
CITY OF LITTLE FALLS

BOARD OF ADJUSTMENT/ PLANNING COMMISSION

December 12, 2016



AGENDA
PLANNING COMMISSION
Conference Room, City Hall
December 12, 2016, 6:30 p.m.

P	A	Member	P	A	Member
		Kleinschmidt, James			Schulte, Ray
		Esse, Robert			(Vacant Seat)
		Gosiak, Frank			Oleson, Ben (Zoning Administrator)
		Hanfler, Jeremy			Kimman, Greg (City Engineer)
		Schilling, Kara			

CALL TO ORDER: Planning Commission Chairperson

ADOPT THE AGENDA: December 12, 2016

APPROVAL OF MINUTES: November 14, 2016

PUBLIC HEARINGS:

- 1) None

OLD BUSINESS:

NEW BUSINESS:

- 1) Discussion – Ordinance Amendments (Part of Chapter 11.05 – Zoning Districts and Map)

NEXT REGULAR MEETING: Monday, January 9, 2017

ADJOURNMENT:

MINUTES
PLANNING COMMISSION
 Conference Room, City Hall
 November 14, 2016, 6:30 p.m.

P	A	Member	P	A	Member
		Kleinschmidt, James			Schulte, Ray
		Esse, Robert			(Vacant Seat)
		Gosiak, Frank			Oleson, Ben (Zoning Administrator)
		Hanfler, Jeremy			Kimman, Greg (City Engineer)
		Schilling, Kara			

CALL TO ORDER: Planning Commission Chairperson

ADOPT THE AGENDA: November 14, 2016

APPROVAL OF MINUTES: October 10, 2016

PUBLIC HEARINGS:

- 1) Variance to construct a detached garage with a height of approximately 22 feet (max. 18 feet allowed) in an R-2.M Mississippi Headwaters Corridor One- and Two-Family Residential Zoning District. Applicant: Michael Roach. Legal Description: Lots 22 and 23 of Riverwood. Property Address: 1903 Riverview Drive. Parcel number(s): 48.2419.000.

Public hearing was opened at 6:30 pm. Oleson explained the variance application. Roach explained that he is trying to match the design and architecture of the existing home on the property and that it is well screened from neighbors and the road. Robin Hensel, 807 1st Street SE indicated support for the variance provided that any landowner asking for the same variance was also approved. After discussion by the Planning Commission, noting that ordinance amendments potentially affecting the variance application were to be discussed in the next public hearing, a motion was made, seconded to table the item until after that discussion. Motion passed 5-0.

- 2) Amendment to City Code, Sections 11.03 (General Provisions) and Section 11.04 (Administration and Enforcement). The purpose of the hearing is to make a comprehensive review of the entirety of each section for potential amendments, including but not limited to, amendments to lower the maximum allowed impervious coverage on residential zoned property, to eliminate a requirement to match average impervious coverage of nearby lots when building structures on a nonconforming lot, to eliminate a requirement that certain legal nonconforming uses and structures be ceased within a 36-month time period, to amend size limits related to detached accessory buildings, to amend how structures, fences, trees, shrubs or other obstructions are regulated at street intersections, to increase the allowable height of fences in a front yard from 4 feet to 6 feet and to clarify that fences 30 inches or less in height do not require a permit, to clarify when a building not subject to the Building Code is required to obtain a land use permit and what setback or other zoning requirements apply, and to specify criteria for the review of conditional use permit applications. Other amendments may also be discussed as determined by public input or Planning Commission discussion. Applicant: City of Little Falls Planning Commission.

Oleson explained the proposed amendments. Robin Hensel, 807 1st Street SE, commented that the changes were only being proposed to address a fence at a particular property. Staff noted that the proposed changes relate to many items and not to one particular

property. After discussion by the Commission, a motion was made and seconded to table the items for further discussion and moving on to section 11.05 of the ordinance for ordinance amendment discussions. Motion passed 5-0.

- 3) Motion was made to re-open the discussion on Public Hearing #1 (Roach variance). Motion was made and seconded to table the application indefinitely until ordinance amendments, which may impact the need for a variance, are addressed by the City Council.

OLD BUSINESS:

NEW BUSINESS:

- 1) Comprehensive Plan Update

Oleson noted that public input meetings had been held and that Staff would now begin drafting out amendments to the City's Comprehensive Plan, with drafts to be eventually reviewed by the Planning Commission.

NEXT REGULAR MEETING: Monday, December 12, 2016

ADJOURNMENT:

STAFF REPORT

Agenda Item: Discussion – Ordinance Amendments (Part of Chapter 11.05 – Zoning Districts and Map)

Applicant: City of Little Falls Planning Commission

Background Information: Beginning in August 2016, the Planning Commission held a series of public hearings over several meetings to discuss and take public comment on several ordinance amendments. The result of those series of meetings was a recommendation to the City Council for its September meeting to adopt a number of ordinance amendments relating to fence, accessory building and nonconforming building/lot regulations. After two readings of the proposed ordinance amendments, and due primarily to concerns regarding the regulation of detached accessory building size, the motion to adopt the ordinance amendments failed. As such, new public hearings need to be held to re-introduce the non-controversial elements of the previously failed ordinance amendments (and changes to the accessory building regulations that had been previously discussed).

City Staff has decided that it may be preferable, given that they were planning to review many sections of the ordinance for updating and elimination of confusing/conflicting portions, to hold public hearings on the entirety of specific sections of the zoning ordinances, develop a comprehensive list of recommended changes, and then present those changes to the City Council once they are all completed. As such, tonight's meeting represents the first of what we expect to be several throughout the winter/spring months with the goal of recommending a comprehensive update to the City zoning ordinances sometime in 2017.

At the November meeting, we discussed sections 11.03 and 11.04. For December, we are beginning a multi-part discussion on Section 11.05 (Zoning Districts and Map), which contains standards for what uses are allowed in each zoning district and what basic height, setback, lot size and other requirements are for development on those lots.

A rough schedule for the upcoming months will be:

1. January – Section 11.05 (PUDs and Mississippi Headwaters district regulations)
2. February – Sections 11.06 (Performance Standards) and 11.07 (Special Provisions)
3. March – Sections 11.08 (Mobile Homes), 11.09 (Adult Uses), 11.10 (Communications Towers), 11.11 (Winde Energy Conversion Systems) and 11.20 (Stormwater Mangement)
4. April – Section 11.50-11.63 (Floodplain-related Ordinances)
5. May – Subdivision Ordinance (Chapter 12 of the City Code), Public hearing for Chapter 11 modifications

Planning Commission Action: No action is required at this time. The meeting is for discussing potential ordinance amendments only.

Staff Comments: Two of the primary questions in a review of Section 11.05 relating to zoning districts will include:

1. What types of uses to allow in each district. Currently, the City has a “ladder” approach to zoning – meaning that every use allowed in a “lower” district is allowed also in the next “higher” zoning district. So, for instance, a single family home would be allowed in every zoning district because it is allowed in the “lowest” zoning district (R-1) and is thus allowed in every district after that. As another example, a use allowed in the B-2 district (such as an auto repair shop) would also be allowed in B-3, I-1 and I-2, but not in B-1 or any of the residential zoning districts. Does the city want to keep this “ladder” approach across all zoning districts or just within each category (so that residential would not necessarily be allowed in an Industrial district, for instance).
2. What the minimum height, setback, lot size and other basic dimensional requirements should be. There are some requirements in the current ordinances that contradict each other and others that the City may wish to update and change to make the ordinances simpler and more easily understood.

Staff has provided several summary tables to show what uses are allowed currently in each zoning district as well as basic dimensional standards for buildings when they are constructed on lots. We will plan to walk through these as we review, with Staff highlighting certain areas that it feels are particularly important for discussion. If you notice certain things that you would like to discuss, please feel free to make a list and bring it to the meeting.

Note that Staff is planning to just hold discussions on these items at this time, as well as with the upcoming review of the various sections of the ordinance, with public hearing(s) at some later date after some initial discussion has occurred and draft ordinance changes prepared.

Minimum Dimensional Requirements By Zoning District

	Lot Size – Interior (sq ft)	Lot Size – Corner (sq ft)	Lot Width - Interior	Lot Width - Corner	Front Yard	Rear Yard - No Alley	Rear Yard - Alley	Side Yard - Interior	Side Yard - Corner
R-1	11,000	12,000	80	80	30	35	X	10	15
R-1C	16,000	16,000	100	100	20	10	X	15	X
R-2	9,000	9,000	60	60	30*	30*	X	5*	15*
R-3	9,000 (more for multi-unit)	9,000 (more for multi-unit)	60	60	30	30	X	5	15/30
R-4	As per MN Dept of Health								
* R-3 Prop line setbacks increase to 1/2 bldg height for those over 45 ft or 3 stories									

Min. Dimensions for Nonconforming Lots of Record (70% of normal, except where specified)				
	Lot Size – Interior (sq ft)	Lot Size – Corner (sq ft)	Lot Width – Interior (ft)	Lot Width – Corner (ft)
R-1	7,700	8,400	56	56
R-1C	12,000	12,000	X	X
R-2	6,300	6,300	42	42
R-3	6300 (more for multi-unit)	6300 (more for multi-unit)	42	42
R-4				

	Lot Size – Interior (sq ft)	Lot Size – Corner (sq ft)	Lot Width – Interior (ft)	Lot Width – Corner (ft)	Front Yard (ft)	Rear Yard - No Alley (ft)	Rear Yard – Alley (ft)	Side Yard – Interior (ft)	Side Yard – Corner (ft)	Side Yard - Adjacent to R (ft)
B-1	10,000	10,000	75	75	30*	30*	X	10*	30*	25*
B-2	X	X	X	X	0	X	X	0	0	X
B-3	1 acre	1 acre	150	150	50*	40*	X	10*	50*	40*
B-3 Residential Uses	As per R-2 district									
B-3 Canopies					10	20	10	20	10	20
* B-1 Prop line setbacks increase to 1/2 bldg height for those over 45 ft or 3 stories										
** B-3 Prop line setbacks increase 1 ft for every ft over 30 ft in height of building										

	Lot Size – Interior (sq ft)	Lot Size – Corner (sq ft)	Lot Width – Interior (ft)	Lot Width – Corner (ft)	Front Yard (ft)	Rear Yard - No Alley (ft)	Rear Yard – Alley (ft)	Side Yard – Interior (ft)	Side Yard – Corner (ft)	Side Yard - Adjacent to R (ft)
I-1	24,000	24,000	100	100	40*	30*	X	10 percent of lot width*	40*	40*
I-2	1 acre	1 acre	150	150	40*	30*	X	10 percent of lot width*	40*	70*
* Prop line setbacks increase 1 ft for every ft over 30 ft in height of building										

	Max. Height	Min. Floor Area - Single Family	Min. Floor Area – Two Family	Min. Floor Area – Split Level	Min. Floor Area – Two Story	Min. Dwelling Dimension
R-1	3 stories/40 feet	1000	1600			24*24/30
R-1C	3 stories/40 feet	1000	1600	864 per level	864 per level	24*24/30
R-2	3 stories/40 feet	1000	1600	864 per level	800 per level	X
R-3	None	1000/600/500/600/750				24*24/30
R-4	2 stories/30 feet	As per MN Health Dept				
B-1	None					
B-2	X					
B-3	None					
I-1	None					
I-2	None					

Uses Allowed By Zoning District

Use	R-1	R-1C	PUD-CH	R-2	R-3	R-4
One family dwelling	P	P	P	P	P	P
Two family dwelling	P	P	P	P	P	P
Multiple dwellings	X	X	X	X	P	P
Multiple dwellings; provided, however, that the building to be used for such conditional use had prior thereto been used for a public school, a private school, a church or other church purpose, excluding parish houses, an exclusive city, state or federal government purpose, a hospital, a nursing home, or a medical clinic.	C	C	C	C	P	P
Multiple dwellings containing not more than four (4) dwelling units; provided, however, that the building to be used was in existence on the effective date hereof, and will provide a gross floor area of at least five hundred (500) square feet per dwelling unit and the City Council finds that by reason of its size and design or lack of demand, it cannot be beneficially used for any of the purposes for which buildings may lawfully be used under the provisions of this subsection and that when altered, in order to adopt it to the new use, the building will conform in character and type to other residences in the immediate neighborhood; and further provided, that the house to be converted is located on a lot with an area of at least nine thousand (9,000) square feet, plus six hundred fifty (650) square feet for each dwelling unit.	X	X	X	C	P	P
Private garages and parking spaces	A	A	A	A	A	X
Signs as regulated in chapter 5 of this code	A	A	A	A	A	A
Private swimming pool, tennis court or other recreational activity intended for the private use of the occupants of the dwellings located on the same site as the recreational use.	A	A	A	A	A	X

Buildings temporarily located for the purpose of construction on the premises for a period not to exceed the time necessary for completion of said construction.	A	A	A	A	A	X
Any other use customarily considered to be accessory to the foregoing permitted uses.	A	A	A	A	A	X
Administrative offices, recreation buildings and facilities, laundry and other uses of a supporting nature to a mobile home park	X	X	X	X	X	A
Temporary parking of recreational vehicles for occupancy; provided, that recreational vehicles shall be parked in a designated recreational camping area as defined in Minnesota Statutes Annotated 327.14, subdivision 8	X	X	X	X	X	A
Rural and urban agriculture, market gardens, nurseries or greenhouses, including the sale of products raised on the premises; provided, that no products are exhibited for sale within fifteen feet (15') of any street right of way line	P	P	P	P	P	P
Public parks, playgrounds and other uses of a supporting nature to such parks and playgrounds.	P	P	P	P	P	P
Essential services, buildings and structures	P	P	P	P	P	P
The renting of rooms or the furnishing of table board in a dwelling occupied as a private residence when in compliance with the building code and approved by permit from the zoning administrator.	P	P	P	P	P	P
A residential facility serving six (6) or fewer persons and licensed by the state department of human services.	P	P	P	P	P	P
A daycare facility servicing fourteen (14) or fewer persons and licensed, if necessary, by the state department of human services.	P	P	P	P	P	P
A residential facility serving six (6) or fewer persons and licensed by the state department of human services.	P	P	P	P	P	P

A home occupation upon issuance of a home occupation permit.	P	P	P	P	P	P
Public and private schools.	C	C	C	C	C	C
Churches, parish houses and other structures located on the same site which are integral parts of the church proper.	C	C	C	C	C	C
Buildings used exclusively for government purposes, whether city, county, state or federal, provided that no vehicle or equipment storage or repair shall be permitted.	C	C	C	C	C	C
Home occupations by conditional use permit;	C	C	C	C	C	C
Hospitals, nursing homes, homes for the aged (including assisted living, memory care or similar) and medical clinics; provided, that no building shall be located within fifty feet (50') of any property line.	C	C	C	C	C	C
Professional offices and offices or services of a general nature, including, but not limited to, doctors, dentists, lawyers, architects, engineers, accountants, insurance, real estate, government and nonprofit organizations, but not including operations involving more than ancillary retail sales related to the primary use, wholesale sales or warehousing; provided, however, that the building to be used for such conditional use had prior thereto been used for a public school, a private school, a church or other church purpose, excluding parish houses, an exclusive city, state or federal government purpose, a hospital, a nursing home, or a medical clinic.	C	C	C	C	C	C
Conditional agricultural, rural	C	C	C	C	C	C
Golf course and country club, including buildings for clubhouses, pro shop, vehicle storage, equipment storage or repair shall be permitted on parcels of forty (40) acres or more.	C	C	C	C	C	C
Bed and breakfasts	C	C	C	C	C	C
Bed and breakfasts with additional food service	C	C	C	C	C	C
Heliports	X	X	X	C	C	C

Commercial, retail and service facilities of an ancillary nature, housed within a multiple dwelling complex, hospital, nursing home, or home for the aged (including assisted living, memory care or similar)	X	X	X	X	C	C
Motels	X	X	X	X	C	P
A residential facility serving seven (7) through sixteen (16) persons and licensed by the state department of human services	X	X	X	X	C	C
A daycare facility serving fifteen (15) through twenty five (25) persons and licensed by the state department of human services.	X	X	X	X	C	C
Mobile homes	X	X	X	X	X	P
Recreational vehicles and mobile home sales.	X	X	X	X	X	C
Retail or service outlets intended to serve occupants of the permitted uses.	X	X	X	X	X	C
Other uses of the same general character as permitted or conditional uses listed above, provided they are deemed fitting or compatible to the district by the City Council. In making its determination, the Council shall consider factors related to the intensity of use, parking needs, level and type of traffic generated, hours of operation (including loading/unloading times), noise, odor, glare and other nuisance characteristics, and other factors that may be relevant to making a determination as to whether a particular use is of the same general character as a permitted or conditional use	C	C	C	C	C	C

Use	B-1	B-2	B-3
Municipal buildings, essential services, buildings and structures	P	P	P
Professional offices, including, but not limited to, doctors, dentists, lawyers, architects, engineers and accountants	P	P	P
Offices of a general nature where the employment within the building does not exceed fifty (50) persons and the operations do not include retail sales or warehousing from the site	P	P	P
Clinics for human care	P	P	P

Colleges, universities and professional and vocational institutes, schools, churches	P	P	P
Research centers	P	P	P
Antique or gift shop, appliances store, art and school supply store, auto accessory store, bakery goods sales and baking of goods for retail sales on premises, bank, barbershop, beauty shop, bicycle sales and repair, book office supply and stationery store, business office, candy, ice cream, popcorn, nuts, frozen dessert and soft drink shop but not of the drive-in type, camera and photographic supply and processing store, delicatessen and/or dairy store, department store, dry cleaning and laundry pick up station, including incidental pressing and repair, dry goods store, five and ten store, florist, furniture, gift or novelty store, grocery, fruit or vegetable store, hardware store, hobby store including handicraft classes, interior decorating, jewelry sales and repair store, laundromat of the self-service type, library, locksmith, meat market, but not including processing for a locker, music store, newsstand, paint, wallpaper sales, photographic studio, physical culture or dance studio, pipe and tobacco shop, post office, record shop, restaurant, cafe, tearoom, shoe sales and repair, small appliance repair shop, sporting goods store, variety store, wearing apparel shop, radio and television studio, art studio, interior decorating studio, photographic studio, music studio, and other businesses of similar nature or uses	P	P	P
Automobile and truck sales, auto repair, boats and marine equipment sales, building material and lumberyards, commercial greenhouses, garden supply stores, motels, motor hotels and hotels, newspaper printing and publishing, other printing and publishing, furniture and home furnishing stores, farm equipment sales, wholesale businesses including warehousing, retail shipping centers	X	P	P
Electrical service, heating, plumbing, appliance, upholstery, or air condition service shop	X	P	P
Nursing homes, rest homes or retirement homes	C	C	C
Funeral homes and mortuaries, theaters	C	C	C
Private clubs and lodges	C	C	C
Multiple dwellings as permitted and regulated herein	C	C	C
Tavern or liquor store	C	C	C
Theaters, but not of the drive-in type	C	C	C
A residential facility serving seventeen (17) persons or more and licensed by the state department of services	C	C	C
A daycare facility serving twenty five (25) persons or more and licensed by the state department of human services	C	C	C
Construction offices	C	C	C
Exterior storage of functional equipment, components or inventory used in the trade or business of any permitted or conditional use.	C	C	C
Armories, convention halls, sport arenas and stadiums	X	C	C

Bowling alleys, billiard and pool rooms, drive-in theaters, skating rinks, dance halls, gymnasiums, YMCA, YWCA, nightclubs, liquor stores, fraternal organizations and similar uses	X	C	C
Bus terminals.	X	C	C
Business or trade school when conducted entirely within a building	X	C	C
Drive-in business	X	C	C
Stone and monument sales	X	C	C
Animal hospital or clinic, kennel	X	C	C
Accessory structure or uses other than those listed as permitted	X	C	C
Motor fuel stations	X	C	C
Open sales or storage lots	X	C	C
Commercial uses on lots under one-half (1/2) acre in size if parking requirements cannot be met on the lot itself, or if a change in use, if the required number of parking spaces would increase over the previous use by more than four (4) spaces	X	C	C
Light assembly or light manufacturing	X	C	C
Other uses of the same general character as permitted or conditional uses listed above, provided they are deemed fitting or compatible to the district by the City Council. In making its determination, the City Council shall consider factors related to the intensity of the use, parking needs, level and type of traffic generated, hours of operation (including loading/unloading times), noise, odor, glare and other nuisance characteristics, pollution potential and other factors that may be relevant to making a determination as to whether a particular use is of the same general character a permitted or conditional use	C	C	C
Private garages, off street parking and loading spaces as regulated in this chapter	A	A	A
Signs as regulated in chapter 5 of this code	A	A	A
Buildings temporarily located for purpose of construction on the premises for a period not to exceed time necessary to complete said construction	A	A	A
Decorative landscape features	A	A	A
Any incidental repair or processing necessary to conduct a permitted principal use	A	A	A
Public telephone booths	A	A	A

Use	I-1	I-2
Conducting a process, fabrication, wholesale operation, manufacturing or providing a service, including any of the following or similar uses meeting the performance standards applicable to the I-1 district; provided, that all development uses in the I-1 district are conducted wholly within a building	P	P
Machine shops	P	P

Paper products from previously processed paper	P	P
Radio and television studios	P	P
Research laboratories	P	P
Electronics assembly and testing	P	P
Warehousing and wholesaling	P	P
The manufacturing, compounding, assembly, packaging, treatment or storage of the following products or materials not likely to meet the performance standards outlined in this chapter	X	P
Brewing, fiberglass, cement, stonecutting, brick, glass, batteries, ceramic products, millworking, metal polishing and plating, paint (pigment manufacturing), boat manufacturing, vinegar works, rubber products, plastics, meatpacking, flour, feed and grain milling, vegetable canning and processing, lime, gypsum and plaster of Paris, and similar uses	X	P
Trucking and freight terminals	C	X
Motor fuel stations	C	X
Open sales lot, provided that all open storage be screened by a fence or compact evergreen hedge at least fifty percent (50%) opaque and at least six feet (6') high	C	X
Any accessory structures or uses other than those listed as permitted.	C	X
Coal, tar, creosote or asphalt processing or distillation		C
Acid manufacture		C
Storage, utilization or manufacture of material or products which could decompose by detonation, including, but not limited to, dynamite, trinitrotoluene (TNT), nitroglycerin, guncotton, blasting caps and cartridge primers		C
Auto wrecking or salvage yard, junkyard, used auto parts and similar uses; provided, that the use is screened by a fence or compact evergreen hedge which is at least fifty percent (50%) opaque and at least six feet (6') high		C
Incineration or reduction of waste material other than customarily incidental to a principal use		C
Kilns or other heat processes fired by means other than electricity		C
Commercial stockyards and slaughtering of animals		C
Crude oil, gasoline, liquid fertilizer or other liquid storage tanks containing hazardous, flammable or otherwise potentially dangerous liquids or gases		C

Other uses of the same general character as permitted or conditional uses listed above, provided they are deemed fitting or compatible to the district by the City Council. In making its determination, the City Council shall consider factors related to the intensity of the use, parking needs, level and type of traffic generated, hours of operation (including loading/unloading times), noise, odor, glare and other nuisance characteristics, pollution potential and other factors that may be relevant to making a determination as to whether a particular use is of the same general character a permitted or conditional use	C	C
Off street parking and loading as regulated in this chapter	A	A
Signs as regulated in chapter 5 of this code	A	A
Residence for night watchman or other security personnel	A	A