
CITY OF LITTLE FALLS

BOARD OF ADJUSTMENT/ PLANNING COMMISSION

December 11, 2017



AGENDA
PLANNING COMMISSION
 Conference Room, City Hall
 December 11, 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: December 11, 2017

APPROVAL OF MINUTES: November 13, 2017

PUBLIC HEARINGS:

- 1) Variance to construct an approximate 19' x 16' dwelling addition to the rear (south) of the existing dwelling approx. 4 feet from the east side lot line (min. 10 ft setback required) and 17 feet from the rear lot line (min. 35 ft required). Variance to construct an approximate 5' x 7' and 2' x 7' dwelling addition to the front (north) of the existing dwelling approx. 11 ft from the front lot line (min. 30 ft required).
 - a. Property Owner: Aaron and Becky Olson
 - b. Property address: 601 2nd St SE, Little Falls
 - c. Parcel number(s): 48.0205.000

- 2) After-the-fact variance to allow for a 6 ft tall fence (max 2.5 ft allowed) within approx. 6 feet of intersecting street right-of-way lines (min. 10 ft required).
 - a. Property Owner: Aaron and Becky Olson
 - b. Property address: 601 2nd St SE, Little Falls
 - c. Parcel number(s): 48.0205.000

- 3) Amendment to City Code, Chapters 7.18 (Skateboards, Scooters, Bicycles, In-Line Skates [Rollerblades] and Roller Skates, 11.02 (Definitions), 11.05 (Zoning Districts and Map), 11.30 (Communications Towers), 11.31 (Wind Energy Conversion Systems), and 11.50 through 11.63 (Floodplain Management). The purpose of the amendments are to address errors or conflicting language indicated during codification review and to replace existing regulations regarding development and land use within floodplain areas with updated ordinances consistent with state law.
 - a. Applicant: City of Little Falls Planning Commission

OLD BUSINESS:

NEW BUSINESS:

NEXT REGULAR MEETING: Monday, January 8, 2018

ADJOURNMENT:

MINUTES
PLANNING COMMISSION
 Conference Room, City Hall
 November 13, 2017, 6:30 p.m.

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

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

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

APPROVAL OF MINUTES: A motion was made by Schilling, seconded by Schulte, to adopt the minutes of October 9, 2017 as presented. Motion carried.

Hanfler arrived at 6:32pm and took over as chair of the meeting.

PUBLIC HEARINGS:

- 1) Amendment to City Code, Chapters 7.07 (Right of Way Regulation). The purpose of the amendment is to modify City regulations consistent with changes adopted in May 2017 by the state legislature to MN Statutes 237 regarding “small wireless facilities” and “wireless support structures” located within the public right-of-way. The proposed changes would specify construction and locational requirements, permitting procedures, fees and exemptions to the regulations.

- a. Applicant: City of Little Falls Planning Commission.

Kimman and Oleson explained that the state legislature had adopted a new law earlier this year that allows for small cell equipment to be placed within public rights-of-way as a permitted use, but that the law allows cities to adopt ordinances that require conditional use permits in certain instances, fees when placed on city poles and other regulations. The proposed amendments to Chapter 7.07 would implement those changes.

Oleson explained that Staff was proposing one change to Section G.5.c from what had been distributed prior to the hearing so that new small wireless facilities could not be placed on cables strung between existing utility poles without adhering to the regulations.

The Commission was shown examples of what the equipment would look like and that the Historic Preservation Committee, which would have authority to regulate the location and appearance of small cell equipment within the historic preservation districts, had stated they would likely require shielding or camouflaging of such equipment.

The public hearing was opened at 6:51pm. No public comment was received. The public hearing was closed at 6:52 pm.

A motion was made by Esse, seconded by Gosiak to recommend approval of the proposed amendments, with the changes recommended by Staff to what was otherwise presented. Motion carried unanimously.

2) Amendment to City Code, Chapters 11.02 (Definitions), 11.05 (Zoning Districts and Map) and 11.10 (Communications Towers). The purpose of the amendments are to clarify the regulation of “small wireless facilities” and “wireless support structures” within the City and distinguish such improvements from those regulated by Section 11.10 (Communications Towers). The proposed changes would specify construction and locational requirements, permitting procedures and exemptions to the regulations.

a. Applicant: City of Little Falls Planning Commission.

Oleson explained the proposed amendments to the City Code, which were intended to clarify how the location of small cell equipment and support structures would be regulated outside of the public right-of-way, on private property. Regulations would be most restrictive in residential districts and historic preservation districts, with fewer restrictions in commercial and industrial districts.

Oleson explained several changes Staff was recommending from what had been distributed prior to the hearing to clarify certain aspects of the proposed regulations. These included changes to Section D.2.n to clarify that conditional use permits aren't required for small wireless facilities already allowed as permitted uses elsewhere in the ordinance; changes to Section D.2.o and I.2.f to require engineered support structures and to allow the City flexibility in determining whether small wireless facilities should be hidden or not and the material and colors that would be required in historic districts; and changes to Section I.1.f to allow small wireless facilities attached to buildings to be up to 10 feet above the height of the highest roofline.

The public hearing was opened at 7:06pm. No public comments were received. The public hearing was closed at 7:07pm.

A motion was made by Schulte, seconded by Schilling to approve the amendments to the City Code, with the changes recommended by Staff to what was otherwise presented. The motion passed unanimously.

OLD BUSINESS:

None

NEW BUSINESS:

None

NEXT REGULAR MEETING: Monday, December 11, 2017

ADJOURNMENT: A motion was made by Schilling, seconded by Czech, to adjourn at 7:08 p.m. Motion carried.

STAFF REPORT

Application: Variance to construct an approximate 19' x 16' dwelling addition to the rear (south) of the existing dwelling approx. 4 feet from the east side lot line (min. 10 ft setback required) and 17 feet from the rear lot line (min. 35 ft required). Variance to construct an approximate 5' x 7' and 2' x 7' dwelling addition to the front (north) of the existing dwelling approx. 11 ft from the front lot line (min. 30 ft required).

Applicant: Aaron and Becky Olson

Background Information:

- **Proposal:** The applicant is proposing to construct an addition to the north and south sides of their existing dwelling that would be located approximately 11 feet from the front property line (min. 30 ft required) and 17 ft from the rear lot line (min. 35 ft required). The addition to the south side would also be approx. 4 ft from the east lot line (min. 10 ft required), but in line with the existing attached garage. The existing dwelling on the property was originally constructed in 1892 according to Assessor's records and is considered a legal nonconformity due it not currently meeting existing setback requirements.
 - **Location:**
 - Property address: 601 2nd St SE, Little Falls
 - Legal Description: Lot 1, Block 25, Original Plat of Little Falls
 - Parcel number(s): 48.0205.000
 - **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	
Interior Lot	Corner Lot	Interior Lot	Corner Lot
11,000 square feet	12,000 square feet	80 feet	80 feet

	Front Yard Setback	Rear Yard Setback	Side Yard Setback, Interior Lot	Side Yard Setback Exterior Lot
Principal Structure	30 feet	35 feet	10 feet	15 feet
Accessory Structure	30 feet	10 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.

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. In the case of a corner lot or other lot with more than one front lot line, the rear lot line shall be opposite the front lot line of the shortest dimension, or as otherwise determined by the Zoning Administrator after considering the layout of the lot in relation to surrounding lots. 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 line or a rear lot line.

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.

SIDE YARD: A yard extending along the side lot line between the front and rear yards, having a width as specified in the yard regulations for the district in which such lot is located.

11.03: GENERAL PROVISIONS:

E. Required Yards And Open Space:

3. The following shall not be considered to be encroachments on yard requirements:

a. Chimneys, flues, belt courses, leaders, sills, pilasters, lintels, ornamental features, mechanical devices, cornices, eaves, gutters and the like, provided they do not extend more than two and one-half feet (2^{1/2'}), and off street parking, except as hereinafter regulated.

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. 75 ft. x 80 ft. (6,000 sq ft)

- Existing impervious surface: Approx. 1,609 sq. ft. (26.8%)
- Proposed impervious surface: Approx. 1,730 sq. ft. (28.8%)
- Maximum allowed impervious surface: 33%

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 front yard setback for structures is to help ensure adequate space for road maintenance activities (i.e. snowplowing, etc...), to prevent damage to property and promote public safety should a vehicle drive off the road and to allow adequate space for parking of vehicles on driveways without endangering public safety.

In this case, the lot is a corner lot, which allows for a min. front yard setback of 30 feet and a min. corner side lot setback of 15 feet. The addition would be in the front yard, by definition, and would not meet either the 30 ft or 15 ft setbacks. It would, however, replace an existing overhang such that the setback of structures within the front lot line setback would be reduced by about 2 feet, but there would be more structure within the setback than existed before.

Given that the existing dwelling was already located approximately 12 feet from the front lot line, and has been since the late 1800s according to Assessor's records, the home has not impeded maintenance of the road or had any history of accidents with vehicles going off the road as far as Staff is aware. The addition would put more structure within the required setback than what exists now, but the setback would be improved by about two feet.

The general intent of the required 35 ft rear yard setback is to allow for rear yard areas that are free of principal structures and uniformity in setbacks from one lot to the next.

The subject lot is a corner lot, which is also very narrow. This leaves little room for building on the lot in a way that meets all required setbacks. On this particular lot, the building area that meets all setback requirements is 15' x 50', which would not allow for even the minimum width required for dwellings of 24 feet.

The general intent of the side yard setback is to maintain adequate space between buildings for air, light and to prevent the spread of structure fires, and also to maintain uniformity in setbacks from one lot to the next.

In this case, the addition to the south side of the home would be in line with the garage that has existed on the property since prior to zoning requirements (4 ft setback instead of 10 feet). Thus, while the addition will clearly not meet the setback requirements, it will not make things significantly worse than existed before except that there will be more structure within the setback. There is about 12-14 feet between the attached garage on the subject lot and the dwelling on the adjoining lot right now.

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 the reasoning for the addition is to make the home more livable - particularly for persons having difficulty navigating stairs. However, the Board of Adjustment should discuss whether it is less reasonable given the proximity of the addition to the lot line lines balanced against the fact that the lot is so small and narrow that the legal building area is much less than would be reasonable for a dwelling.

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 and the lot dimensions.

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

The use of the property (single-family residential) would remain the same in character to what already exists, with the only difference being the size of the home. The resulting home would not be significantly larger than other homes in the area.

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, except that an addition to the west side of the home to avoid the need for the side yard setback variance and reduce the need for a rear yard setback variance would not work as well with the interior layout of the dwelling.

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

To applicant has no way to avoid the need for a variance as an addition on any side of the existing dwelling (whether an outward or upward expansion) would need either a front yard, side yard or rear yard setback variance.

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. Staff has received one written comment from the public in favor of the variance request. Any additional comments received before the meeting will be presented to the Planning Commission/Board of Adjustment at the hearing.



Date Filed: 11-15-17
 Fee Paid: 325⁰⁰
 Receipt No.: 85757

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: 601 2nd St SE, Little Falls

Legal Description of Property: Lot 1, Block 25, Original Plat of Little Falls

Parcel Identification Number: 48.0205.000

Owner Name: Becky and Aaron Olson

Address: 601 2nd 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: ① Addition of bathroom onto the SE side of house/garage in back yard. ② Expansion/remodel of entry porch on N side of house.

Reason for Request: ① Family of 4 with only 1 upstairs bathroom, which limits visiting time with both sets of parents as ~~the~~ the bathroom is inaccessible up the steep stairs. ② Porch remodel to enlarge entry, change entry direction from N to E and allow for a coat closet.

Present Zoning Classification: R1 - one and two family district

Existing Use of Property: Residential

Existing Use and Zoning of the Surrounding Area (two blocks): residential with the start of businesses to the NW

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 AUG/SEPT 2017

Signature of Applicant(s): Am RA
Date: _____

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

Signature of owner(s): Am RA

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.
- 1730 ft² 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: ① Bathroom addition on SE side of house ② Expansion/remodel of entry porch on N side

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?

Our house is located in a residential area with significant tree cover. Many homes are older with additions to provide more space. This ^{bathroom} addition and expanded porch will fit in.

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

① The bathroom addition is in our backyard, which is fence enclosed, and will not impact the character of the neighborhood. ② An expanded entry porch to the N will not extend ~~RS~~ Car N as our immediate neighbors porch.

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 "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>)

Our lot is a 1/2 lot, meaning there is a setback from the N and S which both lie at or in our physical home. ① The backyard location of the bathroom was suggested by the Planning Commission and is workable with ~~the~~ existing layout of our home, and is on the side of our backyard. ② The porch expansion/remodel is w/in the setback already, so any alteration, even one this small will require a variance.

Use other side of page if necessary.

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

November 7, 2017

City of Little Falls
100 NE 7th Ave
Little Falls, MN 56345

Dear Planning Commission, zoning & city staff,

We would like to add a main floor bathroom onto our home. Our family of four has only one extremely small bathroom, up a steep narrow flight of stairs. Each of our parents are restricted in the time they can visit our family because our only bathroom is inaccessible to them. Becky has chronic knee pain so limiting the number of trips she has to make up and down stairs (both upstairs to the bathroom & downstairs to the basement laundry) is important.

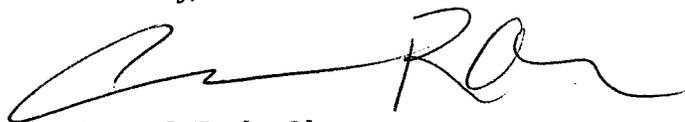
We submitted a variance request to add a bathroom on the north side of our home but were denied by the planning commission & city council. The reason for denial was because of the addition's proximity to the city / property line. It was suggested that we add on in the back yard. While this wasn't our first choice, we have pursued this location for the addition. Unfortunately, there are side (10') and back (35') property line setback issues in the back yard as well. We have the support of the neighbor to the south (see attached letter from Jan Burley) to build within the backyard setback. In regards to the side setback, the addition will go no further east than our existing garage.

We have had an initial conversation with a local architect to design the additions. Attached is a scaled drawing of the bathroom & laundry/utility room addition and below are pictures of the location.

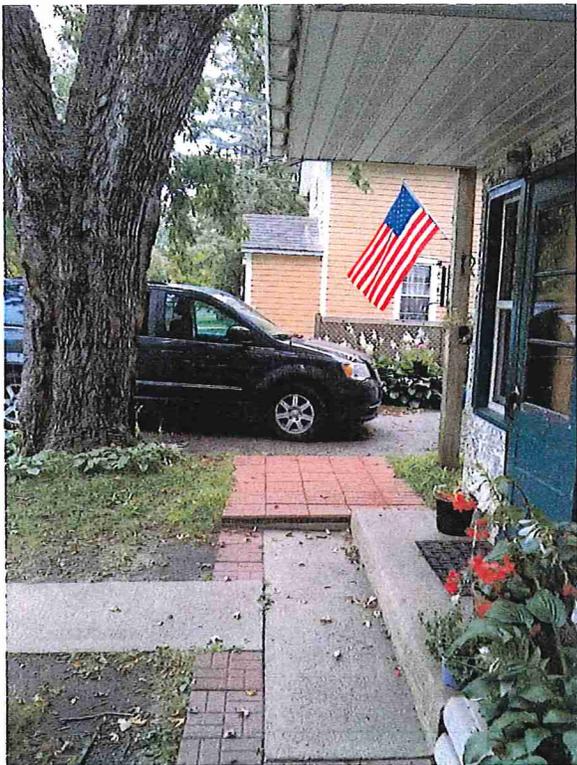
We also would like to expand / remodel the front porch entry on the north side of the house. Our plan is to change the entry from facing north to facing east and add a coat closet. This is within the front yard setback, but the expanded porch would only minimally change the footprint of the house as it would extend north less than the current porch overhang.

Attached is a scaled drawing of the porch expansion and below are pictures of the location.

Sincerely,

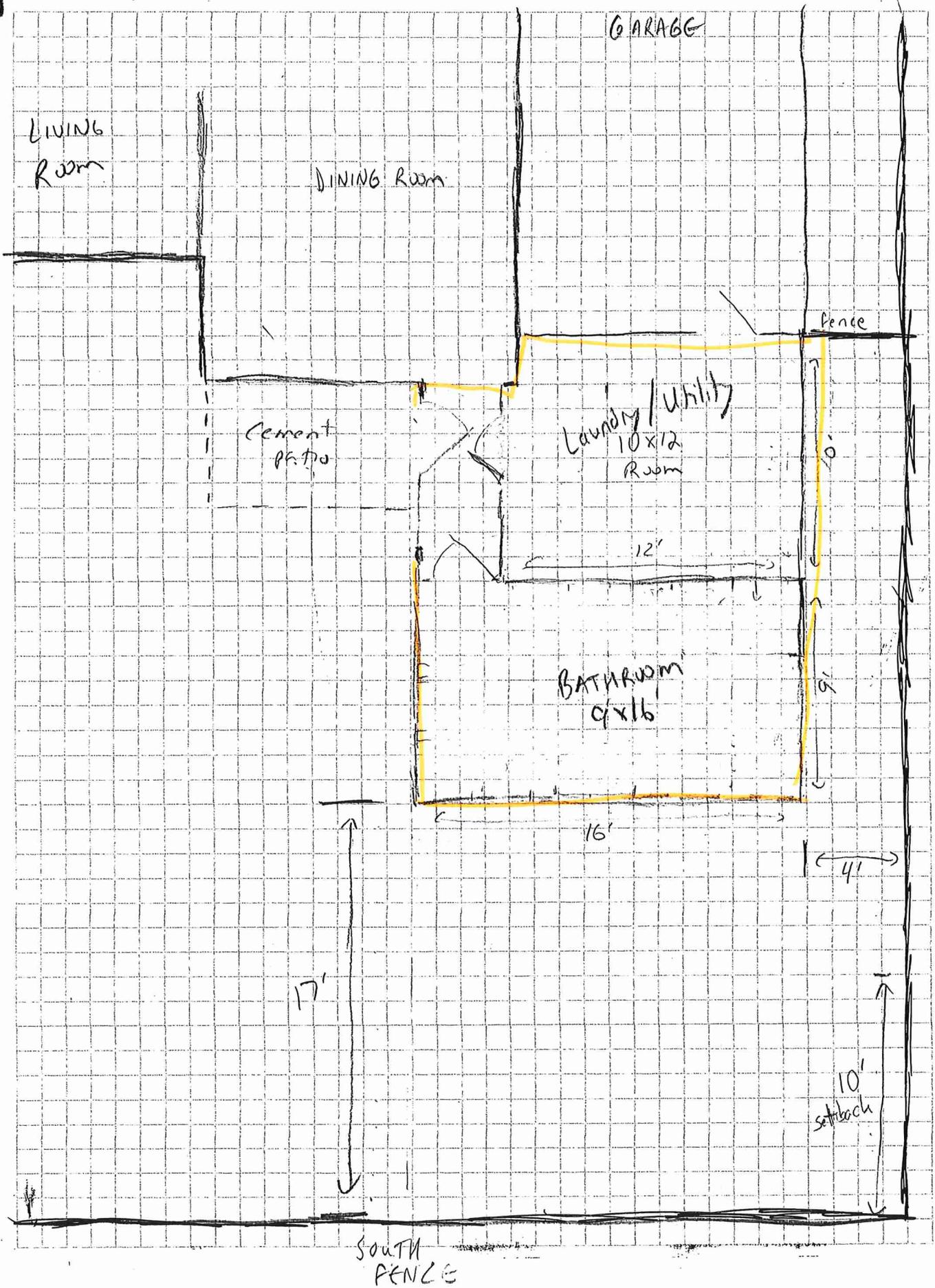
A handwritten signature in black ink, appearing to read 'Aaron & Becky Olson', written in a cursive style.

Aaron & Becky Olson
601 2nd St SE
Little Falls, MN 56345





1 square = 1'



EAST FENCE

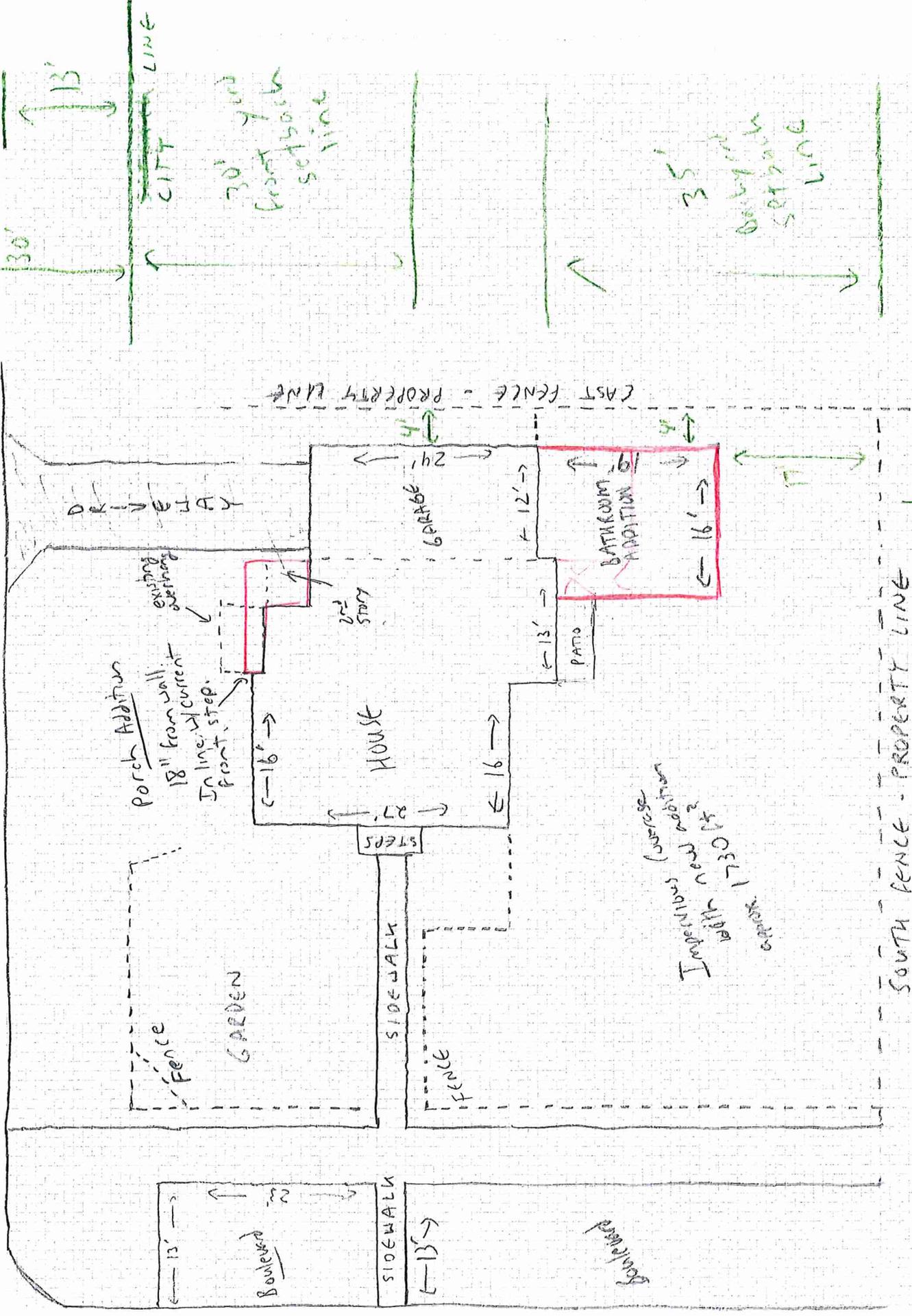
SOUTH FENCE

1 square = 1

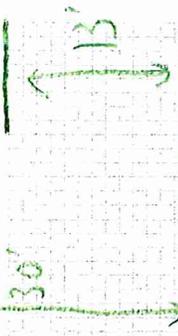
N ↑

5th Ave SE

2nd St SE



CITY LINE



30' yard front yard setback line

35' backyard setback line



SOUTH FENCE - PROPERTY LINE

EAST FENCE - PROPERTY LINE

CELL PHONE IMPROVEMENT (surface)

18" from wall. In line with current front step.

existing existing

2nd story

HOUSE

SIDEWALK

FENCE

SIDEWALK

13'

Bolevard

12'

16'

13'

24'

4'

4'

BATHROOM ADDITION

16'

4'

10'

10'

Jan Burley
605 2nd Street SE
Little Falls MN

City of Little Falls
100 NE 7th Ave.
PO Box 244
Little Falls, MN

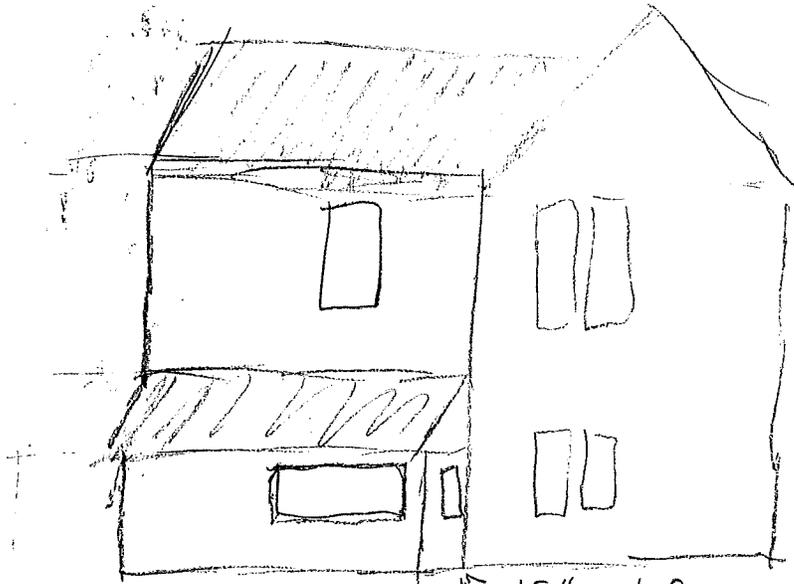
To Whom It May Concern;

I am writing this letter as an approval for the residence at 601 2nd Street to put on an addition to their house. If you have any questions please feel free to call the abovementioned number.

Thank you;

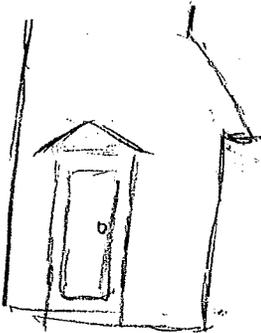

Janette Burley

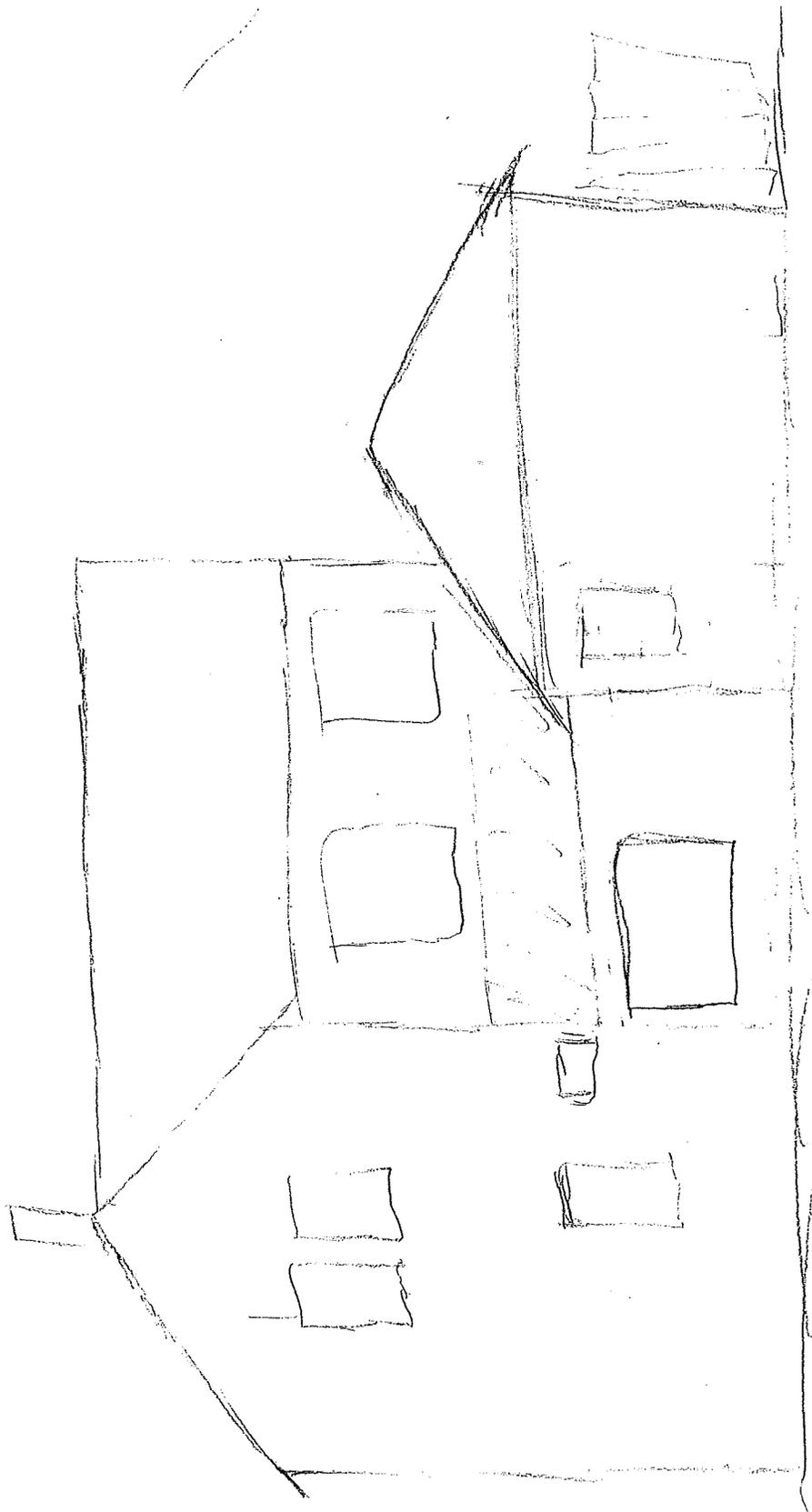
From N



← 18" out from existing N wall.

From E





View from South

STAFF REPORT

Application: After-the-fact variance to allow for a 6 ft tall fence (max 2.5 ft allowed) within approx. 6 feet of intersecting street right-of-way lines (min. 10 ft required).

Applicant: Aaron and Becky Olson

Background Information:

- **Proposal:** *This application represents a revised submittal of a variance application heard at the September 2017 meeting of the Board of Adjustment. The applicants were denied that variance request to leave the fence with a 4-6 ft height at approx. 0-1 feet from the intersecting street right-of-way lines. The new proposal is to move the fence back to a setback of 6 feet from the intersecting right-of-way lines instead of the required 10 feet. This request is based on a review of the intersection by the City Engineer, which indicates that a 6-foot setback could be sufficient to allow for reasonable site lines at the corner after consideration of a variety of factors specific to this intersection.*

The applicant constructed a fence in the Spring of 2016 to enclose their front and corner side yards. They applied for a fence that was to be 6 ft tall along the side (west) property line and 4 ft tall along the front (north) property line. These height limits were as allowed by ordinance, except that the area of the yard near where the two streets meet was – by ordinance – not to be taller than 2.5 feet (30 inches) so as not to impede vision for approaching vehicles. The permit was incorrectly issued by the Zoning Administrator in that it was not compliant with this requirement. The applicants are now asking for an after-the-fact variance to allow the fence height to exceed 2.5 ft (30”) in the “site triangle” area.

Note: At the time of the fence construction, the requirement was that the fence height be limited to 30” 25 feet from the street intersecting right of way lines. This would require that it be no more than 30 inches approximately back to their sidewalk on the west side. Since that time, the City has finalized proposed amendments to that section of the City Code and adopted new, less restrictive regulations that would require the 30” maximum height only for a distance of 10 feet back from the street intersecting right of way lines. The existing fence would not meet either of these setbacks.

- **Location:**
 - Property address: 601 2nd St SE, Little Falls
 - Legal Description: Lot 1, Block 25, Original Plat of Little Falls
 - Parcel number(s): 48.0205.000
- **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.

11.03: GENERAL PROVISIONS:

(Old language at time of permit issuance)

4. On a corner lot, nothing shall be placed or allowed to grow in such a manner as materially to impede vision between a height of two and one-half feet (2¹/₂') and ten feet (10') above the centerline grades of the intersecting streets within twenty five feet (25') of the street intersecting right of way lines.

(New language recently adopted by City Council)

4. On a corner lot, nothing shall be placed or allowed to grow in such a manner as to materially impede vision between a height of two and one-half feet (2-1/2') and ten feet (10') above the centerline grades of the intersecting streets. For uncontrolled intersections, the regulated area shall extend to the triangle created by connecting the end points of the lines within twenty-five feet (25') of the street intersecting right-of-way lines and for controlled intersections within ten feet (10') of the street intersecting right-of-way lines.

Minnesota Supreme Court

In a 2008 ruling of a case known as "Stadsvold v. Otter Tail County", the court addressed an after-the-fact variance request where a house and garage were built closer to a side lot line than had been approved. In that case, the County had inspected the construction several times as it was being done and ultimately approved the permit. No survey had been provided or required as part of the permitting process. It was later questioned whether the side yard setback was being met and a survey of the lot indicated that it was not. The Stadsvold's applied for a variance to leave the house where it was and were denied.

The Court, as part of their ruling to send the case back to the Otter Tail County Board of Adjustment for consideration of factors not originally considered, noted that after-the-fact variances should consider factors the Supreme Court had previously laid out in a 1985 case known as "Kenney v. Stearns County Board of Adjustment" for after-the-fact variances. These considerations were:

1. Appellant acted in good faith;
2. Appellant attempted to comply with the law by obtaining a building permit;
3. The Township's building permit violated Minn. Stat. 394.33 (1978);
4. Appellant has made a substantial investment in the property;

5. The repairs were completed before appellant was informed of their impropriety;
6. The nature of the property is residential/ recreational and not commercial;
7. There are similar structures on the lake;
8. The minimum benefits to the County appear to be far outweighed by the detriment appellant would suffer if forced to remove his boathouse.

The Minnesota Counties Insurance Trust (MCIT), which represents and provides advice to counties in legal matters, summarized the criteria set out by the Supreme Court as follows:

1. The applicant acted in good faith;
2. The applicant attempted to comply with the law by obtaining a building permit;
3. The applicant obtained a permit from another entity that violated the law;
4. The applicant made a substantial investment in the property;
5. The applicant completed the repairs/ construction before the applicant was informed of the impropriety;
6. The nature of property is residential/ recreational and not commercial;
7. There are other similar structures on the lake;
8. The minimum benefits to the county appear to be far outweighed by the detriment appellant would suffer forced to remove the structure.

While that case applied to counties, which are under a different set of statutes than cities, presumably the Court would find that the same types of questions would apply in an after-the-fact variance that occurs in a city.

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. 75 ft. x 80 ft. (6,000 sq ft)

4) 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 the height limit in close proximity to intersecting streets is to ensure that sight-lines are not obstructed as cars approach an intersection. This is intended to prevent accidents between vehicles or between vehicles and pedestrians. The existing fence has been in place for more than a year and as far as Staff is aware, no accidents have occurred. The intersection is a controlled intersection with a four-way stop required by vehicles, bicyclists and pedestrians. So long as vehicles are stopping at the intersection, the site lines of all corners is not significantly obstructed. The largest potential for an accident would come from either drivers or bicyclists or pedestrians not stopping at the stop sign and there being an accident as a result.

5) **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.

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

The requested variance is reasonable in that the fence was erected in good faith after the applicants applied for, and were approved for a permit. The applicants have indicated that they are seeking privacy on their busy corner lot and that a 30" tall fence in that location would eliminate their privacy and that moving the taller fence further back would eliminate most of their yard area that they would otherwise use.

7) **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 desire to have privacy in their yard while at the same time maximizing the area that can be used inside the fence.

8) **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.

9) **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, as the applicants indicate it has more to do with maximizing use of their yard and achieving more privacy than the cost of moving the fence.

10) **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 move the existing fence further back into the yard and/or reduce the height of the fence in its existing location.

Additional Considerations for 'After-the-Fact' Variance Requests:

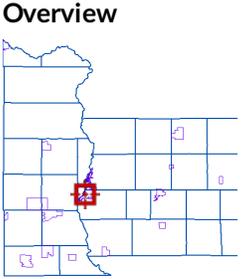
1. The applicant acted in good faith;

- Yes.** The applicant applied for a permit to construct the fence and that application included a site plan that clearly identified the proposed height and distance from the street intersecting right of way line. That fence permit was clearly issued with no mention of the need to limit the height to 30" in the site triangle area.
- 2. The applicant attempted to comply with the law by obtaining a building permit;**
Yes. The applicant did apply for a building permit and said permit was approved.
 - 3. The applicant obtained a permit from another entity that violated the law;**
No. The applicant did not appear to try and obtain a permit from any other entity as none would be required.
 - 4. The applicant made a substantial investment in the property;**
Needs discussion. The applicant has clearly made an investment in the property in erecting the fence (as well as installing a garden in the area that would be lost if the fence were to be removed). Whether that investment is "substantial" is one that could be debated.
 - 5. The applicant completed the repairs/construction before the applicant was informed of the impropriety;**
Yes. The fence was completed by the time they were informed that it was not in compliance with the City Code.
 - 6. The nature of property is residential/recreational and not commercial;**
Yes. The use of the property is residential.
 - 7. There are other similar structures in the area;**
Yes: There are numerous other intersections throughout the city where buildings, fences or trees/shrubs block the view at intersections.
 - 8. The minimum benefits to the City appear to be far outweighed by the detriment appellant would suffer forced to remove the structure.**
Needs discussion. The costs to the landowner would be in removing all or a portion of the constructed fence so that it meets the required setback or height. The City's concern would primarily have to do with public safety and possibly setting a precedent of allowing for such obstructions.

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. It may be useful for the Board of Adjustment to first consider whether they would have granted a variance if it had been requested prior to the construction of the fence (i.e. if the applicants had been told initially that their fence was too high at the corner and decided to apply for a variance at that time.
2. Staff would recommend that the City consider the specific criteria that apply to after-the-fact variances, as laid out by the Minnesota Supreme Court, and determine how those apply to this situation.



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

Parcel ID	480205000	Alternate ID	n/a	Owner Address	REBECCA R BOLLIN
Sec/Twp/Rng	n/a	Class	1A-Residential Homestead		601 2ND ST SE
Property Address	601 2ND ST SE	Acres	n/a		LITTLE FALLS MN 56345
	LITTLE FALLS MN 56345				
District	LITTLE FALLS EAST-#482-HRA				
Brief Tax Description	ORIGINAL PLAT LITTLE FALLS Lot 001 Block 025 of ORIGINAL PLAT LITTLE FALLS THAT PT OF LOT 1 BLK 25 LYING WLY OF LN DRAWN BET MIDPTS OF NLY & SLY LNS OF LOT 1, BEING W1/2 OF SAID LOT 1				
	(Note: Not to be used on legal documents)				

Disclaimer: The maps and data available for access at this website are provided "as is" without warranty or any representation of accuracy, timeliness, or completeness. There are no warranties, expressed or implied, as to the appropriate use of the maps and data or the fitness for a particular purpose. The maps and associated data at this website do not represent a survey. No liability is assumed for the accuracy of the data delineated on any map, either expressed or implied.

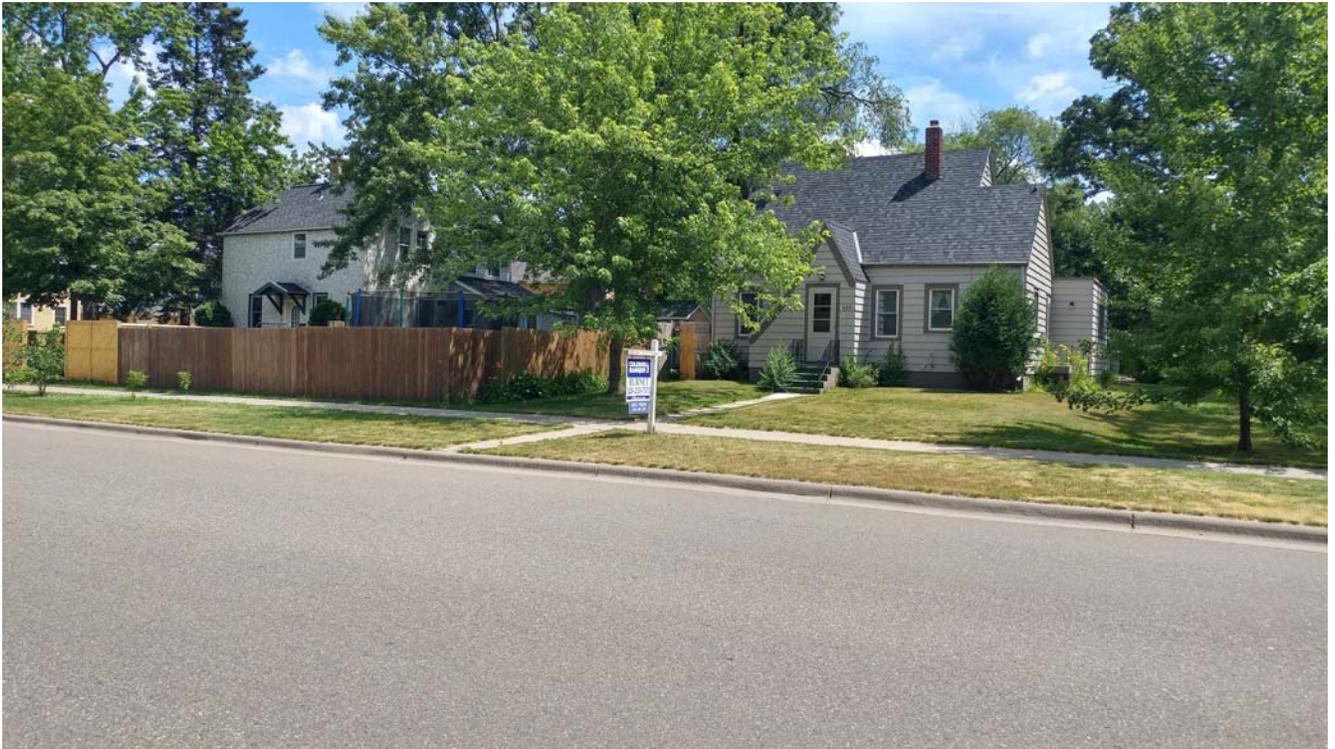
This imagery is displayed at a scale of 1 inch=9 inch pixel resolution, (9 inches on the ground is 1 pixel on your screen). In the areas of Pierz and the NW/NE lakes, the image is 1 inch=4 inch pixel resolution and is the highest quality imagery on this site. These images were flown by Pictometry in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

Date created: 8/24/2017
Last Data Uploaded: 8/24/2017 4:15:31 AM









STAFF REPORT

Application: Amendment to City Code, Chapters 7.18 (Skateboards, Scooters, Bicycles, In-Line Skates [Rollerblades] and Roller Skates, 11.02 (Definitions), 11.05 (Zoning Districts and Map), 11.30 (Communications Towers), 11.31 (Wind Energy Conversion Systems), and 11.50 through 11.63 (Floodplain Management). The purpose of the amendments are to address errors or conflicting language indicated during codification review and to replace existing regulations regarding development and land use within floodplain areas with updated ordinances consistent with state law.

Applicant: City of Little Falls Planning Commission

Background Information:

- **Proposal:** The proposal is to amend a number of ordinances where errors or conflicting/confusing language was found by the City's codifiers as they were codifying recently adopted ordinances. The changes generally don't represent significant changes to policy as much as attempts to eliminate confusion.

The changes proposed to the Floodplain section of the City Code represent changes intended to ensure that the City's floodplain regulations refer to the correct FEMA (Federal Emergency Management Agency) "map panels" - particularly for those parts of the City that have been annexed more recently.

Applicable Statutes/Ordinances:

Little Falls City Code

11.04: ADMINISTRATION AND ENFORCEMENT

E. Amendments:

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

Planning Commission/Board of Adjustment Direction: The Planning Commission may recommend to the Council approval of all of the proposed ordinances, some of the

ordinances, or none. If the Commission wishes to take more time for review of certain proposed ordinances, it may table those and recommend passage of others.

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

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

**7.18: SKATEBOARDS, SCOOTERS, BICYCLES, IN-LINE SKATES
(ROLLERBLADES) AND ROLLER SKATES:**

- A. Right Of Way; Sidewalks: Whenever a person is riding or using skateboards, scooters, bicycles, in-line skates (rollerblades) or roller skates upon a sidewalk, such person shall give audible signal before overtaking and passing another person.
- B. Unlawful Use: It is unlawful for any person to ride, use or operate skateboards, scooters, bicycles, in-line skates (rollerblades) or roller skates on a sidewalk within an area ~~zoned general business district B-2~~Central Business District B-1 under this code. (Ord. 27, 4th Series, eff. 4-4-1994)

DRAFT

City of Little Falls

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

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

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

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

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

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

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

Adult Use, Body Painting Studio: ~~As An~~ establishment or business which provides the service of applying paint or other substance, whether transparent or nontransparent, to or on the body of a patron when such body is wholly or partially nude in terms of "specified anatomical areas".

Adult Use, Bookstore: A building or portion of a building used for the barter, rental or sale of items consisting of printed matter, pictures, slides, records, audiotape, videotape or motion picture film, if such building or portion of a building is not open to the public generally but only to one or more classes of the public, excluding any minor by reason of age, or if a substantial ~~of~~ ~~or~~ significant portion of such items are distinguished or characterized by an emphasis on the depiction or description of "specified sexual activities" or "specified anatomical areas".

Adult Use, Cabaret: A building or portion of a building used for providing dancing or other live entertainment, if such building or portion of a building excludes minor by virtue of age, or if such dancing or other live entertainment is distinguished or characterized by an emphasis on the presentation, display, depiction or description of “specified sexual activities” or specified anatomical areas”.

Adult Use, Companionship Establishment: A companionship establishment which excludes minors by reason of age, or which provides the service of engaging in or listening to conversation, talk or discussion between an employee of the establishment and a customer, if such service is distinguished or characterized by an emphasis on “specified sexual activities” or “specified anatomical areas”.

Adult Use, Conversation/Rap Parlor: A ~~conservation~~conversation/rap parlor which excludes minors by reason of age, or which provides the service of engaging in or listening to conversation, talk or discussions between an employee of the establishment and a customer, if such service is distinguished or characterized by an emphasis on “specified sexual activities” or “specified anatomical areas”.

Adult Use, Health Sport Club: A health sport club which excludes minors by reason of age, or if such club is distinguished or characterized by an emphasis on “specified sexual activities” or “specified anatomical areas”.

Adult Use, Hotel or Motel: A hotel or motel from which minors are specifically excluded from patronage and wherein material is presented which is distinguished or characterized by an emphasis on matter depicting, describing or relating to “specified sexual activities” or “specified anatomical areas”.

Adult Use, Massage Parlor, Health Club: A massage parlor or health club which restricts minors by reason of age, and which provides the services of massage, if such service is distinguished or characterized by an emphasis on “specified sexual activities” or “specified anatomical areas”.

Adult Use, Mini-Motion Picture Theater: A building or portion of a building with a capacity for less than fifty (50) persons used for presenting material if such building or portion of a building as a prevailing practice excludes minors by virtue of age, or if such material is distinguished or characterized by an emphasis on “specified sexual activities” or “specified anatomical areas” for observation by patrons therein.

Adult Use, Modeling Studio: An establishment whose major business is the provision, to customers, of figure models who are so provided with the intent of providing sexual stimulation or sexual gratification to such customers and who engage in “specified sexual activities” or display “specified anatomical areas” which being observed, painted, painted upon, sketched, drawn, sculptured, photographed or otherwise depicted by such customers.

Adult Use, Motion Picture Arcade: Any place to which the public is permitted or invited wherein coin or slug operated, or electronically, electrically or mechanically controlled or operated still or motion picture machines, projectors or other image producing devices are maintained to show images to five (5) or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by an emphasis on depicting or describing “specified sexual activities” or “specified anatomical areas”.

Adult Use, Motion Picture Theater: A building or portion of a building with a capacity of fifty (50) or more persons used for presenting material, if such building or portion of a building as a prevailing practice excludes minors by virtue of age, or if such material is distinguished or characterized by an emphasis on “specified sexual activities” or “specified anatomical areas” for observation by patrons therein.

Adult Use, Novelty Business: A business which has as a principal activity the sale of devices which stimulate human genitals or devices which are designed for sexual stimulation.

Adult Use, Sauna: A sauna which excludes minors by reason of age or provides a steam bath or heated bathing room used for the purpose of bathing, ~~relation-relaxation~~ or reducing agent, if the service provided by the sauna is distinguished or characterized by an emphasis on “specified sexual activities” or “specified anatomical areas”.

Adult Use, Steam Room/Bathhouse Facility: A building or portion of a building used for providing a steam bath or heated bathing room used for the purpose of pleasure, bathing, ~~relation-relaxation~~ or reducing, utilizing steam or hot air as a cleaning, ~~relating-relaxation~~ or reducing agent, if such building or portion of a building restricts minors by reason of age, or if the service provided by the steam room/bathhouse facilities is distinguished or characterized by an emphasis on “specified sexual activities” or “specified anatomical areas”.

AGRICULTURAL, RURAL:

A. “Agricultural Rural”: An area in excess of ten (10) contiguous acres which is used for the production of farm crops, such as vegetables, fruit trees, grain and other crops, and their storage on the area, as well as for the raising ~~hereof-thereon~~ of farm poultry, domestic pets and domestic farm animals. The term “farming” includes the operating of such area for one or more of the above uses, including dairy farms, with the necessary accessory uses for treating or storing produce; provided, however, that the operation of any such accessory uses shall be secondary to that of the farming activity; and provided, further, that farming does not include commercial pen feeding (feedlots) or the commercial feeding of garbage to swine or other animals.

B. “Conditional Agricultural, Rural”: An area five (5) to ten (10) contiguous acres which is used for the production of farm crops, such as vegetables, fruit trees, grain and other crops, and their storage on the area, as well as for raising thereon of farm poultry, domestic pets and domestic farm animals under a conditional use permit. The term “farming” is defined in this section.

AGRICULTURAL URBAN: An area less than ten (10) contiguous acres, which is used for the purpose of growing produce, including crops, fruit trees, shrubs, plants and flowers, vegetables and the like, provided such produce is intended solely for the use of residents on the property or sale away from the property. It may include the raising of domestic pets. It shall not include a roadside stand for sale of products processing or packaging operations or similar uses.

AIRPORT ~~OR~~ HELIPORT: Any land or structure, which is used or intended for use, for the landing and takeoff of aircraft, and any appurtenant land or structure used or intended for use for port buildings or other port structures or rights-of-way.

ALLEY: A public right-of-way which affords secondary means of access to abutting property.

AMBIENT NOISE LEVEL: The background noise level prior to installing the wind energy conversion.

ANIMALS:

A. Domestic Pets: Fish, dogs, cats, birds and similar animals.

B. Domestic Farm Animals: Cattle, hogs, horses, bees, sheep, goats, chickens and other commonly known farm animals.

ANS/TIA/EIA: American National Standard; Telecommunication Industry Association; Electronic Industrial Association.

ANTENNA: Any structure, device or system of electrical conductors, that transmit or receives electromagnetic waves for the provision of cellular, paging, personal communications services (PCS) and microwave communications. Such structures and devices include, but are not limited to, directional antennas, such as panels, microwave dishes and satellite dishes, and omni-directional antennas, such as whips.

APARTMENT: A room or suite of rooms with cooking facilities available, which is occupied as a residence by a single family, and including buildings with three (3) or more dwelling units.

AUTOMOBILE REPAIR, MAJOR: The general repairable building or reconditioning of engines, motor vehicles or trailers, including bodywork, framework, welding and major painting services.

AUTOMOBILE REPAIR, MINOR: The replacement of any part or repair of any part which does not require the removal of the engine head or pan, engine, transmission or differential; incidental body and fender work, minor painting and upholstering service when said service above stated is applied to a passenger automobile and trucks not in excess of seven thousand (7,000) pounds gross vehicle weight.

AUTO OR MOTOR VEHICLE REDUCTION YARD: A lot or yard where one or more licensed motor vehicles or the remains thereof, are kept for more than seven (7) days for the purpose of dismantling, wrecking, crushing, repairing, rebuilding, sale of parts, sale as scrap, storage or abandonment.

BASEMENT: A portion of a building located partly underground and having one-half (1/2) or less of its floor to ceiling height below the average grade of the adjoining ground.

BED AND BREAKFAST: An owner-occupied residence where, for compensation, lodging and certain meals are provided to overnight guests.

BEST MANAGEMENT PRACTICES (BMPs): Erosion and sediment control and water quality best management practices that are the most effective and practical means of controlling, preventing and minimizing degradation of surface water including avoidance of impacts, construction phasing, minimizing the length of time soil areas are exposed, prohibitions, and other management practices published by state or designated area wide planning agencies. Best management practices referenced in this chapter are from the "Minnesota Storm Water Manual", version 1.1, and as amended from time to time, published by the Minnesota Pollution Control Agency.

BLUFF: A topographic feature such as a hill, cliff or embankment, having all the following characteristics: a) part or all of the feature is in a shore land area; b) the slope rises at least twenty five feet (25') above the ordinary high water level of the water body; c) the grade of the slope from the toe of the bluff to a point twenty five feet (25') or more above the ordinary high water level averages thirty percent (30%) or greater; and d) the slope drains toward the water body.

BLUFF IMPACT ZONE: A bluff and land located within thirty feet (30') from the top of the bluff.

BOARDING HOUSE: A building, other than a motel or hotel, where, for compensation and by prearrangement for definite periods, meals or lodgings are provided for three (3) or more persons, but not to exceed eight (8) persons.

BUFFER STRIP: Land area used to visibly separate one use from another, or to shield or block structures, noise, lights or other potential nuisances.

BUILDING: Any structure having a roof which may provide shelter or enclosure ~~or of~~ persons, animals or chattel. When said structure is divided by party walls, without openings, each portion of such building so separated shall be deemed a separate building.

BUILDING HEIGHT: The vertical distance from: a) the average elevation of the adjoining ground level; b) the established grade adjacent to the building, whichever is lower, to the top of the cornice of a flat roof, to the deck line of a mansard roof, to a point of the roof directly above the highest wall of a shed roof, to the uppermost point on a round or other arch type roof, to the highest gable on a pitched or hip roof.

BUSINESS: Any occupation, employment or enterprise wherein merchandise is exhibited or sold, or which occupies time, attention, labor and materials, or where services are offered for compensation.

CARPORT: An automobile shelter having one or more sides open.

CELLAR: That portion of a building having more than one-half (1/2) of the floor to ceiling height below the average grade of the adjoining ground.

CHURCH: A building, together with its accessory buildings and uses, where persons regularly assemble for religious worship and which building, together with its accessory buildings and uses, is maintained and controlled by a religious body organized to sustain public worship.

CLUB OR LODGE: A nonprofit association of persons who are bona fide members paying annual dues, use of the premises being restricted to members and their guests. It shall be permissible to serve food and meals on such premises, providing adequate dining room space and kitchen facilities are available.

COLOCATION: The act of siting telecommunications facilities in the same location of the same support structure as other telecommunications facilities. "Colocation" also means locating telecommunications facilities on an existing structure (for example buildings, water tanks, towers, utility poles, etc.), without the need to construct a new support structure.

COMMERCIAL FEEDLOT: An area where fifteen (15) or more animals per acre are fed solely for purpose of wholesale or retail sale.

COMMERCIAL KENNEL: Any premises where three (3) or more dogs, at any one time, over six (6) months of age, are owned, boarded, bred or offered for sale.

COMMERCIAL RECREATION: Bowling alley, cart track, jump center, golf, pool hall, vehicle racing for amusement, dance hall, skating, tavern, theater, firearms range and similar uses.

COMMERCIAL WIND ENERGY CONVERSION SYSTEM (CWECS): A wind energy conversion system with a total nameplate generating capacity no less than forty (40) kilowatts, but no greater than one hundred (100) kilowatts, ~~and having a total height no higher than one hundred fifty feet (150') in any business zoned district, nor higher than two hundred feet (200') in any industrial zoned district.~~

COMMISSION: The Planning Commission of the City.

COMPREHENSIVE PLAN: Unless otherwise stated, the general plan for land use, transportation and community facilities prepared and maintained by the Planning Commission.

CONDITIONAL USE: The occupations, vocations, skills, arts, businesses, professions or uses specifically designated in each zoning use district, which for their respective conduct, exercise or performance in such designated use districts may require reasonable but special, peculiar, unusual or extraordinary limitations, facilities, plans, structures, thoroughfares, conditions, modifications or regulations in such use districts for the promotion or preservation of the general public welfare, health, convenience or safety therein and in the City, and therefore, may be permitted in such use district only by a conditional use permit.

CONDITIONAL USE PERMIT: A permit specially and individually granted by the City Council after review and recommendation by the Commission for any conditional use so permitted in any use district.

CONSTRUCTION OFFICE: The principal place of business used by a company or individual engaged in building or road construction, including on site fabrication of components, on site storage and maintenance of equipment.

CONTROLLED INTERSECTION: An intersection with two or more stop signs or traffic signals.

CURB LEVEL: The grade elevation established by the governing body of the curb in front of the

center of the building. Where no curb level has been established, the engineering staff shall determine a curb level or its equivalent for the purpose of this Chapter.

DAYCARE FACILITY: Any facility, public or private, which for gain regularly provides one or more persons with care, training, supervision, habilitation, rehabilitation or developmental guidance on a regular basis, for periods of less than twenty-four (24) hours per day, in a place other than the person's own home. Daycare facilities include, but are not limited to, family daycare homes, group family daycare homes, daycare centers, day nurseries, nursery schools, development achievement centers, day treatment centers, adult daycare centers and day services.

DECK: A horizontal, unenclosed platform with or without attached railing, seats, trellises or other features, attached or functionally related to a principal use or site.

DETENTION FACILITY: A permanent natural or manmade structure, including wetlands, for the temporary storage of runoff which contains a permanent or semi-permanent pool of water.

DWELLING: A building, ~~or~~ one or more portions thereof, occupied or intended to be occupied exclusively for residence purposes, but not including rooms in motels, hotels, nursing homes or boarding houses, nor trailers, tents, cabins or trailer coaches. A "dwelling" shall be interpreted to include lodging rooms.

DWELLING, ATTACHED: A dwelling which is joined to another dwelling at one or more sides by a party wall or walls.

DWELLING, DETACHED: A dwelling which is entirely surrounded by open space on the same lot.

DWELLING, MULTIPLE: A building having accommodations for and occupied exclusively by more than two (2) families.

DWELLING, TOWNHOUSE: A single family building having one or more walls in common with another single-family building, oriented so as to have all exits directly to the out of doors.

ESSENTIAL SERVICES: Underground or overhead gas, electrical steam or water transmission or distribution systems, collection, communication, supply or disposal systems, including poles, wires, mains, drains, traffic signals, hydrants or other similar equipment and accessories in conjunction therewith; but not including buildings.

FAA: Federal Aviation Administration.

FALL ZONE: The area, defined as the furthest distance from the wind energy conversion system base, in which the system will collapse in the event of a structural failure.

FCC: Federal Communications Commission.

FAMILY: An individual, or two (2) or more persons each related by blood, marriage or adoption living together as a single housekeeping unit, or a group of not more than four (4) persons not so related, maintaining a common household.

FENCE: Any partition, structure, wall or gate erected as a dividing marker, barrier or enclosure.

FLOOR AREA: The sum of the gross horizontal areas of the several floors of a building, including interior balconies, mezzanines, basements and attached accessory buildings, excepting that area primarily devoted to window display, fitting rooms, stairs, escalators, unenclosed porches, detached accessory buildings utilized as dead storage, heating and utility rooms, inside off-street parking or loading space.

FLOOR AREA RATIO: The numerical value obtained through dividing the floor area of a building or buildings by the lot area on which such building or buildings are located.

MANUFACTURING, HEAVY: All manufacture, pounding, processing, packaging, treatment or assembly of products and materials that may emit objectionable and offensive influences beyond the lot on which the use is located. Such uses include, but are not limited to, the following: sawmill, papermills, boat manufacturing, refineries, commercial feedlots, acid, cement, explosives, flour, feed and grain milling or storage, meat packing, slaughterhouses, coal or tar asphalt distillation, rendering of fat, grease, lard or tallow, alcoholic beverages, poisons, exterminating agents, glue or size, lime gypsum, plaster of Paris, tanneries, automobile parts, paper and paper products, glass, chemicals, crude oil and petroleum products, including storage, electric power generation facilities, vinegar works, junkyard, auto reduction yard, foundry, machine shop, forge, casting of metal products, rock, stone and cement products, and including all uses permitted in the Industrial-1 district.

MANUFACTURING, LIGHT: All uses which include the compounding, processing, packaging, treatment or assembly of products and materials, provided such use will not generate offensive odors, glare, smoke, dust, noise, vibrations or other objectionable influences that extend beyond the lot on which the use is located. Generally, these are industries dependent upon raw materials refined elsewhere. Such uses include, but are not limited to, the following: lumberyards, machine shops, products assembly, sheet metal shops, plastics, electronics, general vehicle repair, bodywork and painting, contractors' shops and storage yard, food and nonalcoholic beverages, signs and displays, printing, publishing, fabricated metal parts, appliances, clothing, textiles, and used auto parts.

MANUFACTURED HOME: A manufactured home used for living purposes that is transportable in one or more sections, and is less than twenty-four feet (24') in width, with or without a permanent foundation.

MANUFACTURED HOME PARK (TRAILER PARK): Any premises on which are parked two (2) or more occupied manufactured homes, or any premises used or held out for the purpose of supplying to the public a parking space for two (2) or more such trailers; does not include sales lots on which automobiles or unoccupied trailers, new or used, are parked for purposes of inspection or sale.

METEOROLOGICAL TOWER (MET): A tower and associated equipment used primarily to measure wind speed and directions, plus other pertinent data relevant to siting a wind energy conversion system.

MISSISSIPPI HEADWATERS CORRIDOR: Any property annexed to the city which, prior to the annexation, was subject to the Morrison County Mississippi Headwater's Ordinance.

MOTOR COURT, MOTEL HOTEL OR MOTEL: A building or group of buildings, other than a hotel, used primarily as a temporary residence of a motorist.

MOTOR FREIGHT TERMINAL: A building or area in which freight brought by motor truck is transferred and stored for movement in intrastate or interstate shipment by motor truck.

MOTOR FUEL STATION: A retail place of business engaged primarily in the sale of motor fuels, but also may be engaged in supplying goods and services generally required in the operation and maintenance of motor vehicles. These may include sales of petroleum products, sales and servicing of tires, batteries, automotive accessories and replacement items, washing and lubrication services, and the performance of minor automotive maintenance and repair.

MOTOR FUEL STATION CONVENIENCE STORE: A store operated in conjunction with a major motor fuel station or truck stop for the purpose of offering for sale goods not essential to the motoring public.

NONCOMMERCIAL WIND ENERGY CONVERSION SYSTEM (NCWECS): A wind energy conversion system no greater than forty (40) kilowatts in total nameplate generating capacity.

NONCONFORMING STRUCTURE: Any structure which is existing upon the effective date hereof, which would not conform to the applicable zoning laws and restrictions if the structure were to be erected under the provisions of this Chapter.

NONCONFORMING USE: The use of land, buildings or structures legally existing at the time of adoption of this Chapter, which does not comply with all the regulations of this Chapter, or any amendments hereto, governing the zoning district(s) in which such use is located.

NOXIOUS MATTER OR MATERIALS: Material capable of causing injury to living organisms by chemical reaction, or is capable of causing detrimental effects on the physical or economic wellbeing of individuals.

NURSERY, DAY: A use where care is provided for pay for three (3) or more children under kindergarten age for periods of four (4) hours or more per day.

NURSERY, LANDSCAPE: A business growing and selling trees, flowering and decorative plants and shrubs, and which may be conducted within a building or without.

NURSING HOME: A private home for the care of children or the aged or infirm, or place of rest for those suffering bodily disorders. Such a home does not contain equipment for surgical care or for the treatment of disease or injury, nor does it include maternity care or care for mental illnesses or infirmities.

OPEN SALES LOT: Land devoted to the display of goods for sale, rent, lease or trade, where such goods are not enclosed within a building.

OPEN STORAGE: Storage of any material outside of a building.

OPEN USE: The use of a lot without a building, or including a building incidental to the open use with a ground floor area equal to five percent (5%) or less of the area of the lot.

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

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

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

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

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

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

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

PORTABLE STORAGE UNIT: A storage unit designed, constructed or reconstructed so as to be capable of movement via towing, hauling or attachment to a vehicle from one site to another and designed to be used without a permanent foundation. Portable storage units shall include semi-trailers and similar units which have been modified to make them unable to be readily transported

RETENTION FACILITY: A permanent natural or manmade structure that provides for the storage of stormwater runoff by means of a permanent or semi-permanent pool of water.

ROTOR DIAMETER: The diameter of the circle described by the moving rotor blades of the wind energy conversion system.

SETBACK: The minimum horizontal distance between a building and street or property line. Distances are to be measured perpendicularly from the property line to the most outwardly extended portion of the structure at ground point.

SETBACK PUMP: The distance from the street right-of-way line to the centerline of the motor fuel station pump island measured as perpendicular distance from the right-of-way.

SHELTER, FALLOUT OR BLAST: A structure or portion of a structure intended to provide protection to human life during periods of danger to human life from nuclear fallout, blasts, air raids, storms or other emergencies.

SIDE YARD: A yard extending along the side lot line between the front and rear yards, having a width as specified in the yard regulations for the district in which such lot is located.

SIGN: Any written announcement, declaration, demonstration, display, illustration, insignia or illumination used to advertise or promote the interest of any person when the same is displayed or placed out of doors in view of the general public and shall include every detached sign.

SIGN ADVERTISING (BILLBOARD): A sign which directs attention to a business, commodity, service or entertainment not exclusively related to the premises where such sign is located.

SIGN, BUSINESS: A sign which directs attention to a business or profession conducted or to a commodity, service or entertainment sold or offered on the premises on which the sign is located.

SIGN, FLASHING: An illuminated sign on which the artificial light is not maintained constant in intensity and color all times in which such sign is in use.

SIGN, GROSS AREA OF: The area within the frame shall be used to calculate the gross area, except that the width of the frame in excess of twelve inches (12") shall be added thereto. When letters or graphics are mounted without a frame, the gross area shall be the area bounded by straight lines six inches (6") beyond the periphery of said letters or graphics. Each surface utilized to display a message or to attract attention shall be measured as a separate sign. However, only one side of double faced signs shall be measured in computing the gross area thereof.

SIGN ILLUMINATED: Any sign which has characters, letters, figures, designs or outline illuminated by electric lights or luminous tubes.

SIGN, NAMEPLATE: Any sign which states the name or address or both, of the business or occupation of the lot where the sign is placed, or may be a directory listing the names, address and business of occupants.

SIGNIFICANT CULTURAL SITE: Any archaeological or historic site, standing structure or any other property that: a) is listed on the National Register of Historic Places; b) is listed in the State Register of Historic Sites; c) is determined to meet the qualifications for listing on the National Register of Historic Places or the State Register of Historic Sites after review by the Minnesota State Archaeologist or the Director of the Minnesota Historical Society; or d) is determined by the City Council to be a significant Local Heritage Preservation Landmark.

[SMALL WIRELESS FACILITY:](#) [The meaning given in Minnesota Statutes, Section 237.162, Subdivision 1, as amended from time to time.](#)

SPECIFIED ANATOMICAL AREAS:

whose main purpose is to convert wind energy into electrical energy to supply electricity to an off-site customer or on site to an individual system owner/property owner.

WIND TURBINE: Any piece of electrical generating equipment which captures and converts wind energy into electricity through the use of a wind turbine generator, and includes the turbine, blade, tower, base and pad transformers, if any, and other related equipment.

WIRELESS COMMUNICATIONS: Any “personal wireless services”, as defined Federal Communication Act of 1996, including FCC licensed commercial wireless telecommunications services, such as cellular, personal communication services (PCS), specialized mobile radio (SMR), enhanced specialized mobile radio (ESMR), global system of mobile communications (GSM), paging and similar services that currently exist or may be developed.

WIRELESS FACILITIES: The meaning given in Minnesota Statutes 237.162 subdivision 13, as amended from time to time.

WIRELESS SUPPORT STRUCTURE: The meaning given in Minnesota Statutes 237.162 subdivision 16, as amended from time to time.

YARD: A required open space on a lot which is unoccupied and unobstructed by a structure from its lowest ground level to the sky, except as expressly permitted in this Chapter. A yard shall extend along a lot line and at right angles to such lot line to a depth or width specified in the yard regulations for the district in which such lot is located.

ZONING DISTRICT: An area or areas within the limits of the zoning jurisdiction for which the regulations and requirements governing use are uniform.

SECTION 11.03 GENERAL PROVISIONS:

A. Application: In their interpretation and application, the provisions of this Chapter shall be held to be the minimum requirements for the promotion of the public health, safety, morals and welfare. Where the conditions imposed by any provision of this Chapter are either more restrictive or less restrictive than comparable conditions imposed by any other law, ordinance, statute, resolution or regulation of any kind, the regulations which are more restrictive, or which impose higher standards or requirements, shall prevail. No structure shall be erected, converted, enlarged, reconstructed or altered, and no structure or land shall be used for any purpose, nor in any manner, which is not in conformity with the provisions of this Chapter.

B. Nonconforming Uses and Structures:

1. Any structure or use lawfully existing upon the effective date hereon may be continued at the size and in a manner of operation existing upon such date, except as hereinafter specified.

2. Nothing in this Chapter shall prevent the placing of a structure in safe condition when such structure is declared unsafe by the Building Official.

3. When any unlawful nonconforming structure, or use of any structure or land, in any district, is discontinued for a period of more than one year, or is changed to a conforming use, any future use of said structure or land shall be in conformity with the provisions of this Chapter.

4. When any nonconforming structure is destroyed by fire or other peril, such as collapse, explosion, public enemy, act of war or act of God to the extent of greater than fifty percent (50%) of its market value, is in need of replacement or substantial remodeling, and no building permit has been applied for within one hundred eighty (180) days of when the property is damaged, in this case, the City may impose reasonable conditions upon a building permit in order to mitigate any newly created impact on adjacent property.

5. Any structure which will, under this Chapter, become nonconforming but for which a building permit has been lawfully granted prior to the effective date hereof, or of amendments

2. Hearing: The issuing authority shall establish a time, date and location for a hearing for revocation, suspension or amendment, at the request of the Zoning Administrator or the Administrator's designee. The administrator or designee shall serve notice of the date of the hearing to the permit or variance holder no less than ten (10) days prior to the date of the hearing using the same process as is required for civil actions at law. Other interested parties may be notified by first class mail or other appropriate means. At the hearing, the issuing entity will take such evidence as it deems appropriate either personally or through an attorney. Should the holder fail to appear in person or through counsel, the issuing entity shall still have the authority to take evidence and make a decision upon the request for revocation, suspension or amendment.

3. Findings at Hearing: Should the issuing authority find, by a preponderance of the evidence, that the holder has failed to comply with the conditions set forth on the variance or permit, the issuing party shall make that finding and state the reasons for its determination.

4. Remedies: Upon finding that the holder has failed to comply with the conditions set forth in the variance, conditional use permit or other permit, the issuing entity may then determine appropriate sanctions, if any, to impose. Sanctions may include, but not be limited to, revocation, suspension or amendment to the previously imposed conditions. A variance, conditional use permit or other permit may be suspended until such time as the holder comes into compliance with the terms of their original approval. The criteria for determining the appropriate sanctions shall include, but are not limited, to the length of time of the violation, the severity of the violation, and risk to the health, welfare, and safety of the neighboring residents and/or community as a whole.

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

SECTION 11.05 ZONING DISTRICTS AND MAP

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

1. Residential Districts:
 - R-1 One and Two Family Residential District
 - R-1C Country Homes, One and Two Family Residential District
 - R-2 One and Two Family Residential District
 - R-3 Multiple Family Residential District
 - R-4 Manufactured Homes Residential District
2. Business Districts:
 - B-1 Central Business District
 - B-2 Noncentral Business District
3. Industrial Districts:
 - I-1 Industrial District
4. Planned Unit Development (PUD) Overlay District:
 - PUD Planned Unit Development Overlay District.
5. Mississippi Headwaters Corridor Overlay District:
 - M Overlay District

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

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

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

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

a. One- and two-family dwellings.

b. Rural and urban agriculture, market gardens, nurseries or greenhouses, including the sale of products raised on the premises; provided, that no products are exhibited for sale within fifteen feet (15') of any street right-of-way.

c. Public and private parks, playgrounds, athletic fields and other recreation uses of a supporting nature to parks and playgrounds.

d. Essential services, buildings and structures.

e. The renting of rooms by a resident family for lodging purposes only, and for not more than two rooms in a one-family dwelling.

f. Residential and nonresidential programs as regulated by MN Statutes 245A.11 and 245A.14, as amended, except where such programs are considered a multifamily residential use by said statutes.

h. A home occupation upon issuance of a home occupation permit. All home occupation permits must meet the following criteria:

1. The home occupation shall be engaged in only by persons residing within the dwelling or building within which the home occupation is conducted;

2. The home occupation shall be conducted within the principal residence, within a designated area not comprising more than ten percent (10%), or one room, of the total floor area of the residence;

3. There shall be no evidence of the home occupation, other than signs permitted under City Code Chapter 5, Section 5.30, visible outside the structures;

4. The home occupation shall not include over the counter, retail sales of merchandise produced off the property;

5. No more than three (3) parking spaces shall be used by the persons conducting the home occupation and customers at any one time;

6. The home occupation shall not generate additional motor vehicle or pedestrian traffic beyond normal residential use;

7. No equipment or process shall be used in the home occupation which generates noise, vibration, glare, dust fumes, odors, or creates visual or electrical interference with radio or television reception outside the home.

8. No materials, supplies or stock in trade will be stored outside the area designed for the home occupation;

9. The occupation shall not involve materials or mechanical equipment which are not part of normal residential use;

10. The home occupation shall not involve commercial delivery service other than parcel service and United States mail;

11. The home occupation shall not involve the use of explosives or highly combustible materials or the storage of hazardous materials;

12. Home occupation permits are not transferable.

13. No home occupation shall be operated from an accessory structure or garage, except by conditional use;

14. Home occupation permits are subject to review for compliance with this Chapter. Should a violation occur, the permit is subject to revocation.

i. New small wireless facilities, provided that they shall be:

1. Not located within a historic district established by federal or state law or city ordinance as of the date of application for a small wireless facility permit.

2. Attached to the roof of an existing building such that it does not have a height greater than ten feet (10') above the highest point of the roofline or otherwise is not readily visible from a public right-of-way or adjoining residential-zoned property;

3. Served by underground power and communication lines, unless otherwise approved by the City Engineer where underground installation is not feasible.

j. **Fallout or blast shelter**

Commented [BJO1]: This has been passed by the Planning Commission, but not yet by the City Council.

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:

a. Public and private schools.

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

c. Commercial daycares.

d. Buildings used exclusively for government purposes, whether city, county, state or federal, provided that no vehicle or equipment storage or repair shall be performed.

e. Home occupations by conditional use permit, including licensed non-residential programs considered a permitted multi-family use by Minnesota Statutes 245A.14, as amended from time to time:

1. A home occupation which does not meet the criteria in subsection D.1.h. of this Section may be conducted following the issuance of a conditional use permit for a home occupation.

2. In reviewing an application for a conditional use permit for a home occupation, the City shall consider the impact of the proposed home occupation on the character of the neighborhood, and shall impose such conditions as shall limit or eliminate such impact. In reviewing the impact of the proposed home occupation, the City shall consider such issues as the

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

1. Parking must meet the requirements of Section 11.07 of this Chapter. In addition, must provide off street parking for all dining guests.
2. All guestrooms must be contained in the principal building.
3. Dining facilities are not open to the public but limited to residents, employees and registered guests or dining guests by appointment only.
4. Dining will be limited to ten (10) persons or less.
5. The facility must be licensed by Morrison County Public Health and/or the Minnesota Department of Health.
6. Bed and breakfast uses in residential areas must be located at least six hundred feet (600') apart (approximately two blocks).
7. The facility must be inspected by the State Fire Marshall and the City Building Inspector every three (3) years at the time of license renewal by the Minnesota Department of Health.
8. the facility, if located in a residential zone district, shall appear outwardly to be a single-family dwelling, giving no appearance of a business use and is allowed a maximum of eight (8) square feet of signage.
9. The conditional use permit shall be transferable with the property pursuant to Subsection 11.04D of this Chapter.

m. Multiple dwellings containing not more than four (4) dwelling units; provided, however, that the building to be used was in existence on the effective date hereof, and will provide a gross floor area of at least five hundred (500) square feet per dwelling unit and the City Council finds that by reason of its size and design or lack of demand, it cannot be beneficially used for any of the purposes for which buildings may lawfully be used under the provisions of this Subsection and that when altered, in order to adopt it to the new use, the building will conform in character and type to other residences in the immediate neighborhood; and further provided, that the house to be converted is located on a lot with an area of at least nine thousand (9,000) square feet, plus six hundred fifty (650) square feet for each dwelling unit.

n. New small wireless facilities, when not otherwise considered a permitted use, or wireless support structures for the siting of small wireless facilities provided that the small wireless facility or wireless support structure shall:

1. Not be located in an historic district established by federal or state law or city ordinance as of the date of application for a small wireless facility permit;
2. Be no taller than 40 feet in height;
3. Meet minimum setbacks from property lines that would be applicable to a sign under Section 5.30 of the City Code;
4. To the extent possible, have an antenna that is shrouded or camouflaged;
5. Be constructed from earth-tone aluminum, or as otherwise approved by the City Engineer; and
6. Be served by underground power and communication lines, unless otherwise approved by the City Engineer where underground installation is not feasible.

o. New small wireless facilities or wireless support structures for the siting of small wireless facilities, located in an historic district established by federal or state law or city ordinance

as of the date of application for a small wireless facility permit, provided that the small wireless facility or wireless support structure shall be:

1. No taller than 40 feet in height;
2. All communication equipment shall be attached to an engineered support structure in a manner approved by the City's Historic Preservation Committee and City Council;
3. Meet minimum setbacks from property lines that would be applicable to a sign under Section 5.30 of the City Code;
4. Constructed of a material and color approved by the City's Historic Preservation Committee and by the City Engineer; and
5. Served by underground power and communication lines. The structure shall not be served by any above-ground power or communication lines, unless otherwise approved by the City's Historic Preservation Committee and City Engineer where underground installation is not feasible.

np. Other uses of the same general character as permitted or conditional uses listed above, provided they are deemed fitting or compatible to the district by the City Council. In making its determination, the City Council shall consider factors related to the intensity of use, parking needs, level and type of traffic generated, hours of operation (including loading/unloading times), noise, odor, glare and other nuisance characteristics, and other factors that may be relevant to making a determination as to whether a particular use is of the same general character as a permitted or conditional use.

3. Permitted Accessory Uses in Any R-1 One and Two Family Residential District: No accessory structure or use of land shall be permitted, except for one or more of the following:

- a. Private garages and parking spaces.
- b. Signs as regulated in Chapter 5 of this City Code.
- c. Private swimming pool, tennis court or other recreational activity intended for the private use of the occupants of the dwellings located on the same site as the recreational use.
- d. Buildings temporarily located for the purpose of construction on the premises for a period not to exceed the time necessary for completion of said construction.
- e. Any other use customarily considered to be accessory to the foregoing permitted uses.

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

a. No structure or building shall exceed three (3) stories or forty feet (40') in height, except as provided for in this Chapter by conditional use permit.

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

Lot Size		Lot Width	
Interior Lot	Corner Lot	Interior Lot	Corner Lot
11,000 square feet	12,000 square feet	80 feet	80 feet

	Front Yard Setback	Rear Yard Setback	Side Yard Setback, Interior Lot	Side Yard Setback, Exterior Lot
Principal Structure	30 feet	35 feet	10 feet	15 feet
Accessory Structure	30 feet	10 feet	5 feet	15 feet

Commented [BJO2]: This has been recommended by the Planning Commission, but not yet adopted by the City Council

Minimum gross floor area for single family dwelling: One thousand (1,000) square feet.

Minimum gross floor area for two family dwelling: One thousand six hundred (1,600) square feet.

E. R-1C Country Homes, One and Two Family Residential District:

1. Permitted Uses: Any use permitted in the R-1 One and Two Family Residential District.

2. Conditional Uses: Any use permitted in the R-1 One and Two Family Residential District.

3. Permitted Accessory Uses: Any accessory use permitted in the R-1 One and Two Family Residential District.

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

a. No structure or building shall exceed three (3) stories or forty feet (40') in height, except ~~as provided for in this Chapter~~ by conditional use permit.

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

Lot Size		Lot Width	
Interior Lot	Corner Lot	Interior Lot	Corner Lot
16,000 square feet	16,000 square feet	100 feet	100 feet

	Front Yard Setback	Rear Yard Setback	Side Yard Setback, Interior Lot	Side Yard Setback Exterior Lot
Principal Structure	20 feet	10 feet	15 feet	15 feet
Accessory Structure	20 feet	10 feet	5 feet	15 feet

- c. Minimum floor area for single family dwelling:
 - 1. One story, single family dwelling: One thousand (1,000) square feet.
 - 2. One story, two family dwelling: One thousand six hundred (1,600) square feet.
 - 3. Split level or two-story dwellings: Eight hundred sixty-four (864) square feet
- d. Notwithstanding the foregoing, a lot shall be considered conforming, provided:
 - 1. The lot is at least twelve thousand (12,000) square feet in area; and
 - 2. The lot was a recorded lot of record in separate ownership on or before September 1, 2003, or with its incorporation into the City; and
 - 3. The lot was in compliance with applicable zoning ordinances at the time of its creations; and
 - 4. Any new structures will meet applicable setbacks.

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

- 1. Permitted Uses:
 - a. Any use permitted in the R-1 District.
- 2. Conditional Uses:
 - a. Any use permitted as conditional in the R-1 District.

b. Multiple dwellings containing not more than four (4) dwelling units; provided, however, that the building to be used was in existence on the effective date hereof, and will provide a gross floor area of at least five hundred (500) square feet per dwelling unit and the City Council finds that by reason of its size and design or lack of demand, it cannot be beneficially used for any of the purposes for which buildings may lawfully be used under the provisions of this Subsection and that when altered, in order to adopt it to the new use, the building will conform in character and type to other residences in the immediate neighborhood; and further provided, that the house to be converted is located on a lot with an area of at least nine thousand (9,000) square feet, plus six hundred fifty (650) square feet for each dwelling unit.

c. Heliports.

d. Other uses of the same general character as permitted or conditional uses as listed above, provided they are deemed fitting or compatible to the district by the City Council. In making its determination, the City Council shall consider factors related to the intensity of the use, parking needs, level and type of traffic generated, hours of operation (including loading/unloading times), noise, odor, glare and other nuisance characteristics, pollution potential and other factors that may be relevant to making a determination as to whether a particular use is of the same general character a permitted or conditional use.

3. Permitted Accessory Uses:

- a. Any use permitted as accessory in the R-1 District.

4. Lots Area, Floor Area, ~~height~~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

H. R-4 Manufactured Homes Residential District:

1. Permitted Uses:

- a. Any use permitted in the R-3 District.
- b. "Manufactured Homes", as defined in Section 11.02 of this Chapter.
- c. Motels.

2. Conditional Uses:

- a. Recreation vehicles and manufactured home sales.
- b. Retail or service outlets intended to serve occupants of the permitted uses.
- c. Any use permitted as conditional in the R-3 District.

3. Permitted Accessory Uses:

a. Administrative offices, recreation buildings and facilities, laundry and other uses of a supporting nature to a manufactured home park.

b. Temporary parking of recreational vehicles for occupancy; provided, that recreational vehicles shall be parked in a designated recreational camping area as defined in Minnesota Statutes 327.14, Subdivision 8.

- c. Signs as regulated in Chapter 5 of this City Code.

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

a. No structure or building shall exceed two (2) stories or thirty feet (30') in height, except ~~as provided in this Chapter~~ by conditional use permit.

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

- 1. Minnesota Statute 327.10-327.28 Manufactured Home Parks and Camping Area.
- 2. Minnesota Rule 4630 governing manufactured home parks and recreational camping area.

I. B-1 Central Business District:

1. Permitted Uses:

a. Any permitted or conditional use in the R-1, R-1C or R-3 District, except as limited in this Section.

b. Food trucks, for periods of time not exceeding 12 hours on any calendar day, provided that it is located on the same lot as an operating business.

c. Any business or commercial establishment that is not specifically prohibited and as otherwise limited in this Section, including retail establishments, food service establishments, on and/or off sale liquor establishments, personal services, professional services, equipment and auto repair services, entertainment and amusement services, lodging services including hotels and motels.

- d. Public and semi-public buildings, including a post office, a fire hall, or a city hall.
- e. Private clubs.

f. New small wireless facilities, provided that they shall be:

1. Not located within a historic district established by federal or state law or city ordinance as of the date of application for a small wireless facility permit.

2. Attached to the roof of an existing building such that it does not have a height greater than ten feet (10') above the highest point of the roofline or otherwise is not readily visible from a public right-of-way or adjoining residential-zoned property;

3. Attached to a tower, pole, sign, light or other similar structure which has been legally permitted, which has been granted a conditional use permit, or which exists as a legal conforming structure, such that it does not have a height greater than the maximum allowable height for the zoning district in which it is constructed.

4. Served by underground power and communication lines, unless otherwise approved by the City Engineer where underground installation is not feasible.

g. New wireless support structures for the siting of small wireless facilities, provided that the wireless support structure shall be:

1. Not located within a historic district established by federal or state law or city ordinance as of the date of application for a small wireless facility permit.

2. No taller than 40 feet in height;

3. Meet minimum setbacks from property lines that would be applicable to a sign under Section 5.30 of the City Code;

4. To the extent possible, have an antenna that is shrouded or camouflaged;

5. Constructed from earth-tone aluminum, or as otherwise approved by the City Engineer; and

6. Served by underground power and communication lines. The structure shall not be served by any above-ground power or communication lines, unless otherwise approved by the City Engineer where underground installation is not feasible.

2. Conditional Uses:

a. Any use that provides more than fifty (50) parking spaces or is required to provide more than fifty (50) parking spaces.

b. Any use where outdoor storage will exceed five hundred (500) square feet or where outdoor storage within fifty (50) feet of a residentially used or zoned property is not entirely screened from said residential property and public streets or alleys within fifty (50) feet of said residential property.

c. Any use where a drive-thru or drive-up window is within fifty (50) feet of a residentially used or zoned property is not entirely screened from said residential property and public streets or alleys within fifty (50) feet of said residential property.

d. Light assembly or light manufacturing.

e. Other uses of the same general character as permitted or conditional uses listed above, provided they are deemed fitting or compatible to the district by the City Council. In making its determination, the City Council shall consider factors related to the intensity of the use, parking needs, level and type of traffic generated, hours of operation, (including loading/unloading times), noise, odor, glare and other nuisance characteristics, pollution potential and other factors that may be relevant to making a determination as to whether a particular use is of the same general character as permitted or conditional use uses of the same general character as permitted or conditional uses listed above, provided they are deemed fittings or compatible to the district by the Planning Commission.

Commented [BJO3]: This has been recommended by the Planning Commission, but not yet adopted by the City Council.

f. New small wireless facilities or wireless support structures for the siting of small wireless facilities, located in an historic district established by federal or state law or city ordinance as of the date of application for a small wireless facility permit, provided that the small wireless facility or wireless support structure shall be:

1. No taller than 40 feet in height;
2. All communication equipment shall be attached to an engineered support structure in a manner approved by the City's Historic Preservation Committee and City Council;
3. Meet minimum setbacks from property lines that would be applicable to a sign under Section 5.30 of the City Code;
4. Constructed of a material and color approved by the City's Historic Preservation Committee and by the City Engineer; and
5. Served by underground power and communication lines. The structure shall not be served by any above-ground power or communication lines, unless otherwise approved by the City Engineer where underground installation is not feasible.

g. Communications towers, as regulated elsewhere in this Chapter, when not located in an historic district established by federal or state law or city ordinance.

Commented [BJO4]: This has been recommended by the Planning Commission but not yet adopted by the Council.

3. Permitted Accessory Uses:

- a. Any use permitted as accessory in the B-1 district as regulated herein.

4. Lot Area, Height, Lot Width and Yard Requirements: The following minimum requirements shall be observed, subject to additional requirements, exceptions and modifications contained in this Chapter.

Lot Size		Lot Width	
Interior Lot	Corner Lot	Interior Lot	Corner Lot
2,000 square feet	3,000 square feet	25 feet	25 feet

	Front Yard Setback	Rear Yard Setback	Side Yard Setback, Interior Lot	Side Yard Setback Exterior Lot
Principal Structure	0 feet	10 feet	0 feet	0 feet
Accessory Structure	0 feet	10 feet	0 feet	0 feet

Maximum height forty (40) feet, except as allowed by conditional use permit.

K. B-2 Noncentral Business District:

1. Permitted Uses:

- a. Any permitted use in the B-1 District, except as limited herein.
- b. Light assembly or light manufacturing.

2. Conditional Uses:

a. Any use where outdoor storage will exceed 10,000 square feet or where outdoor storage within fifty feet (50') of a residentially used or zoned property is not entirely screened from said residential property and public streets or alleys within fifty feet (50') of said residential property.

b. Other uses of the same general character as permitted or conditional uses listed above, provided they are deemed fitting or compatible to the district by the City Council. In making its determination, the City Council shall consider factors related to the intensity of the use, parking needs, level and type of traffic generated, hours of operation (including loading/unloading times), noise, odor, glare and other nuisance characteristics, pollution potential and other factors that may be relevant to making a determination as to whether a particular use is of the same general character a permitted or conditional use.

3. Permitted Accessory Uses:

a. Any use permitted as accessory in the B-1 district as regulated herein.

4. Lot Area, Height, Lot Width and Area Requirements:

a. Minimum Requirements: The following minimum requirements shall be observed subject to additional requirements, exceptions and modifications contained in this Chapter.

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

Lot Size		Lot Width	
Interior Lot	Corner Lot	Interior Lot	Corner Lot
10,000 square feet	10,000 square feet	75 feet	75 feet

	Front Yard Setback	Rear Yard Setback	Side Yard Setback, Interior Lot	Side Yard Setback Exterior Lot	Side Yard Setback Adjacent to Residential Zoned Property
Principal Structure	30 feet	30 feet	10 feet	30 feet	25 feet
Accessory Structure	30 feet	10 feet	5 feet	5 feet	5 feet

1. Residential uses shall be governed by lot size and setback requirements as provided in R-2 Districts.

2. Businesses within a B-2 District may construct an overhead canopy or structure for weather protection, attached or freestanding, as long as the structure maintains a ten-foot (10') setback from the street right-of-way line and a twenty-foot (20') setback from an adjacent property line.

b. **Highway Height** Restrictions: There shall be no height restrictions on buildings in the B-2 District, except that for every foot that a building exceeds thirty feet (30'), an additional foot of setback shall be provided from each property line.

c. Landscaping for Commercial Uses:

1. Each site shall have a front yard not less than twenty feet (20') in depth across the entire frontage; this yard shall be landscaped except for necessary driveway and sidewalk needs which shall not exceed one-half (1/2) the width of the site.

2. A minimum of five feet (5') of the side yard setback shall be landscaped and maintained as green space along the total length of the side property lines.

3. All areas shall be landscaped in accordance with a landscaping plan.

L. I-1 Industrial District:

J. Sign Restrictions: Signs identifying or advertising adult use establishments must comply with the following restrictions:

1. Signs shall be limited to the size, number of signs and other performance standards that are permitted in the district in which the use is located.
2. No photos, pictures, digital representations or visual depictions of any person, product, device or service relating to “specified sexual activities” or “specified anatomical area” shall be displayed on any sign.
3. No merchandise, photos, illustrations, representations or pictures of the sexually oriented products, activities or entertainment offered on the premises of the adult use may be displayed in an area where such items can be viewed from a sidewalk, public right-of-way or any building or structure adjoining or adjacent to the adult use establishment.

K. Penalty: Any person violating any provision of this Ordinance shall be guilty of a misdemeanor, and upon conviction shall be subject to the penalties for a misdemeanor as prescribed by State law. Each day of the violation continues shall be considered a separate misdemeanor offense punishable by a separate misdemeanor penalty. The City may also enforce any provision of this Ordinance by mandamus injunction or any other appropriate civil remedy in any court of competent jurisdiction.

L. Severability: Every Section, Provision or part of this Ordinance is declared severable from every other Section Provision or part thereof to the extent that if any section, provision, or part of this Ordinance be held invalid by a court of competent jurisdiction it shall not invalidate any other Section, Provision or part thereof.

No adult uses, principal, shall be located less than one thousand seven hundred feet (1,700’) from the nearest property line of any land in any residential zone, or any public daycare, library, park playground or other public recreational facility in any zone, or less than one thousand seven hundred feet (1,700’) from the nearest property line of any religious instruction, or less than one thousand seven hundred feet (1,700’) from any property used as a residence.

SECTION 11.30 COMMUNICATIONS TOWERS:

A. Purpose and Intent:

1. The Federal Communications Act of 1934, as amended by the Telecommunications Act of 1996 (the “new act”), governs the construction, placement and modification of personal wireless facilities.
2. Consistent with the Act, the general purpose of this Section is to manage the placement, construction and modification of telecommunications towers and related facilities in order to protect the health, safety and welfare of the public, while not unreasonably interfering with the development of the competitive wireless communications marketplace in the City.
3. In furtherance of the goals of the City and within the framework of the act and State law, the City will give due consideration to the City Comprehensive Plan, zoning districts, existing land uses and environmentally sensitive areas in approving sites for the location of towers and antennas. Specifically, the purposes of this section are to:
 - a. Accommodate the communication needs of the residents and businesses.
 - b. Facilitate the provision of wireless communication facilities through careful siting and design standards.
 - c. Minimize adverse visual impacts of telecommunications towers and facilities through design, siting, landscaping and innovation camouflaging techniques.

d. Avoid potential damage to adjacent properties from the construction and operation of wireless communications facilities through structural standards and setback requirements and ensuring that those structures are promptly and safely removed when no longer used or when determined to be structurally unsound.

e. Maximize the use of existing and approved towers, buildings or structures to accommodate new wireless communications antennas to reduce the number of towers needed to serve the industry.

B. General Requirements:

1. All towers and antennas shall comply with all Federal Communications Commission and Federal Aviation Administration rules and regulations.

2. Design and installation of all towers and antennas shall comply with the manufacturer's specification and with ANS/TIA/EIA standards. Plans shall be designed, stamped and signed by a State licensed professional engineer.

3. Installation of all towers and antennas shall comply will all applicable State and local building and electrical codes.

4. For leased sites, written authorization for locating the wireless communication facilities from the property owner (fee title holder), must be provided as set forth in Subsection H of this Section.

5. All wireless communication facilities must be adequately insured for injury and property damage. Proof of insurance with the City of Little Falls ~~namesnamed~~ as an additional insured shall be provided.

6. All communication towers shall require a building permit before construction is allowed in any zoning district, and shall be anchored in a stationary position. Manufacturer's specifications for the antenna and supporting structure shall be attached to the building permit application.

7. Proposals to erect new towers and antennas shall be accompanied by any required Federal, State or local agency licenses or applications for such licenses.

8. Only one tower is permitted on a parcel of land. Additional towers may be permitted with a conditional use permit if the additional tower is located within two hundred feet (200') of the existing tower and all other requirements of this Chapter are met.

9. Tower designs are required to be an open framework or monopole configuration without the use of guy wires. The use of guy wires is prohibited in the design of new towers. Permanent platforms or structures, exclusive of antennas that serve to increase off site visibility, are prohibited.

C. Prohibitions:

1. No tower shall be over two hundred feet (200') in height.

2. All towers that exceed forty feet (40') in height shall stay a minimum of six hundred feet (600') from all residentially zoned property lines and public parks.

3. No advertising message or sign shall be affixed to any tower or antenna.

4. Towers and antennas shall not be artificially illuminated unless required by Federal Communications Commission or Federal Aviation Administration regulations.

5. No part of any tower, antenna or other components shall extend across or over any right-of-way, public street, highway, sidewalk or property.

6. No part of any tower, antenna or other components shall extend beyond the fence enclosure as required under Subsection G6 of this Section.

7. No temporary mobile communications sites are permitted, except in the case of equipment failure, equipment testing, equipment replacement, or in the case of an emergency situation authorized by the City Council or their designated representative.

D. District Requirements, Placement, Setbacks and Height:

1. Residential Districts:

a. Placement: Communications towers such as television antennas, HAM radio towers, etc., shall be situated in the rear or side yard without encroaching on the front yard area.

b. Setbacks: Minimum setbacks of a tower from any lot line shall be ten feet (10'). If a tower and/or antenna are not rigidly attached to a building, then the minimum setback shall be equal to the height of the tower and/or antenna. However, if a tower and antenna are rigidly attached to a building and the tower base ~~is~~ is on the ground, the minimum setback may be equal to the distance from the highest point of attachment to the top of the tower and/or antenna.

c. Tower Height: The maximum height of the tower and/or antenna shall be forty feet (40') from average grade around the principal structures, or twenty feet (20') above the roof ridge line of the principal structure on said lot. There shall be no more than one communication tower per parcel.

2. Business Districts:

a. Placement: Towers erected in business districts shall require a conditional use permit and be situated in rear and side yards, without encroachment into front yard areas.

b. Setbacks:

1. Towers shall meet the principal structure setbacks of the underlying zoning district. Setbacks from the property line and public rights-of-way to base perimeter of the tower shall be one hundred twenty five percent (125%) or greater of the tower and/or antenna height. This setback may be reduced if the tower is designed to collapse half the distance of the total height of the tower through engineered design, then the tower setback will be one hundred twenty-five percent (125%) of half the tower and/or antenna height to the property line and/or public rights-of-way and planned public rights-of-way. The applicant must submit a report stamped by a State licensed professional engineer ~~register~~ registered in the State of Minnesota that certifies that the tower is designed and engineered to collapse half the height of the tower upon failure, if the reduction of the setback is applied. Setback requirements may be reduced to property lines abutting property that cannot be developed due to the presence of wetlands or similar limitations by variance, if the intent of this Subsection would be better served thereby.

2. Towers shall not encroach any easements. Towers shall not be located closer to a public street than a principal structure, with the following exceptions: 1) on sites adjacent to public streets on all sides, towers may be placed within a side yard abutting a local street; 2) setback distances shall be measured starting from the base of the tower located nearest the property line; and 3) a tower's setback may be reduced or its location in relation to a public street varied, at the sole discretion of the City Council, to allow the integration of a tower onto an existing or proposed structure such as a church steeple, light standard, power line support device, or similar structure.

SECTION 11.31 WIND ENERGY CONVERSION SYSTEMS

A. Purpose and Intent:

1. The purpose of this Section is to establish regulations for the installation and operation of wind energy conversion systems within the City not otherwise subject regulation and oversight by the State, to:

a. Facilitate the provision of wind energy conversion systems (WECS) and meteorological towers (MET) in locations and circumstances under which the use may be established without detriment to the public health, safety and general welfare of neighboring property owners or occupants; and

b. Minimize adverse visual impacts of these systems through careful design, siting and landscaping standards; and

c. Ensure that these systems are promptly and safely removed when no longer used or when determined to be structurally unsound.

2. The City will give due consideration to the City comprehensive plan, zoning districts, existing land uses, and environmentally sensitive areas when considering approval for the location of these systems. Permitting is subject to the regulations and requirements of this Section and other provisions of this Code, provided the property upon which the system is to be located is at least two and one half (2-1/2) acres in size. No person shall construct or operate a wind energy conversion system without having fully complied with the provisions of this Section.

C. District Regulations: Wind energy conversion system and meteorological tower systems shall be considered as an accessory use and may be allowed as a permitted, temporary or conditional use, or not permitted based on the generating capacity and/or zoning district as established in the table below, subject to the requirements of this Section and other provisions of this Code. Minimum lot size for locating a wind energy conversion and meteorological tower is two and one half (2-1/2) acres.

- P = Permitted
- C = Conditional Use Permit
- PTU = Permitted Temporary Use
- NP = Not Permitted

Zoning District	NCWES (10_40 kw)	CWECS (40_100 kw)	MET¹
R-1, R-2, R-3 and R-4	NP	NP	NP
R-1C	NP	NP	NP
B-1 and B-2	C	NP	PTU
I-1	P	C	PTU

Notes:

- 1. Temporary use up to eighteen (18) months.

D. General Requirements:

1. All wind energy conversion systems facilities shall comply with all Federal and State regulatory standards, rules and regulations, including the Federal Communications Commissions, Federal Aviation Administrations, Minnesota Pollution Control Agency, and the Minnesota Department of Transportation.

2. All wind energy conversion systems facilities shall be designed, stamped and signed by a State licensed professional engineer.

3. All wind energy conversion systems facilities shall comply with all applicable state and local building and electrical codes.

4. All wind energy conversion systems facilities shall require a building permit prior to construction in any zoning district. Towers shall be anchored in a stationary position. Manufacturer's specifications for the wind energy conversion systems and supporting structures shall be submitted with the building permit, including data and calculations regarding wind and icing loads.

5. For leased sites, written authorization for locating the wind energy conversion systems facilities from the owner (fee title holder) must be provided as set forth in Subsection K.13. of this Section.

6. Proposals to erect new wind energy conversion systems shall be accompanied by any required Federal, State or local agency licenses or applications for such licenses.

7. Wind energy conversion systems shall have one ~~sign~~ sign, not to exceed two (2) square feet, posted at the base of the tower stating the manufacturer's name, emergency telephone number, shutdown procedures and high voltage warning.

8. The City's Building and Zoning Officials shall be notified in writing of any change in ownership of wind energy conversion systems or meteorological facility. All conditions imposed as a part of the original permit approval shall not be affected by the change.

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

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

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

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

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

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

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

E. Prohibitions:

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

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

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

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

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

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

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

F. Design and Performance Standards:

1. The following setbacks and separation requirements shall apply to all ~~meteorological~~ towers and wind ~~meteorological~~ energy conversion systems facilities; provided, however, that the City Council may reduce the standard setbacks and separation requirements by variance if the intent of this Section would be better served thereby. All required setbacks shall be measured from the base of the wind energy conversion systems or meteorological towers.

a. Inhabited Structures:

1. Meteorological towers, noncommercial and commercial wind energy conversion systems facilities shall be set back from the nearest residential zoning district boundary line, school, hospital, church, public building or public park, a distance no less than two thousand feet (2,000'). Setbacks to principal structures on the property shall be distance of no less than one and one half (1-1/2) times the total height.

2. All new residential dwellings must be set back six hundred feet (600') from any wind energy conversion system wind turbine or meteorological tower, unless the dwelling owner and turbine/tower owner is the same. In such case, the dwelling setback shall be no less than and one half (1-1/2) times the total height.

b. Property Lines: Each wind turbine shall be set back from the nearest property line a distance no less than two (2) times its total height.

c. Public Roads: Each wind turbine shall be set back from the nearest public road a distance no less than one and one fourth (1-1/4) times its total height, determined at the nearest boundary of the underlying right-of-way for such public road or planned public road

d. Communications and Electrical Lines: Each wind energy conversion system wind turbine shall be set back from the nearest aboveground public electric power line or communication lines a distance no less than one and one fourth (1-1/4) times its total height, determined from the existing overhead power line or communication lines.

e. Historic Districts: All wind energy conversion systems facilities proposed to be located in or near historic preservation landmarks and districts and in or near potential historical preservation landmarks and district, shall be reviewed for approval by the City's Heritage Preservation Commission and the Minnesota Historical Preservation Office prior to the approval of a building permit.

2. Noise:

a. A wind energy conversion system facility permit shall not be granted unless the applicant demonstrates that the proposed project complies with all noise regulations as required.

b. The applicant shall submit a noise study, prepared by a qualified professional regulated by Chapter 10 of the City Code, as applicable. The City Council or their representative shall determine the adequacy of the noise study and, if necessary, require further submissions.

c. The City Council may impose a noise setback that exceeds the other setbacks set in this Section, if they deem that such greater setbacks are necessary to protect the public health and safety of the community.

d. In the event the noise levels resulting from the wind energy conversion systems exceed the criteria listed above, a waiver to said levels may be granted by the City Council; provided, that the following has been accomplished:

1. Written consent from the affected property owners has been obtained stating that they are aware of the wind energy conversion system and the noise limitations imposed by this Section, and that consent is granted to allow noise levels to exceed the maximum limits otherwise allowed; and

2. If the applicant wishes the waiver to apply to succeeding owners of the property, a permanent noise impact easement is required to be recorded with the City and at the Morrison County Recorder's Office, which describes the benefited and burdened properties and which advises all subsequent owners of the burdened property that noise levels in excess of those permitted by this Section may exist on or at the burdened property.

3. Minimum Ground Clearance: The rotor blade arc created by the wind energy conversion system shall have a minimum of thirty feet (30') of clearance over any structure and vegetation and between the rotor blade's lowest point and the ground.

4. Signal Interference: The applicant shall minimize or mitigate any interference with communications facilities, such as radio, cell tower systems, microwaves and telephone or television signals caused by any wind energy conversion system. Disturbances shall be reduced to the satisfaction of the affected parties and City Council.

5. Safety:

~~a. a. All wiring between wind turbines and the wind energy conversion systems substation shall be underground. turbine towers and meteorological towers shall not be climbable up to twelve feet (12') above the ground level.~~

b. Wind turbine towers and meteorological towers shall not be climbable up to twelve feet (12') above the ground level.

c. All access doors to wind turbine towers or meteorological and electrical equipment shall be lockable and locked during unattended times.

d. Appropriate warning signage shall be placed on wind turbine towers, electrical equipment, and wind energy conversion systems entrances.

e. The City Council may require that wind energy conversion systems or meteorological sites be enclosed by security fencing and be equipped to deter the general public from obtaining access to the site. All access gates, doors and cabinets to the wind turbine towers and electrical equipment shall be lockable and locked when not attended.

f. Each wind energy conversion system shall be equipped with both a manual and automatic braking system.

G. Application: Building permits, conditional use permits and variances shall be applied for and reviewed under the procedures of this Section and other provisions of this Chapter.

1. A building permit is required prior to the construction or installation of any wind energy conversion system or meteorological facility.

2. Wind energy conversion system uses and facilities requiring a conditional use permit under this Section shall be considered by the Planning Commission and the City Council upon submittal and approval of a properly completed application. The City Council may impose such conditions on the granting of a conditional use permit as may be necessary to carry out the purpose and intent of this Section, and to maintain compatibility with the City's Comprehensive Plan and provisions of the City Code.

3. In addition to the application required, established elsewhere in this Section, all permit applications for new wind energy conversion system facilities shall include the following information:

a. A scaled site plan of the project site. In addition to requirements found elsewhere in this Section, the site plan shall indicate the project area boundaries, wind turbine locations, roads, transformers, power lines, communication lines, interconnection points with transmission lines, and other ancillary facilities or structures. The applicant shall also provide a detailed aerial photo of the surrounding area within one thousand three hundred twenty feet (1,320') of the proposed wind energy conversion system location. The photo shall clearly show location and distances to wetlands, rivers and streams, lakes, scenic and natural areas; and significant or potential historic sites; all public parks, and distances to residential dwellings, structures and other structures.

b. A report stamped by a State licensed professional engineer and other professionals which:

1. Certifies that a detailed engineering soils report has been completed and that the design of the tower foundation is based on that report.

2. ~~Described~~ Describes the number of structures, structure total height and tower height and design, including a cross section, rotor diameter and direction, elevation and foundation design.

3. Specific information on the type size, height, color, rotor material, rated power output, performance, safety, and noise characteristics of each commercial wind turbine model, tower and electrical transmissions equipment height and design, including a cross section, rotor diameter and direction, elevation and foundation design.

4. Certifies the structure's compliance with structural and electrical standards.

5. Identifies the location of all sites that were considered as possible alternatives to the site applied for.

c. After the facilities are removed, the site shall be restored to its original or to an ~~improvement-improved~~ condition.

I. Addition Requirements:

1. Structural Inspections:

a. The City may conduct inspections at any time, upon reasonable notice to the property owner and the wind energy conversion system owner for the purpose of determining if it complies with the Minnesota State Building Code and all other construction standards provided for in Federal and State law, as well as this City Code. The City expenses related to such inspections may be borne by the wind energy conversion system owner or property owner. Based upon the results of an inspection, the City may require repair, modification or removal of the facilities.

b. Deviation from original construction for which a permit is obtained constitutes a violation of this Section.

c. Notice of violation will be sent by postal mail to the owner and the owner will have thirty (30) days from the date the notification was issued to make repairs.

2. Maintenance: Wind energy conversion system facilities must be maintained in accordance with the following provisions:

a. Owners must install and maintain wind energy conversion system facilities in compliance with the requirements of the National Electrical Code, and all Federal, State and local regulations, and in such a manner that they will not interfere with the use of other property, nor cause damage, injuries or nuisances to the public.

b. Wind energy conversion system facilities and support structures must be kept and maintained in good condition, order and repair.

c. Maintenance or construction of a wind energy conversion system facility support structure must be performed by qualified maintenance and construction personnel.

J. Building Mounted Wind Energy Conversion System Facilities: Notwithstanding the height limitations of the zoning district, ~~and where not specifically prohibited by this section~~, building mounted wind energy conversion system facilities shall be allowed in business and industrial zoning districts. Permitting is subject to administrative review and approval of a properly completed application by the City Council of their representative, under the provision of this Section and as established in this Section and this City Code. In addition, all building mounted wind energy conversion system facilities shall comply with the following standards and regulations.

1. A building permit is required prior to the construction or installation of any building mounted wind energy conversion system facility.

2. Building mounted wind energy conversion system facilities shall be prohibited on structures less than forty-two feet (42') in height, based on the average grade surrounding the building.

3. Building mounted wind energy conversion system facilities shall be installed above the roof surface.

4. The total height of the building mounted wind energy conversion system facilities shall not exceed fifteen feet (15') above the highest point of the roofline. Evidence will be provided showing adequate clearance and protection from the rotor blade rotation as approved by the City Council or their representative.

5. Building mounted wind energy conversion system facilities shall be set back at least twenty feet (20') from the front walls and fifteen feet (15') from the side and rear walls of the structure upon which it would be mounted.

6. The applicant will provide plans and evidence to the City Council or their representative's satisfaction, that the structure upon which the proposed wind energy conversion system facility is to be mounted shall have the structural integrity to carry the weight and wind loads of the wind energy conversion system and have minimal vibration impacts on the structure. Wind energy conversion system facilities shall comply will all applicable State and local building and electrical codes.²

7. Evidence of power purchase contracts and power transmission contracts and means of interconnecting with an electrical grid, if applicable, or documentation that the power will be utilized on site.

8. Building mounted wind energy conversion system facilities shall be prohibited in the Mississippi Headwaters Corridor Districts.

K. Temporary Meteorological Equipment: Temporary meteorological equipment located upon a temporary tower used on a temporary basis to gather wind and meteorological data to determine feasibility of a wind energy conversion system shall require a permit to allow temporary use under this Section. Permitting is subject to administrative review and approval of a properly completed application by the City Council or their representative, under provisions of this Section and as established in this Section and under this City Code. In addition, all meteorological facilities shall comply with the following standards and requirements:

1. A building permit is required prior to the construction or installation of any meteorological facility.
2. No more than one such meteorological facility shall be permitted on a lot at one time.
3. The meteorological facility shall be placed on property for no longer than eighteen (18) months from the date of permit issuance. Any abandoned or obsolete temporary tower and associated equipment shall be removed within thirty (30) days from the cessation of operation at the site. If removal and restoration are not completed within the period specified herein, the City is authorized to complete the removal and site restoration at the leaseholder's or property owner's expense.
4. The tower shall be temporary by nature and shall not have permanent foundations. Guy wires may be used as long as the connections to the ground are temporary and the wires are designed to support the wind and ice load of the tower.
5. The tower and any related guy wire should be protected against unauthorized climbing.
6. The tower shall meet all setback requirements of this Section.
7. the tower shall be grounded and shielded to protect against natural lightning strikes, in conformance with the National Electrical Code.
8. No tower shall have affixed or attached lights, reflectors, flashers, or any other illumination, except for those devices required or approved by the Federal Aviation Administration.
9. Meteorological generators shall comply with all Minnesota Rules 7030, as amended, governing noise and this City Code, as amended and applicable.
10. The color of the meteorological facility shall be nonreflective and nonobtrusive.
11. Warning signs with the telephone number of the owner shall be displayed at the site.

to the Public Works Director/City Engineer for an extension of time to commence construction setting forth the reasons for the requested extension, the Public Works Director/City Engineer may grant one extension of not greater than one (1) year. Receipt of any request for an extension shall be acknowledged by the City within fifteen (15) calendar days. The Public Works Director/City Engineer shall make a decision on the extension within thirty (30) calendar days of receipt. Any plan may be revised in the same manner as originally approved. Any denied application may be resubmitted with additional information addressing the concerns contained within the denial. The resubmitted plan is subject to all applicable fees and shall be considered a new application.

T. Conditions: A stormwater management plan may be approved subject to compliance with conditions reasonable and necessary to ensure that the requirements contained in this section are met. Such conditions may, among other matters, limit the size, kind or character of the proposed development, require the construction of structures, drainage facilities, storage basins and other facilities, require replacement of vegetation, establish required monitoring procedures, stage the work over time, require alteration of the site design to ensure buffering, require the acquisition of certain lands or easements, and require the conveyance to the City of Little Falls or other public entity of certain lands or interest therein. The City may specify special requirements for specific watershed within the City and its extraterritorial jurisdiction. The nature of these requirements will be subject to the unique environmental and natural resources environment of each subwatershed. Approval of a plan shall bind the applicant to perform all of the conditions and requirements of the plan prior to any land disturbing activities. A plan issued under this Section runs with the land and is a condition of plat approval. Any owner or subsequent owner of any parcel within the plat must comply with the plan or any approval revision or modification of the plan.

U. Record Drawings: Upon completion of construction activities, the applicant shall submit the final stormwater management plan to document any change to the original stormwater management concept. The final plan shall contain record drawings, in paper and in electronic format (AutoCAD), sharing the final configuration of all improvements. The final plan shall be certified by the registered professional engineer in the State of Minnesota.

SECTION 11.50 FLOODPLAIN MANAGEMENT

Sections 11.50 through 11.63 of this Chapter shall comprise of the provisions of the Floodplain Management Regulations.

SECTION 11.51 STATUTORY AUTHORIZATION, FINDINGS OF FACT AND PURPOSE

A. Statutory Authorization: The State Legislature has, in Minnesota Statutes 103F, 104 and 462, as amended from time to time, delegated the responsibility to local governmental units to adopt regulations designed to minimize flood losses. Therefore, the City Council does ordain as follows:

B. Findings of Fact:

1. Potential hazards in Flood Areas: The flood hazard areas of the City are subject to periodic inundation which results in potential loss of life, loss of property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.

2. Methods Used to Analyze Flood Hazards: The provisions of Sections 11.50 through 11.63 of this Chapter are based upon a reasonable method of analyzing flood hazards which is consistent with the standards established by the Minnesota Department of Natural Resources.

3. Statement of Purpose: It is the purpose of these provisions to promote the public health, safety and general welfare and to minimize those losses described in Subsection B.1. of this Section, by provisions contained herein.

SECTION 11.52 GENERAL PROVISIONS

A. Lands to Which These Provisions Apply: These provisions shall apply to all lands within the jurisdiction of the City shown on the official zoning map and/or the attachments thereto as being located within the boundaries of the floodway, flood fringe or general floodplain districts.

B. Establishment of Official Zoning Map: The official zoning map, together with all materials attached thereto, is hereby adopted by reference and declared to be a part of these provisions. The attached materials shall include the flood insurance study for the City of Little Falls prepared by the Federal Insurance Administration dated November 1979, and the Flood Boundary and Floodway Map and Flood Insurance Rate Map dated May 1980, ~~therein~~ the Morrison County Flood Insurance Study, dated December 15, 1980 and the Flood Insurance Rate Map and Flood Boundary and Floodway Map panels enumerated below. The official zoning map shall be on file at City Hall.

<u>FIRM PANEL NUMBER</u>	<u>EFFECTIVE DATE</u>
<u>270617 0200B</u>	<u>June 15, 1981</u>
<u>270617 0280B</u>	<u>June 15, 1981</u>
<u>FBFM PANEL NUMBER</u>	<u>EFFECTIVE DATE</u>
<u>270617 0280</u>	<u>June 15, 1981</u>

C. Regulatory Flood Protection Elevation: The regulatory flood protection elevation shall be an elevation no lower than one foot (1') above the elevation of the regional flood, plus any increase in flood elevation caused by encroachments on the floodplain that result from designation of a floodway.

D. Interpretation:

1. In their interpretation and application, the provisions of these sections shall be held to be minimum requirements and shall be liberally construed in favor of the City Council and shall not be deemed a limitation or repeal of any other powers granted by State Statutes.

2. The boundaries of the zoning districts shall be determined by scaling distances on the official zoning map. Where interpretation is needed as to the exact location of the boundaries of the district as shown on the official zoning map, as for example where there appears to be a conflict between a mapped boundary and actual field conditions and there is a formal appeal of the decision of the Zoning Administrator, the Planning Commission shall make the necessary interpretation. All decisions will be based on elevations on the regional 100-year flood profile and other available technical data. Persons contesting the location of the district boundaries shall be given a reasonable opportunity to present their case to the Planning Commission and to submit technical evidence.

E. Abrogation and Greater Restrictions: It is not intended by these Sections to repeal, abrogate or impair any existing easements, covenants or deed restrictions. However, where these Sections impose greater restrictions, the provisions of these Sections shall prevail. All other ordinances inconsistent with these Sections are hereby repealed to the extent of the inconsistency only.