



LENT TOWNSHIP
CHISAGO COUNTY, MINNESOTA
Resolution No. 2022-17

**RESOLUTION APPROVING AN INTERIM ORDINANCE AUTHORIZING A STUDY
AND PLACING A MORATORIUM ON THE ESTABLISHMENT OF AUTOMOBILE CAR
AND TRUCK WASH FACILITIES**

The Town Board of Lent ordains:

Section 1: Purpose and Intent. The purpose and intent of this interim ordinance ("Ordinance"). is to impose, pursuant to Minnesota Statutes, section 462.355, subdivision 4, temporary restrictions within Lent Township ("Town") regarding the establishment of new automobile car and truck wash facilities and the expansion of existing automobile car and truck wash facilities during the period of this Ordinance in order to protect the planning process and the health, safety, and welfare of the citizens of the Town.

Section 2: Legislative Findings. The Town Board hereby finds and determines as follows:

- (a) The Town is a "municipality" for the purposes of the Municipal Planning Act in Minnesota Statutes, chapter 462, and it has exercised its authority pursuant to that Chapter to adopt the Lent Township Code of Ordinances (the "Township Code");
- (b) Minnesota Statutes, section 462.355, subdivision 4 authorizes the Town Board to adopt interim ordinances to regulate, restrict, or prohibit any use, development, or subdivision within the Town;
- (c) The Township Code currently allows automobile car and truck wash facilities in the Rural Transit Center zoning district within the Town with the issuance of a conditional use permit for an automotive service station and car and truck wash facility;
- (d) Automobile car and truck wash facilities are subject to Lent Township Zoning regulations, which are contained in Chapter 2 of the Lent Township Code of Ordinances;
- (e) The Town currently has one active automobile car and truck wash facility and one pending request for an automobile car and truck wash facility, one of which has generated a number of concerns pertaining to the on-site septic system and water demand;
- (f) The Town is aware that there is interest in opening a new automobile car and truck wash facility within Town, proposed for the same general area as the existing automobile car and truck wash operation that has generated concerns pertaining to the on-site septic system and water demand; and
- (g) An application for a new automobile car and truck wash facility has been received by the Town and the application has been tabled by the Planning Commission to further review its conformance to the Township Code and the

adopted Comprehensive Plan and therefore the Town Board determines this is the appropriate time, given the continued development in the Town to study automobile car and truck wash facilities under the Code and determine if any amendments are needed to the current regulations.

Section 3. Definitions. For the purposes of this Ordinance, the following terms shall have the meaning given them in this Section. Any term not defined in this Section shall have the meaning given it in the Township Code, and if not defined therein, it shall have the meaning given it in the most applicable Minnesota Statutes or Rules.

- (a) Automobile Car and Truck Wash Facility. "Automobile Car and Truck Wash Facility" means any automobile, car and/or truck wash operation requiring a conditional use permit under the Township Code.
- (b) Code of Ordinances. "Township Code" means the most current enactment of the Lent Township Code of Ordinances.
- (c) Expansion. "Expansion" means, with respect to an existing Automobile Car and Truck Wash Facility, a proposal to extend, modify, or otherwise intensify the permitted structure or area associated with a current conditional use permit for an automobile service station.
- (d) Existing Automobile Car and Truck Wash Facility. "Existing Automobile Car and Truck Wash Facility" means an Automobile Car and Truck Wash Facility located in the Town that has a conditional use permit in effect as of the date of adoption of this Interim Ordinance that expressly allows Automobile Car and Truck Wash activities.
- (e) Ordinance. "Ordinance" means this interim ordinance imposing a moratorium pursuant to Minnesota Statutes, section 462.355, subdivision 4.
- (f) Planning Commission. "Planning Commission" means the Lent Township Planning Commission.
- (g) Town. "Town" means Lent Township, Chisago County, Minnesota.
- (h) Town Board. "Town Board" means the board of supervisors of Lent Township

Section 4. Study Authorized. The Town Board shall conduct a study of Automobile Car and Truck Wash Facilities as provided in this Section. The Town Board may call upon the Planning Commission for assistance in conducting the study. The study shall consider the compatibility of Automobile Car and Truck Wash Facilities with other allowed uses within the zoning district in which Automobile Car and Truck Wash Facilities are allowed, the types of impacts the Expansion of Existing Automobile Car and Truck Wash Facilities may have on the Town as well as the impacts of allowing new Automobile Car and Truck Wash Facilities within the Town. The Town Board shall work as part of the study to develop a consensus among the supervisors on whether Automobile Car and Truck Wash Facilities should continue to be allowed within the Town, in which zoning districts, whether the current regulations on Automobile Car and Truck Wash Facilities are sufficient, and, if not, how best to amend the Township Code to effectively regulate Automobile Car and Truck Wash Facilities to avoid or minimize negative impacts to surrounding properties and the public health, safety, and welfare.

The following activities regarding study of Automobile Car and Truck Wash Facilities are anticipated as follows:

- Planner contacts Chisago County and DNR regarding existing aquafer information

- Planner contacts Chisago County regarding septic system operations for larger water uses; specifically automobile car and truck wash facilities
- Planner contacts Chisago County regarding site soils and impacts on septic system operations
- Planner and P & Z Commission evaluate commercial land uses within Lent Township and the amount of land available for commercial development
- Planner reviews other communities' zoning regulations regarding automobile car and truck wash facilities
- Schedule discussion at regular Planning and Zoning Commission meetings over the next 3-4 months to provide technical information

Section 5. Moratorium. A moratorium is hereby imposed so that during the period of this Ordinance the following are prohibited:

- (a) No application for a conditional use permit, or an amended conditional use permit to establish a new Automobile Car and Truck Wash Facility or for the Expansion of an Existing Automobile Car and Truck Wash Facility shall be submitted, accepted, processed, or acted on;
- (b) The placement, construction, or expansion of a new Automobile Car and Truck Wash Facility is prohibited; and
- (c) The Expansion of an Existing Automobile Car and Truck Wash Facility is prohibited.

Section 6. Application and Duration. This Ordinance shall remain in effect for 12 months from the date of its adoption, until it is expressly repealed by Town Board resolution, or until the effective date of an ordinance amending the Township Code to address Automobile Car and Truck Wash Facilities, whichever occurs first. All inquiries regarding the application of this Ordinance shall be submitted to the Town in writing and the Town Board's decision regarding the matter shall be final. As part of interpreting this Ordinance, the Town Board may issue written clarifications of, and variances from, its terms as needed to effectuate its purpose and intent.

Section 7. Penalty and Enforcement. Any person, firm, partnership, corporation, or other entity violating any provision of this Ordinance shall be guilty of a misdemeanor and, upon conviction thereof, shall be subject to imprisonment for up to 90 days, a fine of up to \$1,000, or both, plus the costs of prosecution. Each day that a violation occurs shall be considered a separate offense. The Town may enforce this Ordinance through criminal prosecution or by undertaking such civil actions or proceedings, including injunctive relief, as it determines appropriate to prevent, restrain, correct, or abate any violation or threatened violation of this Ordinance. The initiation of one type of enforcement action shall not preclude the Town from instituting any other action or proceeding available to it under law to enforce this Ordinance.

Section 8. Severability. Every section, provision and part of this Ordinance is declared severable from every other section, provision, and part thereof. If any section, provision, or part of this Ordinance is held to be invalid by a court of competent jurisdiction, such judgment shall not invalidate any other section, provision or part of this Ordinance.

Section 9. Effective Date. This Ordinance shall take effect immediately upon its adoption.

Adopted this 17th day of May 2022.

The motion for the adoption of the foregoing resolution was made by Planning Commission Chair B. Seaton and was duly seconded by Planning Commission member C. Cagne, and upon vote being taken thereon, the following voted in favor thereof:

AVV

and the following voted against the same:

and the following abstained:

and the following were absent:

whereupon said resolution was declared duly passed and adopted by the Township of Lent this May 17, 2022.



Rick Keller, Chairperson

Attest:


Kelly Wood, Clerk