled soil (as established by six (6) foot borings) shall not be closer than four (4) feet to the natural surface ground grade in any area within one hundred (100) feet of the proposed structure and/or feedlot.

**6.9.6.3** No marsh or wetland (as established by the predominant wetland vegetation and/or soils) shall be utilized for placement of the proposed structure, feedlot, or grazing area.

**6.9.7 Neighborhood Commercial/Business, Highway Commercial/Business District.** The following additional standards shall apply to accessory structures in these districts:

**6.9.7.1** One accessory structure is allowed on a parcel in these Districts provided it is used for storage related to the principal use of the property.

**6.9.7.2** No separate business is allowed in the accessory structure. The accessory structure must be placed to the rear of the principal building and conform to applicable setback requirements and lot coverage standards.

## **6.10 Traffic Control**

**6.10.1 Traffic control at commercial sites.** The traffic generated by any use shall be controlled so as to prevent congestion of the public streets, traffic hazards and excessive traffic through residential areas, particularly truck traffic. Internal traffic shall be regulated so as to ensure its safe and orderly flow. Traffic into and out of commercial, business, and industrial areas in all cases shall be forward moving with no backing into streets.

### **6.10.2 Designation of Certain Roadways**

**6.10.2.1 Intent.** The Town Board finds that it is in the public interest to prohibit or restrict certain trucks and commercial traffic on certain town roads in order to promote safety on the town roads, to protect the town roads from unreasonable damage, to promote use of the weigh station on Interstate 94 and in order to keep certain roads from becoming a nuisance to adjoining property by reason of noise or pollution from certain traffic.

**6.10.2.2 Prohibition of Certain Trucks and Commercial Traffic.** That part of 22nd Street within the town lying between Stagecoach Trail and State Highway 95 is hereby designated a restricted route. No trucks or other vehicles over 5 tons per axle weight shall be allowed to travel on or across said restricted route. Signs describing the restricted route shall be placed at each end of the route. Farm vehicles, shall be exempt from this restriction. Commercial vehicles delivering goods or services to residences or businesses located within a five mile radius of the intersection of 22nd Street and Stagecoach trail shall be exempt from this restriction.

- 6.10.2.3 Penalty.** The driver of any vehicle with an axle weight in excess of the allowed axle weight which travels on any portion of the restricted route shall be guilty of a misdemeanor and subject to the maximum penalties allowed under state law for misdemeanor offenses in addition to any civil penalties which may be imposed by law.
- 6.10.3 Street Restrictions**
- 6.10.3.1 Vacated Streets.** Whenever any street, alley, easement, or public way is vacated by official action, the Zoning District abutting the centerline of the said vacated area shall not be affected by such proceedings.
- 6.10.3.2 Access Drives, Access, and Service Roads.** Access drives onto County roads shall require an access permit from the Washington County Public Works Department. This permit shall be issued prior to the issuance of any building permits. The County Engineer 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.
- 6.10.4 Private Roads.** Private roads are not allowed in any new subdivisions created after the effective date of this Zoning Ordinance.