
CITY OF LITTLE FALLS

BOARD OF ADJUSTMENT/ PLANNING COMMISSION

August 14, 2017



AGENDA
PLANNING COMMISSION
 Conference Room, City Hall
 August 14, 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: August 14, 2017

APPROVAL OF MINUTES: July 10, 2017

PUBLIC HEARINGS:

- 1) Conditional use for the expansion of a church in a residential zoning district (approx. 3918 sq ft fellowship hall).
 - a. Property Owner: Zion Evan Lutheran Church
 - b. Property address: 411 3rd Ave NE, Little Falls
 - c. Parcel number(s): 480565001
- 2) Variance for the construction of an attached garage approx. 5 ft from a rear property line (min. 30 ft required).
 - a. Property Owner: Timothy J Houle
 - b. Property address: 724 1st St SE, Little Falls
 - c. Parcel number(s): 481323000
- 3) Variance to construct a new attached garage approx. 6 ft from side lot line abutting 4th Ave SE (min. 15 ft required).
 - a. Applicant: Gary Stachowski
 - b. Property Owner: Timothy Stachowski Realty LLC
 - c. Property address: 500 3rd St SE, Little Falls
 - d. Parcel number(s): 480228000
- 4) Amendments to the official City of Little Falls zoning map and Chapter 11.05 (Zoning Districts and Map) of the Little Falls City Code. The purpose of the amendments are to rezone all properties which are currently zoned PUD-CH (Planned Unit Development – Country Homes) to R-1C (Country Homes, One- and Two- Family Residential District) and to eliminate PUD-CH as a zoning district. A total of approximately 81 properties are proposed for rezoning and a map of these properties is available for public inspection at least ten days prior to the public hearing at Little Falls City Hall during normal business hours.
 - a. Applicant: City of Little Falls Planning Commission
- 5) Amendment to Chapter 5.30 (Sign Regulations) of the Little Falls City Code. The purpose of the amendment would be to correct references to zoning districts which have separately been proposed for renaming and/or elimination. A full copy of the proposed amendments will be available for public inspection at least ten days prior to the public hearing at Little Falls City Hall during normal business hours.
 - a. Applicant: City of Little Falls Planning Commission

OLD BUSINESS:

NEW BUSINESS:

NEXT REGULAR MEETING: Monday, September 11, 2017

ADJOURNMENT:

STAFF REPORT

Application: Conditional use for the expansion of a church in a residential zoning district (approx. 3,918 sq ft fellowship hall).

Applicant: Zion Evan Lutheran Church.

Background Information:

) **Proposal:** The applicant is proposing to construct an approximate 3,918 sq ft fellowship hall addition to the existing church on this property. Churches are listed as a conditional use within the R-1 zoning district and while the church already exists on the property, an expansion also requires a conditional use due to the potential for increased impacts on nearby properties.

) **Location:**

- o 411 3rd Ave NE
- o Legal Description: Lots 5 and 6, Block 58, less North 3 feet of Lot 6, Block 58, Original Plat of Little Falls
- o Parcel number(s): 48.0565.001

) **Zoning:** R-1 One- and Two-Family Residential District

Applicable Statutes/Ordinances:

Little Falls City Code

11.04: ADMINISTRATION AND ENFORCEMENT

D. Conditional Uses:

1. Purpose: In order to give the district use regulations of this chapter the flexibility necessary to achieve the objectives of the comprehensive guide plan, in certain districts conditional uses are permitted, subject to the granting of a use permit. Conditional uses include those uses generally not suitable in a particular zoning district, but which may, under some circumstances, be suitable. When such circumstances exist, a conditional use permit may be granted. Conditions may be applied to issuance of the permit and a periodic review of the permit may be required. The permit shall be issued for a particular use and not for a particular person or firm. The cancellation of a permit shall be considered equivalent to a rezoning, and the same requirements and procedures shall apply.
2. Application, Referral To Planning Commission, Planning Commission Recommendation And Council Action: Except as otherwise noted in this subsection, the application and presentation requirements for conditional permits shall be the same as those for variances as provided in subsection C of this section.

3. Revocation: A violation of any condition set forth in a conditional use permit shall be a violation of this chapter and automatically terminate the conditional use permit.
4. Use Of Permit: Upon the issuance of a conditional use permit by the council, said permit shall be in force on a temporary basis for a period not to exceed one year from the date of issuance. If, during said one year period, the conditional use authorized by said conditional use permit has not been completed, said conditional use permit shall lapse and become void unless, during said one year period, the city council extends the period of time to complete said authorized use.
5. Lapse Of Conditional Use Permit: A conditional use permit shall lapse and become void if the conditional use for which the conditional use permit has been granted is discontinued for a period of one year, or if the use for which a conditional use permit was granted is changed for a period of one year to a use for which no conditional use permit is required.
6. Cancellation: A conditional use permit may be cancelled by following the requirements and procedures for an amendment to the zoning ordinance. (Ord. 18, 3rd Series, eff. 9-29-1986)

11.05: ZONING DISTRICTS AND MAP

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

2. Conditional Uses In Any R-1 One- And Two-Family Residential District: No structure or land shall be used for the following uses, except by conditional use permit:

- b. Churches, parish houses and other structures located on the same site which are integral parts of the church proper.

Findings of Fact: The following findings of fact are presented by Staff for consideration by the Planning Commission/Board of Adjustment:

1) **Current Zoning:**

- Subject Property: R-1 One- and Two-Family Residential District
- Surrounding Properties:
 - North, West and South: R-1 One- and Two-Family Residential District
 - East: I-2 Industrial District (Heavy)

2) **Current Land Use:**

- Subject Property: Church
- Surrounding Properties:

- North and South: Residential
- West: Church property/Residential
- East: Vacant industrial buildings

3) **Lot size:** Approximately 150' x 157' (23,550 sq ft)

- Existing impervious surface: 13,650 sq. ft. (57.9%)
- Proposed impervious surface: 17,568 sq ft (74.6%)

4) **Sewer/Water:** The property has City sewer/water available.

5) **Natural Features:**

Floodplain: The property is not within an identified floodplain

Bluff/Steep Slopes: The property does not contain any bluffs or steep slopes. The site is relatively flat.

Wetlands: There are not any wetlands on the property that would impact the proposed use.

6) **Will the granting of the conditional use be in harmony with the general purposes and intent of the Zoning and/or Subdivision Ordinance?**

Needs discussion. The intent of the requirement that churches (and significant expansions to churches) be reviewed as a conditional use is to allow for review and public input regarding the potential impacts that an addition may have on the neighborhood. Such impacts may include traffic volumes, on- and off-street parking, noise, stormwater issues and others.

The primary issues related to this application, in Staff's opinion, relate to the potential for increased traffic and parking needs and the proper management of stormwater.

7) **Will the granting of the conditional use be consistent with the City of Little Falls' Comprehensive Plan?**

The Comprehensive Plan does not directly address additions to churches or other uses. The proposed use of the property (church) is anticipated and supported by the Comprehensive Plan and the City Code, which identifies this areas for "Urban (Single-Family)" uses:

Urban (Single-Family)- This designation is for primarily single-family residential and compatible, associated uses, e.g. churches. Density would be 3-4 units per acre.

Planning Commission/Board of Adjustment Direction: The Planning Commission may recommend to the Council approval of the conditional use request, denial of the request, or tabling of the request if the Commission/Board should need additional information from the applicant. If the Commission/Board should approve or deny the request, the Commission/Board should state the findings which support either of these actions.

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

1. Staff has not received any verbal or written comments from the public regarding this application at the writing of this report. Any received before the meeting will be presented to the Planning Commission/Board of Adjustment at the hearing.
2. The applicants have submitted plans intended to meet the City's requirements for stormwater management. Staff has reviewed the stormwater plans and have requested additional information. The plan involves construction of an infiltration basin on the property to the north of the church, which was recently purchased by the church, where a house was previously located.
3. Parking for church congregants is limited on-site, with the only on-site parking on a property to the west also owned by the church and which has about 22 off-street parking spaces. The church has also historically contracted with the city for use of a city-owned property (approx. 150' x 220') to the southeast of the church for additional off-street parking. On-street parking - and likely off-street parking at the former Creameries Blending site - has provided the balance of parking. Seven handicapped-accessible parking spaces currently exist near the addition along 5th Street to meet requirements for such spaces.
4. The applicant states that the proposed addition is intended to serve the existing congregation and not increase the number of congregants or need for parking spaces. Staff has requested clarification on what the existing space will be converted to once the addition is completed.



Date Filed: _____
Fee Paid: _____
Receipt No.: _____

REZONING, VARIANCE AND CONDITIONAL USE APPLICATION

Have you reviewed Chapter 11, Section 11.04, of the City Code dealing with zoning laws of the City of Little Falls? Yes No _____

Street Address of Property: 411 3rd Avenue NE

Legal Description of Property: _____
South Half of Lot 3 and the South Half of Lot 7, and all of Lots 4, 5 & 6 all in Block 58,
Original Plat, City of Little Falls, Morrison County, Minnesota

Parcel Identification Number: 480565000, 480565001, 480566000

Owner Name: Zion Evangelical Lutheran Church

Address: 411 3rd Avenue NE

City, State and Zip: Little Falls, Minnesota 56345

Applicant (*if other than owner*): _____

Address: _____

City, State and Zip: _____

Type of Request: Rezoning _____ Variance _____ Conditional Use Other _____

Description of Request: Expansion of the existing Zion Church

Reason for Request: Religious Facilities are allowed in an R-1 Zoning District with a Conditional Use Permit

Present Zoning Classification: R-1

Existing Use of Property: Church

Existing Use and Zoning of the Surrounding Area (two blocks): Across the street to the East is Industrial Zoning. The remainder of the area is R-1 Zoning.

Has a request for a variance, special use permit or rezoning on the subject site, or any part thereof, been previously sought? Yes No _____ If yes, when January 11, 2009

Signature of Applicant(s): Carlyle A Olson Zion Vice President

Date: 7.7.17

I am the legal fee owner of the property described on this application and I consent to this application

Signature of owner(s): Carlyle A Olson Zion - Vice President

Approved: _____ Denied: _____ by the Planning Commission on: _____
Date

Approved: _____ Denied: _____ by the City Council on: _____
Date

Mailing Address: City of Little Falls P O Box 244 Little Falls MN 56345-0244

INSTRUCTIONS TO THE APPLICANT:

Completed applications, with **all** submittal requirements, must be submitted to the Planning and Zoning Department no fewer than 25 days prior to the Planning Commission meeting date. The City may omit or remove unrelated information requirements depending on the type of application request. In order for your application to be accepted as complete and to have a public hearing scheduled, a copy of plans and graphics must be submitted on 11" X 17" paper or less and the following information provided:

- 1. This application must be completed, including responses to all parts of this application. Be sure the applicant and/or property owner signs the application.
- 2. The required fee must be paid (see fee schedule).
- 3. A map showing the location of the proposed site, scale to be not less than 1" = 300'.
- 4. A scaled plot plan with north indicated, showing parcel lot lines, location and setbacks of all existing and proposed structures, water features and contour lines.
- 5. The plot plan should also show the existing structure dimensions and their square footage. Include all buildings and structures within 300' of the proposed site.
- 6. Elevation plans for all existing and proposed structures.
- 7. Location and size of all required parking. Include existing and proposed curb cuts; driveways; across roads; turn-arounds; parking, including recreational vehicles, boat and additional storage; off-street loading; and sidewalks.
- 8. Proposed landscaping and screening plans: a) garbage dumpsters; b) areas preserved in natural state, including buffer areas; c) areas to be developed in lawn (grass); d) areas to be covered by woodchips or mulch; e) garden areas; f) shrubbery with types, size, age and number of proposed trees and their location; g) exterior lighting to be proposed including location and type; and h) any other items deemed appropriate.
NOTE: ZION HAS CONTRACTED W/ CITY FOR OFFSTREET PKG. ADJACENT TO SITE.
- 9. Square footage of all impervious coverage. Impervious coverage includes the horizontal area of all buildings, decks, roof overhangs, patios, walks, driveways, and any other parking areas and drives constructed of any material.
NOTE: NEW ADDITIONAL SF IS ABOUT 3,918 SF.
- 10. Proposed storm water drainage plan.
- 11. Proposed and existing sanitary sewer and water supply plans.
- 12. Approximate location of any proposed signs, if applicable.
NOTE: ADA SIGNAGE
- 13. All types of proposed uses and outside storage proposal.

The following questions must be answered.

1. What changes are you proposing to make to this property?

Building: Adding an accessible Fellowship Hall to the existing Church facility

Landscaping: Adding storm water ponding on the North lot

Parking/Signs: ADA SIGNAGE TO BE PROVIDED, PARKING AS INDICATED ON PLANS AS WELL AS ADJACENT VACANT LOT. SEE NOTE ON ITEM #7 ABOVE.

2. Describe the character of the area and the existing patterns and use of development in the area. How is the proposal consistent with those patterns and uses?

IT MIMICS / MIMICS THE CURRENT USE OF THE FACILITY.

3. Describe the impact on the character of the neighborhood in which the property is located.

UNCHANGED.

4. Describe the impact to the traffic on roads and highways in the vicinity, and the expected traffic generated by the proposed use. Is there adequate off-street parking available to accommodate the proposal?

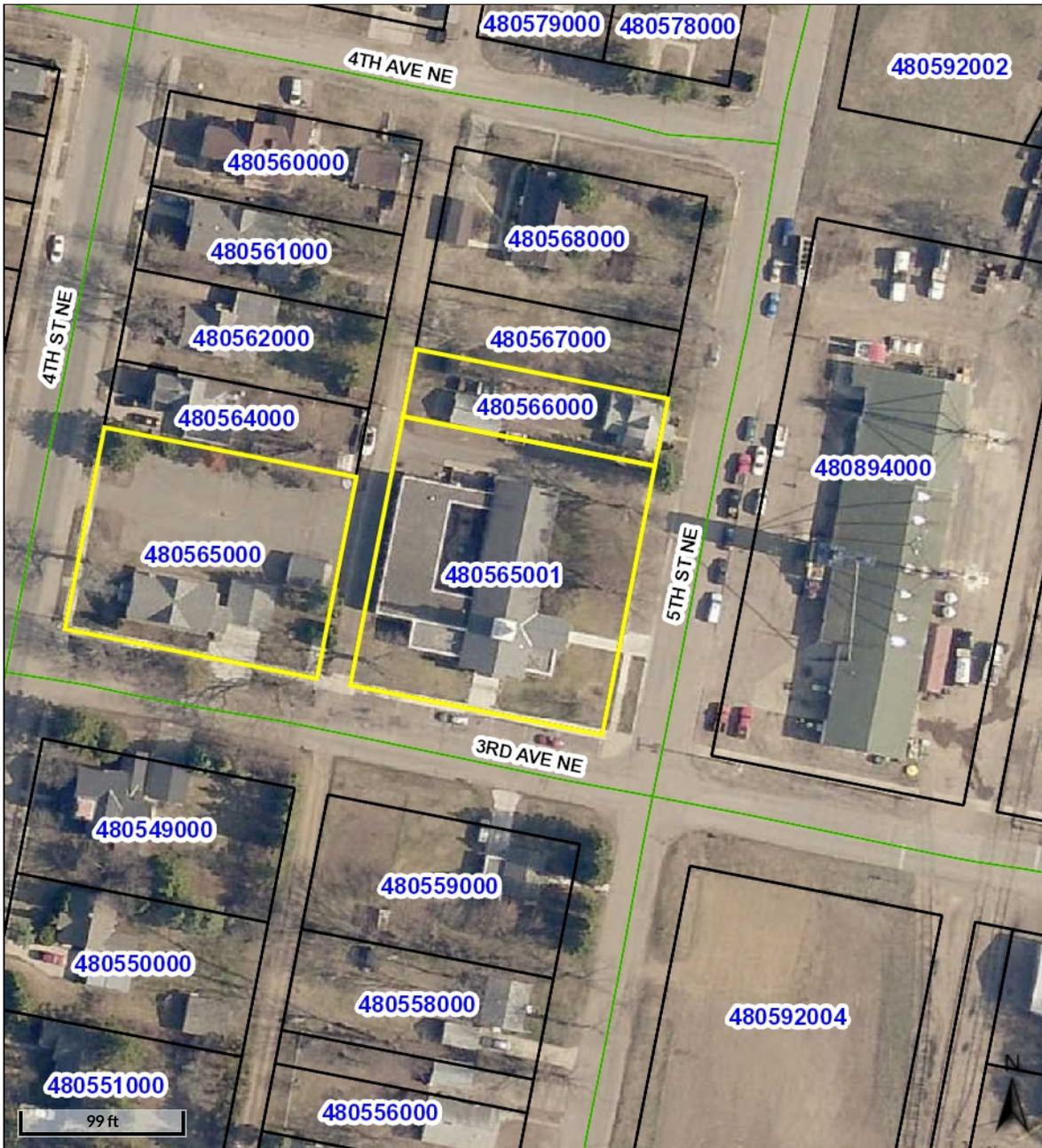
UNCHANGED FROM CURRENT.

5. What part of the City's Zoning Ordinance creates "practical difficulties" to the property in question? What is the "practical difficulties" that prevents the land to be used in a reasonable way? (See Minnesota Statutes 462.357, Subdivision 6(2), as amended, <https://www.revisor.mn.gov/statutes/?id=462.357>)

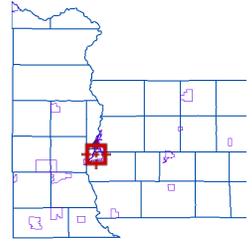
N/A.

Use other side of page if necessary.

Mailing Address: City of Little Falls P O Box 244 Little Falls MN 56345-0244



Overview



Legend

-  Parcels
-  Road Centerlines
- Streams**
-  <all other values>
-  Protected Stream
-  Protected Stream/County Ditch
-  Original Path
-  County Ditch
-  Protected Ditch
-  Protected Ditch/County Ditch

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This imagery is displayed at a scale of 1 inch=9 inch pixel resolution, (9 inches on the ground is 1 pixel on your screen). In the areas of Pierz and the NW/NE lakes, the image is 1 inch=4 inch pixel resolution and is the highest quality imagery on this site. These images were flown by Pictometry in the spring of 2013.

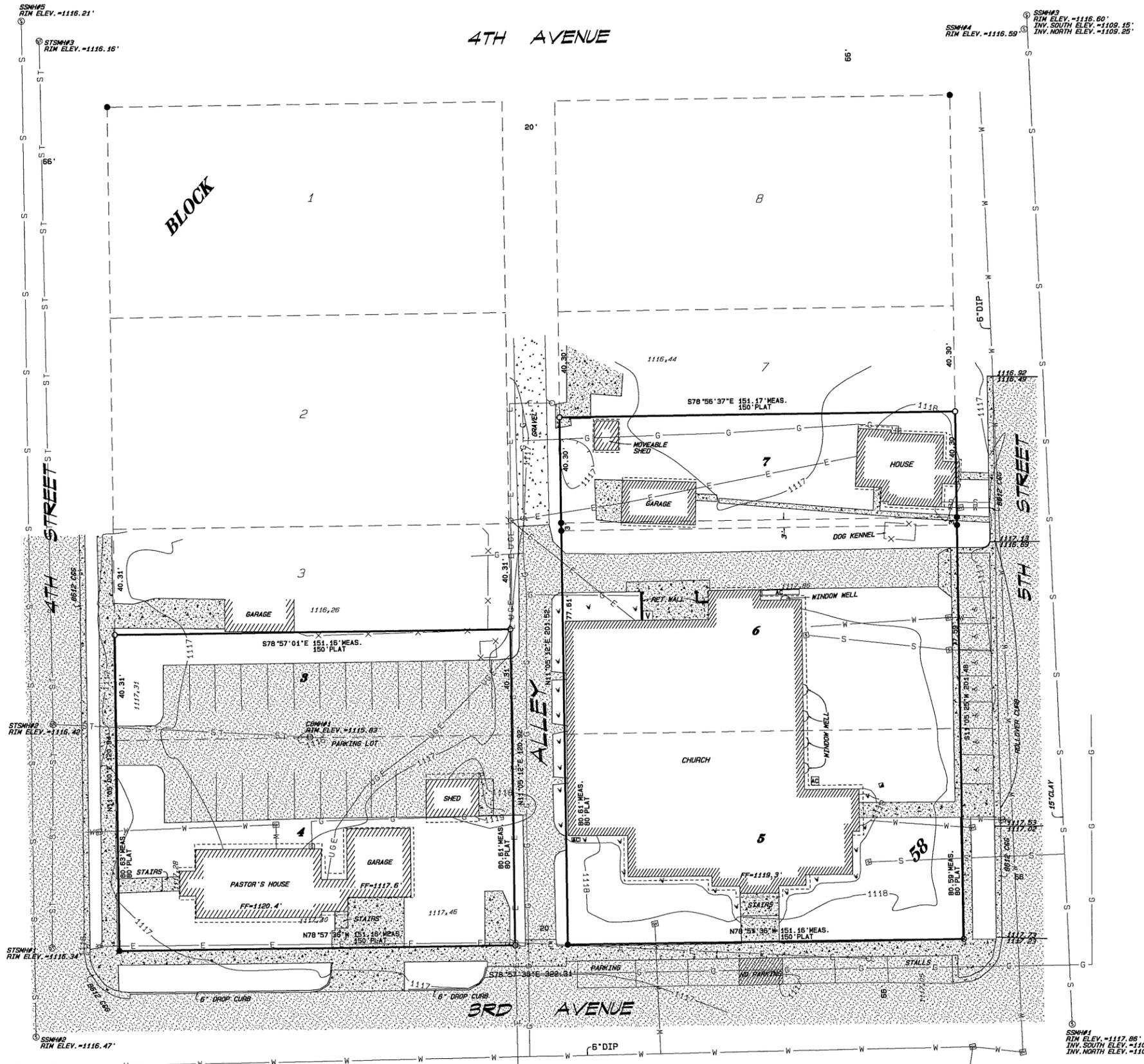
Date created: 8/9/2017
 Last Data Uploaded: 8/9/2017 4:13:02 AM

FESTLER LAND SURVEYING

16096 173rd STREET, LITTLE FALLS, MINNESOTA 56345 (320) 632-4396

**SOUTH HALF OF LOT 3 AND THE SOUTH HALF OF LOT 7
AND ALL OF LOTS 4, 5, AND 6, ALL IN BLOCK 58,
ORIGINAL PLAT TO LITTLE FALLS,
MORRISON COUNTY, MINNESOTA**

**SITE PLAN AND BOUNDARY SURVEY FOR:
ZION EVANGELICAL LUTHERAN CHURCH**



- ⊙ FOUND DRILL HOLE IN CONCRETE
- FOUND IRON MONUMENT
- SET 1/2 INCH IRON PIPE CAPPED "FESTLER 22702"
- AC AIR CONDITIONER
- V VENTILATION SYSTEM
- ∨ ROCK/FLOWER LANDSCAPE
- ⊞ SPRINKLER CONTROL BOX
- ⊞ SANITARY SEWER CLEANOUT
- ⊞ GAS METER
- ⊞ GATE VALVE
- ⊞ FIRE HYDRANT
- ⊞ HANDICAP PARKING SPACE
- ⊞ CATCH BASIN
- ⊞ LIGHT POLE
- ⊞ POWER POLE
- ⊞ CATCH BASIN MANHOLE
- ⊞ STORM SEWER MANHOLE
- ⊞ SANITARY SEWER MANHOLE
- E— OVERHEAD ELECTRIC LINE
- S— SANITARY SEWER LINE
- ST— STORM SEWER LINE
- W— UNDERGROUND WATERMAIN
- UGE— UNDERGROUND ELECTRIC
- G— UNDERGROUND GAS LINE
- X— CHAINLINK FENCE
- ▨ CONCRETE
- ▨ BITUMINOUS

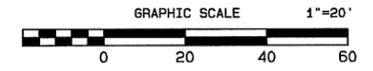
####.# TOP CURB
####.# FLOW LINE
####.# SPOT ELEVATION

COORDINATE SYSTEM:
HORIZONTAL DATUM: NAD83 (1996)
VERTICAL DATUM: NAVD88
BENCHMARK UTILIZED: 4905 N
N=173963.820
E=460580.966
ELEV.=1117.416

GOPHER STATE ONE CALL TICKET NUMBER: 170660275

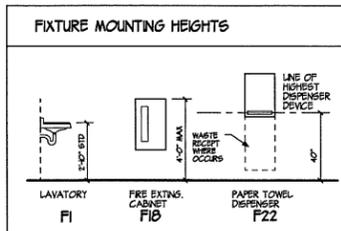
MIDCONTINENT COMMUNICATION	(605) 271-0202
CHARTER COMMUNICATIONS	(218) 821-7672
CENTER POINT ENERGY	(800) 722-9326
CITY OF LITTLE FALLS	(320) 616-5500
CONSOLIDATED TELEPHONE	(218) 821-7672
MINNESOTA POWER	(218) 568-4744
CENTURYLINK	(855) 742-6062

UTILITIES WERE LOCATED IN THE FIELD AS MARKED BY UTILITY COMPANIES



Kevin Festler
Digitally signed by Kevin Festler
DN: cn=Kevin Festler, o=FESTLER LAND SURVEYING, ou=, email=kevin@festlerland.com, c=US
Date: 2017.03.23 14:12:49 -0500

I HEREBY CERTIFY THAT THIS SURVEY, PLAN OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY REGISTERED LAND SURVEYOR UNDER THE LAWS OF THE STATE OF MINNESOTA.



GENERAL PLAN NOTES

- DIMENSIONS ARE FROM CENTERLINE OF WALL TO CENTERLINE OF WALL OR EDGE OF FOUNDATION. WRITTEN DIMENSIONS SHALL TAKE PRECEDENCE OVER SCALED DRAWINGS.
- SOME WALLS, WHETHER NOTED OR NOT, MAY NEED REINFORCING TO ACCOMMODATE FINISHES, CONDUIT, OR DUCTWORK. VERIFY AND COORDINATE WITH MECHANICAL OR ELECTRICAL CONTRACTOR, AND NOTIFY ARCHITECT OF ANY SUCH CHANGES.
- DO NOT SCALE THE DRAWINGS. FINISHED DIMENSIONS SHALL BE USED. DIMENSIONS ON THE DRAWINGS ARE SUBJECT TO FIELD VERIFICATION AND MAY NEED TO BE MODIFIED TO SUIT EXISTING CONDITIONS.
- VERIFY LOCATIONS OF ANY EQUIPMENT PADS AND/OR FLOOR DRAINS WITH THE MECHANICAL AND ELECTRICAL DRAWINGS.
- INTERIOR GYP BD WALL RUN TO DECK AND ARE TO BE SEALED TOP & BOTTOM.
- SUBSTITUTE WATER RESISTANT GYP BD IN ALL WET AREAS AND CEMENT BOARD BEHIND CERAMIC TILE.

ROOM FINISH SCHEDULE ABBREVIATIONS

AP	ACOUSTICAL PANEL
AT-1	VNTL. COATED ACOUSTICAL TILE
AT-2	ACOUSTICAL TILE
AT-3	RADAR SQUARE EDGE 2.2 TILE
C	CONCRETE SEALED
CT	CARPET
CT1	CERAMIC TILE
EP	SPRAY PAINT (VERIFY WITH HEALTH DEPT)
LVT	LUXURY VNTL. TILE
MLP	METAL LINER PANEL
P	PAINT
QT	QUARRY TILE
SC	STANDARD CONCRETE
SCT	SPRAYED CEILING TEXTURE WITH INTEGRAL COLOR
SP	SPECIAL FINISH (VERIFY WITH HEALTH DEPT)
SP1	SPECIAL PAINT
SV	SHEET VNTL.
SWP	SANITARY WALL PANEL
V	VNTL. BASE
VCT	VNTL. COMPOSITION TILE
VS	VENEER STONE
WD	WOOD - 1" x 4" RED OAK
WTSP	WALL TEXTURE & SPECIAL PAINT

ROOM FINISH SCHEDULE VERIFY FINISHES WITH OWNER

NO.	ROOM NAME	FLOOR	BASE	NORTH	EAST	SOUTH	WEST	CLG.	HST.	NOTES
100	VESTIBULE	VCT	V	P	P	P	P	---	P	8'-0"
101	HALLWAY	CPT	V	P	P	P	P	---	AT-3	8'-0"
102	FELLOWSHIP	LVT	V	P	P	P	P	---	AT-3	8'-0"
103	CHAR./TABLE STORAGE	LVT	V	P	P	P	P	---	AT-2	9'-0"
104	KITCHEN	SP	SP	EP	EP	EP	EP	---	AT-1	9'-0"
105	DRY STORAGE	VCT	V	P	P	P	P	---	AT-2	9'-0"

WINDOW SCHEDULE

TYPE	WINDOW SIZE	MATERIAL	GLASS	FRAME	ELEV.	HEAD	JAMB	SILL	NOTES
W1	4'-0" x 2'-0"	1" NSUL.	AL	1	---	---	---	---	FIXED
W2	4'-0" x 6'-8"	1" NSUL.	AL	2	---	---	---	---	FIXED, ROUND TOP
W3	7'-3" x 8'-0"	1" NSUL.	AL	3	---	---	---	---	FIXED

DOOR SCHEDULE

DOOR	DOOR SIZE	ELEV.	MATERIAL	TYPE	DOOR	FRAME	HEAD	JAMB	SILL	ILL. LABEL	NOTES
A	(2) 3'-0" x 7'-0" x 1 3/4"	A	AL	1	1	---	---	---	---	---	---
B	(2) 3'-0" x 7'-0" x 1 3/4"	B	AL	1	1	KS/AJ	KS/AJ	---	---	---	DETAIL SIMILAR
C	(2) 3'-0" x 7'-0" x 1 3/4"	C	WD	6	3	KS/AJ	KS/AJ	---	---	---	---
D	NOT USED	---	---	---	---	---	---	---	---	---	---
E	EXISTING DOOR RELOCATED	---	---	---	---	---	---	---	---	---	---
F	(2) 3'-0" x 7'-0" x 1 3/4"	E	V	3	3	KS/AJ	KS/AJ	---	---	---	---
G	12'-0" x 4'-4"	F	MTL	7	---	---	---	---	---	---	---
H	3'-0" x 7'-0" x 1 3/4"	G	WD	6	3	KS/AJ	KS/AJ	---	---	---	---
J	2'-2" x 7'-0" x 1 3/4"	G	WD	6	3	KS/AJ	KS/AJ	---	---	---	---
K	3'-0" x 7'-0" x 1 3/4"	G	MTL	2	2	KS/AJ	KS/AJ	---	---	---	---
L	4'-0" x 4'-4"	F	MTL	7	---	---	---	---	---	---	---

DOOR TYPES

TYPE	DESCRIPTION
1	PREFINISHED ALUMINUM DOOR
2	STEELCRAFT, FLUSH PANEL INSULATED STEEL DOOR (PAINTED)
3	DOUBLE SWING TRAFFIC DOOR
4	WOOD CLAD ENTRY DOOR
5	ACCORDIAN DOOR
6	PREFINISHED WOOD DOOR
7	COLING DOOR

FRAME TYPES

TYPE	DESCRIPTION
1	PREFINISHED ALUMINUM FRAME
2	PREFINISHED STEEL FRAME w/THERMAL BREAK
3	HOLLOW METAL FRAME
4	PREFINISHED WOOD FRAME

HARDWARE GROUPS

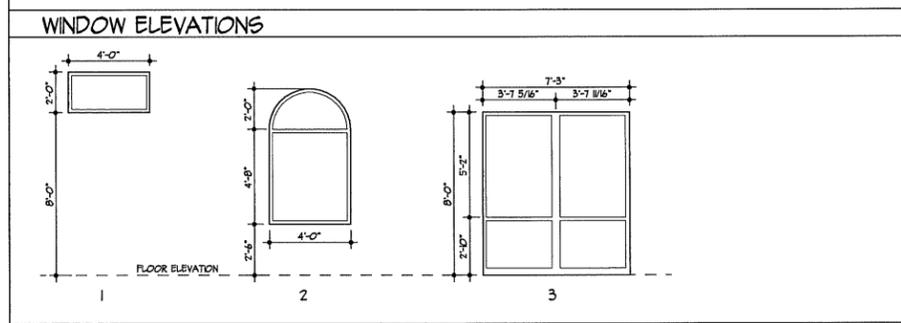
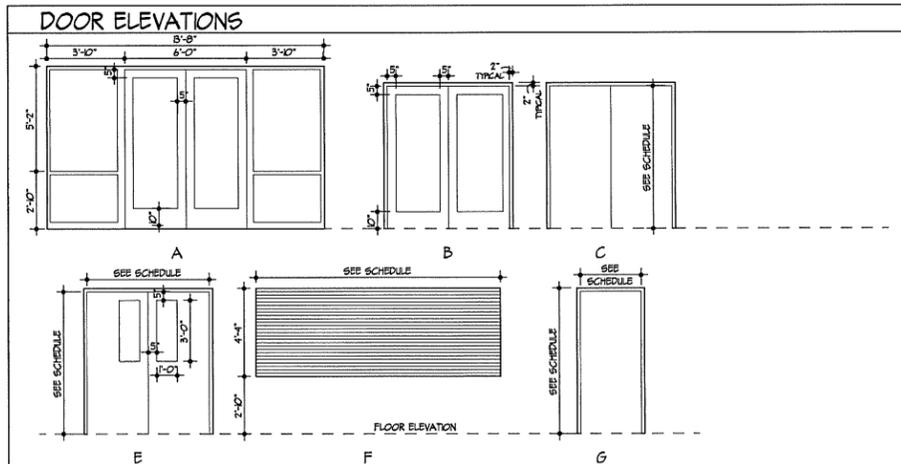
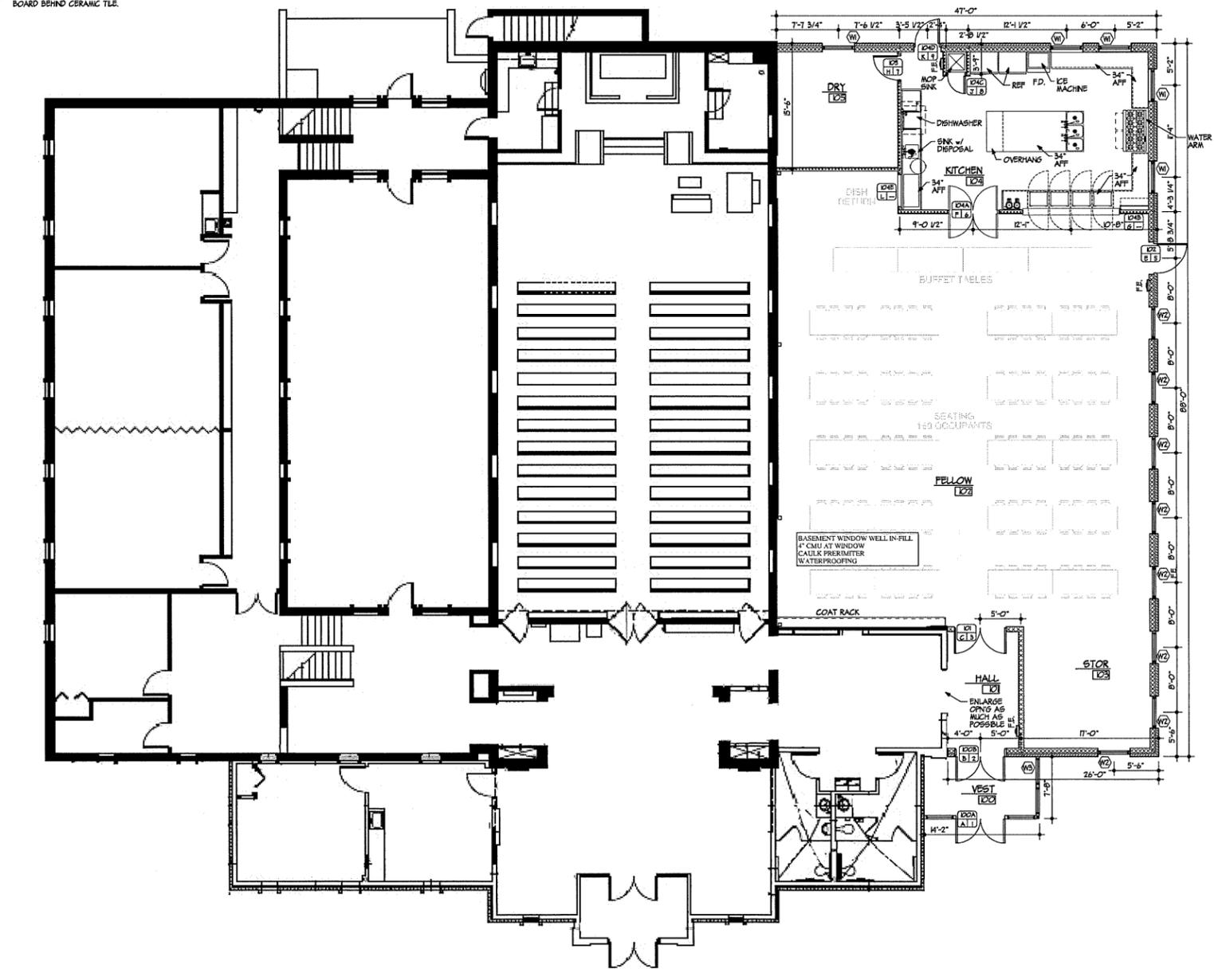
GROUP	DESCRIPTION
1	CYLINDER OTHER HARDWARE BY DOOR SUPPLIER (OBDD)
2	FLUSH/PULL HARDWARE BY DOOR SUPPLIER (OPFD)
3	CLASSROOM LOCKSET, (3) BUTTS, CLOSURE, PANIC HARDWARE, REMOVABLE ASTRIGAL (KEYED)
4	NOT USED
5	RED/GREEN INDICATOR CYLINDER
6	TRAFFIC DOOR HARDWARE
7	CLASSROOM LOCKSET, (3) BUTTS
8	STORE ROOM LOCKSET, (3) BUTTS, KNUBBLED LEVEL
9	CLASSROOM LOCKSET, (3) BUTTS, PANIC HARDWARE, CLOSURE, DRP CAP, THRESHOLD, WEATHERSTRIP

SCHEDULE KEY

DOOR NO.	ABBREVIATIONS
HW	HOLLOW METAL
MTL	STEEL DOOR
MC	METAL CLAD WOOD
WD	WOOD SOLID CORE
V	VNTL.
AL	ALUMINUM
GL	LOW-E GLAZING (TEMPERED AS REQUIRED)

HARDWARE NOTES

- INTERIOR DOORS TO HAVE SCHLAGE A-SERIES OR EQUAL
- EXTERIOR DOORS TO HAVE SCHLAGE D-SERIES OR EQUAL
- PROVIDE APPROVED LEVER HANDLES
- ALL HARDWARE TO MATCH LABEL OF DOOR
- INSTALL ALL HARDWARE PER APPROPRIATE CODE



PLOTTED JUNE 9, 2017 AT 2:45 PM

AI MAIN FLOOR PLAN

SCALE: 1/8" = 1'-0"

FLOOR PLAN

THESE DOCUMENTS ARE NOT VALID FOR A BUILDING PERMIT UNLESS SIGNED, DATED AND SEALED.
 I hereby certify that this plan, specification or report was prepared by me or under my direct supervision and that I am a duly Licensed Professional Engineer under the laws of the State of Minnesota.
 DATE: 06/09/17 REG. NO. 44794
 SIGNATURE: *[Signature]* Dean A. Wick

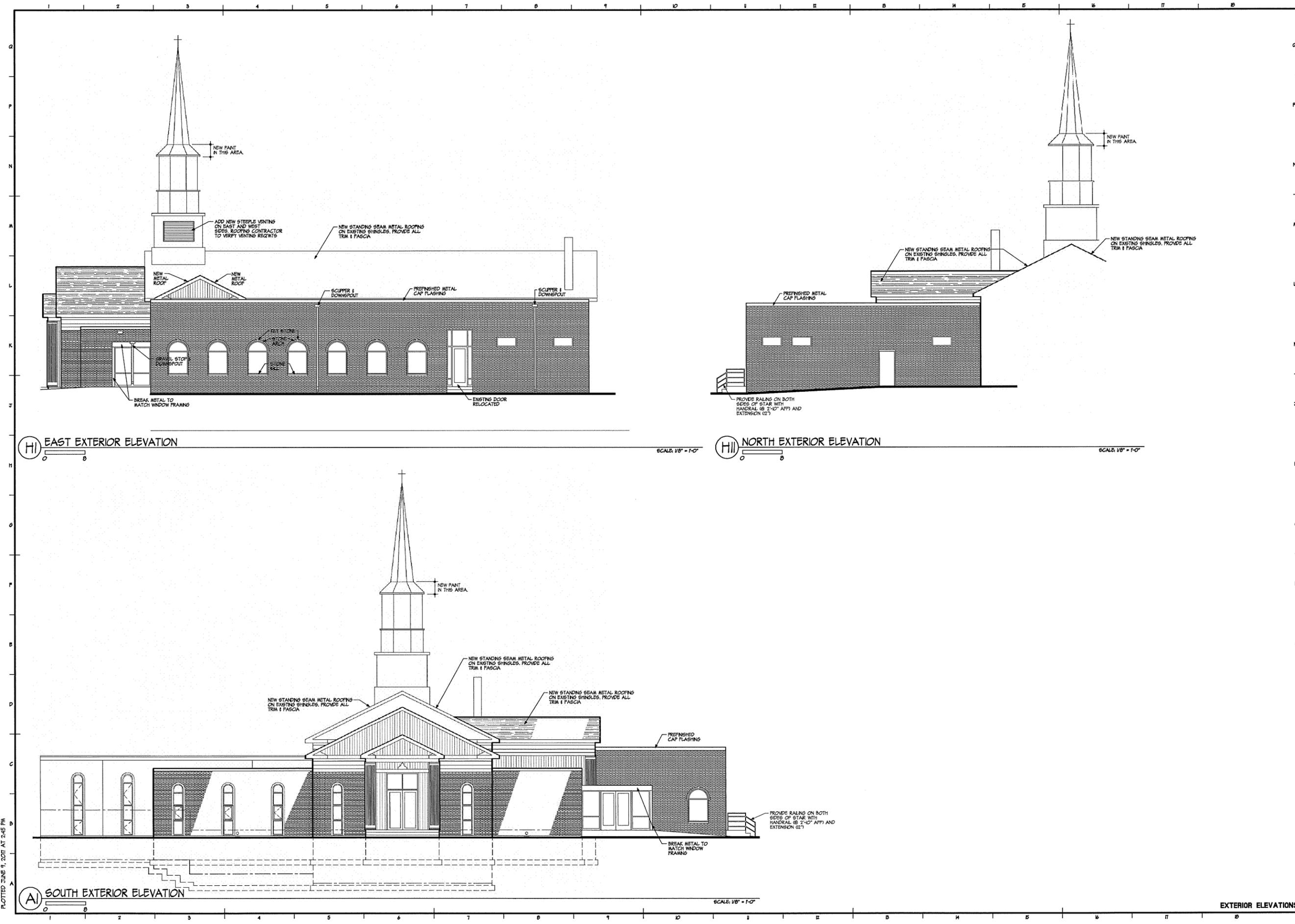
DATE: 06-09-17
REVISED:

P.O. BOX 7774
 LITTLE FALLS, MN 56202
 OFFICE: (507) 267-3206
OUTSOURCE ARCHITECTURE
 © COPYRIGHT 2017 OUTSOURCE ARCHITECTURE, LLC

COM 2016040

2017 FELLOWSHIP ADDITION
ZION LUTHERAN CHURCH
 411 3RD AVENUE NE
 LITTLE FALLS, MINNESOTA

NORTH
A2.1



PLOTTED JUNE 9, 2017 AT 2:45 PM

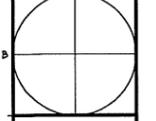
THESE DOCUMENTS ARE NOT VALID FOR A BUILDING PERMIT UNLESS SIGNED. CHANGES ARE VALID.
 I Herby Certify That This Plan, Specification or Report Was Prepared by Me or Under My Direct Supervision and That I Am a duly Licensed Architect under the Laws of the State of Minnesota.
 DATE: 06/09/17 REG. NO. 44794
 SIGNATURE: *D. A. Wick* : Dean A. Wick

DATE 06-09-17
 REVISED

OUTSOURCE ARCHITECTURE
 P.O. BOX 7274
 LITTLE FALLS, MN 56202
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CONNM + 2016040

**2017 FELLOWSHIP ADDITION
 ZION LUTHERAN CHURCH**
 411 3RD AVENUE NE
 LITTLE FALLS, MINNESOTA



A3.1

EXTERIOR ELEVATIONS

GENERAL FOUNDATION NOTES:

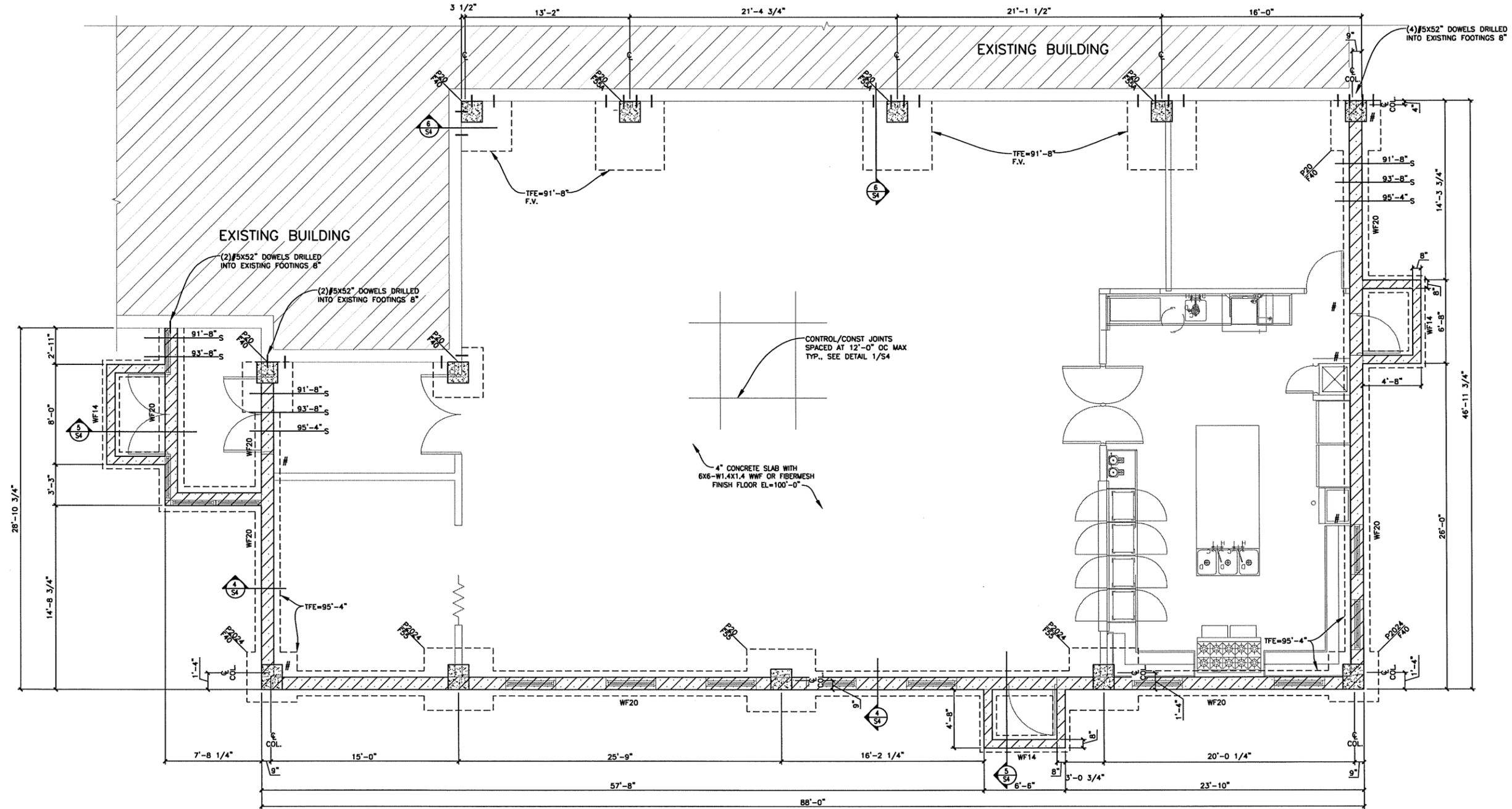
- ALL COLUMN FOOTINGS ARE CENTERED ON COLUMNS AND WALL FOOTINGS ARE CENTERED BENEATH WALL U.N.O.
- FOR GENERAL STRUCTURAL NOTES AND SPECIFICATIONS SEE S1.
- STEPPED WALL FOOTINGS ARE INDICATED THUS:
TFE-S TFE=96'-0" AT EXTERIOR U.N.O.
SEE 2/S4
- SEE ARCHITECTURAL PLANS FOR LOCATIONS OF RECESSED SLABS. SLOPED AREAS IN SLABS ON GRADE, AND CURBS.
- VERIFY ALL OPENINGS AND DIMENSIONS WITH ARCHITECTURAL DRAWINGS.
- INSTALL FOUNDATION DRAIN TILE PER RECOMMENDATIONS OF SOILS REPORT AND AS INDICATED ON ARCHITECTURAL SECTIONS.
- COORDINATE LOCATION OF STEPPED FOOTINGS WITH CIVIL DOCUMENTS. MAINTAIN MINIMUM FROST COVER OF 3'-6" AT BUILDING FOUNDATIONS AND 5'-0" AT FOOTINGS AWAY FROM BUILDING. VERIFY COVER REQUIREMENTS WITH GEOTECHNICAL REPORT.
- FIELD VERIFY ALL EXISTING DIMENSIONS AND CONDITIONS AND NOTIFY ENGINEER OF ANY DISCREPANCIES IN EXISTING CONDITIONS.

PIER SCHEDULE

MK	SIZE	REINFORCING
P16	16"x16"	4-#5 VERT & #3 TIES AT 12" OC
P20	20"x20"	4-#6 VERT & #3 TIES AT 12" OC
P2024	20"x24"	4-#6 VERT & #3 TIES AT 12" OC

FOOTING SCHEDULE

MK	SIZE	REINFORCING
WF14	1'-4"x1'-0"	2-#5 CONT
WF20	2'-0"x1'-0"	2-#5 CONT
F36	3'-6"x3'-6"x1'-8"	3-#5 EW
F40	4'-0"x4'-0"x1'-8"	3-#5 EW
F55	5'-6"x5'-6"x1'-0"	5-#5 EW
F55A	5'-6"x5'-6"x1'-8"	5-#5 EW T&B



FOUNDATION PLAN
1/4"=1'-0"
PLAN

DUFFY ENGINEERING AND ASSOCIATES, INC.
STRUCTURAL - CIVIL - SURVEYING
MECHANICAL - ELECTRICAL
350 Highway 10 South
Saint Cloud, MN 56304
Phone: (320) 259-6575
Fax: (320) 259-6991
Email: mail@duffyeng.com

I hereby certify that this plan, specification or report was prepared by me or under my direct supervision and that I am a duly Licensed ENGINEER under the laws of the state of MINNESOTA.

RJS

RYAN J. SEAVERT, P.E.
06-09-17 41971
Date License No.

REVISIONS:

No.	Date	Action

FOUNDATION PLAN

OUTSOURCE ARCHITECTURE
ZION LUTHERAN CHURCH
411 3RD AVE. NE
LITTLE FALLS, MN

Project No.: 17281
Date: 06-09-17
Drawn by: MAP
Checked by: RJS



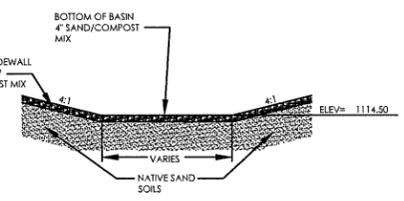
GRADING NOTES:

- CONTRACTOR SHALL VERIFY ALL EXISTING CONDITIONS INCLUDING LOCATIONS, AND RIM AND INVERT ELEVATIONS, OF EXISTING DRAINAGE AND SANITARY STRUCTURES. LOCATION AND SIZE OF EXISTING SANITARY, WATER, AND STORM SEWER STUBS, AND EXISTING GRADES SHALL ALSO BE VERIFIED.
- EXISTING TOPOGRAPHICAL INFORMATION WAS OBTAINED FROM A TOPOGRAPHICAL SURVEY PROVIDED BY FESTLER LAND SURVEYING, LITTLE FALLS, MN. (320) 432-4395
- HORIZONTAL & VERTICAL CONTROL:
HORIZONTAL DATUM: NAD83 (1996)
VERTICAL DATUM: NAVD88
BENCHMARK: 4905 N - ELEV = 1117.416
CONTACT FESTLER LAND SURVEYING FOR ADDITIONAL INFORMATION
- NOTIFY ENGINEER IMMEDIATELY IF ANY INCONSISTENCIES ARE DISCOVERED BETWEEN ACTUAL SITE CONDITIONS AND WHAT IS SHOWN ON THE PLANS, WHICH ARE SIGNIFICANT ENOUGH TO ALTER THE INTENT OF THE DRAWINGS.
- IF REQUIRED BY THE MINNESOTA DEPARTMENT OF LABOR AND INDUSTRY, THE OWNER OR CONTRACTOR SHALL OBTAIN A PLUMBING PERMIT PRIOR TO THE INSTALLATION OF ANY STORM SEWER UTILITIES.
- THE CONTRACTOR SHALL CONTACT GOMPER ONE CALL AT (800) 252-1166 FOR A UTILITY LOCATE PRIOR TO THE START OF CONSTRUCTION AND VERIFY LOCATIONS OF UTILITIES BEFORE BEGINNING WORK.
- ALL LENGTHS OF STORM SEWER OR CULVERT PIPE SPECIFIED ON THIS PLAN INCLUDE THE LENGTHS OF ANY ASSOCIATED FLARED END SECTIONS.
- TRASH GUARDS SHALL BE INSTALLED ON ALL STORM SEWER END SECTIONS.
- FINISHED ELEVATIONS OF LAWN/GREEN AREAS ADJACENT TO BUILDINGS SHALL BE A MINIMUM OF 6" BELOW FINISHED FLOOR OR TOP-OF-BLOCK ELEVATION.
- CONTRACTOR SHALL PERFORM CALCULATIONS TO VERIFY EARTHWORK QUANTITIES. CONTRACTOR'S BID SHALL BE BASED ON EARTHWORK CALCULATIONS COMPLETED BY THE CONTRACTOR.
- SPOT ELEVATIONS ARE FLOW LINE AND/OR FINISHED GRADES, UNLESS OTHERWISE INDICATED. TOP OF CURB ELEVATIONS ARE 6" ABOVE THE FLOW LINE SPOT ELEVATION SHOWN ON THE PLANS, UNLESS NOTED OTHERWISE.
- "EX" DENOTES EXISTING SPOT ELEVATIONS. "EX-FL" DENOTES EXISTING FLOW LINE ELEVATION.
- ALL PROPOSED ELEVATIONS ARE TOP OF PAVING OR GUTTER, UNLESS NOTED OTHERWISE. PROPOSED ELEVATIONS ARE INTENDED TO PROVIDE POSITIVE DRAINAGE TOWARDS CATCH BASINS AND/OR OUTLETS. THE CONTRACTOR SHALL BE RESPONSIBLE TO PROVIDE THE REQUIRED ELEVATIONS, WHICH WILL PROMOTE POSITIVE DRAINAGE THROUGHOUT THE PROJECT SITE.

NOTE: CADD FILES FOR ESTIMATING EARTHWORK QUANTITIES ARE AVAILABLE TO CONTRACTORS FOR PREPARING BIDS. IN ORDER TO RECEIVE THE CADD FILES, THE CONTRACTOR WILL NEED TO SIGN A HOLD-HARMLESS AGREEMENT PROVIDED BY SCHULTZ ENGINEERING & SITE DESIGN, AND AGREE TO PAY A \$30 PROCESSING FEE. THE CADD FILES WILL BE RELEASED UPON RECEIPT OF THE CHECK.

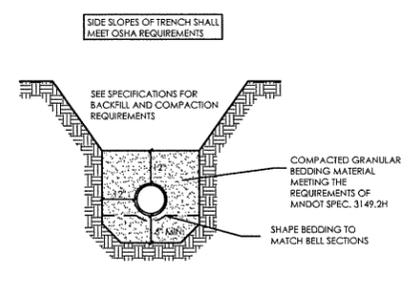
INFILTRATION BASIN NOTES:

- CONSTRUCTION EQUIPMENT SHALL BE LIMITED AS MUCH AS POSSIBLE ACROSS INFILTRATION BASIN AREA. BASIN AREAS SHALL BE EXCAVATED WITH A BACKHOE STATIONED OUTSIDE OF THE AREA AS MUCH AS POSSIBLE.
- DURING CONSTRUCTION OF THE ADJACENT BUILDING, THE INFILTRATION BASIN AREAS SHALL BE PROTECTED FROM TRAFFIC AND SEDIMENT WITH SILT FENCE.
- THE BOTTOM OF THE INFILTRATION BASINS SHALL BE SCARIFIED TO A MINIMUM DEPTH OF 24 INCHES WITH THE USE OF APPROPRIATE EQUIPMENT (TILLER, RIPPER, ETC.). AFTER SCARIFICATION, THE BASIN SHALL BE LINED WITH A MINIMUM OF 4 INCHES OF A 70% CLEAN SAND / 30% COMPOST MIX, WHICH SHALL BE PLACED AS LOOSELY AS POSSIBLE.
- ONCE THE INFILTRATION BASINS HAVE BEEN COMPLETED AND THE SITE HAS BEEN STABILIZED, THE CONTRACTOR SHALL ARRANGE AND PAY FOR TESTING THE INFILTRATION RATES OF THE BOTTOMS OF THE BASINS. THE TEST RESULTS SHALL BE SUBMITTED TO THE CITY AND THE ENGINEER.
- FINAL STABILIZATION OF THE INFILTRATION BASINS SHALL NOT BE COMPLETED UNTIL THE UPSTREAM DRAINAGE AREAS HAVE BEEN STABILIZED.

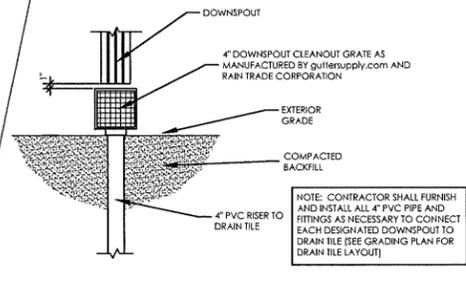


- NOTES:
- BASIN BOTTOM SHALL BE SEED W/ NATIVE SEED MIX AND/OR PLANTINGS
 - SAND/COMPOST MIX SHALL CONSIST OF 70% CLEAN SAND & 30% COMPOST

1 INFILTRATION BASIN



2 PIPE BEDDING DETAIL



3 DOWNSPOUT-PIPE TRANSITION

GRADING PLAN



I hereby certify that this plan, specification or report was prepared by me or under my direct supervision and that I am a duly licensed Engineer under the laws of the state of Minnesota

Brian Schultz, PE
Date: 04/09/2017
License No.: 43129

SCHULTZ ENGINEERING & SITE DESIGN

18 South Riverside Avenue
Suite 230
Sartell, MN 56377

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F: (866) 639-1830
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REVISONS	NO.	DATE	DESCRIPTION
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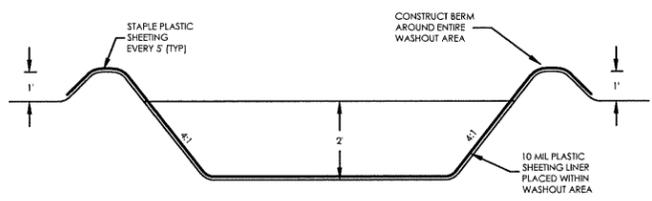
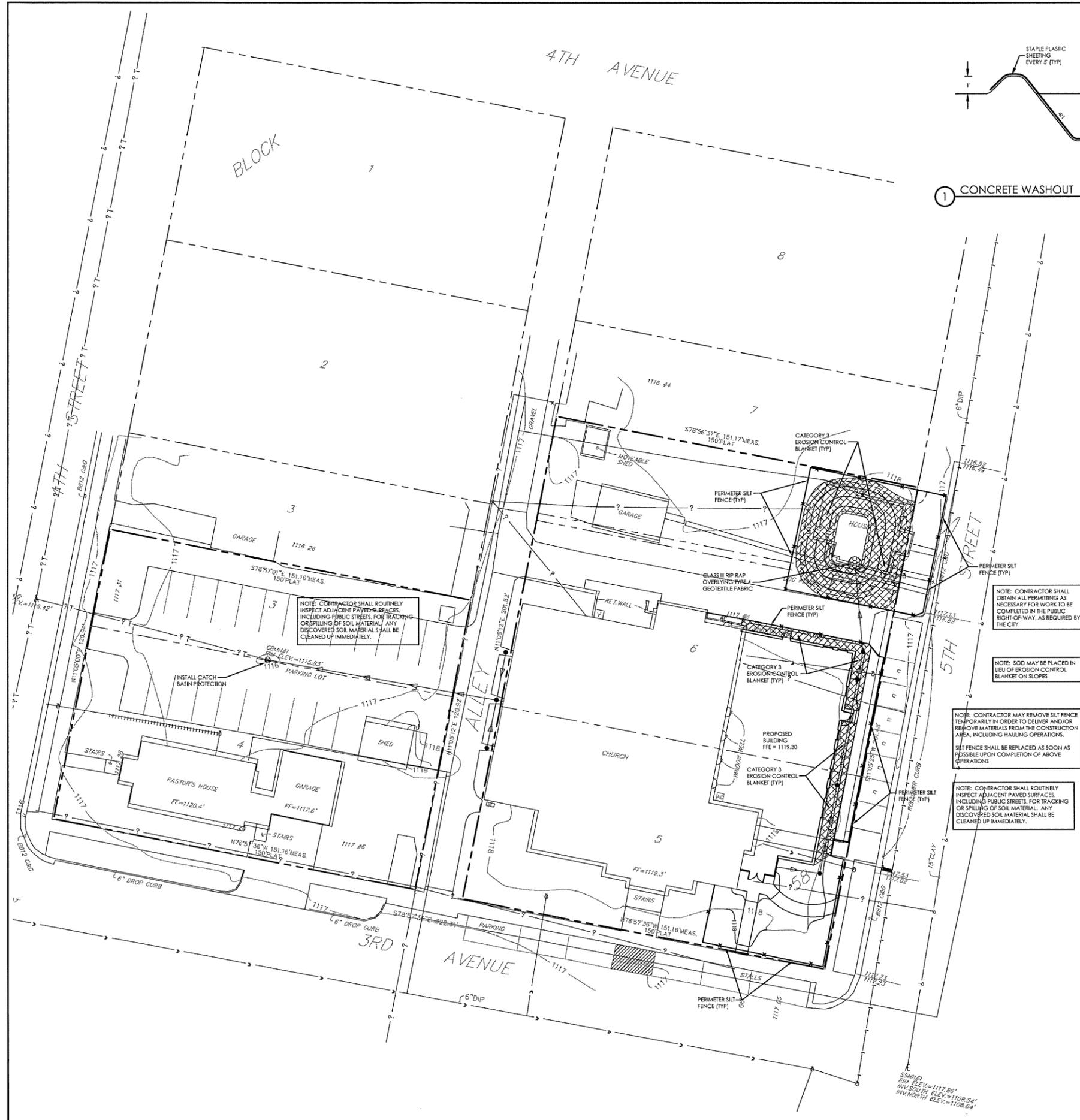
ZION LUTHERAN CHURCH
2017 FELLOWSHIP ADDITION

411 3RD AVENUE NE
LITTLE FALLS, MN

PROJECT NUMBER:
17024

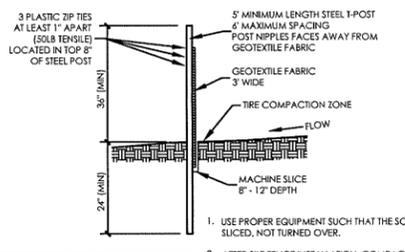
SCALE:
1"=20'

C2 OF 5



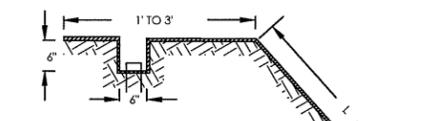
1. BOTTOM OF CONCRETE WASHOUT AREA SHALL BE 10'X10'
2. CONTRACTOR SHALL REMOVE WASH LIQUID FROM CONCRETE WASHOUT AREA AND DISPOSE OF PER MPCA REQUIREMENTS WHEN WASHOUT AREA BECOMES HALF FULL.
3. CONTRACTOR SHALL SELECT THE MOST OPTIMAL LOCATION FOR THE CONCRETE WASHOUT

1 CONCRETE WASHOUT



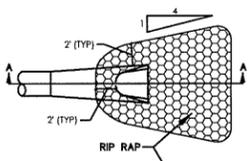
1. USE PROPER EQUIPMENT SUCH THAT THE SOIL IS SLICED, NOT TURNED OVER.
2. AFTER SILT FENCE INSTALLATION, COMPACT THE SOIL IMMEDIATELY NEXT TO THE GEOTEXTILE BY DRIVING OVER IT WITH A TRACTOR TIRE AT LEAST TWICE

2 SILT FENCE (MACHINE SLICED)



- A CHECK SLOT SHALL BE CONSTRUCTED AT THE TOP OF STEEP SLOPES (4:1 OR STEEPER) WHERE EROSION CONTROL BLANKET IS PLACED AS PER THE FOLLOWING:
1. DIG 4" X 6" TRENCH
 2. LAY BLANKET END INTO TRENCH
 3. STAPLE BLANKET IN BOTTOM OF TRENCH EVERY 1 FT
 4. BACKFILL TRENCH WITH SOIL AND COMPACT
 5. IF SLOPE LENGTH (L) IS GREATER THAN 100 FT DIG A CHECK SLOT 1/3 FROM THE BOTTOM OF THE SLOPE AND STAPLE THE BLANKET IN AS IN THE TOP TRENCH.

3 EROSION CONTROL BLANKET



- NOTES:
1. RIP RAP SHALL MEET THE REQUIREMENTS OF MNDOT SPEC. 3601
 2. SEE PLANS FOR CLASS OF RIP RAP
 3. D=PIPE DIAMETER IN FEET (SEE PLANS)
 4. OUTLETS ON STEEP SLOPES SHALL BE PROVIDED WITH RIP RAP FROM THE OUTLET TO THE TOE OF THE SLOPE.

4 RIP RAP AT PIPE OUTLETS

NOTE: CONTRACTOR SHALL ROUTINELY INSPECT ADJACENT PAVED SURFACES, INCLUDING PUBLIC STREETS, FOR TRACKING OR SPILLING OF SOIL MATERIAL. ANY DISCOVERED SOIL MATERIAL SHALL BE CLEANED UP IMMEDIATELY.

NOTE: CONTRACTOR SHALL OBTAIN ALL PERMITTING AS NECESSARY FOR WORK TO BE COMPLETED IN THE PUBLIC RIGHT-OF-WAY, AS REQUIRED BY THE CITY.

NOTE: SOD MAY BE PLACED IN LIEU OF EROSION CONTROL BLANKET ON SLOPES

NOTE: CONTRACTOR MAY REMOVE SILT FENCE TEMPORARILY IN ORDER TO DELIVER AND/OR REMOVE MATERIALS FROM THE CONSTRUCTION AREA, INCLUDING HAULING OPERATIONS. SILT FENCE SHALL BE REPLACED AS SOON AS POSSIBLE UPON COMPLETION OF ABOVE OPERATIONS.

NOTE: CONTRACTOR SHALL ROUTINELY INSPECT ADJACENT PAVED SURFACES, INCLUDING PUBLIC STREETS, FOR TRACKING OR SPILLING OF SOIL MATERIAL. ANY DISCOVERED SOIL MATERIAL SHALL BE CLEANED UP IMMEDIATELY.

I hereby certify that this plan, specification or report was prepared by me or under my direct supervision and that I am a duly licensed Engineer under the laws of the state of Minnesota.

Brian Schultz, PE
Date: 06/09/2017 License No.: 43129

SCHULTZ ENGINEERING & SITE DESIGN

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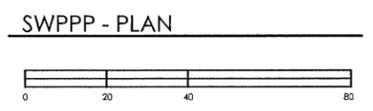
18 South Riverside Avenue
Suite 230
Sartell, MN 56377

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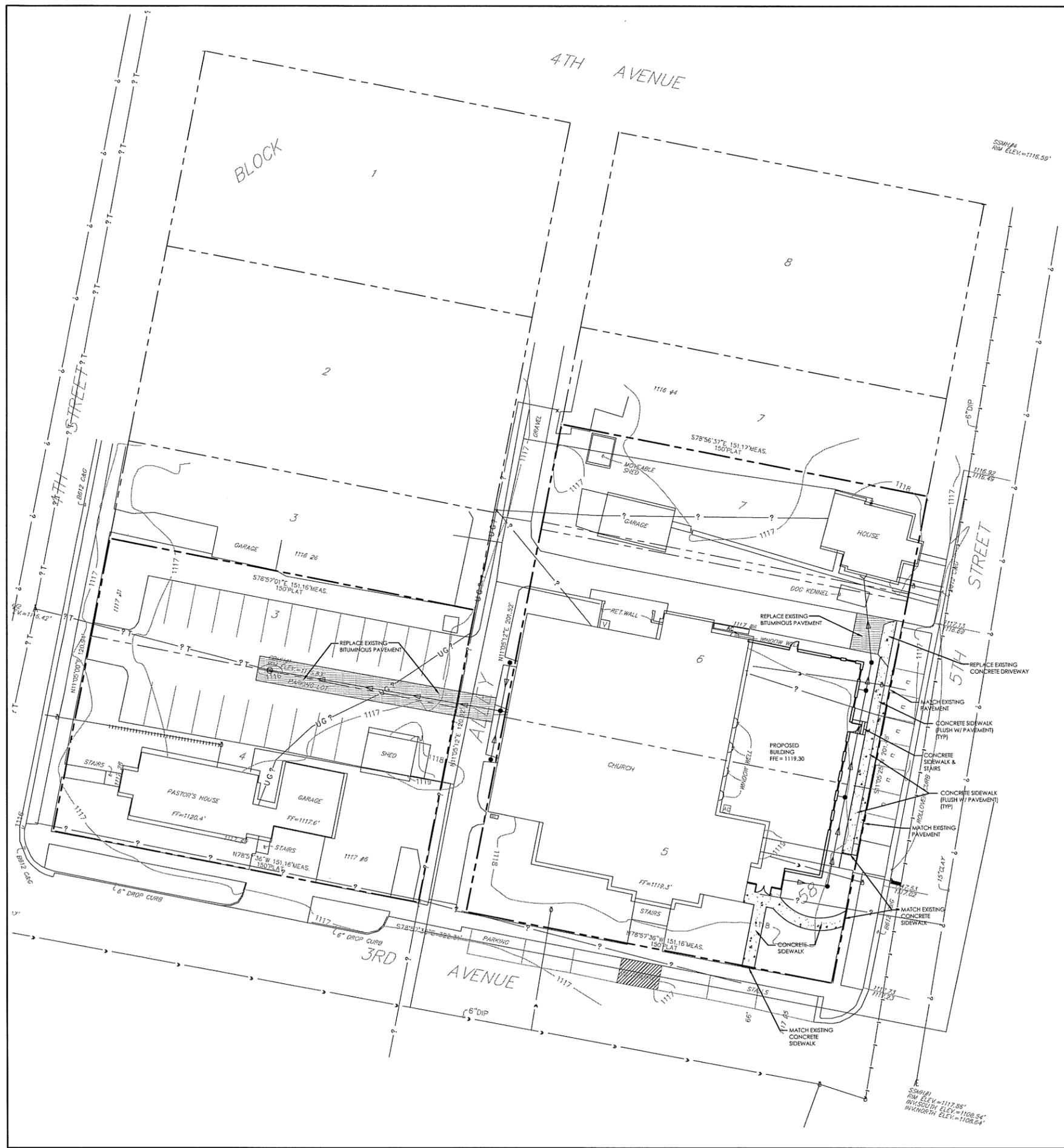
ZION LUTHERAN CHURCH
2017 FELLOWSHIP ADDITION

411 3RD AVENUE NE
LITTLE FALLS, MN

17024SWPPP-Plan.dwg
PROJECT NUMBER: 17024
SCALE: 1"=20'
C4 OF 5

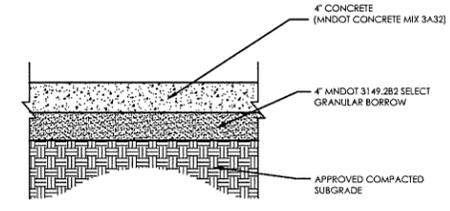


SWPPP - PLAN



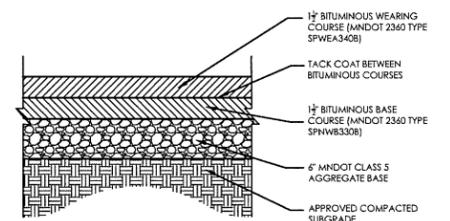
SURFACING NOTES:

- SUBGRADES SHALL BE SCARIFIED AND/OR COMPACTED AS NECESSARY TO ATTAIN THE REQUIRED COMPACTION DESCRIBED IN THE GENERAL NOTES (SHEET C1). TEST ROLLING OF THE SUBGRADE SHALL BE OBSERVED BY A QUALIFIED GEOTECHNICAL ENGINEER OR TECHNICIAN. LOCATIONS EXHIBITING EXCESSIVE RUTTING (PER MNDOT SPEC. 2111) SHALL BE REPAIRED TO THE SATISFACTION OF THE ENGINEER PRIOR TO THE PLACEMENT OF AGGREGATE BASE. COMPACTION TESTING IN UTILITY TRENCHES SHALL BE PERFORMED BY AN INDEPENDENT TESTING FIRM.
- GRAVEL BASE COURSES SHALL BE ROLLED AND COMPACTED. TEST ROLLING OF THE GRAVEL BASE SHALL BE OBSERVED BY A SOILS ENGINEER TO VERIFY STABILITY.
- ALL EXISTING BITUMINOUS OR CONCRETE EDGES, WHICH WILL ABUT NEW BITUMINOUS OR CONCRETE SURFACING SHALL BE SAWCUT TO OBTAIN A VERTICAL EDGE.
- EXPANSION JOINTS SHALL BE PLACED AT ALL LOCATIONS WHERE NEW CONCRETE ABUTS EXISTING CONCRETE, AND AT ALL LOCATIONS WHERE SEPARATE CONCRETE POURS ABUT EACH OTHER.
- SEE SHEET C1 FOR SPECIFICATIONS REGARDING THE CONSTRUCTION OF PAVEMENTS, AND CURB AND GUTTER.

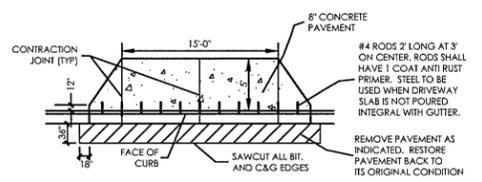


CONTRACTION AND EXPANSION JOINTS SHALL BE CONSTRUCTED AS PER MNDOT SPEC. 2521.3C2

1 CONCRETE SIDEWALK SECTION NTS



2 BITUMINOUS PATCH SECTION NTS



3 CONCRETE DRIVEWAY APRON NTS

SURFACING PLAN



I hereby certify that this plan, specification or report was prepared by me or under my direct supervision and that I am a duly licensed Engineer under the laws of the state of Minnesota

Brian Schultz, PE
 Date: 06/09/2017
 License No.: 43129

SCHULTZ ENGINEERING & SITE DESIGN

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 Fax: (666) 633-1830
 schultzeng@live.com
 www.schultzengineeringdesign.com

18 South Riverside Avenue
 Suite 230
 Sartell, MN 56377

REVISIONS	NO.	DATE	DESCRIPTION
	1		
	2		
	3		
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**ZION LUTHERAN CHURCH
 2017 FELLOWSHIP ADDITION**

411 3RD AVENUE NE
 LITTLE FALLS, MN

PROJECT NUMBER: 17024
 SCALE: 1"=20'
 C5 OF 5

STAFF REPORT

Application: Variance for the construction of a 39'1" x 34' attached garage approx. 5 ft from a rear property line (min. 30 ft required).

Applicant: Timothy J Houle

Background Information:

) **Proposal:** The applicant is proposing to construct a 39'1" x 34' attached garage 5 ft from a rear lot line (min. 30 ft required).

) **Location:**

- o Property address: 724 1st St SE, Little Falls
- o Legal Description: Lots 16 and 17, Block 17 Morrill's Addition No. 1 to Little Falls
- o Parcel number(s): 48.1323.000

) **Zoning:** R2 - One and Two Family District

Applicable Statutes/Ordinances:

Minnesota Statutes

462.357 (2011) OFFICIAL CONTROLS: ZONING ORDINANCE.

Subd. 6. Appeals and adjustments.

Appeals to the board of appeals and adjustments may be taken by any affected person upon compliance with any reasonable conditions imposed by the zoning ordinance. The board of appeals and adjustments has the following powers with respect to the zoning ordinance:

(1) To hear and decide appeals where it is alleged that there is an error in any order, requirement, decision, or determination made by an administrative officer in the enforcement of the zoning ordinance.

(2) To hear requests for variances from the requirements of the zoning ordinance including restrictions placed on nonconformities. Variances shall only be permitted when they are in harmony with the general purposes and intent of the ordinance and when the variances are consistent with the comprehensive plan. Variances may be granted when the applicant for the variance establishes that there are practical difficulties in complying with the zoning ordinance. "Practical difficulties," as used in connection with the granting of a variance, means that the property owner proposes to use the property in a reasonable manner not permitted by the zoning ordinance; the plight of the landowner is due to circumstances unique to the property not created by the landowner; and the variance, if granted, will not alter the essential character of the locality. Economic considerations alone do not constitute practical difficulties. Practical difficulties include, but are not limited to, inadequate access to direct sunlight for solar energy systems. Variances shall be granted for earth sheltered construction as

defined in section 216C.06, subdivision 14, when in harmony with the ordinance. The board of appeals and adjustments or the governing body as the case may be, may not permit as a variance any use that is not allowed under the zoning ordinance for property in the zone where the affected person's land is located. The board or governing body as the case may be, may permit as a variance the temporary use of a one family dwelling as a two family dwelling. The board or governing body as the case may be may impose conditions in the granting of variances. A condition must be directly related to and must bear a rough proportionality to the impact created by the variance.

Little Falls City Code

11.04: ADMINISTRATION AND ENFORCEMENT

C. Variances:

1. The timelines for variance requests shall be governed by Minnesota Statute 15.99, as amended from time to time.
2. The processing of variances shall be governed by Minnesota Statute 462.357, as amended from time to time.
3. No variance permitting the erection or alteration of a building shall be valid for a period longer than six [6] months, unless a building permit is issued and the construction actually begun within that period, and is thereafter diligently pursued to completion.
4. A variance shall lapse and become void if the variance for which a permit has been granted is discontinued for a period of one year, or if a variance is no longer required by the provisions of this chapter.
4. Revocation: A variance may be revoked by following the requirements and procedures in Section 11.04.H of the City Code.

11.05: ZONING DISTRICTS AND MAP:

F. R-2 One- And Two-Family Residential District:

4. Lot Area, Floor Area, Height, Lot Width And Yard Requirements: All uses in the R-2 district shall comply with the requirements of the R-1 district of this section, except as hereinafter modified:

Lot Size	Lot Width	Front Yard	Rear Yard	Side Yard	
				Interior	Corner
One- and two-family 9,000 square feet	60 feet	30 feet	30 feet	5 feet	15 feet

11.02: DEFINITIONS:

FRONT YARD: A yard extending along the full width of the front lot line between side lot lines and extending from the abutting front street right of way line to a depth required in the yard regulations for the district in which such lot is located.

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.

LOT LINE, FRONT: That boundary of a lot which abuts an existing or dedicated public street and, in case of a corner lot, it shall be the shortest dimension on a public street, except that a corner lot in a nonresidential area shall be deemed to have frontage on both streets.

LOT LINE, REAR: The boundary of a lot which is opposite the front lot line. If the rear lot line is less than ten feet (10') in length, or if the lot forms a point at the rear, the rear lot line shall be a line ten feet (10') in length within the lot, parallel to, and at the maximum distance from the front lot line.

11.03: GENERAL PROVISIONS:

E. Required Yards And Open Space:

e. Rear yard only, balconies, accessory structures, except that no structure shall be closer than ten feet (10') from the rear lot line, breezeways, detached outdoor picnic shelters and recreational equipment, except as regulated hereinafter.

Findings of Fact: The following findings of fact are presented by Staff for consideration by the Planning Commission:

1) **Current Zoning:**

- Subject Property: R-2 One- and Two-Family Residential Zoning District
- Surrounding Properties: R-2 One- and Two-Family Residential Zoning District

2) **Current Land Use:**

- Subject Property: Single-family dwelling
- Surrounding Properties: Single-family dwellings

3) **Lot size:** Approx. 86 ft. x 120 ft. (10,320 sq ft).

- Existing impervious surface: Approx. 2,400 sq. ft. (23%)
- Proposed impervious surface: Approx. 3,730 sq. ft. (36%)

4) **Sewer/Water:** The property is served with City sewer/water.

5) **Natural Features:**

- Floodplain: The location of the proposed garage does not appear to be within an identified floodplain.
- Bluff/Steep Slopes: The property does not contain any bluffs or steep slopes in the location of the proposed garage.
- Wetlands: There do not appear to be any wetlands on the property that would impact the proposed garage.

6) Will the granting of the variance be in harmony with the general purposes and intent of the Zoning and/or Subdivision Ordinance?

The general intent of a rear yard setback for homes and attached garages is to maintain a minimum spacing between homes that back up to each other. This spacing is larger than what would apply to detached accessory structures presumably to allow for greater privacy in rear yards.

In this case, the lot has an alley along the side lot line, rather than the more typical location between rear lot lines. As such, the 30 ft setback applies to the west property line, which is where the garage is proposed to meet only a 5 foot setback. A setback exceeding 30 feet would apply to the south property line after the addition and as such the home/attached garage would be meeting minimum required side and rear yard setbacks that apply to the R-2 zoning district, except not in the yards they are supposed to by definition (i.e. if the front lot line were the north lot line, the proposed structures would meet the required side and rear yard setbacks).

7) Will the granting of the variance be consistent with the City of Little Falls' Comprehensive Plan?

The Comprehensive Plan does not directly address applications such as these.

8) Is the proposed use of the property reasonable?

The requested variance is reasonable in that it is not unusual for a landowner to desire or have an attached garage. However, the Board should discuss whether the proposed garage size is reasonable given the limitations of the lot.

9) Is the plight of the landowner due to circumstances unique to the property not created by the landowner?

The need for the variance would appear to primarily be related to the existing layout of the home on the lot, the lot size and the the layout of the road and alley in relation to the buildings on the lot.

10) Will the variance, if granted, alter the essential character of the locality?

The use of the property would remain very similar in character to what already exists.

11) Are economic considerations the only reason the applicant cannot meet the strict requirements of the ordinance?

Economic considerations do not appear to play a significant factor in the requested variance.

12) **Could the practical difficulty be alleviated by a feasible method other than a variance (taking into account economic considerations)?**

To avoid the need for a variance, it appears the applicant would have to locate the garage in a different location on the property – likely to the south of the existing home, which would require another driveway entrance from First Street SE.

Board of Adjustment Direction: The Board of Adjustment may recommend to the Council approval of the variance request, denial of the request, or tabling of the request if the Board should need additional information from the applicant. If the Board should approve or deny the request, the Board should state the findings which support either of these actions.

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

1. The only way to eliminate the need for a variance would be to build the garage on the south part of the lot, which would likely necessitate a new driveway entrance off of First Street SE.
2. The only way to minimize the need for a variance would be to reduce the size of the proposed garage addition.
 - a. A detached accessory structure would normally be intended to be at least 10 feet from a rear lot line or from an alley, so an adjustment to the size of the structure to achieve at least that may be appropriate (although if the applicant's rear lot line were considered its side lot line – only a 5 foot setback would be required – as is proposed).
 - b. The proposed structure would be less than 10 feet from the alley, although the alley setback would be in line with the existing structure. In more typical alley/lot layouts, a minimum 10 foot setback from the alley would be required. Navigating the turn into and out of the garage is already challenging and would continue with the proposal, but would not be any worse than what exists now.
3. Staff has received one verbal comment from the public in favor of the request. Any additional comments received before the meeting will be presented to the Planning Commission/Board of Adjustment at the hearing.



Date Filed: _____
 Fee Paid: _____
 Receipt No.: _____

REZONING, VARIANCE AND CONDITIONAL USE APPLICATION

Have you reviewed Chapter 11, Section 11.04, of the City Code dealing with zoning laws of the City of Little Falls? Yes No _____

Street Address of Property: 724 1st St. SE

Legal Description of Property: Lots 16 + 17 of Block 17, Morrills Addition No. 1

Parcel Identification Number: 48.1323,000

Owner Name: Timothy Houle thoule01@gmail.com

Address: 724 1st St. SE

City, State and Zip: Little Falls, MN 56345

Applicant (if other than owner): _____

Address: _____

City, State and Zip: _____

Type of Request: Rezoning _____ Variance Conditional Use _____ Other _____

Description of Request: Vary from the rear lot setback to allow a 5 foot setback

Reason for Request: To allow construction of additional garage space.

Present Zoning Classification: R-2

Existing Use of Property: Residential

Existing Use and Zoning of the Surrounding Area (two blocks): Residential

Has a request for a variance, special use permit or rezoning on the subject site, or any part thereof, been previously sought? Yes _____ No If yes, when _____

Signature of Applicant(s): Timothy Hauls
Date: 7/13/17

I am the legal fee owner of the property described on this application and I consent to this application
Signature of owner(s): Timothy Hauls

Approved: Denied: by the Planning Commission on: _____
Date

Approved: Denied: by the City Council on: _____
Date

Mailing Address: City of Little Falls P O Box 244 Little Falls MN 56345-0244

INSTRUCTIONS TO THE APPLICANT:

Completed applications, with **all** submittal requirements, must be submitted to the Planning and Zoning Department no fewer than 25 days prior to the Planning Commission meeting date. The City may omit or remove unrelated information requirements depending on the type of application request. In order for your application to be accepted as complete and to have a public hearing scheduled, a copy of plans and graphics must be submitted on 11" X 17" paper or less and the following information provided:

- 1. This application must be completed, including responses to all parts of this application. Be sure the applicant and/or property owner signs the application.
- 2. The required fee must be paid (see fee schedule).
- 3. A map showing the location of the proposed site, scale to be not less than 1" = 300'.
- 4. A scaled plot plan with north indicated, showing parcel lot lines, location and setbacks of all existing and proposed structures, water features and contour lines.
- 5. The plot plan should also show the existing structure dimensions and their square footage. Include all buildings and structures within 300' of the proposed site.
- 6. Elevation plans for all existing and proposed structures.
- 7. Location and size of all required parking. Include existing and proposed curb cuts; driveways; across roads; turn-arounds; parking, including recreational vehicles, boat and additional storage; off-street loading; and sidewalks.
- 8. Proposed landscaping and screening plans: a) garbage dumpsters; b) areas preserved in natural state, including buffer areas; c) areas to be developed in lawn (grass); d) areas to be covered by woodchips or mulch; e) garden areas; f) shrubbery with types, size, age and number of proposed trees and their location; g) exterior lighting to be proposed including location and type; and h) any other items deemed appropriate.
- 9. Square footage of all impervious coverage. Impervious coverage includes the horizontal area of all buildings, decks, roof overhangs, patios, walks, driveways, and any other parking areas and drives constructed of any material.
- N/A 10. Proposed storm water drainage plan.
- N/A 11. Proposed and existing sanitary sewer and water supply plans.
- N/A 12. Approximate location of any proposed signs, if applicable.
- N/A 13. All types of proposed uses and outside storage proposal.

The following questions must be answered.

1. What changes are you proposing to make to this property?

Building: Add a 39' 1" X 34' garage.

Landscaping: _____

Parking/Signs: _____

2. Describe the character of the area and the existing patterns and use of development in the area. How is the proposal consistent with those patterns and uses?

Many properties in the neighborhood are configured with one property's side line being another's back line. There are frequent examples of the variance I am requesting in place in the neighborhood

3. Describe the impact on the character of the neighborhood in which the property is located.

None - consistent with others already in place

4. Describe the impact to the traffic on roads and highways in the vicinity, and the expected traffic generated by the proposed use. Is there adequate off-street parking available to accommodate the proposal?

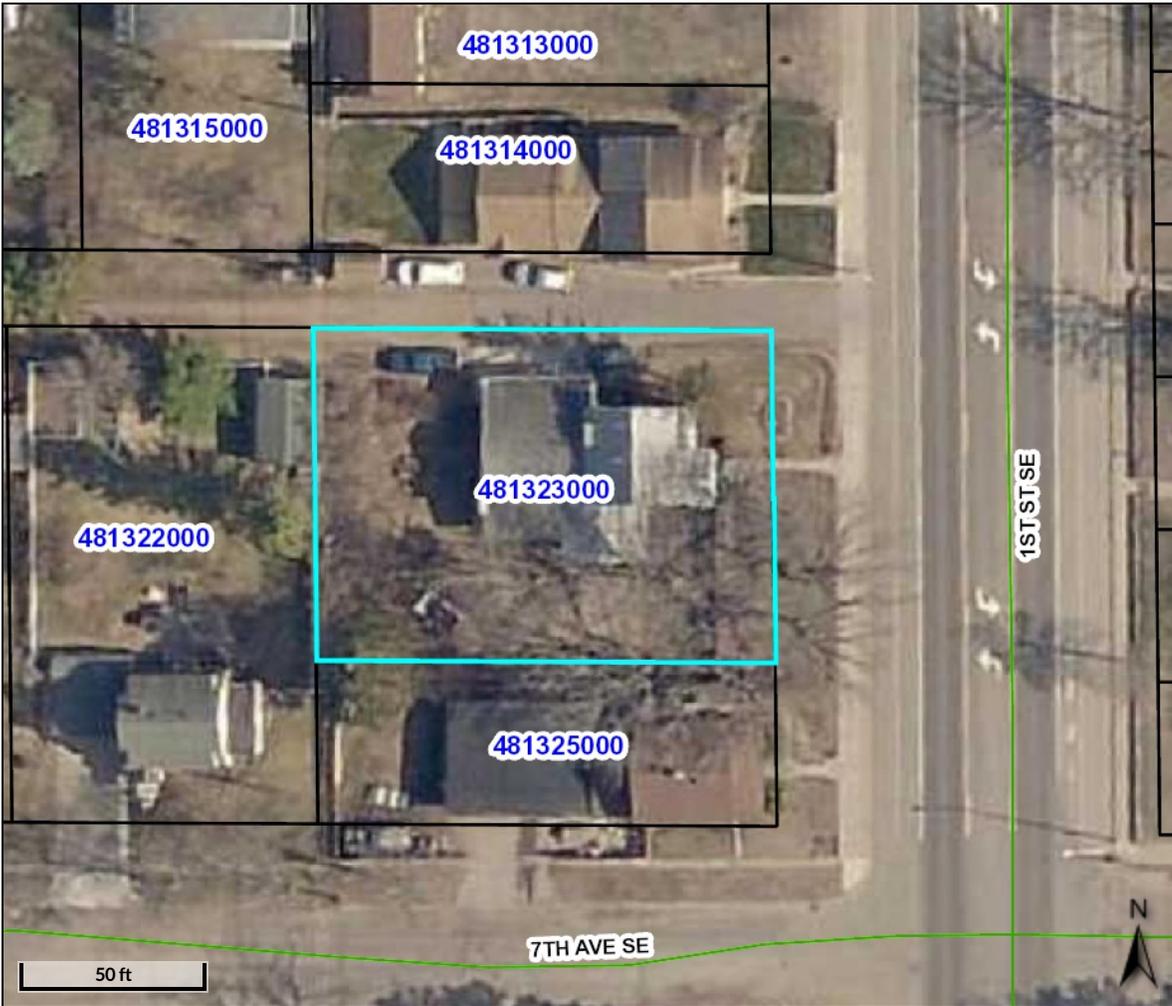
No impact on traffic. Setback to alley for snow plowing is same as existing. Project would result in less on-street parking & more off-street parking

5. What part of the City's Zoning Ordinance creates "practical difficulties" to the property in question? What is the "practical difficulties" that prevents the land to be used in a reasonable way? (See Minnesota Statutes 462.357, Subdivision 6(2), as amended, <https://www.revisor.mn.gov/statutes/?id=462.357>)

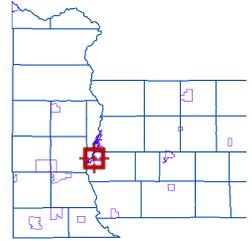
- 1) Similar to other properties existing in neighborhood.
- 2) Alternate site on south property would result in additional access on 1st St which would be unsafe.

Use other side of page if necessary.

Mailing Address: City of Little Falls P O Box 244 Little Falls MN 56345-0244



Overview



Legend

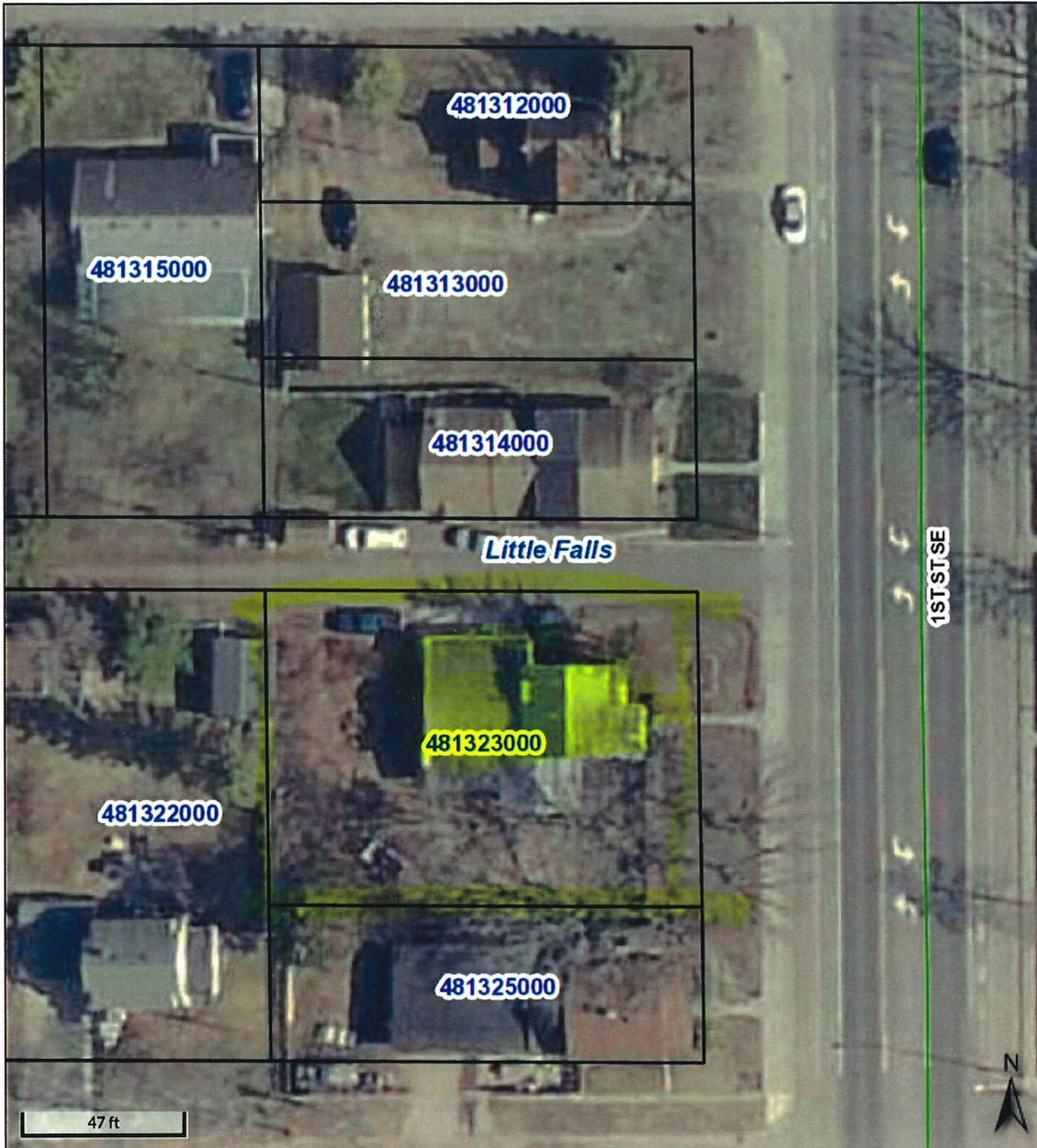
-  Parcels
-  Road Centerlines
- Streams**
-  <all other values>
-  Protected Stream
-  Protected Stream/County Ditch
-  Original Path
-  County Ditch
-  Protected Ditch
-  Protected Ditch/County Ditch

Parcel ID	481323000	Alternate ID	n/a	Owner Address	TIMOTHY J HOULE
Sec/Twp/Rng	n/a	Class	1A-Residential Homestead		724 1ST ST SE
Property Address	724 1ST ST SE	Acreeage	n/a		LITTLE FALLS MN 56345
	LITTLE FALLS MN 56345				
District	LITTLE FALLS EAST-#482-HRA				
Brief Tax Description	Lot 016 Block 017 of MORR ADD NO 1				
	Lot 017 Block 017 of MORR ADD NO 1				
	LOTS 16 & 17 BLK 17				
	<i>(Note: Not to be used on legal documents)</i>				

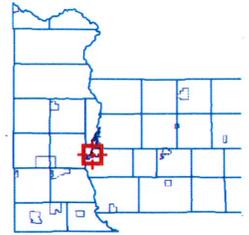
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Overview



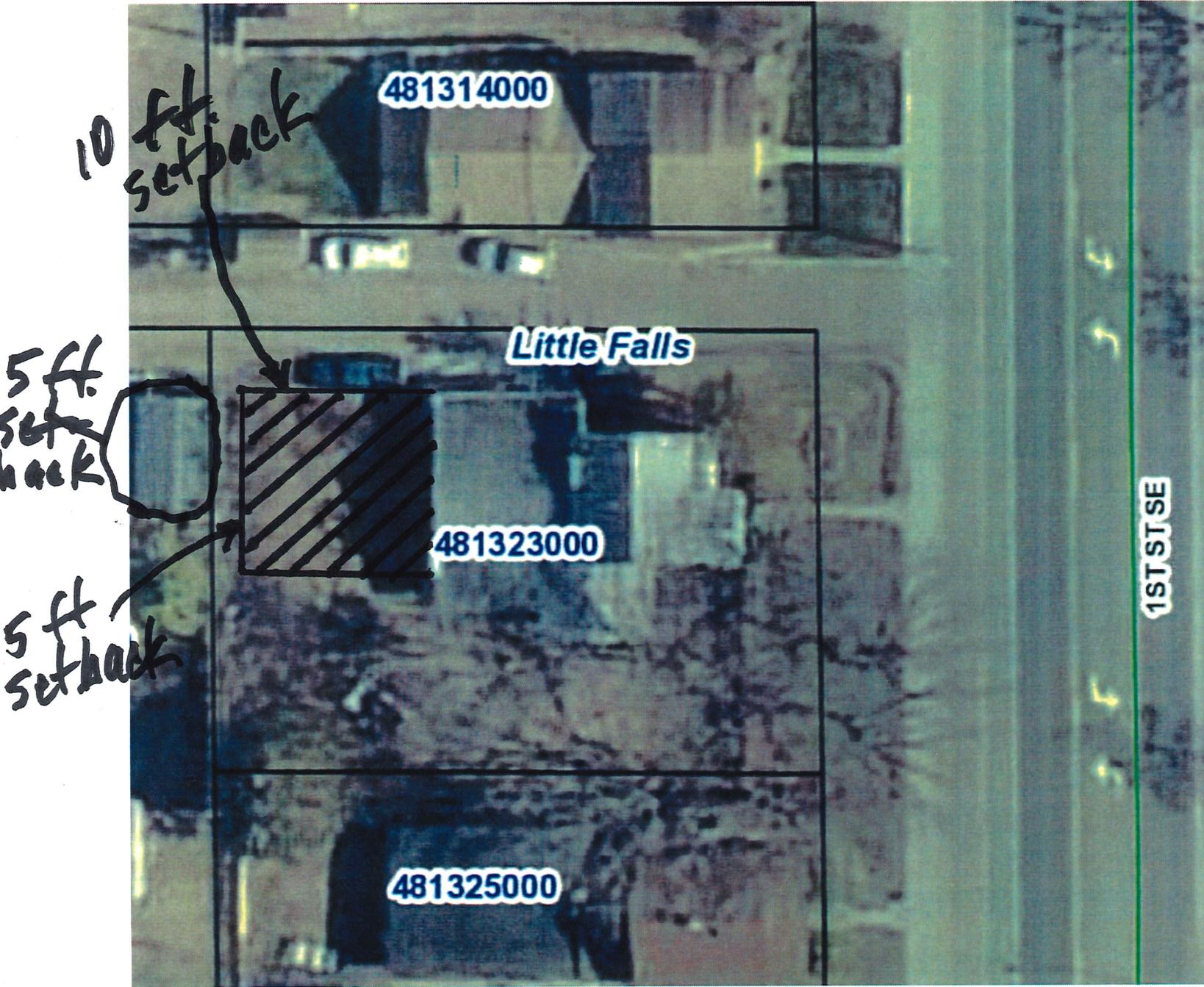
Legend

-  Political Township
-  Parcels
-  Road Centerlines
- Streams**
-  <all other values>
-  Protected Stream
-  Protected Stream/County Ditch
-  Original Path
-  County Ditch
-  Protected Ditch
-  Protected Ditch/County Ditch

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Date created: 7/12/2017
 Last Data Uploaded: 7/12/2017 3:47:30 AM



Addition:
39' 1" X
34' =
1329 sq. ft.

House:
1972
sq. ft.
Existing
garage:
618 sq. ft.

STAFF REPORT

Application: Variance to construct a new attached garage approx. 6 ft from side lot line abutting 4th Ave SE (min. 15 ft required). Conditional use permit to construct a one-time addition to buildings on a nonconforming lot of record.

Applicant: Gary Stachowski

Property Owner: Timothy Stachowski Realty LLC

Background Information:

) **Proposal:** The applicant is proposing to construct a new attached garage within the side lot line setback requirement of 15 feet. The addition would be roughly in line with the existing home setback from the corner side lot line abutting 4th Ave SE.

Also, as the lot on which the addition would be constructed is nonconforming for width and size, a conditional use permit is required to construct an addition.

) **Location:**

- o Property address: 500 3rd St SE, Little Falls
- o Legal Description: North half of Lot 8, Block 26 Original Plat of Little Falls
- o Parcel number(s): 48.0228.000

) **Zoning:** R1 - One and Two Family District

Applicable Statutes/Ordinances:

Minnesota Statutes

462.357 (2011) OFFICIAL CONTROLS: ZONING ORDINANCE.

Subd. 6. Appeals and adjustments.

Appeals to the board of appeals and adjustments may be taken by any affected person upon compliance with any reasonable conditions imposed by the zoning ordinance. The board of appeals and adjustments has the following powers with respect to the zoning ordinance:

(1) To hear and decide appeals where it is alleged that there is an error in any order, requirement, decision, or determination made by an administrative officer in the enforcement of the zoning ordinance.

(2) To hear requests for variances from the requirements of the zoning ordinance including restrictions placed on nonconformities. Variances shall only be permitted when they are in harmony with the general purposes and intent of the ordinance and when the variances are consistent with the comprehensive plan. Variances may be granted when the applicant for the variance establishes that there are practical difficulties in complying with the zoning ordinance. "Practical difficulties," as used in connection with the granting of a variance, means that the property owner proposes to use the property in a reasonable manner not

permitted by the zoning ordinance; the plight of the landowner is due to circumstances unique to the property not created by the landowner; and the variance, if granted, will not alter the essential character of the locality. Economic considerations alone do not constitute practical difficulties. Practical difficulties include, but are not limited to, inadequate access to direct sunlight for solar energy systems. Variances shall be granted for earth sheltered construction as defined in section 216C.06, subdivision 14, when in harmony with the ordinance. The board of appeals and adjustments or the governing body as the case may be, may not permit as a variance any use that is not allowed under the zoning ordinance for property in the zone where the affected person's land is located. The board or governing body as the case may be, may permit as a variance the temporary use of a one family dwelling as a two family dwelling. The board or governing body as the case may be may impose conditions in the granting of variances. A condition must be directly related to and must bear a rough proportionality to the impact created by the variance.

Little Falls City Code

11.04: ADMINISTRATION AND ENFORCEMENT

C. Variances:

1. The timelines for variance requests shall be governed by Minnesota Statute 15.99, as amended from time to time.
2. The processing of variances shall be governed by Minnesota Statute 462.357, as amended from time to time.
3. No variance permitting the erection or alteration of a building shall be valid for a period longer than six [6] months, unless a building permit is issued and the construction actually begun within that period, and is thereafter diligently pursued to completion.
4. A variance shall lapse and become void if the variance for which a permit has been granted is discontinued for a period of one year, or if a variance is no longer required by the provisions of this chapter.
4. Revocation: A variance may be revoked by following the requirements and procedures in Section 11.04.H of the City Code.

11.05: ZONING DISTRICTS AND MAP:

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

4. Lot Area, Floor Area, Height, Lot Width And Yard Requirements:

b. The following minimum requirements shall be observed subject to additional requirements, exceptions and modifications contained in this chapter:

Lot Size	Lot Width			Side Yard
----------	-----------	--	--	-----------

Interior	Corner	Interior	Corner	Front Yard	Rear Yard	Interior	Corner
11,000 square feet	12,000 square feet	80 feet	80 feet	30 feet	35 feet	10 feet	15 feet

11.02: DEFINITIONS:

FRONT YARD: A yard extending along the full width of the front lot line between side lot lines and extending from the abutting front street right of way line to a depth required in the yard regulations for the district in which such lot is located.

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.

LOT LINE, FRONT: That boundary of a lot which abuts an existing or dedicated public street and, **in case of a corner lot, it shall be the shortest dimension on a public street,** except that a corner lot in a nonresidential area shall be deemed to have frontage on both streets.

LOT LINE, REAR: **The boundary of a lot which is opposite the front lot line.** If the rear lot line is less than ten feet (10') in length, or if the lot forms a point at the rear, the rear lot line shall be a line ten feet (10') in length within the lot, parallel to, and at the maximum distance from the front lot line.

LOT LINE, SIDE: Any boundary of a lot which is not a front lot line or a rear lot line.

11.03: GENERAL PROVISIONS:

B. Nonconforming Uses And Structures:

9. As of the date of adoption hereof, onetime alterations and additions may be made to a building located on a nonconforming lot that contains lawful residential units when it will improve the livability thereof. A conditional use permit may be issued, provided the alterations/additions meet all of the following items, and the property owner applies for and is granted a conditional use permit:

- a. No other owner has previously used the onetime addition. Nonconforming structures are only allowed one occasion to expand during the lifetime of the structure and not one occasion per owner.
- b. Any alteration or addition must meet the setback requirements of the zoning district that the nonconforming lot is located in.
- c. The nonimpervious surface percentage must be equal to or greater than the abutting property's nonimpervious surface percentage average after the

completion of the addition. Abutting properties are those properties that are zoned as residential and are within a one hundred foot (100') radius of the property in question.

d. The size of the addition is less than fifty percent (50%) of the principal structure, as measured in square feet of the outside dimensions of the principal structure.

e. Any alteration or addition cannot create new nonconformities or increase the parking requirements.

10. In addition to the onetime addition or alteration of the principal structure, an accessory structure may be added. A conditional use permit may be issued, provided the accessory structure meets the following items and the property owner(s) applies for and is granted a conditional use permit:

a. Any accessory structure must meet the setback requirements of the zoning district that the nonconforming lot is in.

b. The nonimpervious surface percentage must be equal to or greater than the abutting properties' nonimpervious surface percentage average, after the completion of the accessory structure. Abutting properties are those properties that are zoned as residential and are within a one hundred foot (100') radius of the property in question.

c. The type of accessory structure must match the style, type and appearance of the principal structure located on the lot.

d. The enlargement or replacement does not create new nonconformities or increase in parking requirements. (Ord. 151, 5th Series, eff. 12-3-2007)

C. Lot Provisions:

1. A lot of record existing upon the effective date hereof in any R residential district, which does not meet the requirements of this chapter as to area or width, may be utilized for single-family detached dwelling purposes, provided the measurements of such area and width are within seventy percent (70%) of the requirements of this chapter, but said lot of record shall not be more intensively developed unless combined with one or more abutting lots or portions thereof so as to create a lot meeting the requirements of this chapter. (Ord. 801, eff. 6-3-1974)

Findings of Fact: The following findings of fact are presented by Staff for consideration by the Planning Commission:

1) **Current Zoning:**

- Subject Property: R-1 One- and Two-Family Residential Zoning District
- Surrounding Properties: R-1 One- and Two-Family Residential Zoning District

2) **Current Land Use:**

- Subject Property: Single-family dwelling
- Surrounding Properties: Single-family dwellings

3) **Lot size:** Approx. 40 ft. x 150 ft. (6,000 sq ft).

- Existing impervious surface: Approx. 1,000 sq. ft. (16.7%)
- Proposed impervious surface: Approx. 2,115 sq. ft. (35.2%)

4) **Sewer/Water:** The property is served with City sewer/water.

5) **Natural Features:**

- Floodplain: The location of the proposed garage does not appear to be within an identified floodplain.
- Bluff/Steep Slopes: The property does not contain any bluffs or steep slopes in the location of the proposed garage.
- Wetlands: There do not appear to be any wetlands on the property that would impact the proposed garage.

6) The average nonimpervious coverage on the subject lot (about 65% with a 16 ft wide proposed driveway) would appear to be slightly more than the average nonimpervious surface percentage average on lots within 100 feet (about 67%). If the driveway were reduced to 14 ft wide (average) the nonimpervious coverage would match the 67% average of properties within 100 feet.

7) **Will the granting of the variance be in harmony with the general purposes and intent of the Zoning and/or Subdivision Ordinance?**

The general intent of a corner side yard setback for homes and attached garages is to maintain a minimum spacing between homes and public streets and to avoid damage to persons or property from vehicles leaving the road.

In this case, the proposed garage will be no closer to the corner side lot line than the existing home, but will put more building within that setback and thus the potential for damage to persons or property would increase somewhat. The intersection at this site does not have a stop sign and is uncontrolled.

8) **Will the granting of the variance be consistent with the City of Little Falls' Comprehensive Plan?**

The Comprehensive Plan does not directly address applications such as these.

9) **Is the proposed use of the property reasonable?**

The requested variance is reasonable in that it is not unusual for a landowner to desire or have an attached garage. However, the Board should discuss whether the proposed garage size is reasonable given the limitations of the lot.

10) **Is the plight of the landowner due to circumstances unique to the property not created by the landowner?**

The need for the variance would appear to primarily be related to the existing layout of the home on the lot, the small lot size and the layout of the lot at an intersection of two streets.

11) Will the variance, if granted, alter the essential character of the locality?

The use of the property would remain very similar in character to what already exists.

12) Are economic considerations the only reason the applicant cannot meet the strict requirements of the ordinance?

Economic considerations do not appear to play a significant factor in the requested variance.

13) Could the practical difficulty be alleviated by a feasible method other than a variance (taking into account economic considerations)?

To avoid the need for a variance, the applicant would have to reduce the width of the garage to no greater than 15 feet (40 ft lot width - 15 ft corner side yard setback - 10 ft interior side yard setback = 15 feet).

Board of Adjustment Direction: The Board of Adjustment may recommend to the Council approval of the variance request, denial of the request, or tabling of the request if the Board should need additional information from the applicant. If the Board should approve or deny the request, the Board should state the findings which support either of these actions.

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

1. The only practical way to eliminate the need for a variance would be to reduce the width of the proposed garage to no greater than 15 feet (outside dimensions). This would increase non-impervious coverage on the lot somewhat.
2. Staff has not received any verbal or written comments from the public regarding this application at the writing of this report. Any received before the meeting will be presented to the Planning Commission/Board of Adjustment at the hearing.
3. In order to not have impervious coverage greater than the average of nearby properties (as required by City Code), the driveway could not have an average width of greater than 14 feet.



Date Filed: 7-24-17
 Fee Paid: 325⁰⁰
 Receipt No.: 85047

REZONING, VARIANCE AND CONDITIONAL USE APPLICATION

Have you reviewed Chapter 11, Section 11.04, of the City Code dealing with zoning laws of the City of Little Falls? Yes No

Street Address of Property: 500 3rd St SE Little Falls

Legal Description of Property: North Half of Lot 8 Lot 26

Parcel Identification Number: 48.0228.000

Owner Name: Tim Stachowski

Address: 500 SE 3rd St - PO Box 408 (Mailing)

City, State and Zip: Little Falls MN 56345

Applicant (if other than owner): Gary Stachowski

Address: 500 SE 3rd St PO Box 408 - Mailing

City, State and Zip: Little Falls MN 56345 Little Falls

Type of Request: Rezoning Variance Conditional Use Other

Description of Request: new Attached Garage

Reason for Request: Need more room Make property look nicer

Present Zoning Classification: R1

Existing Use of Property: Residential

Existing Use and Zoning of the Surrounding Area (two blocks): Residential

Has a request for a variance, special use permit or rezoning on the subject site, or any part thereof, been previously sought? Yes No If yes, when _____

Signature of Applicant(s): Ray L. Lantieri

Date: 7-24-17

I am the legal fee owner of the property described on this application and I consent to this application

Signature of owner(s): Ray L. Lantieri

Approved: _____ Denied: _____ by the Planning Commission on: _____
Date

Approved: _____ Denied: _____ by the City Council on: _____
Date

Mailing Address: City of Little Falls P O Box 244 Little Falls MN 56345-0244

INSTRUCTIONS TO THE APPLICANT:

Completed applications, with **all** submittal requirements, must be submitted to the Planning and Zoning Department no fewer than 25 days prior to the Planning Commission meeting date. The City may omit or remove unrelated information requirements depending on the type of application request. In order for your application to be accepted as complete and to have a public hearing scheduled, a copy of plans and graphics must be submitted on 11" X 17" paper or less and the following information provided:

- _____ 1. This application must be completed, including responses to all parts of this application. Be sure the applicant and/or property owner signs the application.
- _____ 2. The required fee must be paid (see fee schedule).
- _____ 3. A map showing the location of the proposed site, scale to be not less than 1" = 300'.
- _____ 4. A scaled plot plan with north indicated, showing parcel lot lines, location and setbacks of all existing and proposed structures, water features and contour lines.
- _____ 5. The plot plan should also show the existing structure dimensions and their square footage. Include all buildings and structures within 300' of the proposed site.
- _____ 6. Elevation plans for all existing and proposed structures.
- _____ 7. Location and size of all required parking. Include existing and proposed curb cuts; driveways; across roads; turn-arounds; parking, including recreational vehicles, boat and additional storage; off-street loading; and sidewalks.
- _____ 8. Proposed landscaping and screening plans: a) garbage dumpsters; b) areas preserved in natural state, including buffer areas; c) areas to be developed in lawn (grass); d) areas to be covered by woodchips or mulch; e) garden areas; f) shrubbery with types, size, age and number of proposed trees and their location; g) exterior lighting to be proposed including location and type; and h) any other items deemed appropriate.
- _____ 9. Square footage of all impervious coverage. Impervious coverage includes the horizontal area of all buildings, decks, roof overhangs, patios, walks, driveways, and any other parking areas and drives constructed of any material.
- _____ 10. Proposed storm water drainage plan.
- _____ 11. Proposed and existing sanitary sewer and water supply plans.
- _____ 12. Approximate location of any proposed signs, if applicable.
- _____ 13. All types of proposed uses and outside storage proposal.

The following questions must be answered.

1. What changes are you proposing to make to this property?

Building: _____

Landscaping: _____

Parking/Signs: _____

2. Describe the character of the area and the existing patterns and use of development in the area. How is the proposal consistent with those patterns and uses?

ALL Residential

3. Describe the impact on the character of the neighborhood in which the property is located.

NO Change to Character

4. Describe the impact to the traffic on roads and highways in the vicinity, and the expected traffic generated by the proposed use. Is there adequate off-street parking available to accommodate the proposal?

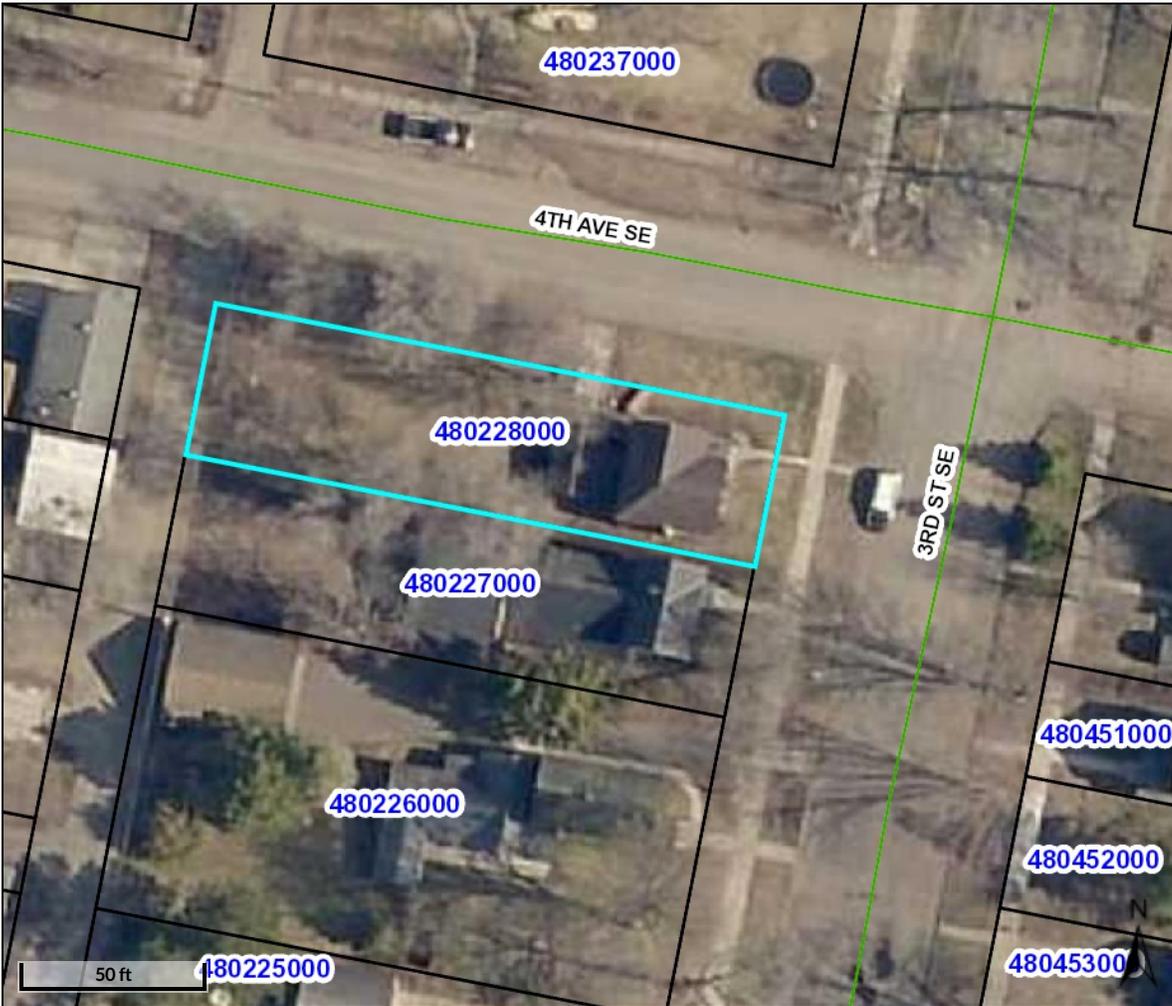
None

5. What part of the City's Zoning Ordinance creates an undue hardship to the property in question? What is the undue hardship that prevents the land to be used in a reasonable way? (See City Code Chapter 11, Section 11.04, Subdivision 3, Paragraph C. through I., to define "undue hardship")

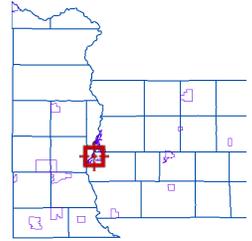
Have A narrow lot,

Use other side of page if necessary.

Mailing Address: City of Little Falls P O Box 244 Little Falls MN 56345-0244



Overview



Legend

-  Parcels
-  Road Centerlines
- Streams**
-  <all other values>
-  Protected Stream
-  Protected Stream/County Ditch
-  Original Path
-  County Ditch
-  Protected Ditch
-  Protected Ditch/County Ditch

Parcel ID	480228000	Alternate ID	n/a	Owner Address	TIMOTHY STACHOWSKI REALTY LLC 204 NOTTING HILL DR PERRY GA 31069
Sec/Twp/Rng	n/a	Class	4BB-Residential Non-Homestead SFD		
Property Address	500 3RD ST SE LITTLE FALLS MN 56345	Acreage	n/a		
District	LITTLE FALLS EAST-#482-HRA				
Brief Tax Description	ORIGINAL PLAT LITTLE FALLS Lot 008 Block 026 of ORIGINAL PLAT LITTLE FALLS N1/2 OF LOT 8 BLK 26 (Note: Not to be used on legal documents)				

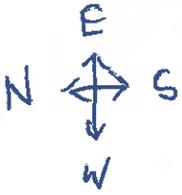
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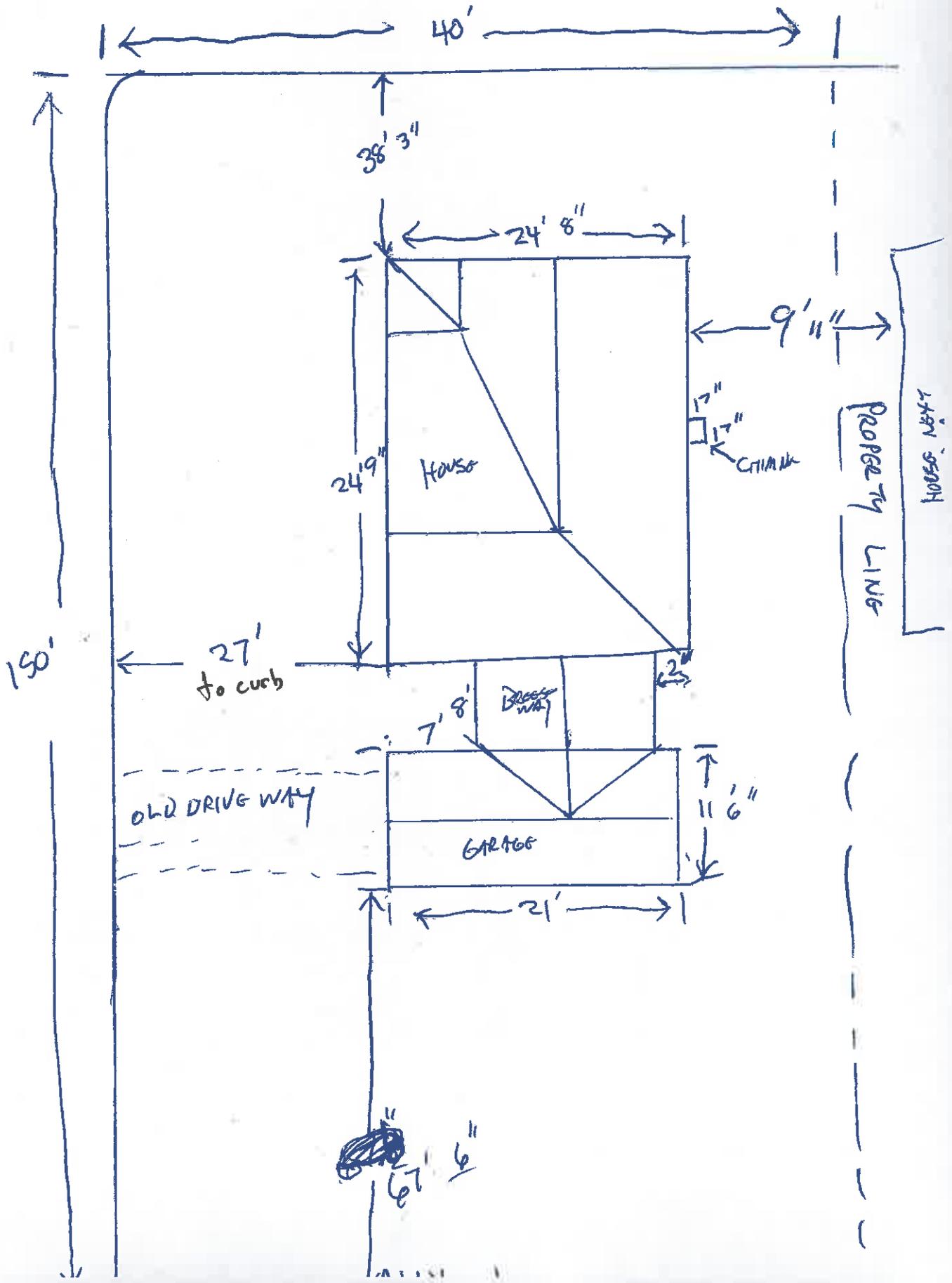
Date created: 8/9/2017
Last Data Uploaded: 8/9/2017 4:13:02 AM

ORIGINAL

3 ST SE

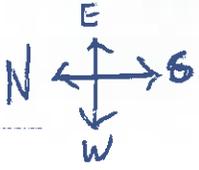


4TH AVE SE

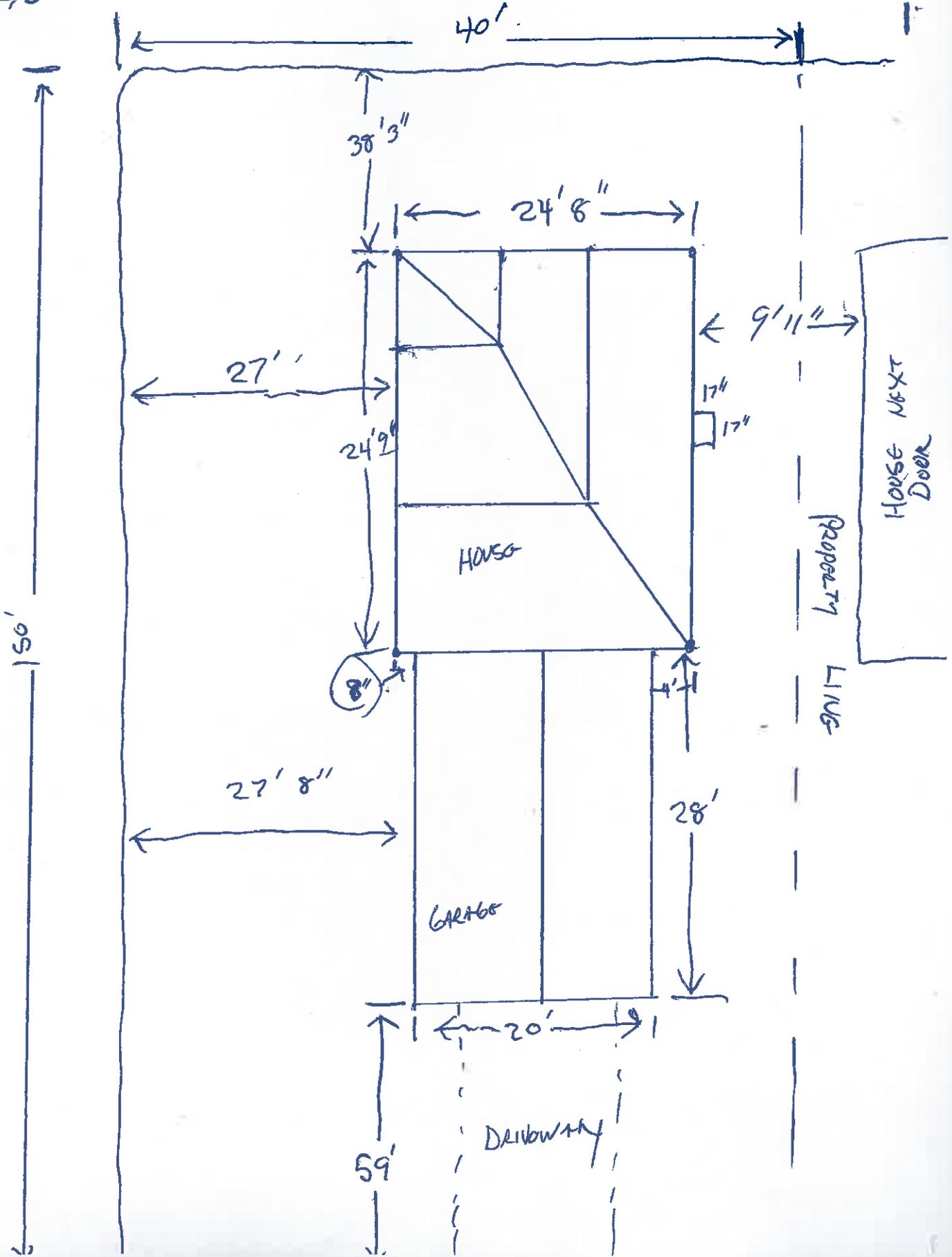


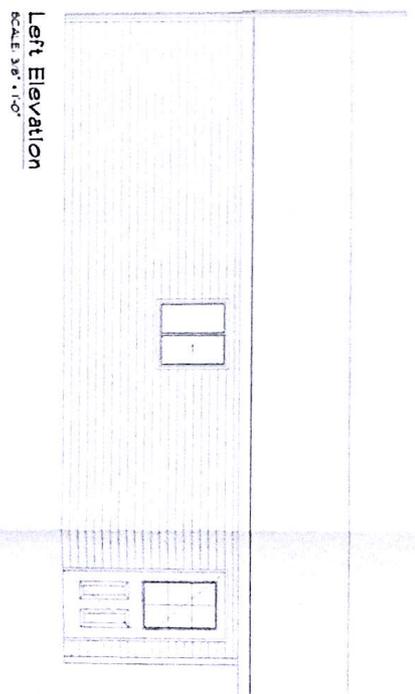
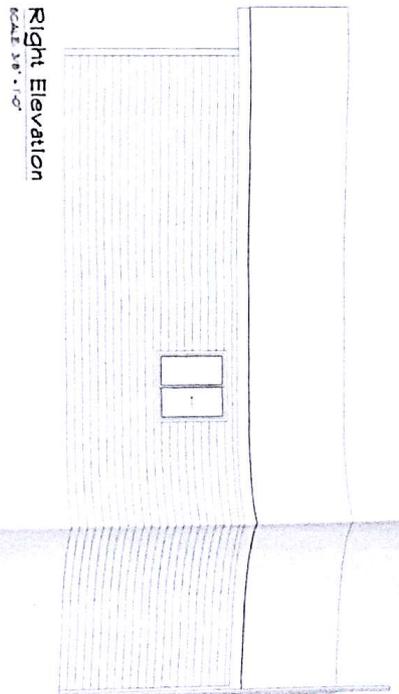
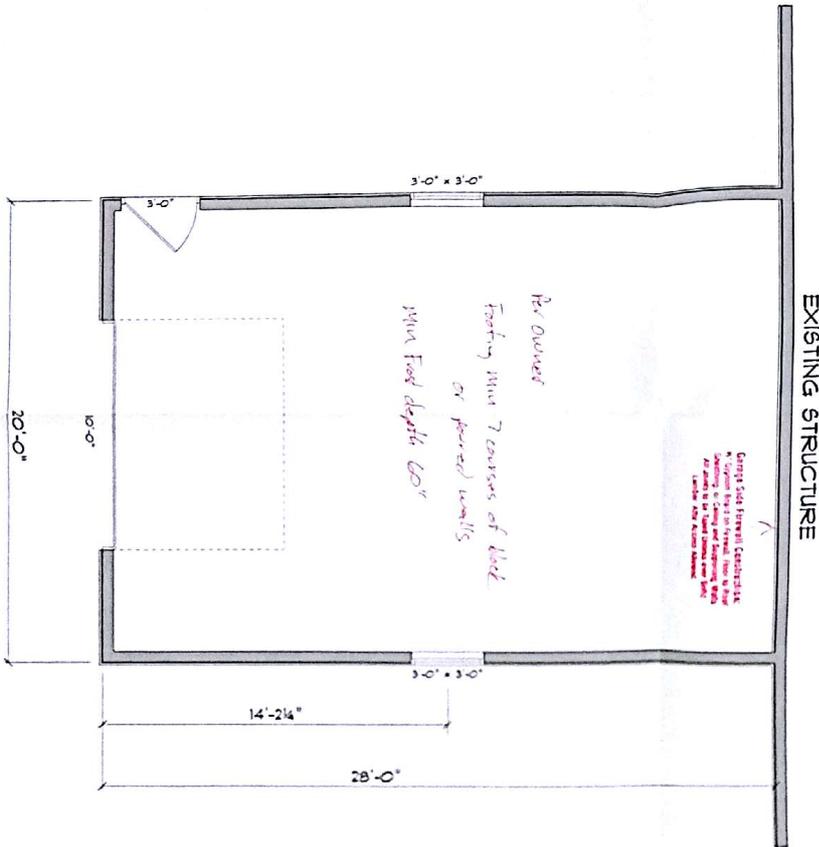
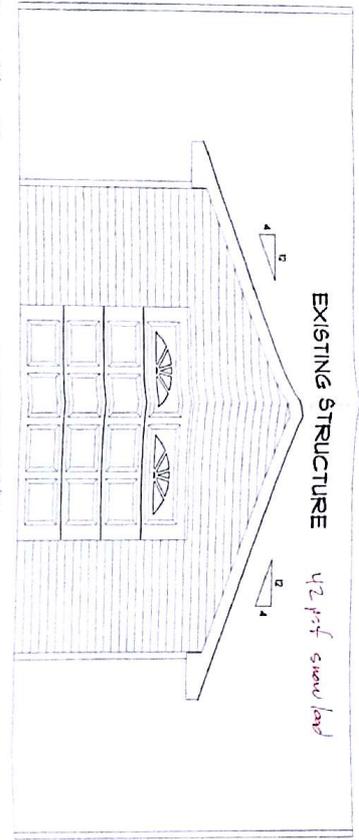
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REVIEWED FOR CODE COMPLIANCE
PLAN CHECKED BY: J.C. ZOTTI, DATE: 08/23/2017

DATE DRAWN: 7/16/17	DESIGNER: [Signature]
DRAWN BY: BSC	CHECKED BY: [Signature]
SCALE: 3/8" = 1'-0"	TITLE: BLDG PLAN

REVISIONS TO BE APPROVED BY THE ARCHITECT UNDER WRITING OF THESE PLANS AND SPECIFICATIONS AND SHALL BE PRINTED AND REPRODUCED FROM THE ORIGINAL DRAWING. THERE IS NO WARRANTY OR LIABILITY FOR ANY ERRORS OR OMISSIONS IN THESE PLANS OR SPECIFICATIONS AND CONSTRUCTION.

Gary Stachowski

PAGE 1

GARAGE

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Build your dream.

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PHONE: 320-468-2779

STAFF REPORT

Application: Amendments to the official City of Little Falls zoning map and Chapter 11.05 (Zoning Districts and Map) of the Little Falls City Code. The purpose of the amendments are to rezone all properties which are currently zoned PUD-CH (Planned Unit Development – Country Homes) to R-1C (Country Homes, One- and Two- Family Residential District) and to eliminate PUD-CH as a zoning district. A total of approximately 81 properties are proposed for rezoning and a map of these properties is available for public inspection at least ten days prior to the public hearing at Little Falls City Hall during normal business hours.

Applicant: City of Little Falls Planning Commission

Background Information:

) **Proposal:** Last month, the Planning Commission held a public hearing regarding a number of proposed rezonings across the city in an effort to simplify the regulation of uses within each of the city's zoning districts and to eliminate current zoning districts that were deemed unnecessary.

The current proposal is to add another zoning district to those that would be eliminated – the PUD-CH (Planned unit development – country homes) zoning district. This district is regulated essentially the same as that of the R-1C (Country Homes, One- and Two-Family Residential District) and as such is proposed to be rezoned into R-1C.

The public hearing is for the purpose of reviewing the proposed rezoning of properties only. A public hearing has already been held regarding the specific regulations that would apply within each zoning district, with a recommendation for approval (with a few changes) already made to 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 rezonings, some of the proposed rezonings 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. None of the callers has expressed opposition after learning of the intent. Concerns expressed were whether the rezoning would allow for a particular large development or apartment/multi-family residential.

Legend

Zoning

- R-1
- R-1C
- R-2
- R-3
- R-4
- PUD-CH
- B-1 DOWNTOWN
- B-2 LIGHT ASSEMBLY
- I

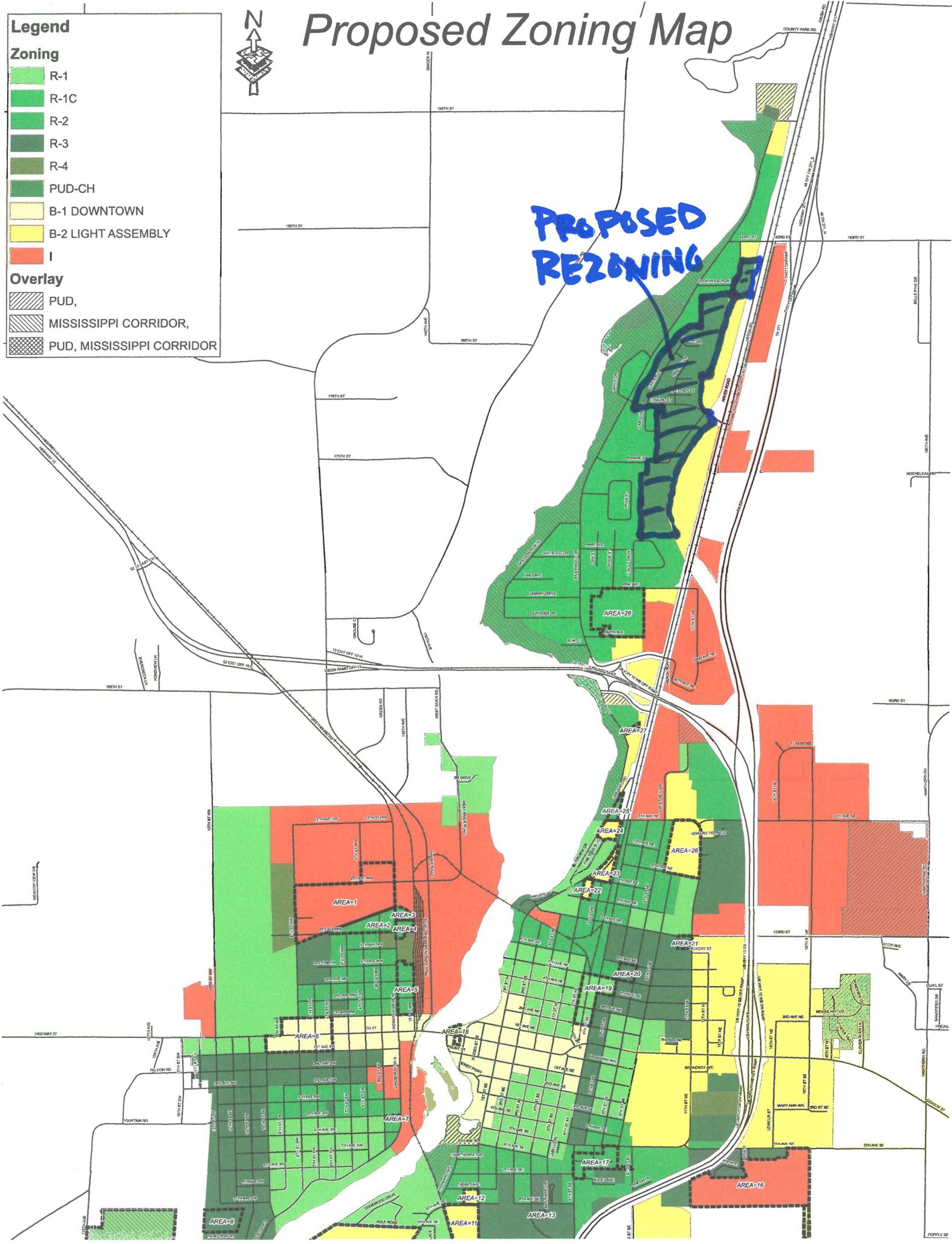
Overlay

- PUD,
- MISSISSIPPI CORRIDOR,
- PUD, MISSISSIPPI CORRIDOR



Proposed Zoning Map

PROPOSED REZONING



STAFF REPORT

Application: Amendment to Chapter 5.30 (Sign Regulations) of the Little Falls City Code. The purpose of the amendment would be to correct references to zoning districts which have separately been proposed for renaming and/or elimination. A full copy of the proposed amendments will be available for public inspection at least ten days prior to the public hearing at Little Falls City Hall during normal business hours.

Applicant: City of Little Falls Planning Commission

Background Information:

) **Proposal:** Several months ago, the Planning Commission held a public hearing regarding a comprehensive update to Chapter 11 of the City Code regarding zoning regulations. Those changes, as recommended to the City Council, would eliminate several zoning districts from the City Code.

Chapter 5.30 of the City Code regulates signs and in a number of places references zoning districts that would be eliminated under the proposed amendments to Chapter 11. In order to assure that the sign ordinances match up with the zoning regulations in terms of the names and types of zoning districts, the attached amendments are proposed.

Applicable Statutes/Ordinances:

Little Falls City Code

11.04: ADMINISTRATION AND ENFORCEMENT

E. Amendments:

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

1. Staff has not received any verbal or written comments regarding the proposed amendments at the writing of this staff report. Any that are received prior to the hearing will be presented to the Planning Commission at that time.

5.30: SIGN REGULATIONS:

A. Findings, Purpose, Effect And Definitions:

1. Findings: The city council hereby finds as follows:

a. Exterior signs have a substantial impact on the character and quality of the environment.

b. Signs provide an important medium through which individuals may convey a variety of messages.

c. Signs can create traffic hazards, aesthetic concerns and detriments to property values, thereby threatening the public health, safety and welfare.

d. The city's zoning regulations have included the regulation of signs in an effort to provide adequate means of expression and to promote the economic viability of the business community, while protecting the city and its citizens from a proliferation of signs of a type, size, location and character that would adversely impact upon the aesthetics of the community and threaten the health, safety and welfare of the community. The regulations of the physical characteristics of signs within the city have had a positive impact on traffic safety and the appearance of the community.

2. Purpose And Intent: It is not the purpose or intent of this section to regulate the message displayed on any sign; nor is it the purpose or intent of this section to regulate any building design or any display not defined as a sign, or any sign which cannot be viewed from outside a building. The purpose and intent of this section is to:

a. Regulate the number, location, size, type, illumination and other physical characteristics of signs within the city in order to promote the public health, safety and welfare.

b. Maintain, enhance and improve the aesthetic environment of the city by preventing visual clutter that is harmful to the appearance of the community.

c. Improve the visual appearance of the city while providing for effective means of communication, consistent with constitutional guarantees and the city's goals of public safety and aesthetics.

d. Provide for fair and consistent enforcement of the sign regulations set forth herein under the zoning authority of the city.

3. Effect: A sign may be erected, mounted, displayed or maintained in the city if it is in conformance with the provisions of these regulations. The effect of this section, as more specifically set forth herein, is to:

a. Allow a wide variety of sign types in commercial zones, and a more limited variety of signs in other zones, subject to the standards set forth in this section.

b. Allow certain small, unobtrusive signs incidental to the principal use of a site in all zones when in compliance with the requirements of this section or when required by federal, state or local law.

c. Prohibit signs whose location, size, type, illumination or other physical characteristics negatively affect the environment and where the communication can be accomplished by means having a lesser impact on the environment and the public health, safety and welfare.

d. Provide for the enforcement of the provisions of this section.

4. Severability: If any subsection, sentence, clause, or phrase of this section is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this section. The city council hereby declares that it would have adopted this section in each subsection, sentence, or phrase thereof, irrespective of the fact that any one or more subsections, sentences, clauses, or phrases be declared invalid.

5. Definitions: The following words and terms, when used in this section, shall have the following meanings, unless the context clearly indicates otherwise:

A-FRAME SIGN: A movable freestanding sign hinged at the top, or attached in a way that forms a shape similar to the letter "A" when viewed from the side. Also known as a sandwich board. This would also include a springboard sign.

ABANDONED SIGN: Any sign and/or its supporting sign structure which has been removed or whose display surface remains blank for a period of one year or more. Signs applicable to a business temporarily suspended because of a change in ownership or management of such business shall not be deemed abandoned unless the property remains vacant for a period of one year or more. Any sign remaining after demolition of a principal structure shall be deemed to be abandoned. Signs which are present because of being legally established nonconforming signs or signs which have required a conditional use permit or a variance shall also be subject to the definition of abandoned sign.

AWNING: A rooflike cover, often of fabric, plastic, metal or glass designed and intended for protection from the weather or as a decorative embellishment and which projects from a wall or roof of a structure primarily over a window, walk or the like. Any part of an awning, which also projects over a door, shall be counted as an awning.

AWNING SIGN: A building sign or graphic printed on or in some fashion attached directly to the awning material.

BALLOON SIGN: A sign consisting of a bag made of lightweight material supported by helium, hot or pressurized air which is greater than twenty four inches (24") in diameter.

BANNER: A sign constructed of cloth, paper, plastic or other material upon which copy is written and supported either between poles or fastened to buildings or other structures and that is supported or anchored on two or more edges or at three or more corners. Banners also include such signs which are anchored along one edge, or two corners, with weights installed that substantially reduce the reaction of the sign to wind.

BENCH SIGN: A sign located on any part of the surface of a bench or a similar type of outdoor furniture or seating, placed usually on or adjacent to a public right of way.

BUILDING: Any structure used or intended for supporting or sheltering any use or occupancy.

BUILDING SIGN: Any sign attached to or supported by any structure used or intended for supporting or sheltering any use or occupancy.

BUSINESS: Any occupation, employment or enterprise wherein merchandise is exhibited or sold, or where services are offered for compensation.

BUSINESS DISTRICT: Any district zoned primarily for business use as identified on the City of Little Falls Official Zoning Map.

CANOPY: A rooflike cover, often of fabric, plastic, metal, or glass on a support, which provides shelter over a doorway.

CANOPY SIGN: Any sign that is a part of or attached to a canopy, made of fabric, plastic, or structural protective cover over a door or entrance. A canopy sign is not a marquee and is different from service area canopy signs.

COMMERCIAL SPEECH: Speech advertising a business, profession, commodity, service or entertainment.

CONSTRUCTION SIGN: A temporary sign erected on the premises on which construction is taking place, during the period of such construction, indicating the names of the architects, engineers, landscape architects, contractors or similar artisans, and/or the owners, financial supporters, sponsors, and similar individuals or firms having a role or interest with respect to the structure or project.

DIRECTIONAL SIGN: A sign which exclusively contains language that is intended to facilitate the safe movement of pedestrians and vehicles into, out of and around the site on which the sign is located.

DISPLAY SURFACE: The area made available by the sign structure for the purpose of displaying the advertising or other commercial or noncommercial message.

ELECTRICAL SIGN: A sign that is powered by electricity.

ELECTRONIC MESSAGE DISPLAY (EMD): A sign capable of displaying words, symbols, figures, or images that can be electronically or mechanically changed by remote or automatic means.

ELEVATION: The view of the side, front or rear of a given structure(s).

ERECT: Activity of constructing, building, raising, assembling, placing, affixing, attaching, creating, painting, drawing, engraving or any other way of bringing into being or establishing.

EXTERIOR SIGN: A sign on the outside of a building, structure or outdoor display area.

FLAG: Any fabric or similar lightweight material attached at one edge or no more than two corners of the material, usually to a staff or pole, so as to allow movement of the material by atmospheric changes and which contains distinctive colors, patterns, symbols, emblems, insignia, or other symbolic devices or text. If any dimension of a flag is more than three times as long as any other dimension, it shall be regulated as a banner for the purposes of this ordinance.

FLASHING SIGN: A directly or indirectly illuminated sign, which exhibits changing light or color effect by any means, so as to provide intermittent illumination, which includes the illusion of intermittent flashing light by means of animation. Also any mode of lighting, which resembles zooming, twinkling, or sparkling.

FREESTANDING SIGN: Any sign, which has supporting framework that is placed on, or anchored in, the ground and which is independent from any building or other structure.

FRONT FOOT: The measurement of the frontage of a lot abutting a public street. In cases where a lot abuts two (2) public streets, the longest side of the lot will be used in determining the front footage of a lot.

FRONTAGE: The line of contact of a property with the public right of way.

GRADE: Shall be construed to be the final ground elevation after construction. Earth mounding for landscaping, berming and/or screening is not part of the final grade for sign height computation.

GROUND SIGN: Any freestanding sign with its sign face mounted on the ground or mounted on a base at least as wide as the sign and which has a total height not exceeding eight feet (8').

HEIGHT OF SIGN: The height of the sign, for freestanding signs, shall be computed as the vertical distance measured from the base of the sign at normal grade to the top of the highest attached component of the sign. For signs attached to buildings, the height shall be measured from the lowest attached component of the sign to the highest attached component.

ILLUMINATED SIGN: Any sign illuminated by a source of light which is directly cast upon the

exterior surface or face of the sign and intended to illuminate the sign by reflection or which is illuminated from within or behind the sign so as to reflect or emanate light through the sign.

INDUSTRIAL DISTRICT: Any district zoned for industrial use.

INTERIOR SIGN: A sign which is located within the interior of any building, or within an enclosed lobby or court of any building.

ISSUING AUTHORITY: The city of Little Falls.

LEGALLY ESTABLISHED NONCONFORMING SIGN: Any sign and its support structure lawfully erected prior to the effective date hereof which fails to conform to the requirements of this section. A sign which was erected in accordance with a variance granted prior to the adoption of this section and which does not comply with this section shall be deemed to be a legal nonconforming sign. A sign which was unlawfully erected shall be deemed to be an illegal sign.

MARQUEE: Any permanent rooflike structure projecting beyond a theater building or extending along and projecting beyond the wall of that building, generally designed and constructed to provide protection from the weather.

MARQUEE SIGN: Any building sign painted, mounted, constructed or attached in any manner, on a marquee.

MONUMENT SIGN: Any freestanding sign with its sign face mounted on the ground or mounted on a base at least as wide as the sign and which has a height exceeding eight feet (8'), subject to height limitations of the zoning district in which it is located.

MURAL: An image painted or applied on the exterior of a building wall(s) or other permanent structure and for which no more than five (5) percent of the total area covered by the mural, or 100 square feet (whichever is less), consists of text.

NONCOMMERCIAL SPEECH: Dissemination of message not classified as commercial speech which include, but are not limited to, messages concerning political, religious, social, ideological, public service and informational topics.

NONCONFORMING SIGN: A sign which is lawfully existing on the effective date hereof, but does not conform to this section.

PARAPET (WALL): That portion of a building wall that rises above the roof level.

PENNANTS: Pieces of cloth, paper, plastic or similar material intended to be individually supported or attached to each other by means of rope, string or other material, and intended to be hung on buildings or other structures or between poles, and does not include any written or

graphical, or other form of copy.

PORTABLE SIGN: Any sign which is manifestly designed to be transported, including by trailer or on its own wheels, even though the wheels of such sign may be removed and the remaining chassis or support is converted to another sign or attached temporarily or permanently to the ground since this characteristic is based on the design of such a sign. A sign mounted on a vehicle identifying a business when the vehicle is being used in the normal day to day operation of that business is not subject to the regulations set forth in this section.

PRINCIPAL BUILDING: The building in which the principal primary use of the property, which may contain one or more lots is conducted. Buildings with multiple principal uses shall not constitute multiple principal buildings (i.e., 3 separate uses in a building is equal to 1 building). Storage buildings, garages, and other clearly accessory buildings shall not be considered principal buildings.

PRINCIPAL ENTRANCE: The main doorways, lobby, or access leading or entering into a building or structure.

PROPERTY: Any lot or parcel of land which has been legally created and has been assigned a separate parcel identification number.

PUBLIC ROADWAY RIGHT OF WAY: The right of way for a public roadway.

PYLON SIGN: Any freestanding sign which has its supportive structure(s) anchored in the ground and which has a sign face elevated above ground level by pole(s) or beam(s) and with the area below the sign face open.

RESIDENTIAL DISTRICT: Any district zoned for residential uses.

RESIDENTIAL PROPERTY: A piece of land or real estate, consisting of one or more lots or parcels, where a residential dwelling and its associated accessory buildings or structures are located.

ROOF: The exterior surface and its supporting structure on the top of a building or structure makeup of which conforms to the roof structures, roof construction and roof covering sections of the state adopted building code.

ROOF SIGN: Any sign erected and constructed wholly on and above the roof or parapet of a building or structure, supported by the roof structure, and extending vertically above the highest portion of the roof.

SETBACK, FRONT: The minimum horizontal distance permitted between the public right of way and a structure on the premises. In instances in which a property fronts on more than one street, front setbacks are required on all street frontages.

SETBACK, REAR: The minimum horizontal distance permitted between the property line opposite the principal street frontage and a structure on the premises.

SETBACK, SIDE: The minimum horizontal distance permitted between the side lot line and a structure on the premises.

SHIMMERING SIGNS: A sign which reflects an oscillating sometimes distorted visual image.

SIGN: Any letter, word or symbol, poster, picture, reading matter or representation in the nature of advertisement, announcement, message or visual communication, other than a "flag" or "mural" as defined in this section whether painted, posted, printed, affixed, engraved or constructed, including all associated brackets, braces, supports, wires, and structures, which is displayed for informational or communicative purposes.

SIGN FACE: The surface of the sign upon, against, or through which the message of the sign is exhibited.

SIGN STRUCTURE: Any structure including the supports, uprights, bracing and framework which supports or is capable of supporting any sign.

SITE: A plot or parcel of land, or combination of contiguous lots or parcels of land, which are intended, designated, and/or approved to function as an integrated unit.

SPRINGBOARD: See definition of A-Frame Sign.

TOTAL SITE SIGNAGE: The maximum combined area of all signs allowed on a specific property.

VISIBLE: Capable of being seen by a person of normal visual acuity (whether legible or not) without visual aid.

WALL: Any structure which defines the exterior boundaries or courts of a building or structure and which has a slope of sixty degrees (60°) or greater with the horizontal plane.

WALL SIGN: Any building sign attached parallel to, but within two feet (2') of a wall, painted on the wall surface of, or erected and confined within the limits of an outside wall of any building or structure, which is supported by such wall or building, and which displays only one sign surface.

B. Administration:

1. Permit Application: No sign whose highest attached part is greater than seven (7) feet above the nearest adjacent ground surface, except as otherwise specified herein, shall be erected,

altered, reconstructed, maintained or moved in the city without first securing a permit from the city. On any residentially zoned property, illuminated signs may be allowed for up to 45 consecutive days in any 12 month period only after securing a permit from the city. Lighting associated with such signs shall be rated at no greater than 900 lumens (approximately equivalent to a 60 watt incandescent lightbulb) and must be diffused or shielded so as to prevent direct viewing from adjacent properties or the public right-of-way. Such signs may be permitted to be flashing, provided the flashing does not occur more frequently than once per 0.5 seconds. The content of the sign shall not be reviewed or considered in determining whether to approve or deny a sign permit. Applications for a permit may be for specific signs or may be in the form of an overall signage plan for the property and shall be in writing addressed to the issuing authority on a form provided by the City.

If the proposed sign(s) is along a state trunk highway or interstate highway, the applicant may be required to provide proof that the applicant has obtained a permit from the State of Minnesota for the sign(s); and

The issuing authority shall approve or deny the sign permit in an expedited manner consistent with the timelines required in MN Statutes 15.99, or successor statute.

2. Permit Exemptions: The following signs shall be exempt from the requirements of this section. These exemptions, however, shall not be construed as relieving the owner of the sign from the responsibility of its erection and maintenance, and its compliance with the provisions of this section or any other law or ordinance relating to maintenance, repair and removal.

a. Individual signs not exceeding one-half (0.5) square feet in any zoning district. Such signage shall not be counted against any overall square footage requirement applicable to a property.

b. Individual signs, in the R-3, B-1, B-2, ~~B-3~~, or I-1 ~~or I-2~~ zoning district, or located on public property with the approval of the appropriate public agency or body, which are:

1. Located no closer than the 100 feet to the edge or curb of any road within a public roadway right-of-way:

AND

2. Not greater than three (3) square feet in size and with any letters or numbers not greater than six (6) inches in height; or

3. Not greater than six (6) square feet in size and with any letters or numbers not greater than three (3) inches in height.

c. Signs erected within a public road right-of-way that are approved by the governmental agency with authority over the right-of-way.

d. The changing of the display surface on a sign(s), or complete replacement of a sign(s), when such change or replacement would be consistent with a previously issued permit or a sign considered to be a legal nonconformity and would not require compliance with applicable building codes, unless such sign(s) has been deemed abandoned.

e. Flags, subject to the following (any flags in excess of these amounts shall be regulated as a sign):

Zoning District	Maximum size, any one flag	Maximum size, cumulative per site
B-1, B-2, B-3 , I-1, I-3	300 sq ft, 600 sq ft with conditional use permit.	None
All other zoning districts	40 sq ft	50 sq ft

f. Interior signs.

g. Signs which are integrally attached to or part of:

1. waste roll-offs, dumpsters, garbage cans, portable storage units or other similar equipment owned and maintained by a commercial business for the purpose of waste collection or temporary storage;
2. personal property or motor vehicles such as, but not limited to, passenger vehicles, snowmobiles, all-terrain vehicles, trucks, semi-tractors and trailers, recreational vehicles, fish houses, boats, boat lifts, and trailers;
3. construction materials or equipment.

h. Signs which are affixed on city owned property which have been approved by the City Council or their designee.

i. Murals located on a building used primarily for commercial or industrial purposes which are maintained by the property owner or his/her designee.

j. Signs which are affixed on property owned by a county, state or federal governmental body or a public school district unless specifically prohibited by this ordinance.

k. Signs required by law.

1. Headstones, gravestones, gravemarkers or other similar signs attached to, or adjacent to, a burial plot, columbarium, mausoleum or the like.

3. Fees: Sign permit fees shall be established by resolution of the city council.

4. Repairs: Any sign located in the city which may now be or hereafter become out of order, rotten or unsafe, and every sign which shall hereafter be erected, altered, resurfaced, reconstructed or moved contrary to the provisions of this section, shall be removed or otherwise properly secured in accordance with the terms of this section by the owners thereof or by the owners of the grounds on which said sign shall stand, upon receipt of proper notice so to do, given by the issuing authority. No rotten or other unsafe sign shall be repaired or rebuilt except in accordance with the provisions of this section and upon a permit issued by the issuing authority.

5. Removal: Signs which may be or may hereafter become rotted, unsafe or unsightly shall be repaired or removed by the owner or lessee of the property upon which the sign stands upon reasonable notice by the city. The owner, lessee or manager of any sign that contacts the ground and the owner of the land on which the same is located shall keep grass, weeds and other growth cut and shall remove all debris and rubbish from the area beneath the sign. If the owner, lessee or manager of the property fails to act in accordance with this paragraph, the city may seek injunctive relief through a motion for summary enforcement, or obtain an administrative search and seizure warrant for removal of the sign in question. All costs incurred for removal may be charged to the owner of the sign and/or property owner and if unpaid, certified to the Morrison County auditor as a lien against the property on which the sign was located.

C. Violations:

1. Violations; Separate Offense: (See section [5.99](#) of this chapter.) Each day that the violation continues shall constitute a separate offense.

D. General Provisions:

1. Size: No individual sign shall exceed three hundred (300) square feet in area. A-frame signs shall not exceed four feet (4') in height and two feet (2') in width. All signs on the property shall be included in the square footage measurement with the exception of A-frame signs and signs otherwise exempted by this ordinance. There shall be no more than one A-frame sign allowed per principal building. Any A-frame or directional signs placed on public roadway right of way shall require the owner of the sign to provide insurance to the city in an amount and in such form as required by this code.

2. Regulations:

a. General: Except as hereinafter provided, no signs shall be erected or maintained at any angle to a building or structure which sign extends or projects over the street or highway. No sign shall be erected or maintained at any angle to a building or structure which sign extends or projects over the alleyway more than four feet (4') and shall be a minimum of seventeen feet (17') above the ground. No sign shall be erected or maintained at any angle to a building or structure which sign shall extend or project more than five feet (5') over the sidewalk and shall be a minimum of ten feet (10') from the ground.

b. Exceptions: The provisions of this subsection do not prohibit:

(1) The erection and maintenance of signs, either illuminated or nonilluminated, which are on the sides of a marquee which are firmly attached to and a part of a theater or other building,

providing such signs are an integral part of the marquee and do not project above or below the marquee; or

(2) The erection and maintenance of signs, not illuminated, which are attached to the marquee and which do not project more than sixteen inches (16") above the marquee; or

(3) Traffic, directional, parking and snow removal signs erected by governmental authority.

3. Below Marquee: No sign, either illuminated or nonilluminated, may project below a marquee.

4. Electrical Signs: Electrical signs must be installed in accordance with the current electrical code and all necessary electrical and building permits must be obtained prior to placement.

5. Unauthorized Signs: The following signs are unauthorized signs:

b. Any sign, signal, marking or device which purports to be or is an imitation of or resembles any official traffic control device or railroad sign or signal, or emergency vehicle signal, or which attempts to direct the movement of traffic or which hides from view or interferes with the effectiveness of any official traffic control device, roadway, intersection or any railroad sign or signal.

c. Bench signs, except as provided by section [5.33](#) of this chapter.

d. Roof signs.

e. Signs painted, attached, engraved, etched or in any other manner affixed to public utility poles, bridges, towers, streetlights, or similar public structures except as otherwise provided herein.

6. Setbacks: Signs shall conform to building yard regulations for the zoning district in which the signs are located, except as otherwise specified in this section. Setbacks shall be measured to the outermost portion of the sign.

	Residential	B-1	B-2	B-3	Industrial
Front yard lot line	5'	10'	<u>10'</u>	10'	10'
Side yard lot line	5'	10'	<u>10'</u>	10'	10'
Rear yard lot line	5'	10'	<u>10'</u>	10'	10'
Rear yard lot line abutting R district	n/a	10'	10'	10'	20'

7. Area: The area within the frame shall be used to calculate the square footage except that the width of a frame exceeding twelve inches (12") shall constitute sign face, and if such letters or graphics be mounted directly on a wall or fascia or in such way as to be without a frame, the dimensions for calculating the square footage shall be the area extending six inches (6") beyond the periphery formed around such letters or graphics in a plane figure bounded by straight lines connecting the outermost points thereof, unless exact dimensions can be provided by the applicant. Symbols, pictures, wording, figures or other forms of graphics painted on or attached to walls, awnings, freestanding structures, or suspended by balloons are considered a sign and are included in calculating the overall square footage. The area of a sign with more than one visible sign face will be calculated as the sum of the area of each sign face divided by two (2).

8. Canopies, Marquees And Fixed Awnings: Canopies, marquees and fixed awnings are an integral part of the structure to which they are attached. They are allowed in the business and industrial districts if they meet the following requirements and the applicable square footage requirements:

a. An awning, canopy or marquee may not project into the public right of way nearer than thirty inches (30") to the roadway curb or curb line;

b. Awnings, may have no part of the structure other than supports nearer the ground surface than seven feet (7');

c. The architectural style of the awning, canopy or marquee may be consistent with the building being served;

d. Awnings, canopy or marquees projecting into the required yards may not be enclosed except with a transparent material permitting through vision; and

e. Awnings, canopies or marquees built over the public right of way must be included in a liability insurance policy holding the city free of all responsibility.

9. Illumination: External illumination for signs shall be constructed and maintained so that the source of light is not visible from the public right of way or residential property.

10. Retroactive Effect: This section shall apply to all sign applications applied for and/or pending prior to its enactment.

11. Noncommercial Speech: Notwithstanding any other provisions of this section, the noncommercial speech exemption provided by Minnesota Statutes section 211B.045 (or successor statute) is hereby incorporated by reference, which shall also include the period of time thirteen (13) weeks prior to any special election until ten (10) days following the special election.

E. Specific Regulations By Zoning District:

1. Residential Districts (two dwelling units or less): Within any residential zoning district, where a property contains two (2) dwelling units or less, non-exempt signs are allowed as follows (whether or not a permit is required):

- a) Maximum sign area for a single sign: 8 sq ft
- b) Cumulative maximum sign area for all non-exempt signs: 16 sq ft
- c) Maximum height of any sign: 4 ft

2. Residential Districts (three dwelling units or more): Within any residential zoning district, where a property contains three (3) or more dwelling units non-exempt signs are allowed as follows (whether or not a permit is required):

- a) Within 30 feet of a traveled public road right-of-way: One sign up to 32 sq ft in size, which may be externally illuminated, with a maximum height of 8 feet (properties which front upon more than one street may have up to one such sign per street frontage); and
- b) For all other signs not allowed under a) above:
 - a. Maximum height of any sign: 4 ft
 - b. Maximum sign area for a single sign: 8 sq ft
 - c. Cumulative maximum sign area per parcel:
 - i. Up to 80 ft frontage: 16 sq ft
 - ii. 81-150 ft frontage: 24 sq ft
 - iii. 151-300 ft frontage: 32 sq ft
 - iv. Greater than 300 ft frontage: 48 sq ft

The following types of signs are not permitted in residential zoning districts:

A-frame signs.

Awning signs.

Backlit awning signs.

Balloon signs.

Canopy signs.

Electronic message display signs.

Flashing signs.

Illuminated signs, except where specifically allowed.

Marquee signs.

Murals.

Portable signs.

Shimmering signs.

b3. Permitted Nonresidential Uses In Residential Districts: Within any residential zoning district, where a property contains legal nonresidential uses, non-exempt signs are allowed as follows (whether or not a permit is required):

Nonresidential Uses In Residential Zoning Districts	Maximum Sign Area Of Single Sign	Maximum Height	Cumulative Maximum Sign Area of All Non-Exempt Signs
R-1, R-1C, R-1.M (150' frontage or less)	32 sq. ft. per surface	8'	32 sq. ft.
R-2, R-2.M (150' frontage or less)	32 sq. ft. per surface	8'	32 sq. ft.
R-3, R-3.M, R-4 (150' frontage or less)	40 sq. ft. per surface	8'	40 sq. ft.
R-1, R-1C, R-1.M (150' - 300' frontage)	32 sq. ft. per surface	8'	40 sq. ft.
R-2, R-2.M (150' - 300' frontage)	32 sq. ft. per surface	8'	40 sq. ft.
R-3, R-3.M, R-4 (150' - 300' frontage)	40 sq. ft. per surface	10'	40 sq. ft.
R-1, R-1C, R-1.M (greater than 300' frontage)	40 sq. ft. per surface	8'	40 sq. ft.
R-2, R-2.M (greater than 300' frontage)	40 sq. ft. per surface	8'	40 sq. ft.
R-3, R-3.M, R-4 (greater than 300' frontage)	48 sq. ft. per surface	15'	100 sq. ft.

e4. Business Districts: Within any business zoning district, non-exempt signs are allowed as follows (whether or not a permit is required):

Business Zoning Districts	Maximum Sign Area Of Single Sign	Maximum Sign Height	Cumulative Maximum Sign Area of All Non-Exempt Signs
Limited business district B-1	100 sq. ft. per surface	15'	50 sq. ft. or 1 sq. ft. per front foot of property abutting a public right of way, whichever is greater.*
General business district B- 2 <u>1</u>	100 sq. ft. per surface	20'	50 sq. ft. or 2 sq. ft. per front foot of lot which abuts a public right of way, whichever is greater.*
Noncentral business district B- 3 <u>2</u>	300 sq. ft. per surface when attached flat against a building wall or when located within 100 feet of the right-of-way of US Highway 10 or MN State Highway 371. Otherwise, 150 sq ft per surface.-	30'	50 sq. ft. or 3 sq. ft. per front foot of lot which abuts a public right of way, whichever is greater, but not to exceed 1,200 sq. ft.*

* For buildings where more than two sides abut a public right of way or which can be accessed from a parking lot, seating area or secondary entrance available to customers on a side not abutting a public right of way, an additional 50 sq ft of signage shall be allowed beyond what would otherwise be allowed.

The following types of signs are not permitted in B-1 business zoning districts:

~~A-frame signs.~~

~~Awning signs.~~

~~Backlit awning signs.~~

~~Balloon signs.~~

~~Canopy signs.~~

Electronic message display signs.

~~Flashing signs.~~

~~Illuminated signs, except where specifically allowed.~~

~~Marquee signs.~~

~~Portable signs.~~

~~Shimmering signs.~~

The following types of signs are not permitted in B-2 zoning districts:

~~Electronic message display signs.~~

¶5. Industrial District: Within any industrial zoning district, non-exempt signs are allowed as follows (whether or not a permit is required):

Industrial Zoning Districts	Maximum Sign Area Of Single Sign	Maximum Sign Height	Cumulative Maximum Sign Area of All Non-Exempt Signs
Industrial light I-1	300 sq. ft. per surface	30'	4 sq. ft. per front foot of building plus 1 sq. ft. per front foot of property not occupied by the building
Industrial heavy I- 2 <u>1</u>	300 sq. ft. per surface when attached flat against a building wall or when located within 100 feet of the right-of-way of US Highway 10 or MN State Highway 371. Otherwise, 150 sq ft per surface.	30'	4 sq. ft. per front foot of building plus 1 sq. ft. per front foot of property not occupied by the building

F. Nonconforming Uses:

1. Nonconforming Signs, Compliance: It is recognized that signs exist within the zoning districts which were lawful before this section was enacted, or for which there are insufficient records to determine their lawfulness at the time they were erected, which would be prohibited, regulated or restricted under the terms of this section or future amendments. It is the intent of this section that nonconforming signs shall not be enlarged upon, expanded or extended, nor be used as grounds for adding other signs or uses prohibited elsewhere in the same district. It is further the intent of this section to permit legal nonconforming signs and signs for which there are insufficient records to determine their lawfulness at the time they were erected, existing on the effective date hereof; or amendments thereto, to continue as legal nonconforming signs provided such signs are safe, are maintained so as not to be unsightly, and have not been abandoned or removed subject to the following provisions:

- a. No sign shall be enlarged or altered in a way which increases its nonconformity.
- b. Should such sign or sign structure be destroyed by any means to an extent greater than fifty percent (50%) of its replacement cost and the sign is not replaced, or has not had a complete application submitted for a permit to replace the sign, within one hundred eighty (180) days of when the sign was damaged, it shall not be reconstructed except in conformity with the provisions of this section.
- c. Should such sign or sign structure be moved for any reason for any distance whatsoever, it shall thereafter conform to the regulations of the zoning district in which it is located after it is moved.
- d. No existing sign devoted to a use not permitted by the zoning code in the zoning district in which it is located shall be enlarged, extended or moved except in changing the sign to a sign permitted in the zoning district in which it is located.
- e. When a structure loses its nonconforming status all signs devoted to the structure shall be removed and all signs painted directly on the structure shall be repainted in a neutral color or a color which will harmonize with the structure.

G. Noncommercial Speech:

1. Substitution Clause: The owner of any sign which is otherwise allowed by this section may substitute noncommercial copy in lieu of any other commercial or noncommercial copy. This substitution of copy may be made without any additional approval or permitting. The purpose of this provision is to prevent any inadvertent favoring of commercial speech over noncommercial speech, or favoring of any particular noncommercial message over any other noncommercial message. The provision prevails over any more specific provision to the contrary.

H. Enforcement:

1. Administration: Provisions of this section shall be administered and enforced by the zoning administrator or his/her designee, who shall be appointed by the city council, and may have other municipal duties. His/her duties shall include, but not be limited to:
 - a. Determine that all sign permits comply with the terms of this section.
 - b. Conduct site inspections to determine compliance with the terms of this section.
 - c. Receive, file and forward all applications for appeals, variances, conditional uses, or other matters to the designated official bodies.

2. Appeals: The city council constitutes the board of appeals and shall determine, in harmony with the general purpose of this section and the city's comprehensive plan, by resolution, all appeals from any order, requirement, permit or decision made by the zoning administrator under this subsection, and from any interpretation of the text of this section.

At any time within forty five (45) days after the decision of the zoning administrator under the provisions of this section, except in connection with prosecutions for violations thereof, the applicant or other person or officer of the city affected thereby may appeal to the city council by filing a written notice stating the grounds appealed from and stating the specific grounds upon which the appeal is made. The city council will act upon the appeal within thirty (30) days of receipt of said notice. (Ord. 50, 6th Series, eff. 9-3-2013)