

# LANSING TOWNSHIP PLANNING AND ZONING ORDINANCE

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June 2, 2004  
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April 19, 2017



**LANSING TOWNSHIP**  
26938 539 AVE.  
P.O. Box 85  
Lansing, MN 55950

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**LANSING TOWNSHIP  
PLANNING AND ZONING ORDINANCE**

The Board of Supervisors of the Town of Lansing ordains:

**ARTICLE I  
GENERAL PROVISIONS**

**Section 1.1 Title.**

This Ordinance shall be known as the Lansing Township Planning and Zoning Ordinance (“Ordinance”).

**Section 1.2 Authority.**

Lansing Township (“Township”) is empowered to enact, administer, enforce, and amend these zoning regulations through the powers granted to townships by Minnesota Statutes, Section 462 and such other law as may apply. This Ordinance does not rely on the authority provided in Minnesota Statutes, Sections 366.10 to 366.181 and the procedures and requirements of those sections do not apply to this Ordinance.

**Section 1.3 Purpose.**

The purpose of this Ordinance is to provide a means of guiding future development of land so as to insure a safer, more pleasant and more economical environment for residential, commercial, industrial and public activities, to preserve agricultural and other open lands, and to promote the public health, safety, and general welfare in Lansing Township by regulating the use of land and structures for trade, commerce, industry, residential, and other purposes, by defining certain terms used herein, imposing certain standards, restrictions, and requirements, and by providing for the enforcement, administration, and imposition of penalties for the violation of this Ordinance. This Ordinance will assist in developing lands more wisely to serve citizens more effectively, will make the provision of public services less costly, and will achieve a more secure tax base

**Section 1.4 Application.**

- (A) **Minimum Requirements.** The provisions of this Ordinance, in their interpretation and application, shall be held to be the minimum requirements for the promotion of the public health, safety, comfort, convenience, and general welfare. The provisions of this Ordinance shall be liberally construed in favor of the Township and shall not be deemed a limitation or repeal of any powers granted the Township by law.
- (B) **Stricter Regulations.** Where the standards, regulations or requirements imposed by any provision of this Ordinance are either more or less restrictive than comparable standards, regulations or requirements imposed by any other statute, ordinance, rule, or regulation of the Township, County, State, or Federal government, the statute, ordinance, rule, or regulation which imposes the more restrictive condition, standard, regulation or requirement shall prevail.
- (C) **Consistency.** Should any provision in this Ordinance conflict with, or be found inconsistent with Minnesota Statutes, Chapter 462, the provisions of the applicable

section of Minnesota Statutes, Chapter 462 shall apply, and supersede the inconsistent or conflicting terms of this Ordinance. It is not intended by this Ordinance to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this Ordinance imposes greater restrictions, the provisions of this Ordinance shall prevail.

- (D) **Severability.** If any section, clause, provision or portion of this Ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby. If any court of competent jurisdiction shall adjudge invalid the application of any provision of this Ordinance to a particular property, building, or structure, such judgment shall not affect the application of said provisions to any other property, building, or structure not specifically included in said judgment.

#### Section 1.5 **Jurisdiction.**

This Ordinance shall apply to all areas within Lansing Township, except areas within the incorporated limits of any city, however organized, or as may otherwise be provided by law.

#### Section 1.6 **County Regulations.**

Properties within the Township are also subject to the regulations imposed by Mower County ("County"). The County has adopted its own land use regulations, including the Mower County Zoning Ordinance, the Mower County Floodplain Ordinance, an ordinance regulating the subdivision of land, an ordinance regulating subsurface sewage treatment systems, and various other regulations. By adopting this Ordinance the Township is not assuming any responsibility for the administration or enforcement of those regulations. The County is responsible for administering and enforcing its regulations and the Township is responsible for administering and enforcing this Ordinance.

- (A) **Shorelands and Floodplains.** Those portions of the Township designated as shoreland areas by the County, or floodplain areas according to the applicable FEMA maps, shall be regulated by the County pursuant to its applicable ordinances and any permits required under the County's shoreland or floodplain ordinances shall be obtained from the County. The designated shoreland and floodplain areas within the Township shall be treated as overlay districts for the purposes of this Ordinance and the land within them shall also be subject to the underlying regulations imposed by this Ordinance including, where applicable, the need to obtain one or more permits from the Township.
- (B) **Subdivisions.** Those proposing to subdivide property within the Township shall be subject to the County's subdivision regulations and the subdivisions regulations contained within this Ordinance. Under Minnesota Statutes, Section 505.09, Subdivision 1a, the County may not approve the platting of any land within the Township unless the Town Board first approves the plat and the laying of streets and other public ways shown on it. Such approval shall not be provided until the approvals required under this Ordinance are obtained. The developer shall be required to comply with this Ordinance, the conditions imposed by the Town Board on its approvals, and the terms and conditions of the development agreement entered into with the Township for the subdivision.

- (C) **ISTS/SSTS.** The County is responsible for administering and enforcing Minnesota Rules, Chapters 7080-7083 regulations regarding individual subsurface sewage treatment systems (ISTS) or subsurface sewage treatment system (SSTS) in the Township.
  
- (D) **General Zoning.** The County remains responsible for administering and enforcing its regulations and nothing herein shall be construed as the Township adopting the County's regulations or accepting responsibility for the administration or enforcement of any County regulations. Any County regulation not specifically addressed in this Ordinance shall remain the responsibility of the County. This Ordinance does not relieve a person from having to obtain any permits or permissions that may be required from other agencies.

**Section 1.7 Compliance.**

From and after the effective date of this Ordinance no structure may be erected, constructed, enlarged, reconstructed or altered and no structure or land may be used or occupied for any purpose or in any manner that is not in conformity with this Ordinance. Construction of all structures and uses must be in accordance with the application, plans, permit, and any applicable variance. Permits issued on the basis of approved plans and applications authorize only the use and construction set forth in such approved plans and applications and no other use or construction. Any use or construction not in conformance with that authorized shall be deemed a violation of this Ordinance unless a new or amended permit or variance is first obtained from the Township.

**Section 1.8 Prior Zoning Regulations.**

This Ordinance supersedes and replaces all previous land use and zoning ordinances adopted by the Town Board and all such previous land use and zoning ordinances are hereby repealed. The repeal of the Township's previous land use and zoning ordinances does not itself affect the status of any use, structure, or lot that was not in conformance with the earlier ordinances.

**Section 1.9 Applications.**

All applications must be on forms provided by the Town Board. Any requests not submitted on a provided Township form shall not be considered an application for the purposes of this Ordinance, or Minnesota Statutes, Section 15.99, and shall be rejected. An application shall be immediately rejected if the required application fee does not accompany it. If an administrative fee (escrow) is required, the applicant shall submit the required amount for escrow with the Township within five (5) business days of the submission of the application or the application shall be deemed incomplete and will not be processed.

**Section 1.10 Unpaid Taxes or Charges.**

Any application for a zoning request related to property in which there are delinquent property taxes, special assessments, penalties, interest, or past due public utility fees shall not be considered complete and shall not be processed until the owner certifies to the Township, with adequate supporting documentation, that all such delinquent or past due amounts, interest, and penalties have been paid in full. Furthermore, any person that submits an application for a zoning request that owes the Township for past zoning related fees or costs, or if the application relates to property on which there are zoning related fees or costs owed to the Township, the



application shall be deemed incomplete and shall not be accepted or processed until all such delinquent or past due amounts have been paid in full to the Township.

**Section 1.11 Incorporation by Reference.**

This Ordinance incorporates by reference various sections of the Mower County Zoning Ordinance ("County Zoning Ordinance") and the Mower County Subdivision of Land Ordinance ("County Subdivision Ordinance") as a means of promoting consistency between the two sets of regulations and avoiding redundancy. It is the intent of this Ordinance to only incorporate those sections specifically referenced herein and those portions of the County Zoning Ordinance directly related to the referenced sections that are necessary to make them operative as determined by the Town Board. It is the intent of the Town Board to automatically adopt and incorporate into this Ordinance any amendments the County may adopt to those sections of the County regulations incorporated herein by reference. The County is responsible for administering and enforcing its regulations and nothing herein shall be construed as the Township adopting or otherwise being responsible for the administration or enforcement of the County Zoning Ordinance or the County Subdivision Ordinance. The Township shall only be responsible for administering and enforcing those regulations within the County regulations that are incorporated herein, and then only as part of administering and enforcing this Ordinance.

**Section 1.12 Coordination between Township and County Regulations.**

In order to promote consistency and limit the duplication of permitting requirements, the Town Board has elected to limit the scope of the land use regulations in this Ordinance. Rather than specifically identifying all allowed uses, setting out separate performance standards, and establishing permitting requirements, the Town Board has elected to defer to the County on such matters and to focus its attentions on those uses identified herein as conditional uses. Except as otherwise provided in this Ordinance, the uses allowed within the Township are those identified in the County Zoning Ordinance and any required permits are to be obtained from the County. The primary exception to this general rule is for uses requiring a conditional use permit. Any person seeking a conditional use permit, or an amended conditional use permit, is required to obtain a conditional use permit from the Township. The County may also require a conditional use permit, but the potential impacts from uses classified as conditional uses are significant enough that the Town Board determines that requiring the owner to obtain a conditional use permit from the Township is appropriate and that retaining the authority to impose conditions on such use is needed in order to best protect the health, safety, and welfare of Township residents and property owners. In addition to requiring owners to obtain conditional use permits from the Township, the Town Board does retain the authority to prohibit uses that may be allowed by the County and to impose standards on conditional uses that may be stricter than, or additional to, the standards established by the County.

**Section 1.13 Effective Date.**

This Ordinance shall be effective as of the first day of publication of an approved summary after adoption.

## **ARTICLE II INTERPRETATIONS AND DEFINITIONS**

### **Section 2.1 Interpretation.**

The language set forth in the text of this Ordinance shall be interpreted in accordance with the following rules of construction:

- (A) The word “person” includes firm, association, organization, company, partnership, cooperative, or corporation as well as an individual.
- (B) The present tense includes the future tense, the singular number includes the plural, and the plural includes the singular.
- (C) The word “shall” is mandatory and the word “may” is permissive.
- (D) The word “lot” shall include the words “plot”, “piece”, “parcel” and “property” and shall be interpreted broadly to give full effect of the provisions of this Ordinance.
- (E) All distances, unless otherwise specified, shall be measured horizontally.
- (F) References in this Ordinance to any statutes, rules, regulations, or ordinances shall include any amendments to, or successors of, those statutes, rules, regulations, or ordinances. Furthermore, such references shall serve to incorporate those statutes, rules, regulations, or ordinances by reference to the extent necessary to achieve the intent and purposes of this Ordinance. However, such incorporations are intended only to give effect to this Ordinance and are not intended to make the Township responsible for the administration or enforcement of the referenced statutes, rules, regulations, or ordinances.
- (G) Whenever a word or term defined hereinafter appears in the text of this Ordinance, its meaning shall be constructed as set forth in such definition. If no set definition is given in this Ordinance, the word or term shall have the meaning given it in the Minnesota Statutes, Minnesota Rules, or the most applicable Mower County ordinance to the extent the term is given a specific definition therein. Any question as to the meaning of a word or term used in this Ordinance shall be determined by the Board of Appeals and Adjustments.
- (H) General words are construed to be restricted in their meaning by preceding particular words.
- (I) The listing of examples to further explain a term, concept, requirement, or process is not intended to be, and shall not be interpreted as, an exclusive listing. Unless the context clearly indicates otherwise, such listings are intended to be explanative without being exclusive or limited. The exception to this general rule of interpretation is the listing of uses allowed in a district, which is intended to be limited to only those uses and the uses the Town Board finds to be substantially similar as provided in this Ordinance.
- (J) Only the uses identified as being allowed in the list of uses for a particular zoning district, and those found by the Town to be substantially similar uses as provided

herein, are allowed within the zoning district. References to other uses in this Ordinance, such as in the performance standards, are not intended, and shall not be interpreted, as expanding the uses allowed within a particular district, with the exception of uses allowed by statute as explained in Article III.

**Section 2.2 Definitions.**

For the purpose of this Ordinance the following terms shall have the meaning given them in this Section, unless specifically stated otherwise in this Ordinance. Any term not specifically defined in this Ordinance shall have the meaning given it in the County Zoning Ordinance and, if not defined therein, it shall have the meaning given it in the most applicable Minnesota Statute or Rule.

- (A) **Alcohol Plant.** An industrial plant containing apparatus used for distillation, producing alcohol for fuel purposes or industrial purposes only.
- (B) **Agricultural Use.** The use of land for the growing and/or production of field crops, livestock and livestock products for the production of income including, but not limited to, the following:
  - (1) Field crops including, but not limited to, barley, soybeans, corn, hay, oats, potatoes, rye, sorghum, sunflowers and wheat;
  - (2) Livestock including, but not limited to, dairy and beef cattle, goats, horses, sheep, hogs, poultry, game birds and other animals including ponies, deer, rabbits and mink;
  - (3) Livestock products including, but not limited to, milk, butter, cheese, eggs, meat, honey and fur; or
  - (4) Wetlands and pastured areas accompanying land in agricultural use are also in agriculture use.
- (C) **Animal Units.** A unit of measure used to compare differences in the production of animal manures that employs as a standard the amount of manure produced on a regular basis by a slaughter steer or heifer. For purposes of this Ordinance, the total number of animal units is calculated by multiplying the number of animals of each type listed in the following by the respective multiplication factor and summing the resulting values.

	<b>Animal Units</b>	<b>50 AU</b>
(1) Dairy Cattle		
(a) One mature cow (whether milked or dry)		
(i) Over 1,000 pounds	1.4	35
(ii) Under 1,000 pounds	1.0	50
(b) One heifer	0.7	71

	<b>Animal Units</b>	<b>50 AU</b>
(c) One calf	0.2	250
(2) Beef cattle		
(a) One slaughter steer or stock cow	1.0	50
(b) One feeder cattle (stocker or backgrounding or heifer)	0.7	71
(c) One cow and calf pair	1.2	41
(d) One calf	0.2	250
(3) One head of swine		
(a) Over 300 pounds	0.4	125
(b) Between 55 and 300 pounds	0.3	166
(c) Under 55 pounds	0.05	1,000
(4) One horse	1.0	50
(5) One sheep or lamb	0.1	500
(6) Chickens		
(a) One laying hen or broiler if the facility has a liquid manure system	0.033	1,515
(b) One chicken if the facility has a dry manure system		
(i) Over five pounds	0.005	10,000
(ii) Under five pounds	0.003	16,666
(7) One turkey		
(a) Over five pounds	0.018	2,777
(b) Under five pounds	0.005	10,000
(8) One duck	0.01	5,000

For animals not listed above, the number of animal units shall be defined as the average weight of the animal divided by 1,000 pounds.

- (D) **Building.** Any structure, either temporary or permanent, having a roof and used or built for the shelter or enclosure of any person, animal or property of any kind. When any portion thereof is completely separated from every other part thereof by area

separation, or is connected only by a covered or uncovered walkway, each portion of such building shall be deemed as a separate building.

- (E) **Commercial Grain Storage Facilities.** A facility with one or more buildings or structures used for the storage of grains for sale and transfer to persons other than those who produced the grains. This definition includes commercial grain elevators and offices and accessory structures associated with the grain storage operation, but shall not include on-site facilities for individual farming operations.
- (F) **Commercial Use.** The principal use of land or structures for the sale, lease, rental, or trade of products, goods, and services of a wholesale or retail nature. It does not include home occupations or the sale of farm products by the farmer who produced them.
- (G) **Conditional Use.** A use of property identified by the Ordinance as a conditional use with a particular zoning district and that is generally allowed, upon issuance of a conditional use permit by the Township.
- (H) **Conditional Use Permit (CUP).** A permit issued by the Township for a use classified by this Ordinance as a conditional use within a particular zoning district. Conditions may be placed on a CUP to address potential negative impacts of the use and failure to comply with the conditions may result in the revocation of the CUP.
- (I) **Coop.** A cage or pen used to confine fowl.
- (J) **County Adult Use Ordinance.** The most current version of the Mower County Adult Use Ordinance, including any amendments made thereto.
- (K) **County Subdivision Ordinance.** The most current version of the Mower County Subdivision of Land Ordinance, including any amendments made thereto.
- (L) **County Zoning Ordinance.** The most current version of the Mower County Zoning Ordinance, including any amendments made thereto.
- (M) **Demolition Waste.** "Demolition waste" means solid waste resulting from the demolition of buildings, roads, and other structures including concrete, brick, bituminous concrete, untreated wood, masonry, glass, trees, rock, and plastic building parts. Demolition waste does not include asbestos wastes.
- (N) **Demolition Waste Landfill.** A place for the disposal of demolition wastes.
- (O) **Dwelling.** A structure containing one or more dwelling units. Unless expressly indicated otherwise, the term refers to a single family home and includes the term residence.
- (P) **Dwelling Unit.** Consists of one or more rooms, including a bathroom and complete kitchen facilities, which are arranged, designed or used as living quarters for one family or household.
- (Q) **Expansion.** Any Use which is to increase its scope of operation to land upon which it is not currently operating or intensity of operation on land where it currently exists.

Expansions of existing Uses shall require a new Conditional Use Permit if they are Conditional Uses in a zoning district.

- (R) **Family.** An individual or two or more persons related by blood, marriage or adoption or not more than four unrelated persons living together in an independent, single dwelling unit.
- (S) **Feedlot.** A lot or structure, or combination of contiguous lots and structures, intended for the confined feeding, breeding, raising, or holding of animals and specifically designed as a confinement area in which manure may accumulate, or where the concentration of animals is such that there is no vegetative cover within the enclosure. For the purpose of this Ordinance, open lots used for feeding and breeding and rearing of poultry (poultry ranges) and barns, horse stalls, mink ranches and domesticated animal zoos, shall be considered to be feedlots. Pasture shall not be considered a feedlot.
- (T) **Final Plat.** A drawing in final form, showing a proposed subdivision containing all information and detail required by law and by this Ordinance, to be presented to the Town Board for approval, and which, if approved, may be duly filed with the County Recorder.
- (U) **Final Plat Approval.** The last official action of the Town Board taken on a development plan that has been given preliminary approval, after all conditions and requirements of preliminary approval have been met and the required improvements have either been installed or guarantees properly posted for their installation, or approval conditioned upon the posting of such guarantees.
- (V) **Fowl.** All domesticated barnyard and water birds including, but not limited to, chickens, turkeys, ducks, and geese.
- (W) **Industrial Use.** The principal use of land or structures for any business activity engaged in the manufacturing, processing, production, cleaning, servicing, testing, repair or storage of goods or commercial vehicles or products for sale, lease, rental or trade.
- (X) **Industrial Waste.** "Industrial waste" means all solid waste generated from an industrial or manufacturing process and solid waste generated from nonmanufacturing activities such as service and commercial establishments. Industrial solid waste does not include office materials, restaurant and food preparation waste, discarded machinery, demolition debris, municipal solid waste combustor ash, or household refuse.
- (Y) **Industrial Waste Landfill.** A place for the disposal, recycling, composting, processing and transferring of Industrial waste.
- (Z) **Junkyard.** Land or structure(s) where waste, discarded or salvaged material are bought, sold, exchanged, stored, cleaned, packed, disassembled, or handled, including but not limited to: scrap metal, rags, paper, rubber products, glass products, lumber products, and products resulting from the wrecking of automobile or three (3) or more trailers, inoperative motor vehicles, campers, for a period in excess of three (3)

months shall also be considered a junkyard. This term shall not apply to farm equipment stored as a part of an active farming operation on the same property.

- (AA) **Lot.** A parcel of land designated by metes and bounds, registered land survey, auditor's plat, or other accepted means and separated from other parcels or portions by said description for the purpose of sale, lease or separation thereof.
- (BB) **Lot of Record.** Any lot that was recorded by deed or filed as a separate parcel with the office of the Mower County Recorder on or before June 2, 2004, or any lot where sufficient proof can be shown that an unrecorded contract for deed was entered into on or before that date.
- (CC) **Lot Width.** The shortest horizontal distance between the side lot lines; where the side lot lines do not run parallel, (a) if the side lot lines diverge from their intersection with the public right-of-way, the minimum lot width shall be measured one-half of the required setback distance from said right-of-way line; (b) if the side lot line converge from their point of intersection with said right-of-way line, the minimum lot width shall be measured at the minimum setback line of that lot.
- (DD) **Manufacturing Uses.** Establishments engaged in the mechanics of chemical transformation of materials or substances into new products, including the assembling of component parts, the manufacturing of products and the blending of materials such as lubricating oils, plastics or resins. Manufacturing uses, where allowed by Ordinance, shall be required to complete and file with the Township a conditional use permit.
- (EE) **Mining/Extractive Use.** Any use of land for surface or subsurface removal of sand, gravel, rock, industrial minerals, other nonmetallic minerals and peat not regulated by Minnesota Statutes, Sections 93.44 to 93.51.
- (FF) **Mixed Municipal Solid Waste.** "Mixed municipal solid waste" means garbage, refuse, and other solid waste from residential, commercial, industrial, and community activities that the generator of the waste aggregates for collection, but does not include auto hulks, street sweepings, ash, construction debris, mining waste, sludges, tree and agricultural wastes, tires, lead acid batteries, motor and vehicle fluids and filters, and other materials collected, processed, and disposed of as separate waste streams.
- (GG) **Mixed Municipal Solid Waste Landfill.** A place for the disposal of Mixed municipal solid waste.
- (HH) **Nonconforming Use.** The use of any land or structure that does not comply with the use regulations in which such land is located, but which complied with the use regulations in effect at the time the use was established. Nonconforming uses are subject to Section 16.1.
- (II) **Operator.** Any landowner, operator or lessee of mineral rights engaged in or preparing to engage in mining or processing operations.
- (JJ) **Planning Commission.** Planning Commission of Lansing Township, Mower County, Minnesota.

- (KK) **Practical Difficulties.** As used in connection with granting a variance, practical difficulties mean the property owner proposes to use the property in a reasonable manner that is not permitted by the Ordinance, the plight of the property owner is due to circumstances unique to the property not created by the property owner, and the variance, if granted, would not alter the essential character of the locality. Economic considerations alone do not constitute practical difficulties. Practical difficulties include, but are not limited to, inadequate access to direct sunlight for solar energy systems.
- (LL) **Preliminary Plat.** The preliminary map, drawing or chart indicating the proposed layout of the subdivision to be submitted to the Planning Commission and the Town Board for their consideration.
- (MM) **Preliminary Plat Approval.** Official action taken by the Township on an application to create a subdivision that establishes the rights and obligations set forth in Minnesota Statutes, Section 462.358 and the applicable subdivision regulations. In accordance with Minnesota Statutes, Section 462.358, and unless otherwise specified in the applicable subdivision regulations, preliminary approval may be granted only following the review and approval of a preliminary plat or other map or drawing establishing without limitation the number, layout, and location of lots, tracts, blocks, and parcels to be created, location of streets, roads, utilities and facilities, park and drainage facilities, and lands to be dedicated for public use.
- (NN) **Principal Use.** The main or primary purpose for which a building, other structure, designed, arranged, or intended under this Ordinance. The use of any other building, other structure and/or land on the same lot and incidental or supplementary thereto and permitted under this Ordinance shall be considered an accessory use.
- (OO) **Prohibited Uses.** Uses not allowed in a particular zoning district.
- (PP) **Property Owner.** Person or persons or business entity holding legal title to the land.
- (QQ) **Reclamation.** Activity which is taken following a mining operation to return the area to a natural state as possible or take actions that would substantially reduce adverse environmental effects from occurring.
- (RR) **Recreation Commercial.** Includes all uses such as bowling alleys, driving ranges, shooting ranges and movie theaters that are privately owned and operated with the intention of earning a profit by providing entertainment for the public.
- (SS) **Residence.** A structure or other shelter in which people live or have lived for more than twenty (20) total days within the last twenty-four (24) months. A residential structure principally used for residential accommodation and occupied for human habitation, but not including rooms in hotels, tents, or trailer coaches. A residence must have legal access to a road.
- (TT) **Setback.** The minimum horizontal distance between a structure or land use and a property and a property line, top of bluff, road or other facility.
- (UU) **Site.** Any lot or parcel or combination of lots or parcels assembled for the purpose of development.



- (VV) **Solid Waste.** "Solid waste" means garbage, refuse, sludge from a water supply treatment plant or air contaminant treatment facility, and other discarded waste materials and sludges, in solid, semisolid, liquid, or contained gaseous form, resulting from industrial, commercial, mining and agricultural operations, and from community activities, but does not include hazardous waste; animal waste used as fertilizer; earthen fill, boulders, rock; sewage sludge; solid or dissolved material in domestic sewage or other common pollutants in water resources, such as silt, dissolved or suspended solids in industrial waste water effluents or discharges which are point sources subject to permits under section 402 of the Federal Water Pollution Control Act, as amended, dissolved materials in irrigation return flows; or source, special nuclear, or by-product material as defined by The Atomic Energy Act of 1954, as amended.
- (WW) **Solid Waste Transfer Station.** A facility fixed or mobile in which solid waste is collected for subsequent transport.
- (XX) **Structure.** Anything which is built, constructed or erected on the ground or attached to the ground, an edifice or building of any kind, or any piece of work artificially built up or composed of parts jointed together in some definite manner whether temporary or permanent in character, including decks and signs. "Structure" does not include accessory buildings smaller than 100 square feet, improved driveways, sidewalks, concrete slabs, and open air decks.
- (YY) **Subdivision.** The division of any parcel of land shown as a unit or as contiguous units on the last preceding tax roll, into two or more parcels, sites or lots, any one of which is less than ten acres for the purpose, whether immediate or future, of transfer of ownership; provided, however, that the sale or exchange of parcels between adjoining lot owners, where such sale or exchange does not create additional building sites, shall be exempted. The improvement of one or more parcels of land for residential, commercial or industrial structures or groups of structures involving the division or allocation of land for the opening, widening or extension of any street or streets, except private streets serving industrial structures; the division or allocation of land as open space for common use by owners, occupants or lease holders, or as easements for the extension and maintenance of public sewer, water, storm draining or other public facilities.
- (ZZ) **Tourist Homes.** Any dwelling occupied in such a manner that certain rooms in excess of those used by members of the family, as herein provided, and occupied as a home or family unit, are rented without cooking facilities, to the public for compensation and catering primarily to the traveling public.
- (AAA) **Town Board.** The Board of Supervisors of Lansing Township, Mower County, Minnesota.
- (BBB) **Use.** Any purpose for which a building, structure, or tract of land may be designed, arranged, intended, maintained, or occupied.
- (CCC) **Variance.** A modification or variation from official controls where it is determined that, by reason of exceptional circumstances, strict enforcement of the official controls would cause practical difficulties for the property owner in using the property in a

reasonable manner because of circumstances unique to the property such as lot size, shape, topography or other characteristic of the property, and when the variance from the Ordinance, together with any conditions imposed thereon, will remain in harmony with the general purpose and intent of the Ordinance and is consistent with the comprehensive plan. A variance cannot allow a land use not permitted in a zoning district.

**ARTICLE III  
ZONING DISTRICTS AND ZONING MAP**

**Section 3.1 Districts Established.**

All of the land within the Township located outside the jurisdictional boundaries of a city shall be placed within a primary zoning district and may also be located wholly or partially within one (1) or more overlay districts. The following primary zoning districts are hereby established for the Township:

- (A) Agricultural District (A-1)
- (B) General Business District (B-1)
- (C) Industrial District (I-1)
- (D) Rural Residential District (R-1)
- (E) Rural Management District (R-M)
- (F) Urban Expansion District (U-E)
- (G) Rural Service Center District (R-C)

The following overlay districts are hereby established for the Township:

- (A) No Livestock Overlay District (N-O)
- (B) Shoreland and Floodplain Areas

**Section 3.2 District Regulations.**

(A) **Generally.** Land within a particular primary zoning district shall be subject to: the general standards, regulations, and restrictions contained within this Ordinance; any specific standards, regulations, and restrictions established in this Ordinance for the particular district; any performance standards established for the particular use; the standards, regulations, and restrictions of any applicable overlay district; and any applicable standards, regulations, and restrictions imposed by any other applicable federal, state, and local laws, rules, regulations, and ordinances. Because the Town Board has elected to not regulate or issue permits for the full range of uses allowed under the County Zoning Ordinance, those who desire to undertake or expand a use need to refer to both this Ordinance and the County Zoning Ordinance. The County is the primary permitting agency in the Township, but those undertaking or expanding a use classified as a conditional use in the particular district must obtain a conditional use permit from the Township.

(B) **Overlay Districts.**

- (1) **No Livestock Overlay District.** Certain lands lying within the Township are located within the No Livestock Overlay District. The uses allowed within the No Livestock Overlay District are the same as those allowed in the underlying zoning district, except the raising of livestock including, but not limited to, hogs, sheep, goats, horses and cattle is prohibited. The Town Board hereby adopts the No-Livestock Overlay District Map.
- (2) **Shoreland and Floodplain Areas.** Areas within the Township identified by the County as being within a shoreland or floodplain shall be subject to the County's

regulations applicable to such areas as well as the requirements imposed by the Township in the underlying zoning district.

### Section 3.3 **Prohibited Uses.**

Any use in this Ordinance listed as prohibited within a zoning district, or any use not listed as a permitted or conditional use in the County Zoning Ordinance as amended, shall be considered prohibited. If the use is allowed under the County Zoning Ordinance, the owner may apply for an amendment to this Ordinance or the Town Board may authorize the Planning Commission to initiate a study to develop a recommendation on whether the Ordinance should be amended to allow the use and, if allowed, in which districts and subject to which standards. Any use that is not allowed under the County Zoning Ordinance cannot be allowed under this Ordinance, even by amendment, unless the County first amends the County Zoning Ordinance to allow it.

### Section 3.4 **Uses Allowed by Statute.**

The legislature has adopted various provisions by statute requiring local governments to treat certain uses as permitted or conditional uses within their respective jurisdictions for the purposes of zoning regulations. Notwithstanding the general prohibition contained herein of uses not expressly allowed by this Ordinance, this Ordinance shall be interpreted as allowing those uses the legislature expressly requires the Township to allow. Such uses shall be classified as provided in the legislative mandate and shall only be allowed in those areas described in the applicable statute, and then only to the extent and scope as prescribed in the statute. For example, Minnesota Statute, Section 462.357, Subdivision 7 requires a licensed day care facility serving twelve (12) or fewer persons to be considered a permitted single family residential use of property. As such, this Ordinance shall be interpreted as allowing that specific use as a permitted residential use, but only up to a capacity of twelve (12) persons. A proposed use that exceeds the scope described in the statute shall not be allowed unless the expanded use is expressly allowed in the particular zoning district by this Ordinance. Furthermore, if the statute indicates the use is to be allowed as a conditional use, the use may only occur upon the submission of an application and receipt of a conditional use permit from the Township. All mandated uses shall obtain a land use permit and all other permits and permissions as required by this Ordinance and all other applicable laws.

### Section 3.5 **Zoning Map.**

The Town Board hereby adopts the County's official zoning map as its official zoning map, which is hereby incorporated into this Ordinance by reference. A copy of this map, showing the location of all zoning districts within the Township, is on file with the Town Clerk and can be viewed at the Lansing Town Hall. The zoning map shall be updated as needed to reflect changes to the boundaries of the zoning districts and such amended zoning map shall automatically be incorporated herein upon its adoption by the Town Board.

The most current land use map adopted by the Town Board and on file with the Town Clerk shall be the Township's official land use map. The zoning districts and their boundaries shown on the land use map are conclusive, subject to interpretation by the Zoning Administrator and the Board of Appeals and Adjustments as provided herein.

- (A) **District Boundaries.** The location and boundaries of the districts established by this Ordinance are set forth on the zoning map. District boundary lines as indicated on the zoning map follow lot lines, property lines, right-of-way or center lines of streets, right-

of-way or center lines of streets projected, the boundaries of the Township, shorelines, all as they exist upon the effective date of this Ordinance. If said boundary lines do not follow any of the above, the district boundary lines are established as drawn on the zoning map.

- (B) **Vacated Ways.** Whenever any street or other public way is vacated in the manner authorized by law, the district adjoining each side of such street or public way shall be automatically extended to the center of such vacated street or way.
- (C) **Interpretation of Boundaries.** The Zoning Administrator is authorized to interpret the boundaries of a zoning district and the Zoning Administrator's interpretation may be appealed to the Board of Appeals and Adjustments.

### Section 3.6 **Temporary Family Health Care Dwellings.**

Pursuant to the authority granted by Minnesota Statutes, Section 462.3593, Subdivision 9, the Township opts-out of the requirements of Minnesota Statutes, Section 462.3593, which defines and regulates Temporary Family Health Care Dwellings, as defined in that section.

## ARTICLE IV SUBDIVISION REGULATIONS

### Section 4.1 **Purpose.**

The purpose of this Article is to set out the regulations and procedures that must be complied with in order to subdivide land within the Township. The Township has a responsibility to protect property values, public infrastructure, and taxpayer funds, control land use, assure public safety, protect our agricultural heritage, control nuisances, promote the public health, safety and general welfare, and to promote the availability of housing to all income levels. The Township acknowledges that housing is an issue of emerging importance and that the need for housing must be balanced with an eye towards both the agrarian past and future of the Township. In order to promote consistency between the Township and County subdivision review procedures and requirements, the Township has elected to adopt certain provisions of the County's Subdivision of Land Ordinance ("County Subdivision Ordinance") by reference. Those sections of the County Subdivision Ordinance referenced in this Article are hereby adopted and incorporated herein by reference, together with any application definitions and any other sections referenced in the sections expressly adopted herein.

### Section 4.2 **Scope.**

The subdivision regulations contained this Article apply to any subdivision of land which creates one or more additional lots, except to the extent the subdivision is exempt from local approval under Minnesota Statutes, Section 462.358, Subdivision 4b(b). This Article does not apply to lot line adjustments in which no new lots are being created.

### Section 4.3 **General Requirements.**

The following shall apply to the subdivision of land within the Township:

- (A) **Platting Required.** Any subdivision creating parcels, tracts, or lots shall be platted. Plats shall be submitted to the Town Board for review and approval and are also subject to review and approval by the County under its regulations governing the subdivision of land.
- (B) **Minor Subdivisions.** The Township may grant preliminary and final plat approvals at the same time as part of single process for subdivisions with three or few lots and that do not involve the dedication of any new roads. All other subdivisions must seek preliminary plat approval and final plat approval as part of separate procedures as provided in this Article.
- (C) **Development Agreement.** Unless expressly waived by the Town Board in its approvals, the approval of a subdivision is conditioned on the developer entering into a development agreement with the Township in a form acceptable to the Town Board. The Township shall draft the development agreement and it must be fully executed by the parties before the final plat is recorded in the office of the County Recorder. The Township shall, at the developer's expense, record the development agreement against the property and the requirements within the agreement shall, to the extent applicable, constitute covenants that run with the property.

- (D) **Compliance Required.** No subdivision shall be valid, be eligible for recording in the office of the County Recorder, and no lot within the subdivision shall be sold unless the subdivision has been fully approved by the Town Board and all conditions of approval have been satisfied or will be satisfied in accordance with terms of the development agreement entered into for the particular subdivision.
- (E) **Professional Consultation.** The Town Board may, at the developer's expense, retain or call upon professionals for assistance in reviewing, processing, and determining compliance of subdivision requests with this ordinance and the terms of the development agreement. Such services may include, but are not limited to, having a consulting engineer review plans and specifications of the proposed subdivision and the town attorney review and draft documents related to processing the subdivision.
- (F) **Reimbursement of Costs.** The developer shall be responsible for fully reimbursing the Township for all professional costs it incurs to review and act on a proposed subdivision. The Township may require the developer to escrow funds with the Township to pay all anticipated professional costs. Such escrow is in addition to any financial security the Township may require the developer to submit to the Township to secure the proper construction of any proposed public improvements within the subdivision.
- (G) **Setbacks.** Subdivisions shall be setback at least one thousand (1,000) feet from feedlots and permitted waste landfills.
- (H) **Parkland Dedication.** All subdivisions shall either dedicate land for parks and trails or pay a park dedication fee in lieu of land dedication. For each subdivision the Township shall determine whether land or cash park dedication is the acceptable means to satisfy Township park and recreation needs. Park and trail land dedication shall be up to seven percent (7%) of the land area of the subdivision, as determined by the Township prior to final approval, and such dedication is in addition to any property dedicated for utilities, stormwater, streets, or other public ways. Land to be dedicated shall be reasonably suitable for its intended use, as determined by the Township, based on factors such as size, shape, topography, geology, hydrology, tree cover, access, and location, and shall be at a location convenient to the public to be served. Due consideration shall be given to the amount of open space, recreational, or common areas and facilities open to the public that are proposed for the subdivision.

The Township may, at its option, require the developer to make a dedication of cash in lieu of part or all of the required land dedication. Cash dedication in lieu of land dedication shall be based on fair market value of the land, imposed on a per lot basis for new residential lots, and shall be paid at the per lot fee as established by the Town Board as part of the Township's fee schedule. Park dedication shall be paid by the developer prior to the Township signing the final plat and/or development agreement. If the developer objects to the Township's determination as to the value of the land, the value shall be determined either by negotiation between the Township and the developer or by the Township based on an independent appraisal of the market value of land in a same or similar land use category. If the Township elects to have an independent appraisal performed in order to resolve the objection, the developer shall be responsible for reimbursing the Township for the appraisal

costs. The park dedication fees the Township collects shall be placed in its park fund and shall be used for the acquisition and development, or improvement, of parks, recreational facilities, playgrounds, trails, wetlands, or open space.

- (l) **Layouts.** All subdivisions shall be laid out in accordance with the provisions of Article 3 of the County Subdivision Ordinance.

#### Section 4.4 **Pre-Application Review.**

Anyone proposing to develop a subdivision that proposes to dedicate to the public a new road or that contains more than five (5) lots is strongly encouraged to notify the Township to arrange a meeting to review the proposed subdivision before submitting an application for preliminary plat approval. The meeting will give the developer an opportunity to discuss the requirements of these regulations and to identify any initial concerns the Township may have that can be addressed before submitting a formal application.

#### Section 4.5 **Preliminary Plat.**

An application for preliminary plat approval for a subdivision shall be submitted, and will be processed, in accordance with this Section.

- (A) **Application.** The developer shall submit an application for preliminary plat approval to the Township that contains all the information required on the Township's application form. The preliminary plat document shall contain the information required by Section 13-12, and comply with the design standards in Section 13-31, of the County Subdivision Ordinance. At least ten (10) copies of the preliminary plat application materials shall be submitted to the Township together with the applicable fee and escrow (if required). Complete applications shall be forwarded to the Planning Commission for a hearing.
- (B) **Hearing.** At least ten (10) days published notice shall be provided of a public hearing to be held by the Planning Commission to hear, consider, and act on a recommendation to the Town Board regarding the application for preliminary plat approval. The Planning Commission shall act to forward the application to the Town Board with its recommendation regarding approval of the preliminary plat. Such recommendation shall identify any conditions the Planning Commission recommends be imposed on the preliminary plat if approved by the Town Board.
- (C) **Town Board Action.** The Town Board shall review the application and the Planning Commission's recommendation and act on the application for preliminary plat approval. The Town Board may impose conditions on its approval of a preliminary plat and all such conditions must be satisfied before the developer is eligible to submit an application for final plat approval. Approval of the preliminary plat shall not constitute acceptance of the final plat and the approval shall lapse if the developer does not apply for final plat approval within one (1) year of receiving preliminary approval. The developer may apply to the Town Board in writing to seek an extension of the one-year period for submitting the application for final plat approval.



#### Section 4.6 **Final Plat.**

An application for final plat approval for a subdivision shall be submitted, and will be processed, in accordance with this Section.

- (A) **Application.** Once all applicable conditions of the preliminary plat approval have been satisfied, the developer shall submit an application for final plat approval to the Township that contains all the information required on the application form. The final plat shall conform substantially to the preliminary plat and the application shall contain the information required by Section 13-23 of the County Subdivision Ordinance. At least six (6) copies of the final plat application materials shall be submitted to the Township together with the applicable fee if required. Complete applications shall be forwarded to the Town Board for review and action.
  
- (B) **Town Board Action.** The Town Board shall review and act on the application for final plat approval. The Town Board may impose conditions on its approval of the final plat. All public improvements to be constructed within the subdivision shall be completed in accordance with the approved plans and specifications, as well as the terms and conditions of the development agreement entered into for the subdivision. The approved final plat shall be recorded in the office of the County Recorder within one hundred twenty (120) days of final approval. Failure to record the final plat within the prescribed period shall render the Town Board's approval null and void unless the Town Board, upon the written request of the developer, grants an extension.

#### Section 4.7 **Roads and Easements Dedicated by Plat.**

The Town Board's approval of a subdivision containing roads or other ways or easements dedicated to the public does not constitute a decision by the Township to open and maintain those roads, ways, or easements. The approval is limited to the subdivision itself and separate approval by the Town Board is required before the Township will open and maintain any platted roads as part of its system of publicly maintained Township roads or maintain any other areas dedicated to the public within the subdivision. It is the responsibility of the developer to construct and pay for all roads, stormwater ponds and other drainage structures, and other improvements within those lands dedicated to the public in accordance with the Township's specifications and the requirements set out in the conditions of approval and the development agreement entered into for the subdivision. It is the responsibility of the developer, or those who own property within the subdivision, to maintain the platted roads until the Town Board determines by resolution that they are sufficiently built and satisfy such other conditions of acceptance the Town Board may require to be opened and maintained as part of the Township's system of publicly maintained Township roads. Once the Town Board passes a resolution determining to open and maintain a particular platted road, the Township shall provide for its maintenance in accordance with the same policies and procedures it follows to maintain similar roads within the Township.

**ARTICLE V**  
**("A-1") AGRICULTURAL DISTRICT**

Certain lands lying within Lansing Township are hereby zoned, and determined to be in the Agricultural District as shown on the Township's zoning map.

**Section 5.1 Purpose.**

The Agricultural District ("A-1") is a zone in which land is used primarily for commercial agricultural production. Owners, residents, and other users of property in this zone and neighboring properties, may be subjected to inconvenience or discomfort arising from normal and accepted agricultural practices and operation including, but not limited to, noise, odors, dust, operation of machinery of any kind including aircraft, the storage and disposal of manure, and the application of fertilizers, soil amendments, herbicides, and pesticides. Owners, residents, and users of this property or neighboring properties should be prepared to accept such inconveniences or discomfort from normal operations, and are hereby put on official notice that this declaration may prevent them from obtaining a legal judgment related to the impacts from such normal operations.

**Section 5.2 Conditional Uses.** The following uses are allowed in the Agricultural District with the issuance of a conditional use permit by the Town Board in accordance with the provisions of this Ordinance.

- (1) Mining and gravel extraction.
- (2) Alcohol plants.
- (3) Commercial grain storage facilities.
- (4) Racetracks, whether new or expanded including ATV and motorbike off-road courses or similar activities.
- (5) Commercial radio and television towers and transmitters.
- (6) Dams, power plants, switching yards, electric transmission lines over 35kV, flowage areas and pipelines.
- (7) Feedlots containing more than five hundred (500) animal units, including expansions of existing feedlots to more than five hundred (500) animal units.
- (8) Junkyards and salvage yards, auto graveyards.
- (9) Solid waste handling and/or transfer station.

**Section 5.3 Prohibited Uses.** The following uses are prohibited within the Agricultural District.

- (1) Feedlots over one thousand two hundred (1,200) animal units.
- (2) Mixed Municipal Solid Waste Landfills.

(3) Industrial Waste Landfills.

(4) Demolition Waste Landfills.

Section 5.4 **General Requirements.**

Any lot in the Agricultural District on which a conditional use permit is required from the Township shall meet the standards set out in the Mower County Zoning Ordinance including but not limited to Sections 14-52 and 14-53 as amended.

**ARTICLE VI**  
**("B-1") GENERAL BUSINESS DISTRICT**

Certain lands in Lansing Township are hereby zoned, and are determined, to be in the General Business District as shown on the Township's zoning map.

**Section 6.1 Purpose.**

The General Business District ("B-1") is intended to encourage the concentration of a broad range of individual commercial establishments into an area of general commercial activity serving the needs of the community.

**Section 6.2 Conditional Uses.** The following uses are allowed in the General Business District with the issuance of a conditional use permit by the Town Board in accordance with the provisions of this Ordinance:

- (1) Auction facility or flea market.
- (2) Churches.
- (3) On and off-sale liquor establishments.
- (4) Power transmission line over 35 kV.

**Section 6.3 Prohibited Uses.**

- (1) Solid waste handling and/or disposal facility.
- (2) Demolition Waste Landfills.

**Section 6.4 General Requirements.**

Any lot in the General Business District on which a conditional use permit is required from the Township shall meet the standards set out in the Mower County Zoning Ordinance including but not limited to Sections 14-72, 14-73, and 14-74 as amended.

**ARTICLE VII**  
**("I-1") INDUSTRIAL DISTRICT**

Certain lands on the Lansing Township zoning map are hereby zoned, and are determined to be in an Industrial District as shown on the Township's zoning map.

**Section 7.1 Purpose.**

The purpose of the Industrial District ("I-1") is to preserve and promote property for certain industrial uses where the same is compatible with and complimentary to current land uses. Industries that pose problems with air pollution, vibrations, noise, pollution or nuisance, etc., will be restricted from this zoning district.

**Section 7.2 Conditional Uses.** The following uses are allowed in the Industrial District with the issuance of a conditional use permit by the Town Board in accordance with the provisions of this Ordinance:

- (1) Mining, extraction, processing and storage of sand, gravel, stone or other raw materials.
- (2) Manufacturing of cement, lime, gypsum or plaster.
- (3) Petroleum or asphalt refining and manufacturing.
- (4) Fertilizer manufacturing, compact or storage processing of garbage (offal, dead animals, refuse or rancid fats).
- (5) Livestock slaughter houses or processing plants.
- (6) Smelting or refining of metals from ores.
- (7) Distillation of bone, coal, tar, petroleum, grain or wood.
- (8) Other uses of the same general character as those listed above, provided they are deemed fitting or compatible to the District by the Planning Commission.
- (9) Junk yards and salvage yards.
- (10) Solid waste handling and/or disposal facility.
- (11) Manufacturing, refining and processing of chemicals.
- (12) Power transmission lines over 35 kV.

(13) Temporary storage, crushing/recycling of concrete and or bituminous material.

(14) Adult Establishments, as defined in the County Adult Use Ordinance.

**Section 7.3 General Requirements.**

Any lot in the Industrial District on which a conditional use permit is required from the Township shall meet the standards set out in the Mower County Zoning Ordinance including but not limited to Sections 14-85, 14-86, 14-87, and the County Adult Use Ordinance, as amended.

**ARTICLE VIII  
("R-1") RURAL RESIDENTIAL DISTRICT**

Certain lands in Lansing Township are hereby zoned, and are determined, to be in the Rural Residential District as shown on the Township's zoning map.

**Section 8.1 Purpose.**

The Rural Residential District ("R-1") is intended to define and protect low density residential areas from the intrusion of uses not performing a function appropriate to the principal use of the land for residential dwellings and related facilities consistent with a residential environment.

**Section 8.2 Conditional Uses.** The following uses are allowed in the Rural Residential District with the issuance of a conditional use permit by the Town Board in accordance with the provisions of this Ordinance:

- (1) Tourist Home.
- (2) Board and lodge facilities and Health Care Facility.
- (3) Cemeteries.
- (4) Churches.
- (5) Libraries.
- (6) Memorial buildings.
- (7) Museums.
- (8) Schools.
- (9) Power transmission lines over 35 kV.

**Section 8.3 General Requirements.**

Any lot in the Rural Residential District on which a conditional use permit is required from the Township shall meet the standards set out in the Mower County Zoning Ordinance including but not limited to Sections 14-67, and 14-68 as amended.

**ARTICLE IX  
("R-C") RURAL SERVICE CENTER DISTRICT**

Certain lands in Lansing Township are hereby zoned, and are determined, to be in the Rural Service Center District, as shown on the Township's zoning map.

**Section 9.1 Purpose.**

The Rural Service Center District ("R-C") is intended to accommodate existing and new residential and limited commercial development in the Township's established, unincorporated Village. This area may be appropriate for additional residential development on smaller lots as well as commercial establishments that serve the local market.

**Section 9.2 Conditional Uses.** The following uses are allowed in the Rural Service Center District with the issuance of a conditional use permit by the Town Board in accordance with the provisions of this Ordinance:

- (1) Churches, cemeteries, memorial buildings, schools, libraries and museums.
- (2) Commercial radio and television towers and transmitters.
- (3) Power transmission lines over 35 kV.
- (4) On and off sale liquor establishments.

**Section 9.3 General Requirements.**

Any lot in the Rural Service Center District on which a conditional use permit is required from the Township shall meet the standards set out in the Mower County Zoning Ordinance including but not limited to Sections 14-103.4, and 14-103.5 as amended.



**ARTICLE X**  
**(“R-M”) RURAL MANAGEMENT DISTRICT**

Certain lands in Lansing Township are hereby zoned, and are determined, to be in the Rural Management District, as shown on the Township’s zoning map.

**Section 10.1 Purpose.**

The Rural Management District (“R-M”) is intended to provide a district which will allow suitable areas of the Township to allow for agricultural uses, provide opportunities for limited rural non-farm residential development, regulate wetlands and woodlands, which, because of their unique physical features provide a valuable natural resource, and, secure economy. To provide a district that will retain, conserve, and enhance agricultural land in the Township while providing areas for rural living.

These areas are primarily intended to maintain agriculture and the rural lifestyle; however, they also encompass existing non-farm rural residential development. In addition, these areas are intended to allow for limited residential opportunities in higher growth areas of the Township. Owners, residents, and other users of property in this zoning district or neighboring properties may be subjected to inconvenience or discomfort arising from normal and accepted agricultural practices and operation, including but not limited to noise, odors, dust, operation of machinery of any kind including aircraft, the storage and disposal of manure, and the application of fertilizers, soil amendments, herbicides, and pesticides. Owners, residents, and users of this property or neighboring property should be prepared to accept such inconveniences or discomfort from normal operations, and are hereby put on official notice that this declaration may prevent them from obtaining a legal judgment related to the impacts from such normal operations.

**Section 10.2 Conditional Uses.** The following uses are allowed in the Rural Management District with the issuance of a conditional use permit by the Town Board in accordance with the provisions of this Ordinance:

- (1) Mining and gravel extraction
- (2) Alcohol plants.
- (3) Commercial grain storage facilities.
- (4) Racetracks, whether new or expanded including ATV and motorbike off-road courses or similar activities.
- (5) Commercial radio and television towers and transmitters.
- (6) Dams, power plants, switching yards, power transmission lines over 35kV, flowage areas and pipelines.
- (7) Feedlots containing more than fifty (50) animal units, including expansions of existing feedlots to more than fifty (50) animal units.
- (8) Junkyards and salvage yards.

- (9) Solid waste handling and/or transfer station.
- (10) Temporary storage, crushing/recycling of concrete and/or bituminous material.

**Section 10.3 Prohibited Uses.**

- (1) Feedlots over one thousand two hundred (1,200) animal units.
- (2) Mixed Municipal Solid Waste Landfills.
- (3) Demolition Waste Landfills.
- (4) Industrial Waste Landfills.

**Section 10.4 General Requirements.**

Any lot in the Rural Management District on which a conditional use permit is required from the Township shall meet the standards set out in the Mower County Zoning Ordinance including but not limited to Sections 14-57, and 14-58 as amended.

**ARTICLE XI  
("U-E") URBAN EXPANSION DISTRICT**

Certain lands on the Lansing Township zoning map are hereby zoned, and are determined, to be in the Urban Expansion District as shown on the Township's zoning map.

**Section 11.1 Purpose.**

The purpose of the Urban Expansion District ("U-E") is to provide areas within the Township where urban development can occur and where urban services can be readily extended and provided. This zoning district will be located immediately adjacent to cities with existing sewer services.

**Section 11.2 Conditional Uses.** The following uses are allowed in the Urban Expansion District with the issuance of a conditional use permit by the Town Board in accordance with the provisions of this Ordinance:

- (1) Commercial recreation.
- (2) Any new or expanding feedlot up to a capacity of fifty (50) animal units.
- (3) Churches, cemeteries or memorial gardens.
- (4) Schools.
- (5) Power transmission lines over 35 kV.

**Section 11.3 Prohibited Uses.**

- (1) Feedlots over fifty (50) animal units.

**Section 11.4. General Requirements.**

Any lot in the Urban Expansion District on which a conditional use permit is required from the Township shall meet the standards set out in the Mower County Zoning Ordinance including but not limited to Sections 14-62, and 14-63 as amended.

**ARTICLE XII  
GENERAL REGULATIONS AND PERFORMANCE STANDARDS**

**Section 12.1 Residential Chickens.**

The keeping of chickens within the No Livestock Overlay District shall comply with the following:

(A) The keeping of chickens shall not exceed the following:

<b>Lot Size</b>	<b>Maximum # of Chickens</b>
≤ 1 acre	12
1 acre – 2.5 acres	16
> 2.5 acres	20

(B) Under no circumstances shall coop size be less than three (3) square feet per fowl kept.

(C) All coops shall be:

- (1) Clean and sanitary;
- (2) Made of sound construction and craftsmanship;
- (3) Be maintained in a structurally sound manner;
- (4) Protect the chickens from the weather;
- (5) Be located in the rear/back yard and meet the most restrictive of the following setbacks:
  - (a) 5' from side and rear property lines.
  - (b) 25' from residences on adjacent and nearby lots.
  - (c) A setback from adjacent and nearby residences a distance at least equal to the distance the coop is placed from the residence on the subject property.
  - (d) 25' from a lake, wetland, pond, stream, tributary, drainage ditch or the like.
  - (e) All other structure or building setbacks required under the Mower County Zoning Ordinance.
- (6) Not be located inside a primary residence or place of business; and
- (7) Follow best practices for nests.

(D) All fowl shall be prohibited from running at large off of the owner's property.

(E) Roosters are prohibited.

(F) Chicken coops are prohibited in Shoreland Overlay District and within the Floodplain Overlay District.

## Section 12.2 **Junkyards and Salvage Yards.**

Junkyards and Salvage Yards allowed by this Ordinance are subject to the following requirements:

- (A) No Junkyard or Salvage Yard shall be allowed to be operated in a manner so as to become injurious to the health, safety, or welfare of the community or any residents.
- (B) The use shall comply with all applicable Federal, State and County rules and regulations.
- (C) Buildings, parking areas, loading areas and any exterior storage, including but not limited to, vehicles, hulks, salvaged materials, salvaged parts, waste materials, items for resale or items for disposal, shall meet the setback requirements of the applicable zoning district.
- (D) No vehicles or vehicle parts may be placed within the public right-of-way or on public property.
- (E) The facility shall be fenced and fully screened from adjacent land uses and public roadways.
- (F) Exterior storage of vehicles, hulks, salvaged materials, salvaged parts, waste materials, items for resale or items for disposal shall be limited to a maximum height of twelve (12) feet above grade.
- (G) The Town shall be notified of any hazardous materials stored on site. Storage of hazardous materials shall comply with all local, state and federal requirements.
- (H) An environmental management plan, including a storm water and drainage plan shall be submitted to address the impact of the facility on the environment.
- (I) A lighting plan to ensure lights are placed and directed to avoid interfering with surrounding properties or public roadways.
- (J) The grounds and all structures shall be maintained in a clean and safe manner.
- (K) The salvage facility operator shall keep a written record of all vehicles received, date when received, date when fluids were removed and date when vehicles were removed from the facility. The record shall also include the Vehicle Identification Number (VIN) and manufacturer's name. Each record shall be initiated the day that the vehicle is received at the site.
- (L) All fluids, including but not limited to motor oil, transmission and/or transfer case lubricants, differential lubricants, fuel, antifreeze, refrigerants and window washing fluids shall be removed from the vehicle, within three (3) days of receipt of the vehicle at the salvage facility.
- (M) All lead acid batteries, mercury containing devices and other hazardous materials shall be removed from the vehicle, within three (3) days of receipt of the vehicle at the salvage facility.

- (N) Salvage yards are prohibited within the Shoreland Overlay District and within the Floodplain Overlay District.

**ARTICLE XIII  
EXCAVATIONS AND MINING OPERATIONS**

**Section 13.1 Definition.**

Excavation, as used in this Article, shall mean by artificial excavation of the earth, dug, excavated or made by removal from the natural surface of the earth of sod, soil, sand, gravel, stone, or other matter, or made by tunneling, breaking or undermining the surface of the earth.

**Section 13.2 Excavation and Construction on Township Road Right-of-Way.**

- (A) Following excavation and/or construction, the road right-of-way, including surface, shall be restored to its original condition.
- (B) In the event of enlargement of an existing waterway through a town road right-of-way, the person responsible for the increased watershed shall also be responsible for cost of increasing waterway capacity across the town road right-of-way.

**Section 13.3 Conditional Use Permit Required.**

- (A) Mining is permitted where listed as a conditional use within a zoning district upon issuance of a permit by the Town Board in accordance with the provisions of this Ordinance.
- (B) **Exceptions.** A conditional use permit shall not be required for any of the following excavations:
  - (1) Excavations for the building of roads, buildings, dikes, and other flood control or erosion control purposes;
  - (2) Excavations, including impounding of waters, for agricultural purposes;
  - (3) Excavations for structures associated with building construction for which a Mower County land use permit has been issued;
  - (4) Excavation in a right-of-way or utility corridor by state, county, city, or township authorities or their contractors in connection with construction or maintenance of public improvements;
  - (5) Excavation for public utility purposes;
  - (6) Small Scale Mining Operations associated with a public project which a Mower County land use permit has been issued;
  - (7) Temporary asphalt or concrete paving plants associated with a new or existing mining operation which a Mower County land use permit has been issued.

- (C) **Application Requirements.** Any person proposing to establish or expand a mining operation shall submit an application for a conditional use permit that, at a minimum, contains the following information:
- (1) Name and address of person requesting the permit and owner of the property to be mined.
  - (2) The exact legal property description and acreage of area to be mined.
  - (3) The following maps of the entire site to include all areas.
    - (a) Map A – Existing conditions to include:
      - (i) Contour lines at reasonable intervals.
      - (ii) Existing vegetation.
      - (iii) Existing drainage and permanent water areas.
      - (iv) Existing structures.
      - (v) Existing wells.
    - (b) Map B – Proposed operations to include:
      - (i) Structures to be erected.
      - (ii) Locations of sites to be mined showing depth and amount of proposed excavation.
      - (iii) Location of tailings deposits showing maximum height of deposits.
      - (iv) Location of machinery to be used in the mining operation.
      - (v) Location of storage of mined materials, showing height of storage deposits.
      - (vi) Location of vehicle parking.
      - (vii) Location of storage of explosives.
      - (viii) Erosion or sediment control structures.
      - (ix) Access routes.
    - (c) Map C – End use plan to include:
      - (i) Final grade of proposed site showing elevations and contour lines at reasonable intervals.
      - (ii) Location and type of vegetation to be replanted.



(iii) Location and nature of any structure to be erected in relation to the end use plan.

- (4) A soil erosion and sediment control plan.
- (5) A plan for dust and noise control.
- (6) A full and adequate description of all phases of the proposed operation to include as estimate of the duration of the mining operation.
- (7) Any other information requested by the Planning Commission or Town Board.

**(D) Use Restrictions.**

- (1) The crushing, washing, refining or processing, other than the initial removal of material, may only occur to the extent allowed in the conditional use permit issued for the operation.
- (2) In stone quarries, the production or manufacturing of veneer stone sills, lintels, cut flagstone, hearthstones, paving stone and similar architectural or structural stone and the storing or stockpiling of such products on the site may only occur to the extent allowed in the conditional use permit issued for the operation.

**(E) Performance Standards.**

The following performance standards apply to, and must be complied with by, mining operations. The Town Board may impose additional performance standards as part of the interim use or land use permit issued for the mining operation.

(1) General Provisions.

- (a) Weeds and any other unsightly or noxious vegetation shall be cut or trimmed as may be necessary to preserve a reasonably neat appearance and to prevent seeding on adjoining property.
- (b) All equipment used for mining operations shall be constructed, maintained and operated in such a manner as to minimize, as far as it practicable, noises and vibrations which are injurious or substantially annoying to persons living in the vicinity.

(2) Water Resources.

- (a) The mining operation shall not be allowed to interfere with surface water drainage beyond the boundaries of the mining operation.
- (b) The mining operation shall not adversely affect the quality of surface or subsurface water resources.
- (c) Surface water originating outside and passing through the mining district shall, as its point of departure from the mining site, be of equal quality to the

water at the point where it enters the mining site. The mining operator shall perform any water treatment necessary to comply with this provision, such as culverts, berms, etc.

(3) Safety Fencing.

Any mining operation adjacent to a residential zone, or within three hundred (300) feet of two (2) or more residential structures, shall be bound by the following standards:

- (a) Where collections of water occur that are one and one-half (1.5) feet or more in depth existing for any period of a least one (1) month, and occupy an area of seven hundred (700) square feet or more, all access to such collections of water shall be barred by a fence or some similarly effective barrier such as a snow fence of a least four (4) feet in height.
- (b) In locations where slopes occur that are steeper than one (1) foot vertical to three (3) feet horizontal existing for a period of one (1) month or more, access to such slope shall be barred by a fence or some similarly effective barrier such as a snow fence of at least four (4) feet in height.

(4) Mining Access Roads. The location of the intersection of mining access roads with any public roads shall be selected such that traffic on the access roads will have a sufficient distance of public road in view so that any turns onto the public road can be completed with a margin of safety.

(5) Screening Barrier. To minimize problems of dust and noise and to shield mining operations from public view, a screening barrier may be maintained between the mining site and adjacent residential and commercial properties. A screening barrier shall also be maintained between the mining site and any public road within five hundred (500) feet to any mining or processing operations. The screening barrier shall be planted with a type of fast growing trees. Existing trees and ground cover along a public frontage road shall be preserved, maintained (and supplemented) for the depth of the roadside setback except where traffic safety requires cutting and trimming.

(6) Setback. Processing of minerals shall not be conducted closer than one hundred (100) feet to the property line nor closer than five hundred (500) feet to any residential or commercial structures located prior to commencement of processing operations without the written consent of all owners and residents of said structure. Mining operations shall not be conducted closer than thirty (30) feet to the boundary of any zone where such operations are not permitted, nor shall such production or processing be conducted closer than thirty (30) feet to the boundary of any adjoining property unless it is first secured in writing. Mining operations shall not be conducted closer than two hundred (200) feet to the right-of-way line of any existing or platted street, road or highway, except that excavating may be conducted within such limits in order to reduce the elevation thereof in conformity to the existing or platted street, road or highway.

(7) Appearance. All buildings, structures and plants used for the production or processing of sand and gravel shall be maintained in such a manner as is

practicable and according to acceptable industrial practice as to assure that such buildings, structures and plants will not become dangerously dilapidated.

- (8) Erosion Control. All materials to be used for erosion control such as seed mixtures and so forth are to be approved by the Township. Culverts, berms, etc. may also be required for erosion control.
- (9) Dust and Dirt. All equipment used for mining operations shall be constructed, maintained and operated in such a manner as to minimize, as far as is practicable, dust conditions which are injurious or substantially annoying to persons living within six hundred (600) feet of the mining operations lot line. These limitations shall not apply to any mining operation in any industrial zone, unless such operations are closer than one hundred fifty (150) yards to a zone other than an industrial zone.

**(F) Land Rehabilitation.**

All mining sites shall be rehabilitated immediately after mining operations cease. Rehabilitation shall be complete within one (1) calendar year after operation ceases. The following standards shall apply.

- (1) Within a period of three (3) months after the termination of a mining operation, or within three (3) months after the abandonment of such operation for a period of six (6) months, or within three (3) months after expiration of a mining permit, all buildings, structures and plants incidental to such operation shall be dismantled and removed by, and at the expense of, the mining operator last operating such building, structures and plants.
- (2) The peaks and depressions of the area shall be graded and backfilled to a surface which will result in a gently rolling topography in substantial conformity to the land area immediately surrounding and which will minimize erosion due to rainfall.
- (3) Banks of all excavations shall be sloped at a rate which shall not be less than three (3) feet horizontal to one (1) foot vertical, unless a plan has been submitted which indicates special consideration is needed, and if said plan, with special consideration, has been approved by the Township.
- (4) Reclaimed areas shall be sodded or surfaced with soil of a quality at least equal to the topsoil of the land area immediately surrounding and to a depth of at least three (3) inches. Such required topsoil shall be planted with legumes and grasses, trees and shrubs may also be planted but not as a substitute for legumes and grasses. Such planting shall adequately retard soil erosion.
- (5) Excavations completed to a water producing depth need not be backfilled if the water depth is at least ten (10) feet and if banks shall be sloped to the water in at a slope no greater than three (3) feet horizontal to one (1) foot vertical.
- (6) The finished grade shall be such that it will not adversely affect the surrounding land or future development of the site upon which mining operations have been conducted. The finished plan shall restore that mining site to a condition

whereby it can be utilized for the type of land use proposed to occupy the site after mining operations cease.

- (7) The owner shall, after completing the reclamation project, notify the Township. Upon notification, the Zoning Administrator shall inspect the site to determine if it is in accordance with the approved reclamation plan. If the site is not in accordance with the reclamation plan the Township shall notify the owner of its deficiencies and the owner shall correct the deficiencies. If the site is in accordance with the plan, the Township shall issue a letter of acceptance of the site to the owner.
  
- (G) **Performance Bond.** The Town Board, before giving approval for a mining operation, may require a cash deposit, certified check, bond or other security in an amount, and with conditions, satisfactory to the Town Board. The Town Board may, but is not required to, draw upon the security as it determines is appropriate to complete the reclamation of the land if the owner fails to fully restore the land.

## **ARTICLE XIV ANIMAL FEEDLOTS**

The purpose of the following provisions is to educate the Township residents about feedlot development in the Township and to provide local forum to address resident concerns, as well as to control the land use issues associated with feedlots such as, but not limited to, protecting property values, protecting roads, assuring public safety, and controlling nuisances. The purpose is not to control the water or soil pollution which is regulated by the state.

### **Section 14.1 Notification to Township of Proposed Feedlot.**

The Township shall be notified by letter within five business days by the applicant of any applications for feedlot permits that are submitted to federal, state or county agencies. A copy of the applications to others agencies shall be included with the letter.

### **Section 14.2 Animal Feedlot Setbacks.**

Any new feedlot with the capacity to contain more than ten (10) animal units, or an expansion to an existing feedlot with a cumulative total of more than ten (10) animal units, shall meet the following setback requirements:

- (A) The feedlot shall not be situated closer than one hundred (100) feet from the nearest road right-of-way.
- (B) The feedlot shall be setback from the nearest residence, public building, church, public park, or government building other than the operator's residence by at least one thousand (1,000) feet.
- (C) The feedlot shall be setback one half (1/2) mile from an incorporated city limit.

### **Section 14.3 Feedlots Requiring a Conditional Use Permit.**

- (A) **Required.** A conditional use permit shall be required for:
  - (1) Agricultural District ("A-1") Feedlots containing more than five hundred (500) animal units, including expansions of existing feedlots to more than five hundred (500) animal units.
  - (2) Rural Management District ("R-M") Feedlots containing more than fifty (50) animal units, including expansions of existing feedlots to more than fifty (50) animal units.
  - (3) Urban Expansion District ("U-E") Any new or expanding feedlot up to a capacity of fifty (50) animal units.
- (B) **Application Requirements.**
  - (1) Information. Applications for a conditional use permit for a feedlot shall contain all of the following information as well as all other information required on the application form.

- (a) A site plan drawn to scale showing the locations of all existing and proposed building and manure storage areas and their square footage.
  - (b) A plan indicating operational procedure and the location and specifics of proposed animal waste facilities including the quantity and type of effluent to be discharged from the site.
  - (c) The method and plan for disposal of dead animals.
  - (d) The manure management plan, including a map showing the location of all manure application sites.
  - (e) The plan for the manner in which odor impact to neighbors will be controlled or mitigated.
  - (f) Estimated cost of facility, including barns and manure storage area.
- (2) Fees. The required application fee and administrative fee, if required, shall be submitted before the Township will process the application.
  - (3) Processing of Applications. Applications for conditional use permits for feedlots shall be processed in accordance with this Ordinance.
  - (4) Notification by Applicant to Neighbors. Within five (5) working days of submitting the application, the applicant of a conditional use permit for a feedlot shall notify in writing each property owner and resident within one (1) mile of the proposed feedlot or expansion of a feedlot. Notification shall be sent regardless of whether the applicant has already notified such property owners in connection with an application for any state or county permit for said new or expanded feedlot.
  - (5) Special Conditions. In addition to the standards and requirements set forth in this Ordinance, the Town Board may impose additional conditions it considers necessary to protect the public health, safety and welfare, or the compatibility of the feedlot with surrounding uses and the surrounding environment. The conditions that may be imposed on a conditional use permit for a feedlot may include, but are not limited to, the planting of trees or shrubs to be used as a windbreak, the use of other odor control measures, and any other reasonable conditions the Town Board's determine are appropriate to address the potential impacts of the feedlot.

**Section 14.4 Prohibited Uses.**

- (1) No animal feedlot shall be constructed or expanded in Lansing Township to over one thousand two hundred (1,200) animal units.
- (2) New feedlots are prohibited in Shoreland Overlay District and within the Floodplain Overlay District.

**Section 14.5 Feedlot Abandonment.** Upon abandonment of a feedlot, termination or non-renewal of any permit or certificate necessary to operate a feedlot, or failure to operate the feedlot in a manner consistent with this Ordinance or with the State and Federal regulations, the

landowner and the owner and the operator of any feedlot shall remain responsible for all cost of closure, cleanup or other costs necessary to bring the property into compliance with all Federal, State, County and Township regulations and to restore the property to a suitable use. The Town Board may require the feedlot owner and operator to post with the Township a bond or other approved security deposit to ensure compliance with this provision.

**ARTICLE XV  
NONCONFORMING USES AND STRUCTURES**

**Section 15.1 Nonconforming Uses and Structures.**

Any use or structure in existence prior to the date of enactment of this Ordinance which does not conform with the use restrictions of this Ordinance, or any use or structure that was subsequently rendered nonconforming by an amendment to this Ordinance, may be continued, including through repair, replacement, restoration, maintenance, or improvement, at the size and in the manner of operation existing upon such date, subject to the restrictions in this Article.

- (A) **Expansions.** A nonconforming use or structure shall in no way be expanded, enlarged or extended either on the same property or onto an adjoining lot of record except as expressly allowed in this Section. A prohibited expansion, enlargement or extension shall include anything that increases the intensity of the use including, but not limited to, a change to a more intense nonconforming use or a physical expansion of the existing use that increases the height, volume and/or area dimensions of the nonconforming use. The Town Board may allow an expansion or extension of a nonconforming structure without a variance if the expansion or extension does not increase the nonconforming aspect of the structure. To the extent the expansion or enlargement of a nonconforming principal or accessory structure is allowed by this Section, no such expansion or enlargement may occur except upon issuance of the appropriate permits and provided that the use of the property conforms to the zoning district regulations, that the expansion or enlargement meets current zoning district regulations, and no other nonconformities are created. No other expansions of nonconforming uses or structures shall be allowed except upon adoption of an ordinance by the Town Board. A request to expand an existing nonconforming use or structure must be submitted to the Township in writing that explains in detail the proposed expansion and identified the potential impacts of the expansion. The Town Board shall, in its sole discretion, determine whether to adopt such an ordinance and, if adopted, which conditions it shall place on the allowed expansion. Because an ordinance to allow an expansion of an existing lawful nonconforming use does not constitute a zoning ordinance or an amendment to this Ordinance, the Town Board can process and act on the request and the ordinance, if one is adopted, without needing to process the request as an amendment to this Ordinance. The Town Board may, but is not required to, seek input on the request from the Planning Commission and may hold a hearing on the request or direct the Planning Commission to hold a hearing.
- (B) **Maintenance.** Routine maintenance of a structure containing or relating to a lawful nonconforming use is permitted, including any necessary nonstructural repairs and incidental alterations which do not extend or intensify the nonconforming use. Nothing in this Section prevents the placing of a structure into a safe condition after it has been declared unsafe by the Township.
- (C) **Alterations.** Alterations may be made to a structure containing nonconforming residential units when the alterations will improve the livability of such units, provided that such alterations do not increase the number of dwelling units in the structure. Such alterations must be approved by the Township.



- (D) **Burden.** The burden of establishing that a nonconforming use or structure lawfully exists under this Ordinance shall, in all cases, be on property owners and not the Township.
- (E) **Damage to Nonconforming Structures.** Whenever a nonconforming structure or use is damaged by fire, collapse, flood, explosion, earthquake, war, riot, act of God or public enemy or to the extent of fifty percent (50%) or less of its estimated market value as indicated in the assessor's records at the time of damage, it may be reconstructed. The nonconforming structure or use shall not be permitted to be reconstructed if the damage is greater than fifty percent (50%) of the estimated market value as indicated in the assessor's records at the time of damage and no zoning and land use permit has been applied for within one hundred eighty (180) days of when the property was damaged. If a permit is applied for within one hundred eighty (180) days, the Township may impose reasonable conditions upon any such zoning and land use permit it may issue in order to mitigate any newly created impact on adjacent property.
- (F) **Replacing Nonconforming Uses.** When any lawful nonconforming use of any structure or land is replaced by another use or structure, the new use or structure must conform to the provisions of this Ordinance and it shall not thereafter be changed to any nonconforming use or structure.
- (G) **Discontinues Uses.** If the nonconforming use of land is discontinued for a period of twelve (12) months, the subsequent use of the land or the structure shall be in conformity with the provisions of this Ordinance.
- (H) **Public Nuisances.** Nonconforming uses or structures which are declared by the Township to be public nuisances shall not be allowed to continue as legal nonconforming uses or structures.

**ARTICLE XVI THROUGH ARTICLE XVIII**

**Reserved for future Articles.**

## **ARTICLE XIX ADMINISTRATION**

### **Section 19.1 Town Board.**

The Town Board is responsible for the administration of this Ordinance and shall have all powers granted it by law and by this Ordinance including, but not limited to, the following:

- (A) Appoint a Zoning Administrator and define the authorities and duties of the position.
- (B) Appointed the members of the Planning Commission and determine its functions, duties, and responsibilities.
- (C) Make all determinations of questions relating to the interpretation of this Ordinance.
- (D) Make all final decisions regarding zoning requests brought before it in accordance with the provisions of law and this Ordinance.
- (E) Consider, adopt or reject proposed zoning district or text amendments or repeal of this Ordinance; and
- (F) To act as the Board of Appeals and Adjustments.

### **Section 19.2 Zoning Administrator.**

The Town Board may appoint a Zoning Administrator to perform the functions necessary to carry out the purpose of this Ordinance. The Zoning Administrator's duties shall include, but are not limited to, the following:

- (A) Enforce and administer the provisions of this Ordinance.
- (B) Determine whether a permit application is complete and complies with the terms of this Ordinance.
- (C) Receive, file and distribute to the designated official bodies copies of all applications and related documents for appeals, variances, amendments, conditional use permits, as required hereunder and as such bodies deem necessary for them to be able to perform their functions set forth in this Ordinance.
- (D) Provide the Town Clerk with information of upcoming meetings and hearings of the Planning Commission in sufficient time to post and/or publish notices of Planning Commission meetings and hearings.
- (E) Conduct inspections of building sites and/or uses of land to determine compliance with this Ordinance or any permit granted pursuant to this Ordinance and advise the Town Board of Appeals and Adjustments of compliance.
- (F) Issue permits once they have been approved as provided in this Ordinance.
- (G) Issue notices of denial to applicants.

- (H) Track the application of the 60-day rule to land use requests, provide notices of incomplete applications and deadline extensions to applicants as may be needed, and to keep the Township informed of the applicable deadlines for actions with respect to individual land use requests.
- (I) File for record with the Mower County Recorder or Registrar of Titles all documents required to be filed by law.
- (J) To enforce this Ordinance, including through the issuance of violation notices, cease and desist orders, or corrective orders as determined appropriate, and to work with the Town Attorney as needed to administer and enforce this Ordinance.
- (K) Make periodic reports to the Town Board of zoning issues and activity, and make a report of annual activity at the annual March Town meeting.
- (L) To perform such other duties and responsibilities as provided in this Ordinance or as assigned by the Town Board.

**Section 19.3 Planning Commission.**

- (A) **Reaffirmed.** The Lansing Township Planning Commission (“Planning Commission”) previously established by the Town Board is hereby reaffirmed as the Township’s planning agency. The Planning Commission serves in an advisory capacity to the Town Board.
- (B) **Composition.** The Planning Commission shall consist of three to five (3-5) members, which may contain one or more Town Board officers. Each Commission member, including the Chair and Vice-Chair, shall have one vote on all matters acted upon by the Commission. A member must be present at a meeting to vote.
- (C) **Appointment, Vacancies and Removal.** The Town Board appoints the Planning Commission members. Vacancies occurring on the Planning Commission are filled by Town Board appointment for the remainder of the term of the position. Commission members serve at the pleasure of the Town Board and may be removed by the Town Board at any time.
- (D) **Term.** Planning Commission members shall serve a term of three (3) years, unless removed earlier by the Town Board, and until a successor is appointed and qualifies. No member shall serve more than three (3) consecutive terms on the Planning Commission. Terms expire on April 1<sup>st</sup>. The Town Board shall stagger the terms of Planning Commission members as it determines is appropriate to minimize the number of Planning Commission positions expiring in the same year.
- (E) **Officers and Duties.** The Planning Commission shall appoint from among its members a chairperson and vice-chairperson. The Planning Commission shall have a secretary, which may be appointed from among the Planning Commission members or the Town Board and may direct that the Town Clerk shall serve as secretary. The Chair shall be the presiding officer for Commission meetings and shall sign documents on behalf of the Commission as needed. The Vice-Chair shall conduct the duties of the Chair in the Chair’s absence. The Secretary shall provide notices, keep records of

the Commission's proceedings, and countersign the Chair's signature on Commission documents.

- (F) **Compensation.** The Town Board shall determine if members will be compensated for their service on the Planning Commission, determine the amount of compensation if provided, and the policy for reimbursing expenses incurred in carrying out the Planning Commission's duties.
- (G) **Rules and Procedures.** The Planning Commission may adopt rules and procedures related to how it conducts its meetings and hearings, provided such rules and procedures are consistent with the provisions of this Ordinance and applicable laws.
- (H) **Meetings.** The Planning Commission shall hold meetings and hearings as needed to conduct its duties. The Chair or Vice-Chair, along with the consent of at least one other Planning Commission member, may call special meetings as needed to conduct the Planning Commission's business.
- (I) **Planning Commission Powers and Duties.** The Planning Commission shall have the powers and duties provided it by Minnesota Statutes, chapter 462, those indicated in this Ordinance, and such other powers and duties as the Town Board may delegate to it. Unless directed otherwise by the Town Board, the Planning Commission shall be responsible for conducting such hearings as may be required by law or by ordinance to implement and administer the Township's official controls. The Planning Commission does not have the authority to hire professionals or to otherwise bind the Town to a contract.

#### Section 19.4 **Board of Appeals and Adjustments.**

- (A) **Established.** The Town Board shall serve as the Lansing Town Board of Appeals and Adjustments.
- (B) **Rules and Procedures.** The Board of Appeals and Adjustments may adopt rules and procedures related to how it conducts its meetings and hearings, provided such rules and procedures are consistent with the provisions of this Ordinance and applicable laws.
- (C) **Meetings and Hearings.** The Board of Appeals and Adjustments shall hold such meetings and hearings as needed to conduct its duties. Meetings of the Board of Appeals and Adjustments may be held as part of a regular or special meeting of the Town Board.
- (D) **Powers and Duties.** The Board of Appeals and Adjustments shall have the following powers and duties:
  - (1) Appeals. Hear and decide appeals where it is alleged that there is an error in any order, requirement, decision, or determination made by an administrative officer in the enforcement of this Ordinance.
  - (2) Variances. Hear and decide requests for variances from the literal provisions of the Ordinance in instances where their strict enforcement of such provisions would cause practical difficulties because of circumstances unique to the

individual property under consideration, and may grant such variance only when it is demonstrated that such actions will be in keeping with the purpose and intent of the Ordinance. The Board of Appeals and Adjustments may impose conditions in the granting of variances to ensure compliance and to protect adjacent properties.

**ARTICLE XX  
PERMITS, PROCEDURES AND FEES**

**Section 20.1 Conditional Use Permit.**

Requests for a conditional use permit shall be made, and will be processed, in accordance with this Section.

- (A) **Required.** As of the effective date of this Ordinance, no use requiring a conditional use permit shall be initiated or expanded except upon issuance of a conditional use permit from the Town Board pursuant to this Section.
- (B) **Notification to Township.** The Town Board shall be notified by letter within five (5) business days by the applicant of any permit applications to federal or county agencies for construction of any facilities or structures that will require a conditional use permit or interim use permit from the Township. A copy of the applications to other agencies shall be included with the letter.
- (C) **Application.** An application shall be made by the property owner, or the owner's authorized agent, on a form supplied by the Township and must be signed by the property owner. The application must be accompanied by the required application fee and escrow (if required) and must, at a minimum, include the following information as well as any such additional information as deemed necessary by the Town Board.
  - (1) The name of the applicant and of all owners of the property to which the application relates.
  - (2) A map or aerial photo showing all existing homes, as well as all proposed and existing buildings, driveways, access roads, parking spaces, and loading areas.
  - (3) A map or aerial photo indicating dimensions of the project, lakes, ponds, water courses, wetlands, drainage ditches, roads, wells (Included abandoned wells), contour and surface water drainage within one thousand three hundred twenty (1,320) feet of the project.
  - (4) A sketch of all landscaping and screening plans, if applicable.
  - (5) A sanitary sewer and water plan with estimated use per day, if applicable.
  - (6) Soil type map.
  - (7) A copy of any applications for permits made to any federal, state or local authority for the same project.
  - (8) Estimated cost of project.
  - (9) Certification from the county that all property taxes have been paid.
  - (10) Such other information as is deemed necessary and reasonable by the Town Board to adequately review the request.

- (11) A copy of any other applications submitted to any other governmental body related to the development of the use.
- (D) **Application Review.** An application for a permit must be submitted to the Zoning Administrator. The Zoning Administrator shall review the application to determine if it contains all the required information and is otherwise complete, including payment of the required fees. If an application is not complete, the Zoning Administrator shall provide the applicant written notice of what information is needed in order to make the application complete within fifteen (15) business days of the Township's receipt of the application. The Zoning Administrator shall forward complete applications to the Planning Commission to conduct a hearing.
- (E) **Inspections.** The Township may conduct one or more site investigations of the property as part of processing a permit application. If a quorum or more of the Planning Commission or if the Town Board conducts a site investigation, notice shall be posted at the Township's posting places at least three (3) days before the date of the inspection unless the inspection is being conducted as part of the hearing. The Township may also conduct one (1) or more site investigations after a permit has been issued to review an alleged or potential violation of the conditions of the permit or of this Ordinance. Submission of an application, and acceptance of a permit, constitutes consent on the part of the owners of the property to the conditions imposed on the permit and to allow the Township to conduct inspections of the property at reasonable times to determine eligibility to receive a permit and then related to the administration and enforcement of the permit.
- (F) **Public Hearing.** The Planning Commission shall conduct a public hearing on the permit application. At least ten (10) days' published and posted notice shall be provided of the public hearing. The owner, or its authorized agent, is expected to attend the hearing to explain the application and to answer the Planning Commission's questions. The hearing may be continued from time to time. At the conclusion of the hearing the Planning Commission shall develop and forward a recommendation to the Town Board regarding the application. In reviewing the request and developing its recommendation, the Planning Commission shall consider the standards and criteria set out in this Section in addition to any other standards or criteria applicable to the specific proposed use that may be set out in this Ordinance. It is the owner's burden to prove that the standards and criteria can be met in a manner that does not adversely affect the health, safety or general welfare of the residents in the Township. If the Planning Commission recommends approval of the permit, its recommendation shall identify any conditions it recommends be placed on the permit. The recommended conditions may include any of those identified in this Section as well as any others the Planning Commission determines are appropriate and reasonable to address anticipated impacts of the proposed use in order to protect the public health, safety, and welfare. The Planning Commission shall forward its recommendation, together with its supporting findings, to the Town Board.
- (G) **Town Board:** The Town Board shall consider the Planning Commission's recommendation and make a final decision regarding the proposed permit. The Town Board may impose such conditions on the permit as it determines are reasonable to address anticipated impacts of the proposed use in order to protect the public health, safety, and welfare.



- (H) **Review Standards.** The following standards and criteria shall be considered when considering an application for a permit, together with any specific criteria that may be set out in this Ordinance related to a particular use:
- (1) The effect of the proposed use upon the health, safety, and general welfare of the occupants of surrounding lands.
  - (2) Existing and anticipated traffic conditions, including parking facilities and adjacent streets and land.
  - (3) Whether the project is in compliance with the setback and other provisions of this Ordinance, unless a variance has been granted by the Township.
  - (4) Whether the use is in conflict with the Comprehensive Plan of the Township.
  - (5) Whether the use will be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, or substantially diminishes or impairs property values in the area.
  - (6) If a proposed used is not compatible with existing uses in the area, it must be out of view or separated by screening so that existing homes or businesses will not be depreciated in value or the scenic view of recreation and wildlife areas will not be affected.
  - (7) Whether the use will create an excessive burden on parks, schools, roads, water supply, public drainage systems and other public facilities and utilities which serve or are proposed to serve the area.
  - (8) Whether the structure and site shall have an appearance that will not have an adverse effect upon adjacent properties.
  - (9) Whether the road on which the project is proposed is adequate to handle increased traffic during construction and operation, and whether the use will cause traffic hazards or congestion.
  - (10) Whether the establishment of the use will impede the normal and orderly development and improvement of surrounding vacant property for uses predominant to the area.
  - (11) The adequate utilities, drainage, and other necessary facilities have been or are being provided.
  - (12) That adequate access roads and other measures have been or will be taken to provide sufficient parking off the Township road and adequate loading space to serve the use.
  - (13) That adequate measures have been or will be taken to prevent or control rodents, insects, offensive odors, fumes, dust, noise and vibration in order that none of these will constitute a nuisance and to control lighted signs and other lights in such a manner that no disturbances to neighboring properties will result.

- (I) **Conditions.** In addition to those standards and requirements expressly specified by this Ordinance, the Planning Commission may recommend, and the Town Board may impose, conditions on the permit which it considers necessary to protect the public health, safety and general welfare, to avoid the diminution of values of surrounding land, and to protect the best interest of the surrounding area or the community as a whole. Violation of any condition attached to a permit shall be considered a violation of this Ordinance. These special conditions may include, but are not limited to, the following:
- (1) Increasing the required lot size or yard dimension.
  - (2) Limiting the height, size, location of structures.
  - (3) Controlling the location and number of vehicle access points.
  - (4) Increasing the street width.
  - (5) Increasing the number of required off-street parking spaces.
  - (6) Limiting the number, size, location of lighting or signs.
  - (7) Requiring diking, fencing, screening, landscaping or other facilities to protect adjacent or nearby property.
  - (8) Designating sites for open space.
  - (9) The use of odor, noise, dust control measures.
  - (10) Any other reasonable requirements necessary to fulfill the purposes and intent of this Ordinance including, but not limited to, the protection of public health, safety, and welfare as determined by the Town Board.
- (J) **Filing.** A certified copy of any permit shall be filed, at the owner's expense, with the Mower County Recorder. It shall include the legal description of the property to which it relates.
- (K) **Amended Permit.** Any change involving structural alterations, enlargement, intensification of the use or similar change not specifically permitted by the permit shall require that the permit be amended. An application to amend an existing permit shall be administered in the same manner that is required for a new permit. All application and review procedures shall apply.
- (L) **Expiration and Revocation.** A permit shall expire and become void if the use it allows is not substantially started within twenty-four (24) months from its date of issuance. A substantial start means more than preliminary steps have been taken such that preparations to initiate the use are mostly complete. The Town Board may revoke a permit if it determines, after notice to the owner and conducting a public hearing, that any of conditions imposed on the permit have been violated.

- (M) **Review of Permits.** Any permit may include, at the discretion of the Town Board, provisions for periodic review to determine compliance with the conditions of the permit, and whether changed circumstances or conditions require changes to the permit. The Town Board may also elect, upon adoption of an appropriate resolution following verification of a complaint that a condition has been violated, to conduct a review of the permit. Said review shall only take place following written notice to the owner of the subject property and duly noticed public hearing. Following such hearing, the permit may be amended, with the owner's consent, based on changes, conditions, and experiences with the site.

Section 20.2 **Variances.** No variances shall be granted by the Township except in conformance with this Section.

- (A) **Authority.** The Board of Appeals and Adjustments may grant a variance from the provisions of this Ordinance in order to promote the effective and reasonable application and enforcement of this Ordinance. A variance is a modification or variation of the provisions of this Ordinance as applied to a specific property. The Board of Appeals and Adjustments may not grant a variance for any use that is not allowed by this Ordinance for property in the zoning district in which the property is located. The Board of Appeals and Adjustments may grant a variance for the temporary use of a one family dwelling as a two family dwelling and may grant a variance for an earth sheltered construction as defined in Minnesota Statutes, Section 216C.06, Subdivision 14 when such construction would be in harmony with this Ordinance.
- (B) **Application.** Application for a variance shall be made by the property owner, or its authorized agent, on the Township's application form, signed by the owner, be accompanied by the required application fee and escrow (if required), and must, at a minimum, contain all of the following information:
- (1) The name and mailing address of all property owners of record, according to the county auditor's property tax records, within one-quarter mile of the property to which the application relates;
  - (2) The name of the applicant and of all owners of the property to which the application relates;
  - (3) A description of the proposed use to which the variance relates; and
  - (4) An explanation of the specific conditions and circumstances that give rise to the practical difficulties in strictly complying with the provisions of this Ordinance, the specific provisions of this Ordinance from which a variance is being sought, and the extent of the requested deviation from the standards.
- (C) **Application Review.** An application for a variance must be submitted to the Zoning Administrator. The Zoning Administrator shall review the application to determine if it contains all the required information and is otherwise complete, including payment of the required fees. If an application is not complete, the Zoning Administrator shall provide the applicant written notice of what information is needed in order to make the application complete within fifteen (15) business days of the Township's receipt of the

application. The Zoning Administrator shall forward complete applications to the Planning Commission to conduct a hearing.

- (D) **Inspection.** The Township may conduct one or more site investigations of the property as part of processing a variance application. If a quorum or more of the Planning Commission or the Board of Appeals and Adjustments conducts a site investigation, notice shall be posted at the Township's posting places at least three (3) days before the date of the inspection unless the inspection is being conducted as part of the hearing. The Township may also conduct one or more site investigations after a variance has been issued to review an alleged or potential violation of the conditions of the variance or of this Ordinance. Submission of an application, and acceptance of a variance, constitutes consent on the part of the owners of the property to the conditions imposed on the variance and to allow the Township to conduct inspections of the property at reasonable times to determine eligibility to receive a variance and then related to the administration and enforcement of the variance.
- (E) **Hearing.** The Planning Commission shall conduct a public hearing on the variance application. At least ten (10) days published and posted notice shall be provided of the public hearing. The owner, or its authorized agent, is expected to attend the hearing to explain the application and to answer the Planning Commission's questions. The hearing may be continued from time to time. In reviewing the variance request and developing its recommendation, the Planning Commission shall consider the criteria set out in this Section and such other factors as it determines are appropriate to evaluate the proposed use. It is the owner's burden to demonstrate it is eligible to receive the requested variance. If the Planning Commission recommends approval of the variance, its recommendation shall include any conditions it determines are appropriate and reasonable to address anticipated impacts of the proposed use in order to protect the public health, safety, and welfare. The Planning Commission shall forward its recommendation, together with its supporting findings, to the Board of Appeals and Adjustments.
- (F) **Board of Appeals and Adjustments.** The Board of Appeals and Adjustments shall make the final decision regarding the requested variance and it shall not issue a variance unless it determines the request satisfies the criteria set out in this Section. The Board of Appeals and Adjustments may impose such conditions on the variances it issues as it determines are reasonable. All such conditions must be directly related to and bear at least a rough proportionality to the impact the Board of Appeals and Adjustments determines will be created by the variance.
- (G) **Criteria.** The owner has the burden of demonstrating that sufficient practical difficulties exist, based on the following criteria, with respect to its property to justify the issuance of a variance. The following criteria shall be considered in determining whether to issue a variance:
  - (1) The variance is in harmony with the general purposes and intent of this Ordinance;
  - (2) The variance is consistent with the comprehensive plan;
  - (3) The owner proposes to use the property in a reasonable manner not permitted by this Ordinance;

- (4) The plight of the owner is due to circumstances unique to the property that were not created by the owner;
  - (5) If granted, the variance will not alter the essential character of the locality; and
  - (6) Economic considerations are not the sole basis for the requested variance.
- (H) **Scope and Filing.** A variance issued by the Township is limited to the particular property and the specific deviation allowed by the variance. The granting of a variance does not bind the Township to approving similar variances for other properties or additional variances, permits, or permissions for the same property. A certified copy of the variance shall be filed, at the owner's expense, with the Mower County Recorder. It shall include the legal description of the property to which it relates.
- (I) **Expiration and Revocation:** A variance shall expire and become void if the use or structure to which it relates is not substantially started within twelve (12) months from its date of issuance. A substantial start means more than preliminary steps have been taken such that preparations to initiate the use are mostly complete. The Board of Appeals and Adjustments may revoke a variance if it determines, after notice to the owner and conducting a public hearing, that any of conditions imposed on the variance have been violated.

Section 20.3 **Amendments.** An amendment to the text of this Ordinance or of the zoning map, including requests to rezone property, may only occur as provided in this Section. An amendment may be initiated by the Town Board, the Planning Commission, or by application of an affected property owner. An amendment not initiated by the Planning Commission shall be referred to the Planning Commission for study and report, and may not be acted upon by the Town Board until it has received the Planning Commission's recommendations, or until at least sixty (60) days after the proposed amendment was submitted to the Planning Commission.

- (A) **Initiation by the Township.** An amendment proposed by the Planning Commission shall be forwarded in writing to the Town Board for review. If the Town Board authorizes the Planning Commission to proceed with the amendment, the Planning Commission shall hold a hearing on the proposed amendment in accordance with the Town Board's authorization and this Section. If the Town Board initiated the amendment, the Planning Commission shall hold a hearing on the proposed amendment in accordance with this Section.
- (B) **Initiation by Application.** An owner seeking an amendment, including a request to rezone property, shall complete the Township's application form, together with the required application fee and escrow (if required), and the application must, at a minimum, contain all of the following information:
- (1) If the application involves a request to change district boundaries affecting an area of five acres or less, the name and mailing address of all property owners of record, according to the county auditor's property tax records, within one-quarter mile of the property to which the application relates;
  - (2) The name of the applicant and of all owners of the property to which the application relates; and

- (3) A description of the specific provisions of the Ordinance, or the proposed change in zoning, proposed for change and the requested language of the amendment.
- (C) **Application Review.** An application for an amendment must be submitted to the Zoning Administrator. The Zoning Administrator shall review the application to determine if it contains all the required information and is otherwise complete, including payment of the required fees. If an application is not complete, the Zoning Administrator shall provide the applicant written notice of what information is needed in order to make the application complete within fifteen (15) business days of the Township's receipt of the application. The Zoning Administrator shall forward complete applications to the Planning Commission to conduct a hearing.
- (D) **Public Hearing.** The Planning Commission shall conduct a public hearing on the proposed amendment and develop a recommendation to the Town Board regarding the proposed amendment. The owner, or its authorized agent, is expected to attend the hearing to explain the application and to answer the Planning Commission's questions. The Planning Commission shall forward its recommendations regarding a proposed amendment to the Town Board for final action.
- (E) **Town Board:** The Town Board shall take action on the proposed amendment at a Town Board meeting. If the amendment was initiated by application of an owner, the Township shall inform the property owner of the Town Board's decision.
- (F) **Filing.** An amendment adopted by the Town Board shall be filed for record in the Mower County Recorder's Office. If the amendment was initiated by an owner application, the owner shall be responsible for the cost of filing the amendment.
- (G) **Limit on Similar Applications:** No application of an owner for an amendment to the text of the Ordinance or the zoning map shall be considered by the Township within a one (1) year period following a denial of such request, except that a new application may be allowed if, in the opinion of the Zoning Administrator, there is new evidence or a sufficient change of circumstances to warrant additional consideration of the proposal by the Township.

Section 20.4 **Appeals.** No appeal shall be heard by the Township except in accordance with the following.

- (A) **Appealable Decisions.** Only alleged errors in an order, requirement, decision, or determination made by the Zoning Administrator in the enforcement of this Ordinance are appealable to the Board of Appeals and Adjustments. The decisions of the Town Board and the Board of Appeals and Adjustments are final and are not appealable to the Board of Appeals and Adjustments. Furthermore, recommendations of the Planning Commission are not final decisions and are not appealable to the Board of Appeals and Adjustments.
- (B) **Notice of Appeal:** In order to bring an appeal, a person shall file a written notice of appeal with the Town Clerk within fifteen (15) days of the date of the order or decision being appealed together with the required fee. The notice of appeal must, at a minimum, contain all of the following information:

- (1) The name, mailing address, and phone number of the person making the appeal;
  - (2) The name and mailing address of all property owners of record, according to the county auditor's property tax records, within one-quarter mile of the property to which the appeal relates;
  - (3) Describe the specific order or decision being appealed, the date of the order or decision, and identify the person who issued the order or made the decision;
  - (4) A detailed explanation of the grounds and legal support for the appeal; and
  - (5) Identify the specific relief being sought by the appeal.
- (C) **Review of Notice of Appeal.** The Town Clerk shall review the notice of appeal to determine if it contains all the required information and is otherwise complete. The Town Clerk shall reject the notice of appeal if it is not complete; the order or decision to which it relates is not appealable; or if it was not filed in a timely manner. The Town Clerk shall provide a written notice of the rejection to the person that filed the appeal. The Town Clerk may consult the Board of Appeals and Adjustments and the Town Attorney as needed to make a determination as to whether a notice of appeal is complete, proper, and filed in a timely manner. The Town Clerk shall forward complete, proper, and timely notices of appeals to the Board of Appeals and Adjustments to conduct a hearing. The Town Clerk shall also provide a copy of the notice of appeal to the Planning Commission.
- (D) **Planning Commission:** The Planning Commission may review and provide a report to the Board of Appeals and Adjustments on a notice of appeal. The Planning Commission is not authorized to conduct a hearing on the notice of appeal. If the Planning Commission does develop a report, it shall provide it to the Board of Appeals and Adjustments prior to the scheduled hearing.
- (E) **Public Hearing.** The Board of Appeals and Adjustments shall conduct a public hearing on the notice of appeal. At least ten (10) days prior to the hearing notice of the hearing shall be published and posted, and a copy of the notice shall be mailed by first class mail to the person bringing the appeal. The appellant, or its authorized agent, is expected to attend the hearing to explain the appeal and to answer the Board of Appeals and Adjustments' questions. The Board of Appeals and Adjustments shall make the final decision regarding the matter being appealed. The Board of Appeals and Adjustments may reverse or affirm, wholly or in part, or modify the order or decision being appealed, and issue such orders, requirements, decisions, permits, or determinations, or provide such other relief as it deems appropriate. The Board of Appeals and Adjustments shall issue its decision in a written order which contains its findings. It shall provide a copy of its order to the appellant within ten (10) days of its issuance, which shall constitute a final decision of the Township regarding the matter.
- (F) **Judicial Review.** All appeals from the final decisions of the Town Board or of the Board of Appeals and Adjustments may be brought to District Court as provided in Minnesota Statutes, Section 462.361. Any such appeal must be served on the Township and filed with the District Court within thirty (30) days of the Township's final decision.

## **ARTICLE XXI FEES**

### **Section 21.1 Application and Administrative Fee.**

Any person submitting an application under this Ordinance shall pay the appropriate nonrefundable application fee as established by the Town Board. The person may also be required to pay an administrative fee deposit (escrow) in the amount determined by the Town Board and sign an agreement on a form provided by the Township agreeing to reimburse the Township for its costs, including all engineering, planning, legal, administrative and inspection expenses, incurred by the Township in processing the application. Payment of the application fee and, if required, payment of the administrative fee deposit and execution of the reimbursement agreement shall be required prior to an application being considered filed, complete, and subject to processing. All applications must be signed by the owner of the property to which it relates.

### **Section 21.2 Deduction of Expenses.**

As the Township processes the application, the Town Clerk shall deduct the expenses incurred by the Township from the administrative fee deposit. If the Town Clerk determines, after consulting with the Zoning Administrator as needed, the deposit will not be sufficient to fully reimburse the Township for its expenses, the Town Clerk shall require the applicant to make a supplemental deposit in an amount deemed necessary to reimburse the Township for all of its expenses. If the applicant fails to submit the supplemental deposit within a reasonable time, the Township may suspend processing the application until the deficiency is corrected or deny the application.

### **Section 21.3 Reimbursement in Full Required.**

Upon the termination of the application, whether by approval, denial, withdrawal, or by any other means, all expenses incurred by the Township shall be immediately payable by the applicant. All such costs shall constitute part of the fees imposed under Minnesota Statutes, Section 462.353, Subdivision 4 and are collectible as a service fee under Minnesota Statutes, Section 366.012. Any deposit in excess of the Township's expenses shall be refunded to the applicant without interest. No permits shall be issued, no construction or development shall commence, and no use of the property shall be made until all of the Township's costs are fully reimbursed. In the event payment of the expenses is not made within a reasonable time after demand, the Town Board may file a lien upon the subject property or other property of the applicant pursuant to Minnesota Statutes, Section 514.67, certify the amount as a service charge on the property pursuant to Minnesota Statutes, Section 366.012, or take such other action as may be deemed appropriate to obtain full reimbursement the Township's expenses, including the costs of collection. The Township will provide the property owner written notice of its intent to certify the amount on or before September 15. The amounts so certified to the County shall be subject to the same penalties, interest, and other conditions provided for the collection of property taxes.

### **Section 21.4 Late Fees.**

All permits required by this Ordinance must be applied for and obtained prior to initiating construction or undertaking the use. If the Township agrees to issue an after-the-fact permit,



the application fee shall be double the application fee set by the Town Board for the particular permit.

**ARTICLE XXII  
VIOLATIONS AND ENFORCEMENT**

**Section 22.1 Violation and Penalty.**

- (A) Any person who violates, or fails to comply with, a provision of this Ordinance, knowingly makes a false statement in any document required to be submitted under the provisions hereof, or that violates a condition of a permit or variance, shall be guilty of a misdemeanor. Upon conviction thereof, such person shall be punished by a fine and/or imprisonment as authorized by law for the punishment of a misdemeanor. Each day that a violation continues shall constitute a separate offense.
- (B) In the event of a violation or a threatened violation of this Ordinance, the Town Board, in addition to the other remedies, may institute appropriate criminal and/or civil actions or proceedings to prevent, restrain, correct or abate such violations or threatened violations. Criminal prosecution of a violation shall not bar the Township from also pursuing a civil remedy, just as pursuit of a civil remedy does not bar criminal prosecution of a violation.
- (C) In the event any person commences any land use activity that requires a permit under the provisions of this Ordinance prior to the issuance of such permit, or otherwise undertakes any use or activity in violation of this Ordinance, the Township, its Zoning Administrator, or attorney may issue written cease and desist orders, stop work orders, corrective orders, or similar orders to prohibit continuation of the activity until the required permits are obtained or the use or activity is otherwise brought into conformance with this Ordinance. If the required permits are not obtained, or if the work or use is not allowed by the Ordinance, the person shall be ordered to permanently abate all activities not permitted under this Ordinance. The order may require the person to restore the property including, but not limited to, the removal of all structures or buildings constructed in violation of the provisions of this Ordinance.
- (D) In the event any land is used or is proposed to be used in such a manner as to be in violation of this Ordinance, or if any building, structure, alteration thereof or part thereof is, or is proposed to be, used or erected in violation of this Ordinance, the Town Board may, in addition to issuing orders to prevent, abate, or correct a violation, authorize its authority to institute an injunction, mandamus, abatement or other appropriate civil and criminal actions as it determines appropriate to prevent, enjoin, correct, abate or remove such unlawful use, construction, reconstruction, alteration, or maintenance. Upon the Town Board's decision to initiate a legal action, the attorney shall be authorized to take all actions necessary to carry out such enforcement action.
- (E) In the event of a violation of this Ordinance, the cost of prosecution may be added to the penalty as allowed by Minnesota Statutes, Section 366.01, Subdivision 10. Furthermore, the administrative and legal expenses incurred by the Township related to an enforcement action may be assessed by Court Order against the party found to have violated the Ordinance. Upon Court approval, the Town Clerk shall prepare a bill for the expenses incurred and shall mail a copy to the owner/violator by mail. The amount therein shall be immediately due and payable to the Township and the Town Board may collect the amounts awarded to it under any authority available to it under law.

Adopted on this 19<sup>th</sup> day of April, 2017.

**BY THE TOWN BOARD**

\_\_\_\_\_  
Chairperson

Attest: \_\_\_\_\_  
Clerk

Date of Publication of the Approved Summary and Effective Date of this Ordinance:  
\_\_\_\_\_, 2017.

Committee Revising the Lansing Township Planning and Zoning Ordinance 2017

Planning Commission Members:

William Stegemann

Daniel Vermilyea

Duane Mortensen

Providing Assistance:

Bernie Boverhuis

John Ryther

Butch Lerum