
CITY OF LITTLE FALLS

BOARD OF ADJUSTMENT/ PLANNING COMMISSION

October 9, 2017



AGENDA
PLANNING COMMISSION
 Conference Room, City Hall
 October 9, 2017, 6:30 p.m.

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

CALL TO ORDER: Planning Commission Chairperson

ADOPT THE AGENDA: October 9, 2017

APPROVAL OF MINUTES: September 11, 2017

PUBLIC HEARINGS:

- 1) Amendments to the official City of Little Falls zoning map, as referenced in Chapter 11.05.B of the Little Falls City Code and the City’s Comprehensive Plan, which currently identifies the area for “Business Park” use to “Highway Commercial”. The purpose of the amendments are to rezone properties which are currently zoned I (Industrial District) to B-2 (Noncentral Business District). The properties proposed for rezoning are parts or all of Parcel IDs 48.6840.000, 48.6838.000, 48.6841.000, 48.6868.000, and 48.6846.000.
 - a. Applicant: City of Little Falls Planning Commission.

- 2) Amendments to City Code, Chapter 11 (Land Use Regulations). The purpose of the amendments are to re-adopt Sections 11.64 (Temporary Family Health Care Dwellings), 11.07.J (Portable Storage Units), 11.07.A.2.c.4 (Off Street Parking and Loading Spaces), 11.02 (Definitions) and various other sections previously adopted in 2015 and 2016 and inadvertently eliminated as part of a recent comprehensive update to Chapter 11. The ordinances would opt the City of Little Falls out of Minnesota Statutes 462.3593 which defines and regulates temporary family health care dwellings, establish regulations regarding the placement of portable storage units, establish parking requirements for buildings with two or more uses and eliminate language conflicting with previous updates to Chapter 5.30 of the City Code.
 - a. Applicant: City of Little Falls Planning Commission.

- 3) Amendment to City Code, Chapter 11.05.D.2 (R-1 One and Two Family Residential District – Conditional Uses). The purpose of the amendment is to modify or eliminate a requirement that hours for “additional food service” at bed and breakfasts be limited to between 8:00am and 4:00pm.
 - a. Applicant: City of Little Falls Planning Commission.

OLD BUSINESS:

NEW BUSINESS:

- 1) Discussion – Small Cell Equipment Ordinance

NEXT REGULAR MEETING: Monday, November 13, 2017

ADJOURNMENT:

MINUTES
PLANNING COMMISSION
 Conference Room, City Hall
 September 11, 2017, 6:30 p.m.

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

CALL TO ORDER: The Planning Commission Meeting was called to order by Jeremy Hanfler at 6:30 p.m.

ADOPT THE AGENDA: A motion was made by Esse, seconded by Schulte to adopt the agenda as presented. Motion carried.

APPROVAL OF MINUTES: A motion was made by Kleinschmidt, seconded by Schulte, to adopt the minutes as presented. Motion carried.

PUBLIC HEARINGS:

- 1) Request to vacate public right of way legally described as that portion of the platted road lying north of Lot 8, Block 40, Searle's Addition to Little Falls, Morrison County, Minnesota, according to the recorded plat of record in the Office of the Morrison County Recorder.

Kimman explained the request to vacate a portion of public right-of-way. Michael Kayala explained the reason he was requesting the vacation, so as to provide more space for a 4-unit dwelling instead of a 3-unit dwelling. He noted the -road does not go through now in that area.

The public hearing was opened at 6:33pm. Daniel Virnig (908 13th Street SW) commented that the landowners to the west of the proposed road vacation make use of that right of way to access their property. The public hearing was closed at 6:41 pm.

A motion was made by Gosiak, seconded by Schulte to approve the requested road vacation. The motion failed unanimously. The discussion by the Board of Adjustment noted it was not good policy to vacate a public right of way that may be needed in the future and that it would be expensive to obtain the right of way again in the future should it be needed.

- 2) Variance to construct an approx. 5 x 17.5 ft dwelling addition and 3' x 5' covered entry to north side of existing dwelling approx. 4 ft from property line (min. 30 ft required).
 - a. Property Owner: Aaron and Becky Olson
 - b. Property address: 601 2nd St SE, Little Falls
 - c. Parcel number(s): 48.0205.000

Oleson explained the variance request. Aaron and Becky Olson discussed their variance request was to provide a bathroom and laundry area on the main floor, as they do not exist now. They noted the proposed addition would be only slightly closer to the road than the home on the neighboring property to the east and that one tree would need to be removed to accommodate the addition.

The public hearing was opened at 6:49pm. No public comments were received from those in attendance. Two public comments submitted in writing were noted, both in favor of approving the variance request. The public hearing was closed at 6:54pm.

A motion was made by Schulte, seconded by Kleinschmidt to approve the requested variance. The motion failed on a 1-6 vote (Schulte in favor). The discussion by the Board of Adjustment noted the

proposed setback would be very close to the road and was not justified as there were other options for adding on to the house that would be less intrusive to the road.

- 3) After-the-fact variance to allow for a 4-6 ft tall fence in a front yard (max. 4 ft allowed) and within restricted distance of intersecting street right-of-way lines (max. 2.5 ft allowed).
 - a. Property Owner: Aaron and Becky Olson
 - b. Property address: 601 2nd St SE, Little Falls
 - c. Parcel number(s): 48.0205.000

Oleson explained the variance request. He noted that a fence permit had been applied for prior to its construction last summer, but that he had overlooked the need to keep the “sight triangle” area clear of obstructions in approving the permit and did not note to the applicant’s the need to modify their plan. The fence was constructed, but enforcement of the requirements was postponed while the City was considering changes to its regulations regarding fence placement and height.

Aaron Olson noted their intent in building the fence was to provide privacy in their yard along a busy road, that they had properly applied for their permit and noted the proposed location and that the permit was approved. He indicated he wouldn’t have built the fence had he known about the location restrictions. Becky Olson noted that it would be an economic hardship for them to relocate a portion of the fencing and they would lose a strawberry garden they had planted.

The public hearing was opened at 7:04pm. No public comments were received from those in attendance. One public comment submitted in writing was noted, in favor of approving the variance request. The public hearing was closed at 7:12pm.

A motion was made by Kleinschmidt, seconded by Gosiak, to approve the requested variance. The motion failed unanimously. The discussion by the Board of Adjustment noted the need for the City to be careful in granting variances that may impact public safety and avoid the City being sued if someone were to be hurt. It was also noted that the recently amended ordinance regarding fence height and location minimizes the amount of fence that needs to be moved or shortened from what it would have been.

OLD BUSINESS:

NEW BUSINESS:

- 1) Informational public meeting – CRVST trail along Lindbergh Drive

Kimman explained the plans for installing a trail along Lindberg Drive South beginning at 7:21pm. The trail would be largely funded by the MN Department of Natural Resources.

Hanfler and Czech exited the meeting at 7:28pm.

Comments were received from those in attendance, both opposed to the proposal and in support of the planned trail.

NEXT REGULAR MEETING: Monday, October 9, 2017

ADJOURNMENT: A motion was made by Schilling, seconded by Schulte, to adjourn at 7:45 p.m. Motion carried.

STAFF REPORT

Application: Amendments to the official City of Little Falls zoning map, as referenced in Chapter 11.05.B of the Little Falls City Code and the City's Comprehensive Plan, which currently identifies the area for "Business Park" use to "Highway Commercial". The purpose of the amendments are to rezone properties which are currently zoned I (Industrial District) to B-2 (Noncentral Business District). The properties proposed for rezoning are parts or all of Parcel IDs 48.6840.000, 48.6838.000, 48.6841.000, 48.6868.000, and 48.6846.000. Applicant: City of Little Falls Planning Commission.

Applicant: City of Little Falls Planning Commission

Background Information:

J) **Proposal:** The proposal to rezone these properties is intended to help reduce potential conflicts or devaluing of properties to the west, which are zoned for residential uses. The properties proposed for rezoning are currently zoned I (Industrial), which would allow for uses likely to conflict with residential use nearby. The proposed B-2 (Noncentral Business District) zoning would be consistent with zoning to the south and along the west side of Haven Road and provide a buffer to the Industrial zoned land on the east side of Haven Road, while still allowing for the continuation of the existing uses of the properties proposed for rezoning.

The public hearing is for the purpose of reviewing the proposed rezoning of properties only. No changes are proposed to the regulations that apply within the B-2 or I zoning districts beyond those already approved by the City Council and which became effective in September 2017.

Applicable Statutes/Ordinances:

Little Falls City Code

11.03: GENERAL PROVISIONS:

S. Zoning And Comprehensive Plan: Any change in zoning granted by the council shall automatically amend the comprehensive plan in accordance with said zoning change.

11.04: ADMINISTRATION AND ENFORCEMENT

E. Amendments:

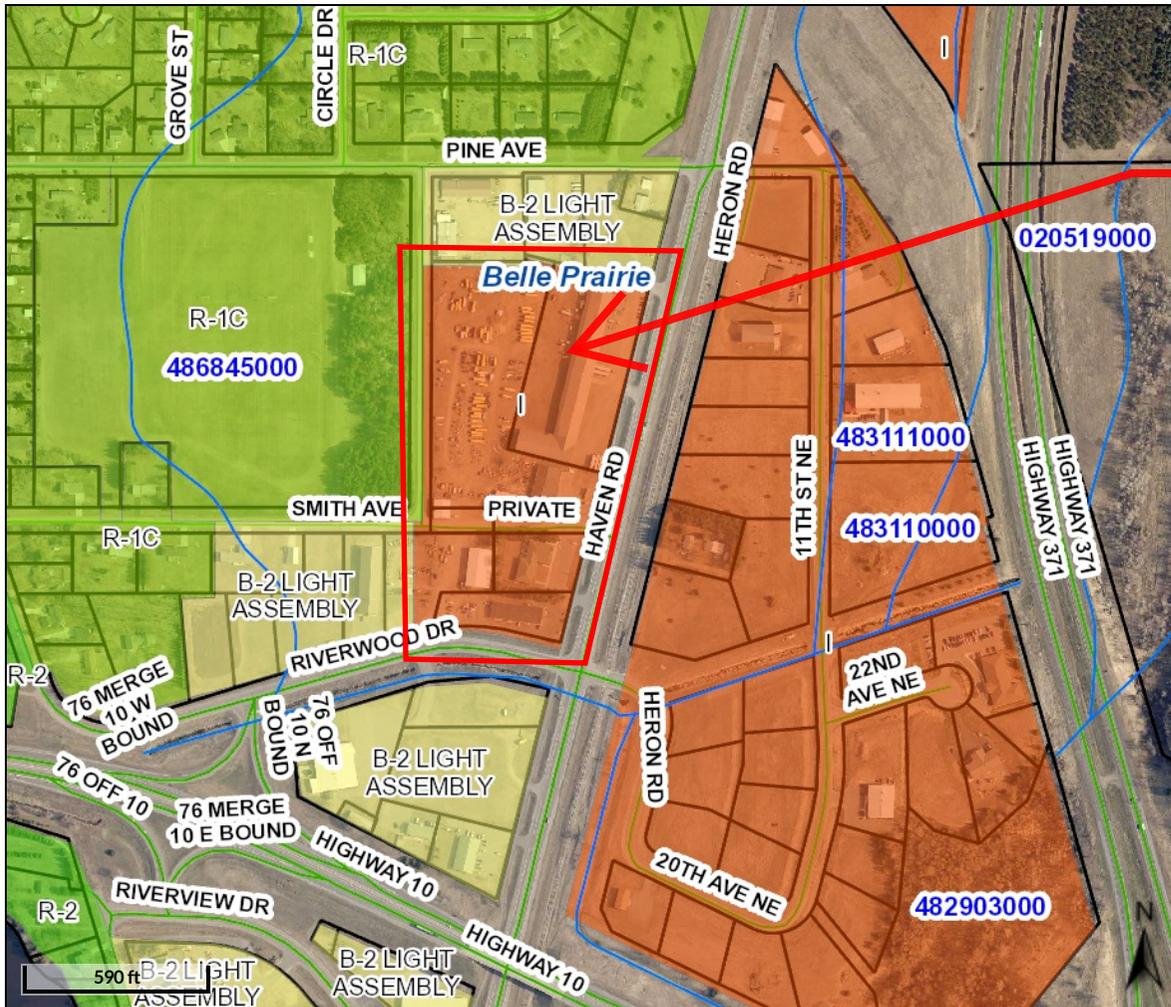
1. Amended According To City Charter: This chapter may be amended according to the provisions of the city charter.
2. Initiation: Proceedings for amendment of this chapter shall be initiated by: a) a petition of the owner or owners of the actual property, the zoning of which is proposed to be changed; b) a recommendation of the planning commission; or c) by action of the council.

6. Referral To Planning Commission: The council shall not rezone any land or area in any zoning district or make any other proposed amendment to this chapter without having first referred it to the planning commission for their consideration and recommendation.

Planning Commission/Board of Adjustment Direction: The Planning Commission may recommend to the Council approval of the rezoning of all properties involved, some of the properties, or none. If the Commission wishes to take more time for review of certain proposed rezonings, it may table those and recommend passage of others.

Staff Comments: As the Planning Commission/Board of Adjustment considers this application, Staff would make the following comments:

1. Staff has received several calls with questions regarding the intent of the proposed rezoning and the impact on their continued use of the property – both from those proposed for rezoning and those nearby. None of the callers, to date, has expressed opposition after learning of the intent or impact on their property.



Properties Proposed for Rezoning from:

I (Industrial)

to

B-2 (Noncentral Business District)

Political Township

-  Parcels
-  Road Centerlines
- Streams**
-  <all other values>
-  Protected Stream
-  Protected Stream/County Ditch
-  Original Path
-  County Ditch
- Little Falls Zoning**
-  R-1
-  R-1C
-  R-2
-  R-3
-  R-4
-  B-1 DOWNTOWN
-  B-2 LIGHT ASSEMBLY
-  I

COMPREHENSIVE PLAN 2006-2020

LAND USE

	AGRICULTURAL - RURAL
	RESIDENTIAL
	COUNTRY & SUBURBAN
	URBAN
	MEDIUM DENSITY
	HIGH DENSITY <i>(Apartments & Condominiums)</i>

	COMMERCE
	DOWNTOWN BUSINESS DISTRICT
	HIGHWAY COMMERCIAL
	BUSINESS PARK
	MIXED USE

	PUBLIC FACILITIES & OTHER
	PARK - OPEN SPACE
	PROPOSED PARK - OPEN SPACE
	PRESERVATION/CONSERVATION AREA
	OTHER PUBLIC/SEMI PUBLIC
	MISSISSIPPI RIVER - LAKES - PONDS
	CREEKS & STREAMS
	WETLANDS - USGS
	WOODLANDS - USGS

TRANSPORTATION

	ROADS
	PRINCIPAL ARTERIAL (HIGHWAY)
	MAJOR ARTERIALS
	MAJOR COLLECTOR
	LOCAL COLLECTOR
	PROPOSED COLLECTOR
	TRAILS
	PROPOSED TRAIL
	PROPOSED SNOWMOBILE TRAIL
	PIPELINE
	HISTORICAL

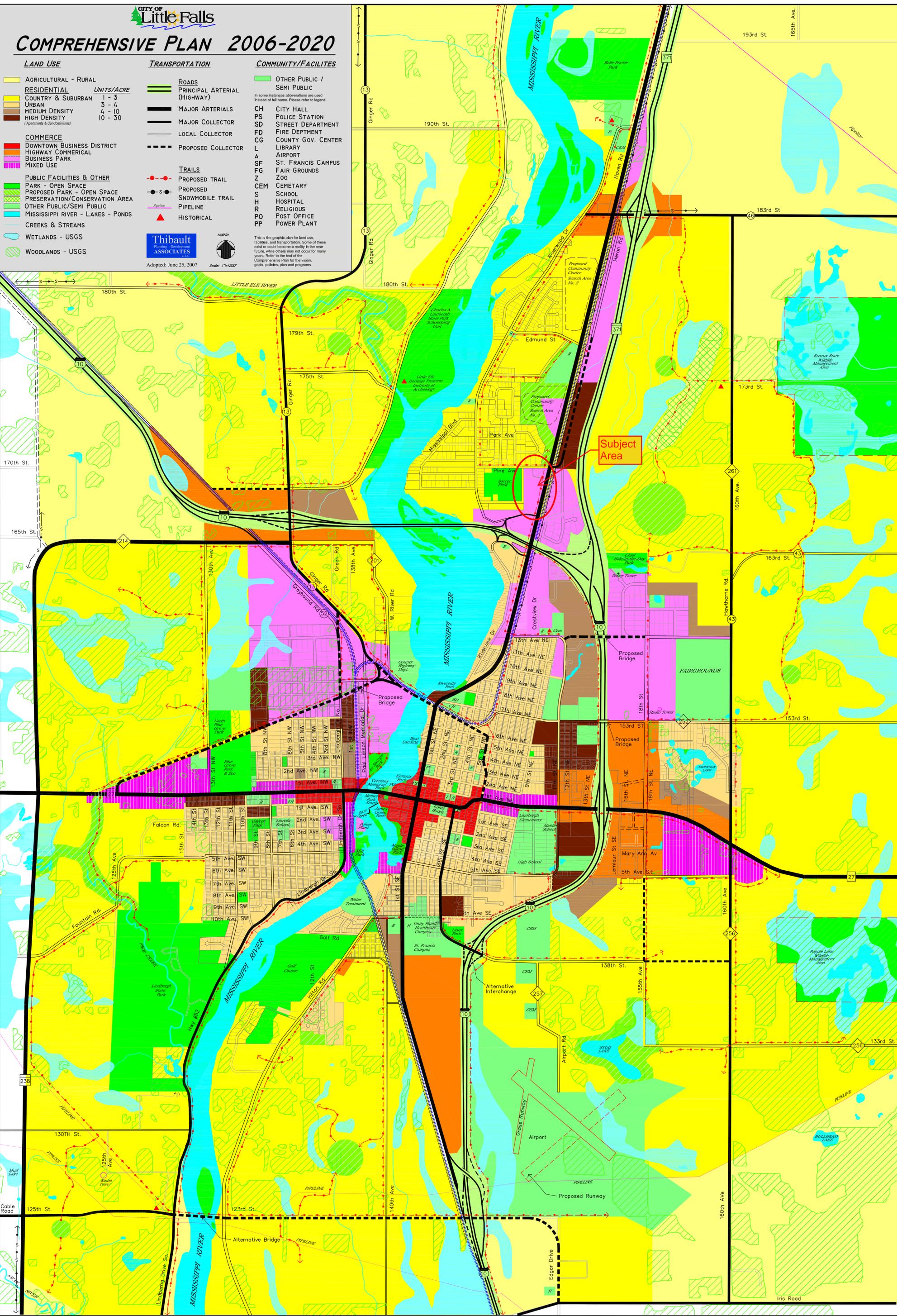
COMMUNITY/FACILITIES

	OTHER PUBLIC / SEMI PUBLIC
	CH CITY HALL
	PS POLICE STATION
	SD STREET DEPARTMENT
	FD FIRE DEPARTMENT
	CG COUNTY GOV. CENTER
	L LIBRARY
	A AIRPORT
	SF ST. FRANCIS CAMPUS
	FG FAIR GROUNDS
	Z ZOO
	CEM CEMETARY
	S SCHOOL
	H HOSPITAL
	R RELIGIOUS
	PO POST OFFICE
	PP POWER PLANT

This is the graphic plan for land use, facilities, and transportation. Some of these exist or could become a reality in the near future, while others may not occur for many years. Refer to the text of the Comprehensive Plan for the vision, goals, policies, plan and programs



Adopted: June 25, 2007 Scale: 1"=1200'



STAFF REPORT

Application: Amendments to City Code, Chapter 11 (Land Use Regulations). The purpose of the amendments are to re-adopt Sections 11.64 (Temporary Family Health Care Dwellings), 11.07.J (Portable Storage Units), 11.07.A.2.c.4 (Off Street Parking and Loading Spaces), 11.02 (Definitions) and various other sections previously adopted in 2015 and 2016 and inadvertently eliminated as part of a recent comprehensive update to Chapter 11. The ordinances would opt the City of Little Falls out of Minnesota Statutes 462.3593 which defines and regulates temporary family health care dwellings, establish regulations regarding the placement of portable storage units, establish parking requirements for buildings with two or more uses and eliminate language conflicting with previous updates to Chapter 5.30 of the City Code.

Applicant: City of Little Falls Planning Commission

Background Information:

) **Proposal:** The proposal is to adopt a number of ordinances that had been adopted recently by the City Council, but were inadvertently eliminated during the recent comprehensive update to all of Chapter 11 in the City Code. The ordinances proposed for re-adoption had not been inserted into the working draft that Staff had been using in amending Chapter 11 and when those changes were adopted, the resolution indicated that all of Chapter 11 was being replaced by the new language – mistakenly eliminating the ordinances now proposed to be re-adopted.

No changes have been made to the language that had been previously adopted by the City Council.

Applicable Statutes/Ordinances:

Little Falls City Code

11.04: ADMINISTRATION AND ENFORCEMENT

E. Amendments:

1. Amended According To City Charter: This chapter may be amended according to the provisions of the city charter.
2. Initiation: Proceedings for amendment of this chapter shall be initiated by: a) a petition of the owner or owners of the actual property, the zoning of which is proposed to be changed; b) a recommendation of the planning commission; or c) by action of the council.
6. Referral To Planning Commission: The council shall not rezone any land or area in any zoning district or make any other proposed amendment to this chapter without having first referred it to the planning commission for their consideration and recommendation.

Planning Commission/Board of Adjustment Direction: The Planning Commission may recommend to the Council approval of all of the proposed ordinances, some of the ordinances, or none. If the Commission wishes to take more time for review of certain proposed ordinances, it may table those and recommend passage of others.

Staff Comments: As the Planning Commission/Board of Adjustment considers this application, Staff would make the following comments:

1. Staff has not received any comments on the proposed ordinance amendments, at the writing of this Staff Report.

**ORDINANCE NO. 96
SIXTH SERIES**

AN ORDINANCE OF THE CITY OF LITTLEFALLS AMENDING AND UPDATING CITY CODE, CHAPTER 11, ENTITLED “LAND USE REGULATIONS, ZONING”; AND ADOPTING BY REFERENCE LITTLE FALLS CITY CODE CHAPTER 1, ENTITLED “GENERAL PROVISIONS AND DEFINITIONS APPLICABLE TO THE ENTIRE CITY CODE, INCLUDING PENALTY FOR VIOLATIONS”

THE CITY OF LITTLE FALLS ORDAINS:

SECTION 1. The City of Little Falls hereby amends City Code Chapter 11, entitled “Land Use Regulations (Zoning)”, as follows:

SECTION 11.01 PURPOSE: These zoning provisions are adopted for the purpose of: a) protecting the different meaning public health, safety, morals, comfort, convenience and general welfare; b) dividing the City into zones and district restricting and regulating therein the location, construction, reconstruction, alterations and use of structures and land; c) promoting orderly development of the residential, business, industrial, recreational and public areas; d) providing for adequate light, air and convenience of access to property by regulating the use of land and buildings and the bulk of buildings in relation to surrounding properties; e) limiting congestion in the public rights-of-ways; f) providing for the compatibility of different land uses and the most appropriate use of land throughout the City; g) providing for the administration of this Chapter and amendments thereto; h) defining the powers and duties of the administrative officers and bodies as provided hereinafter; and i) prescribing penalties for the violation of the provisions of this Chapter thereto.

SECTION 11.02 DEFINITIONS: Unless the language or context clearly indicates that a different meaning is intended, the following words, terms and phrases, for the purpose of this Chapter, shall have the meanings and inclusions subjoined to them:

ACCESSORY USE: A use subordinate to and serving the principle use of structure on the same lot and customarily incidental thereto.

ACCESSORY FACILITY OR STRUCTURE: Any facility or structure serving or being used by or in conjunction with wireless telecommunication facilities or support structures, including but not limited to, utility or transmission equipment, storage sheds or cabinets.

ADMINISTRATOR: The person appointed as zoning administrator by the City Council, as provided by this Chapter.

ADULT USES: Adult bookstores; adult motion picture theaters; adult mini-motion picture theaters; adult massage parlors; adult steam room, bathhouse, sauna facilities; adult companionship establishments; adult rap/conversation parlors; adult health sport clubs; adult cabarets; adult novelty businesses; adult motion picture arcades; adult modeling studios; adult hotels or motels; adult body painting studios; and other premises or places open to some or all members of the public, at or in which there is an emphasis on the presentation, display, depiction of “specified sexual activities” or “specified anatomical areas”, which are capable of being seen by members of the public. Activities classified as “obscene” as defined by Minnesota Statutes Annotated Section 617.241, are not included.

ADULT USES, PRINCIPAL: The offering of goods and or services which are classified as adult uses as a primary or majority activities of a business or establishment and include, but not limited to the follows:

ORDINARY HIGH-WATER LEVEL/MARK: The highest level which has been maintained for a sufficient period of time to leave evidence upon the landscape. The ordinary high-water mark is commonly that point where the natural vegetation changes from predominantly aquatic to predominantly terrestrial. In areas where the ordinary high-water level is not evident, setbacks shall be measured from the stream bank of the following water bodies that have permanent flow or open water: the main channel, adjoining side channels, backwaters and sloughs.

OUTDOOR BOILERS: A freestanding combustion unit located outside the home or structure to be heated that consists of a firebox surrounded by a reservoir.

PARKING SPACE: A suitably surfaced and permanently maintained area on privately owned property, either within or outside of a building of sufficient size to store one standard automobile.

PARTY WALL: A wall which divides two (2) independent structures.

PERFORMANCE STANDARD: The criterion established to control noise, odor, toxic or noxious matter, vibration, fire and explosive hazards; or glare or heat generated by or inherent in uses of land or buildings.

PERMITTED USE: A public or private use which, of itself, conforms with the purposes and objectives of a particular district which conforms with all requirements, regulations and performance standards (if any) of such districts.

PLANNED DEVELOPMENT: An urban development having two (2) or more principal uses on a single lot and developed according to an approved plan.

PORTABLE STORAGE UNIT: A storage unit designed, constructed or reconstructed so as to be capable of movement via towing, hauling or attachment to a vehicle from one site to another and designed to be used without a permanent foundation. Portable storage units shall include semi-trailers and similar units which have been modified to make them unable to be readily transported from one location to another. Storage buildings constructed on skids, properly licensed fish houses and other similar structures designed for common use as residential storage structures shall not be considered portable storage units for the purposes of this ordinance.

PRINCIPAL USE: The main use of land or buildings as distinguished from subordinate or accessory uses. A “principal use” may be either permitted or conditional.

PROPERTY LINE: The surveyed and legal boundaries of a parcel of property, which may also coincide with a right-of-way of a road, cartway and the like.

PUBLIC HEARING: A meeting where data on a particular topic is heard, and said time, date, location of meeting and topic has been advertised in the official newspaper of the City prior to hearing.

PUBLIC LAND: Land owned or operated by municipal, school district, county, state or other governmental units.

PUBLICATION: Notice placed in the official City newspaper stating time, location and date of meeting and a description of the topic.

REAR YARD: A yard extending along the full width of the rear lot line between the side lot lines and extending toward the front lot line for a depth as specified in the yard regulations for the district in which such lot is located.

RECREATION EQUIPMENT (In Residential Districts): Play apparatus, such as swing sets and slides, sandboxes, poles for nets, unoccupied boats and recreational vehicles not exceeding twenty-six feet (26’) in length, picnic tables, lawn chairs, barbecue stands and similar equipment

E. Situations involving a person or persons, any of whom are nude, clad in undergarments or in sexually revealing costumes, and who are engaged in activities involving the flagellation, torture, fettering, binding or other physical restraint of any such person; or

F. Erotic or lewd touching, fondling or other sexually oriented contact with an animal by a human being; or

G. Human excretion, urination, menstruation, vaginal or anal irrigation.

STAIRWAYS: Any structure providing access up or down a slope.

STEEP SLOPE: Land where agricultural activity or development is not recommended or described as poorly suited due to slope steepness and the site's soil characteristics, as mapped and described in available county soil surveys or other technical reports. Where specific information is not available, "steep slopes" are lands having average slopes over twelve percent (12%) or more, and that are not bluffs.

STORMWATER MANAGEMENT PLAN: The plan that a designer formulates to manage urban stormwater runoff for a particular project or drainage area. It typically addresses such subjects as characterization of the site development grading plan; peak rates of runoff, flow duration, runoff volumes for various return frequencies; locations, criteria and sizes of detention or retention ponds and conveyances; runoff control features; land parcels, easement locations, opinions of probable costs measures to enhance runoff quality, salient regulations, and how the plan addresses them and consistency with secondary objectives such as public recreation, aesthetics, public safety, and groundwater recharge. It is usually submitted to regulatory officials for their review for adoption.

STORY: That portion of a building included between the surface of any floor and the surface of the floor next above it; or, if there is no floor above, the space between the floor and the ceiling next above. A basement shall be counted as a story.

STREETS: A public right-of-way not less than fifty feet (50') in width which affords a primary means of access of abutting property, and shall also include avenue, highway or road, excepting existing public rights-of-way of lesser width.

STREET SIDE GROUND FLOOR DWELLING UNITS: A dwelling unit contained within a larger building structure which is designed or used for purposes of permanent or temporary residency and located within the Central Business District B-1 whereby any part of the exterior wall of the dwelling unit is adjacent to any street, avenue or alley.

STRUCTURE: Anything erected, the use of which requires more or less permanent location on the ground, or attached to something having permanent location on the ground. This shall include signs whose highest point is more than seven (7) feet above the adjacent ground surface.

TELECOMMUNICATIONS FACILITIES: Cables, wires, lines, wave guides, antennas or any other equipment or facilities associated with the transmission or reception of telecommunications located or installed on or adjacent to a tower or antenna support structure. This term does not include: 1) a satellite earth station antenna two (2) meters in diameter or less located in an industrial or commercial district; 2) a satellite earth station antenna one meter or less in diameter, wherever located; and 3) a tower.

TOTAL HEIGHT: When referring to a wind turbine, the distance measured from ground level to the blade extended at its highest point.

TOWER: Any ground or roof mounted pole, spire, structure, or combination thereof, that is designed and constructed primarily for the purpose of supporting one or more antennas,

to, revocation, suspension or amendment to the previously imposed conditions. A variance, conditional use permit or other permit may be suspended until such time as the holder comes into compliance with the terms of their original approval. The criteria for determining the appropriate sanctions shall include, but are not limited, to the length of time of the violation, the severity of the violation, and risk to the health, welfare, and safety of the neighboring residents and/or community as a whole.

I. Setbacks Required: Regardless of whether a building permit is required under Chapter 5.02 or any other section of the City Code, and unless specifically stated otherwise, all buildings and other structures over thirty inches (30”) in height shall meet any and all setbacks required under Chapter 11.

SECTION 11.05 ZONING DISTRICTS AND MAP

A. Districts: For the purpose of this Chapter, the City is hereby divided into the following use districts and groups of use districts:

1. Residential Districts:

-) R-1 One and Two Family Residential District
-) R-1C Country Homes, One and Two Family Residential District
-) R-2 One and Two Family Residential District
-) R-3 Multiple Family Residential District
-) R-4 Manufactured Homes Residential District

2. Business Districts:

-) B-1 Central Business District
-) B-2 Noncentral Business District

3. Industrial Districts:

-) I-1 Industrial District

4. Planned Unit Development (PUD) Overlay District:

-) PUD Planned Unit Development Overlay District.

5. Mississippi Headwaters Corridor Overlay District:

-) M Overlay District

B. Map: The boundaries of the zoning districts are hereby established as shown on that certain map entitled “zoning districts of the City of Little Falls”, dated August 2017, which map is properly approved and filed, hereinafter referred to as the “zoning map”. Said map, and all of the notations, references and other information shown thereon, shall have the same force and effect as if fully set down herein and are hereby incorporated by reference and made a part of this Chapter. All amendments to the zoning map are on file in the City Office.

C. Boundaries: Where any uncertainty exists as to the exact location of a boundary line, as shown on said zoning map, the location of such line shall be determined by the City Council. District boundary lines as indicated on said map follow lot lines, the centerline of streets or alleys, the centerline of streets or alleys projected, the center of watercourses or the corporate limit lines, all as they exist upon the effective date hereof. If districts boundary lines do not follow any of the described lines, the district boundary lines are established as drawn on the zoning map.

D. R-1 One and Two Family Residential District:

1. Permitted uses within any R-1 One and Two Family Residential District: No structure or land shall be used, except for one or more of the following uses:

- a. One- and two-family dwellings.
- b. 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.
- c. Public and private parks, playgrounds, athletic fields and other recreation uses of a supporting nature to parks and playgrounds.
- d. Essential services, buildings and structures.
- e. The renting of rooms by a resident family for lodging purposes only, and for not more than two rooms in a one-family dwelling.
- f. Residential and nonresidential programs as regulated by MN Statutes 245A.11 and 245A.14, as amended, except where such programs are considered a multifamily residential use by said statutes.
- h. A home occupation upon issuance of a home occupation permit. All home occupation permits must meet the following criteria:
 1. The home occupation shall be engaged in only by persons residing within the dwelling or building within which the home occupation is conducted;
 2. The home occupation shall be conducted within the principal residence, within a designated area not comprising more than ten percent (10%), or one room, of the total floor area of the residence;
 3. There shall be no evidence of the home occupation, other than signs permitted ~~within residential or historic districts~~ under Chapter 5.30 of the City Code, visible outside the structures;
 4. The home occupation shall not include over the counter, retail sales of merchandise produced off the property;
 5. No more than three (3) parking spaces shall be used by the persons conducting the home occupation and customers at any one time;
 6. The home occupation shall not generate additional motor vehicle or pedestrian traffic beyond normal residential use;
 7. No equipment or process shall be used in the home occupation which generates noise, vibration, glare, dust fumes, odors, or creates visual or electrical interference with radio or television reception outside the home.
 8. No materials, supplies or stock in trade will be stored outside the area designed for the home occupation;
 9. The occupation shall not involve materials or mechanical equipment which are not part of normal residential use;
 10. The home occupation shall not involve commercial delivery service other than parcel service and United States mail;

however, that the building to be used for such conditional use had prior thereto been legally used for a business, 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 and that the offices or services are housed within the same gross floor area as had existed when the building was last used for the above-mentioned purposes.

i. Conditional agricultural, rural.

j. 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.

k. Bed and breakfasts are allowed by conditional use permit in an R-1 zoning district as regulated in this Section, subject to the following conditions:

1. Parking must meet the requirements of Section 11.07 of this Chapter.

2. All guestrooms must be contained in the principal building.

3. Dining facilities are not open to the public but limited to residents, employees and registered guests.

4. The facility must be licensed by Morrison County Public Health and/or the Minnesota Department of Health.

5. Bed and breakfast uses in residential areas must be located at least six hundred feet (600') apart (approximately two blocks).

6. The facility must be inspected by the State Fire Marshal and the City Building Inspector every three (3) years at the time of license renewals by the Minnesota Department of Health.

7. The facility, if located in a residential zone district, shall appear outwardly to be a single-family dwelling, giving no appearance of a business use ~~and is allowed a maximum of eight (8) square feet of signage except for signage as allowed in Chapter 5 of the City Code.~~

8. The conditional use permit shall be transferable with the property pursuant to Subsection 11.04D of this Chapter.

~~9. The facility, if located in a residential zone district, shall appear outwardly to be a single-family dwelling, giving no appearance of a business use.~~

1. Bed and breakfasts with additional food service are allowed by conditional use permit in an R-1 zoning district as regulated in this Section, subject to the following conditions:

1. Parking must meet the requirements of Section 11.07 of this Chapter. In addition, must provide off street parking for all dining guests.

2. All guestrooms must be contained in the principal building.

3. Dining facilities are not open to the public but limited to residents, employees and registered guests or dining guests by appointment only.

~~4. Hours for dining by appointment will be limited to eight o'clock (8:00) a.m. to four o'clock (4:00) p.m.~~

5. Dining will be limited to ten (10) persons or less.

6. The facility must be licensed by Morrison County Public Health and/or the Minnesota Department of Health.

a. At least one off-street parking space must be provided for each dwelling unit. The parking space must be available twenty-four (24) hours each day and be located on the same parcel as the dwelling unit.

b. Usable space in the dwelling unit shall be not less than two hundred (200) square feet in area per occupant and have one kitchen sink, one water closet, one lavatory, and one bathtub or shower. Kitchens and uninhabitable spaces shall not be used for sleeping purposes. Each sleeping area or room shall have at least one operable emergency escape and rescue opening. Such opening shall open directly into a public street, public alley, yard or court. The openings shall meet all the requirements for emergency escape and rescue openings set forth in Section R310 of the current Minnesota State Building Codes.

c. No less than one exit door must be provided to each dwelling unit. The exit door shall provide for direct access from the dwelling to the exterior without traveling through any other dwelling unit or occupancy. The required exterior exit door shall be a side hinged door not less than three feet (3') in width and six feet eight inches (6'8") in height.

d. All changes in occupancy must meet the current Minnesota Building Code requirements. Dwelling unit separation from all existing occupancies must be reviewed for fire resistance rated separation and opening protectives by a Minnesota licensed engineer or architect.

e. The exterior appearance of the building shall maintain a commercial appearance. Storefront windows shall be covered on the interior side with translucent or opaque materials that have a commercial appearance. Deliveries to street side ground floor dwelling units shall not be permitted on the exterior of the building.

f. There shall be no existing violations currently on file with respect to subject property, which have not been removed or remedied to the satisfaction of the Zoning Administrator. However, an applicant may be required by the City Council to remove or remedy said violation as a condition of securing a conditional use permit.

g. For each block in the Central Business District B-1 zoning district, the maximum percentage of commercial structures which may be converted to provide residence facilities on the same floor as a commercial business is twenty percent (20%). For the purpose of this Chapter, a percentage greater than the above shall be construed as detrimental and threatening to the existing character, health, safety, and welfare of the district.

h. The City Council may impose additional reasonable conditions in order to protect the intent and purpose of this option in the Central Business District B-1.

i. All requirements, changes and conditions imposed by the City Council shall be met before occupancy of the newly created residential unit is allowed.

I. Portable Storage Units:

1. Requirements For Placement And Use Of Portable Storage Units:

a. No more than two (2) portable storage units may be located on a legal lot of record at any one time. For the purposes of this requirement, adjacent lots of record under common ownership shall be considered one legal lot of record.

b. Minimum property line setbacks for portable storage units shall be the same as requirements by this chapter for accessory structures in the zoning district where the unit is placed or five feet (5'), whichever is greater.

c. Portable storage units shall be placed on firm, level ground such that there is not a reasonable possibility of sliding, tipping or sinking.

d. Portable storage units shall not be placed:

(1) In a public right of way, except when on a trailer designed and maintained for the legal transport of such units;

(2) In a location where it would block the view of motorists at street intersections. At a minimum, units shall not be placed within twenty five feet (25') of the point where two (2) street rights of way intersect;

(3) In off street parking spaces, unless such spaces are unnecessary to meet the requirements of this section;

(4) On any residential property which does not already have a dwelling on the property, except when allowed under during active construction of a dwelling.

(A) This restriction shall not apply when the portable storage unit is on a property adjacent to another property under common ownership which has a dwelling.

(5) Within five feet (5') of any other portable storage unit. Units may not be stacked vertically.

e. Portable storage units shall not:

(1) Be used for human occupancy;

(2) Be connected to a power source, except temporarily by extension cord, or to sewer or to a water source;

(3) Be used for containment of solid waste or debris in an amount which may attract rodents or otherwise create a public health hazard.

f. Portable storage units shall not be counted as impervious coverage for the purposes of this chapter provided they are on a site temporarily as regulated in this subsection.

g. The applicant, as well as the supplier, shall be responsible for ensuring that the portable storage unit meets all state or federal laws which may apply and that it is maintained in good condition, free from evidence of deterioration, weathering, discoloration, graffiti, rust, ripping, tearing or other holes or breaks, at all times.

2. Exemptions: The following portable storage units are exempt from the requirements of this subsection:

a. Portable storage units which are entirely contained within a building shall be exempted from these regulations.

b. Portable storage units which are actively being unloaded and will be located on site for sixteen (16) days or less. The city shall be notified of the presence of the portable storage unit within twenty four (24) hours of placement or by the first business day following placement of the unit.

(1) In cases of casualty damage to a property, the zoning administrator may issue a permit for the placement of a portable storage unit for periods of up to one hundred eighty (180) days. If a unit is necessary for longer than one hundred eighty (180) days due to the casualty damage, such use must be approved by the city council.

c. Portable storage units which are placed on any property which is engaged in active construction that has been authorized by a building permit or is otherwise allowed by ordinance.

d. Portable storage units for sale or rent or awaiting services which are located on premises owned or leased by a person or business legally engaged in the sale, rental or service of such units. (Ord. 79, 6th Series, eff. 1-1-2016)

SECTION 11.10 MANUFACTURED HOME REQUIREMENTS, GENERAL PROVISIONS

- A. **Minimum Size:** Unless located in a manufactured home park, all manufactured homes used for living purposes shall be at least twenty-four feet (24') wide and at least thirty feet (30') long, and placed on a permanent foundation.
- B. **Prohibited Manufactured Homes:** Manufactured homes shall be prohibited that:
1. Do not conform to the requirements of Chapter 1350 of the Minnesota State Rules.
 2. Are in an unsanitary condition.
- C. **Land Area:** All land areas shall be properly maintained:
1. Adequately drained.
 2. Free from dust.
 3. Clean and free from refuse, garbage, rubbish or debris.
- D. **Tents:** No tents shall be erected or occupied.
- E. **Outdoor Camping:** There shall be no outdoor camping anywhere in the manufactured home park.
- F. **Speaker System:** No public address or loudspeaker system shall be permitted.
- G. **Access:** Access to manufactured home parks shall be as approved by the City.
- H. **Registry:** So as to assist emergency service providers, the operator of every manufactured home park shall maintain a registry of the manufactured home park showing:
1. The name and address of each guest or permanent resident.
 2. The make, type and license number of each manufactured home and automobile.
- I. **Map Displayed:** A map of the manufactured home park shall be displayed at the entrance to the park and be illuminated during all hours of darkness so as to be visible by emergency service providers.
- J. **Consent Required:** No person shall erect, place, construct, reconstruct, relocate, alter, maintain, use or occupy a cabana or structure in a manufactured home park without the written consent of the owner or operator of the manufactured home park.
- K. **Building Permit Required:** All structures (fences, roads, storage space, cabana, ramada or other) shall require a building permit.
- L. **Enclosed Area Under Home:** The area beneath a manufactured home shall be enclosed, except that such enclosure must be openable for inspection.
- M. **Clotheslines:** Landry and clothes shall be hung out to dry only on lines located in approved areas established and maintained exclusively for that purpose.

engineer, and the existing or approved tower cannot be reinforced, modified or replaced to accommodate planned or equivalent equipment at a reasonable cost.

b. Interference: The planned equipment would cause interference materially impacting the usability of other existing or planned equipment at the tower or building as documented by a qualified and State licensed professional engineer, and the interference cannot be prevented at a reasonable cost.

c. Height: Existing or approved towers and buildings within the search radius cannot accommodate the planned equipment at a height necessary to function reasonably as documented by a qualified and State licensed professional engineer to serve commercial and residential needs in the City corporate boundaries.

d. Other Unforeseen Reasons: Other unforeseen reasons that make it infeasible to locate the planned telecommunications equipment upon an existing or approved tower or building.

e. Additional Users: Any proposed commercial wireless telecommunication service tower shall be designed structurally, electrically, and all respects, to accommodate both the applicant's antennas and comparable antennas for at least two (2) additional users if the tower is over one hundred feet (100') in height, or for at least one additional user if the tower is over sixty feet (60') in height. Towers must be designed to allow for future rearrangement of antennas upon the tower. The additional users shall be allowed to mount antennas upon the tower. The additional users shall be allowed to mount antennas of varying heights when the design is approved. Applicants for future antennas cannot be denied space on an existing tower unless mechanical, structural and regulatory factors prevent sharing. The tower owner and his or her successors shall allow the shared use of the tower if the additional users agrees in writing to meet reasonable terms and conditions for shared use.

2. Tower and Antenna Design Requirements:

a. Location and Design: Communication towers shall be located and designed to reduce the visual impact from adjacent properties at street level from public streets through the hue of color and camouflaging architectural treatment, except in instances where the color is dictated by Federal and State authorities such as the Federal Aviation Administrator.

b. Installation: Tower installation shall be designed to be compatible with the underlying site plan. The base of the tower and any accessory structures shall be landscaped. Accessory structures will be designed to be architecturally compatible with the principal structures on the site.

c. Alternative Design: The towers shall be freestanding and commercial wireless communications towers in business and residential/public zones shall be of monopole design, unless the City Council or their designated representative determines that an alternative design would be acceptable and blend with the surrounding environment.

3. Lighting: Towers shall not be illuminated by artificial means and shall not display strobe lights, unless the Federal Aviation Administration or Federal Communications Commission or other Federal or State authority for the particular tower specifically requires such lighting. When incorporated into the approved design of the tower, light fixtures used to illuminate ballfield, parking lots or similar areas may be attached to the tower.

4. Signs ~~and Advertising~~: The use of any portion of a tower for signs, other than those required by applicable federal, state or local law, warning equipment signs is prohibited. No advertising messages or identificationsign shall be placed on the tower, antennas or other attachments, unless ~~the Federal Aviation Administrator or Federal Communications~~

~~Commission requires such messaging or identification required by any applicable federal, state or local law.~~

5. Accessory Utility Buildings:

a. Use: Accessory structures shall enclose transmission equipment, power equipment or any equipment located on the ground near the tower.

b. Design Setbacks: All utility buildings and structures accessory to a tower shall be architecturally designed to blend in with the surrounding environment and shall meet the minimum setback requirements of the underlying zoning district.

6. Security Fencing:

a. Unauthorized Access: All towers shall be reasonably protected against unauthorized access. The bottom of the tower from ground level to twelve feet (12') aboveground shall be designed to preclude unauthorized climbing. The area on which the commercial use antenna tower is located shall have a minimum six feet (6') high chain link fence with locked gate.

b. Security Lighting: Security lighting for on ground facilities and equipment is permitted as long as it is down shielded to keep light within the boundaries of the site.

c. Signs: Signs shall be mounted on the fenced enclosure and on or adjacent to the gate prohibiting entry without authorization, warning of the danger from electrical equipment and/or unauthorized climbing of the tower, and identifying the leaseholder of the tower, and telephone number for contact in case of emergency.

7. Screening and Landscaping:

a. Tower Locations: Tower locations should provide the maximum amount of screening possible for off-site view of the facility.

b. Existing Vegetation: Existing on-site vegetation shall be preserved to the maximum extent possible.

c. Accessory Buildings; Ground Mounted Equipment: Accessory utility buildings and ground mounted equipment shall be screened from view from abutting rights-of-way and from abutting residentially zoned property by suitable vegetation at least five feet (5') in height, except where a design of nonvegetative screen better reflects and compliments the architectural character of the surrounding area.

8. Existing Antennas and Towers: Antennas and towers existing as of the effective date hereof, which do not conform to or comply with this Chapter, may be continued, including through repair, replacement, maintenance or improvement, but not including expansion, unless: 1) the nonconformity or occupancy is discontinued for period of more than one year; or 2) any nonconforming use is destroyed by fire or other peril to the extent of greater than fifty percent (50%) of its market value, and no building permit has been applied for within one hundred eighty (180) days of when the property is damaged.

9. Abandoned or Unused Towers or Portion of Towers:

a. Obsolete, Unused Towers:

1. Removal Required; Nuisance Declared: All obsolete or unused towers and accompanying accessory facilities shall be removed within six (6) months of the cessation of the operations at the site, unless a time extension is approved by the City Council. If a time extension is not approved, the tower may be deemed hazardous, substandard and/or nuisance pursuant to Minnesota Statutes 463.15, 561.01 through 561.03, 429.101, and applicable City

9. Wind energy conversion systems shall be located on a parcel of land so as to have the least wind development impact on adjoining properties, and any negative impact of the wind energy conversion systems shall be confined as much as possible to the property on which the facility is located. Landscaping may be required in order to minimize the visual impact of the wind energy conversion system.

10. Wind energy conversion systems consisting of multiple wind turbines shall be located at least one and one fourth (1-1/4) times the total height of the wind energy conversion systems from others proposed, or any other existing wind energy conversion systems.

11. Wind energy conversion systems designs are required to be an open framework or monopole configuration, and use of guy wires is prohibited. Permanent platforms or structures exclusive of the wind energy conversion systems that serve to increase off site visibility are prohibited.

12. The applicant shall provide documentation or other evidence from the dealer or manufacturer that the wind energy conversion systems have been successfully operated in atmospheric conditions similar to conditions found within the City.

13. The owner of the wind energy conversion systems facility shall provide, at their expense, any specialized training and equipment required to provide emergency services.

14. All wind energy conversion systems shall not have rotor dimensions greater than thirty feet (30') in diameter.

15. Wind energy conversions systems facilities shall utilize building materials, colors and textures that are compatible with the existing principal structure and that effectively blend the system facilities into the surrounding setting and environment to the greatest extent possible. Rotor blades shall be nonmetallic to prevent communication signal interference. Metal towers shall be constructed of or treated with corrosive resistant material.

E. Prohibitions:

1. No wind energy conversion systems or meteorological towers shall have a total height over one hundred fifth feet (150') in a business zoned district, or have a total height over two hundred feet (200') in an industrial zoned district.

2. No wind energy conversion systems or meteorological tower facility shall be approved for installation in a residential zoned district in the City.

3. No ~~advertising message or sign~~ shall be affixed to any wind energy conversion systems or meteorological tower except as may be required under any applicable federal, state or local law.

4. Wind energy conversion systems shall not be artificially lighted, except to the extent required by the federal aviation administration or other applicable authority.

5. No part of any wind energy conversion system shall extend across or over any right-of-way, public street, highway, sidewalk or property, or within a public or private utility and drainage easement.

6. Electrical controls and control wiring and power lines shall be wireless or not aboveground, except where a wind farm collector is brought together for connection to the transmission or distribution network, adjacent to that network.

7. Wind energy conversion systems shall not interfere with hospital helicopter approach or departure corridors.

F. Design and Performance Standards:

B. Other Action: Nothing herein contained shall prevent the City from taking such other lawful action as is necessary to prevent or remedy any violation. Such actions may include, but are not limited to:

1. In responding to a suspected ordinance violation, the Zoning Administrator and the City may utilize the full array of enforcement actions available to it, including but not limited to, prosecution and fines, injunctions, after the fact permits, orders for corrective measures or a request to the National Flood Insurance Program for denial of flood insurance availability to the guilty party. The community must act in good faith to enforce these official controls and to correct ordinance violations to the extent possible so as not to jeopardize its eligibility in the National Flood Insurance Program.

2. When an ordinance violation is either discovered by or brought to the attention of the Zoning Administrator, the Zoning Administrator shall immediately investigate the situation and document the nature and extent of the violation of the official control. As soon as is reasonably possible, this information will be submitted to the appropriate department of Natural Resources and Federal Emergency Management Agency regional office, along with the community's plan of action to correct the violation to the degree possible.

3. The Zoning Administrator shall notify the suspected party of the requirements of these Sections and all other official controls, and the nature and extent of the suspected violation of these controls. If the structure and/or use is under construction or development, the Zoning Administrator may order the construction or development immediately halted until a proper permit or approval is granted by the community. If the construction or development is already completed, then the Zoning Administrator may either: a) issue an order identifying the corrective actions that must be made within a specified time period to bring the use or structure into compliance with the official control; or b) notify the responsible party to apply for an after the fact permit/development approval within a specified period of time not to exceed thirty (30) days.

4. If the responsible party does not appropriately respond to the Zoning Administrator with the specified period of time, each additional day that lapses shall constitute an additional violation of these provisions and shall be prosecuted accordingly. The Zoning Administrator shall also, upon the lapse of the specified response period, notify the landowner to restore the land to the condition which existed prior to the violation of these Sections.

SECTION 11.63 AMENDMENTS

A. The floodplain designation on the official zoning map shall not be removed from floodplain areas unless it can be shown that the designation is in error or that the area has been filled to or above the elevation of the regional flood and is contiguous to lands outside the floodplain. Special exceptions to this rule may be permitted by the Commissioner of Natural Resources if he determines that, through other measures, lands are adequately protected for the intended use.

B. All amendments to Section 11.50 through 11.63 of this Chapter entitled "Floodplain Management", including amendments to the official zoning map in the floodplain area, must be submitted to and approved by the Commissioner of Natural Resources prior to adoption. Changes in the official zoning map must meet the Federal Emergency Management Agency's (FEMA) technical conditions and criteria, and must receive prior FEMA approval before adoption. The Commission of Natural Resources must be given ten (10) days' written notice of all hearings to consider an amendment to Sections 11.50 through 11.63, and said notice shall include a draft of the ordinance amendment or technical study under consideration.

11.64 TEMPORARY FAMILY HEALTH CARE DWELLINGS: Pursuant to the authority granted by Minnesota Statute 462.3593, Subdivision 98, the City of Little Falls opts-

out of the requirements of Minnesota Statutes 462.3593, which defines and regulates temporary family health care dwellings.

SECTION 11.99 VIOLATION A MISDEMEANOR

Every person violates a Section, Subsection, Paragraph or Provision of this Chapter when he performs an act thereby prohibited or declared unlawful, or fails to act when such failure is thereby prohibited or declared unlawful and, upon conviction thereof, shall be punished as for a misdemeanor, except as otherwise stated in specific provisions hereof. The City may enforce any provisions of this Chapter by mandamus, injunction or any other appropriate civil remedy in any court of competent jurisdiction.

STAFF REPORT

Application: Amendment to City Code, Chapter 11.05.D.2 (R-1 One and Two Family Residential District – Conditional Uses). The purpose of the amendment is to modify or eliminate a requirement that hours for “additional food service” at bed and breakfasts be limited to between 8:00am and 4:00pm.

Applicant: City of Little Falls Planning Commission

Background Information:

) **Proposal:** The proposal is to amend the restrictions on the hours in which approved Bed and Breakfast businesses can provide “additional food service”. The current restriction is to allow “additional food service” only between the hours of 8am and 4pm. The proposal would eliminate this requirement entirely, or change it to allow “additional food service” later into the evening.

“Additional food service” is not defined in the City Code, but generally refers to breakfasts, lunches, dinners, teas, or other gatherings of people that are not necessarily customers staying overnight at the bed and breakfast facility. They are generally provided as a supplemental source of service and income in addition to the provision of overnight lodging and food services to overnight guests.

Applicable Statutes/Ordinances:

Little Falls City Code

11.04: ADMINISTRATION AND ENFORCEMENT

E. Amendments:

1. Amended According To City Charter: This chapter may be amended according to the provisions of the city charter.
2. Initiation: Proceedings for amendment of this chapter shall be initiated by: a) a petition of the owner or owners of the actual property, the zoning of which is proposed to be changed; b) a recommendation of the planning commission; or c) by action of the council.
6. Referral To Planning Commission: The council shall not rezone any land or area in any zoning district or make any other proposed amendment to this chapter without having first referred it to the planning commission for their consideration and recommendation.

Planning Commission/Board of Adjustment Direction: The Planning Commission may recommend to the Council approval of the proposed ordinance amendments, some of the proposed amendments, or none. If the Commission wishes to take more time for review of certain proposed amendments, it may table those and recommend passage of others.

Staff Comments: As the Planning Commission/Board of Adjustment considers this application, Staff would make the following comments:

1. Staff has not received any comments on the proposed ordinance amendments, at the writing of this Staff Report.

Proposed Amendments: The following represents the proposed amendments to the existing City Code:

1. Bed and breakfasts with additional food service are allowed by conditional use permit in an R-1 zoning district as regulated in this Section, subject to the following conditions:

1. Parking must meet the requirements of Section 11.07 of this Chapter. In addition, must provide off street parking for all dining guests.

2. All guestrooms must be contained in the principal building.

3. Dining facilities are not open to the public but limited to residents, employees and registered guests or dining guests by appointment only.

- ~~4. Hours for dining by appointment will be limited to eight o'clock (8:00) a.m. to four o'clock (4:00) p.m.~~

5. Dining will be limited to ten (10) persons or less.

6. The facility must be licensed by Morrison County Public Health and/or the Minnesota Department of Health.

7. Bed and breakfast uses in residential areas must be located at least six hundred feet (600') apart (approximately two blocks).

8. The facility must be inspected by the State Fire Marshall and the City Building Inspector every three (3) years at the time of license renewal by the Minnesota Department of Health.

9. the facility, if located in a residential zone district, shall appear outwardly to be a single-family dwelling, giving no appearance of a business use and is allowed a maximum of eight (8) square feet of signage.

10. The conditional use permit shall be transferable with the property pursuant to Subsection 11.04D of this Chapter.