
CITY OF LITTLE FALLS

BOARD OF ADJUSTMENT/ PLANNING COMMISSION

January 9, 2017



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

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

CALL TO ORDER: Planning Commission Chairperson

ADOPT THE AGENDA: January 9, 2017

APPROVAL OF MINUTES: December 12, 2016

PUBLIC HEARINGS:

- 1) None

OLD BUSINESS:

NEW BUSINESS:

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

NEXT REGULAR MEETING: Monday, February 13, 2017

ADJOURNMENT:

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

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

CALL TO ORDER: Planning Commission Chairperson

ADOPT THE AGENDA: The meeting was called to order by Gosiak at 6:32 pm

APPROVAL OF MINUTES: Motion was made by Schulte and seconded by Kleinschmidt to adopt the agenda as presented. Motion carried.

PUBLIC HEARINGS:

- 1) None

OLD BUSINESS:

NEW BUSINESS:

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

Oleson and Kimman reviewed a summary of existing regulations regarding uses in each district and setbacks, height limits, etc. The Commission discussed how it would like to find ways to simplify the zoning ordinance and reduce the “ladder” effect so that residential uses are not allowed in industrial zones. Staff was directed to prepare a draft to this effect for the January meeting.

NEXT REGULAR MEETING: Monday, January 9, 2017

ADJOURNMENT: Motion was made and seconded to adjourn at 8:05 pm. Motion Carried

STAFF REPORT

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

Applicant: City of Little Falls Planning Commission

Background Information: At the December meeting, we began discussing changes to Section 11.05 (Zoning Districts and Map). At that meeting, the Commission directed Staff to present a draft amendment that would simplify the number of zoning districts and how uses were allowed within those districts.

The attached represents a first draft consistent with the directive of the Commission at the December meeting.

Planning Commission Action: No action is required at this time. The meeting is for discussing potential ordinance amendments only. It is anticipated that after discussing all sections of the ordinance, a public hearing would be held to review and make a recommendation on all of them at once.

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. (Ord. 59, 6th Series, eff. 7-21-2014)

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 30 inches in height shall meet any and all setbacks required under Chapter 11.

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 Mobile homes residential district (Ord. 801, eff. 6-3-1974; amd. Ord. 80, 5th Series, eff. 8-18-2003)

2. Business Districts:

B-1 Limited business district

B-2 General business district

B-3 Noncentral business district (Ord. 801, eff. 6-3-1974; amd. Ord. 57, 3rd Series, eff. 6-12-1989)

3. Industrial Districts:

I-1 Industrial district (light)

I-2 Industrial district (heavy) (Ord. 801, eff. 6-3-1974)

4. PUD District: Planned unit development district (PUD district). (Ord. 116, 3rd Series, eff. 3-23-1992)

5. R-1.M District: Mississippi headwaters corridor; one- and two-family residential district, R-1.M.

6. R-2.M District: Mississippi headwaters corridor; one- and two-family residential district, R-2.M.

7. R-3.M District: Mississippi headwaters corridor; multiple-family residential district, R-3.M.

8. PUD.M District: Mississippi headwaters corridor; planned unit development district, PUD.M. (Ord. 126, 4th Series, eff. 5-17-1999)

9. PUD-CH District: Planned unit development; country homes, PUD-CH. (Ord. 80, 5th Series, eff. 8-18-2003)

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 May 1989, 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. (Ord. 57, 3rd Series, eff. 6-12-1989)

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 council. District boundary lines as indicated on said map follow lot lines, the centerline of streets or alleys, the centerlines of streets or alleys projected, the center of watercourses or the corporate limit lines, all as they exist upon the effective date hereof. If district boundary lines do not follow any of the above described lines, the district boundary lines are established as drawn on the zoning map. (Ord. 801, eff. 6-3-1974)

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 line.

c. Public and private parks, playgrounds, athletic fields and other recreational uses of a supporting nature to such 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. The renting of rooms or the furnishing of table board in a dwelling occupied as a private residence when in compliance with the building code and approved by permit from the zoning administrator.

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. A residential facility serving six (6) or fewer persons and licensed by the state department of human services.

~~g. A daycare facility servicing fourteen (14) or fewer persons and licensed, if necessary, by the state department of human services.~~

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

- (1) The home occupation shall be engaged in only by persons residing within the dwelling or building within which the home occupation is conducted;
- (2) The home occupation shall be conducted within the principal residence, within a designated area, not comprising more than ten percent (10%), or one room, of the total floor area of the residence;
- (3) There shall be no evidence of the home occupation, other than signs permitted within residential or historic districts, 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 of the area designated 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 U.S. 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. (Ord. 801, eff. 6-3-1974; amd. Ord. 58, 3rd Series, eff. 12-12-1988; Ord. 125, 4th Series, eff. 9-14-1998)

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, including future additions and expansions to such schools unless the additions would not create the need for additional parking, increase traffic or materially change the existing use of the property beyond what had been approved by a previous conditional use permit.

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

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

d. Home occupations by conditional use permit, including licensed non-residential programs considered a permitted multi-family use by MN Statutes 245A.14;

(1) A home occupation which does not meet the criteria in subsection D1h 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 amount of space devoted to the occupation, the number of individuals participating in the occupation, the noise, glare and/or odor produced by the occupation, the street and/or pedestrian traffic generated by the occupation, and any other factors which impact on the residential character of the neighborhood. In the event that the city determines that the adverse impact cannot be limited or eliminated, the city shall deny the conditional use permit.

(3) Conditional use permits for home occupations are not transferable and are subject to revocation in the event that the permit holder conducts the home occupation contrary to the conditions placed on it in the conditional use permit.

e. Hospitals, nursing homes, homes for the aged (including assisted living, memory care or similar) and medical clinics along with associated accessory uses including heliports; provided, that no building shall be located within fifty feet (50') of any property line.

f. Multiple dwellings; provided, however, that the building to be used for such conditional use had prior thereto been used for a public school, a private school, a church or other church purpose, excluding parish houses, an exclusive city, state or federal government purpose, a hospital, a nursing home, or a medical clinic.

g. Professional offices and offices or services of a general nature, including, but not limited to, doctors, dentists, lawyers, architects, engineers, accountants, insurance, real estate, government and nonprofit organizations, but not including operations involving more than ancillary retail sales related to the primary use, wholesale sales or warehousing; provided, however, that the building to be used for such conditional use had prior thereto been used for a public school, a private school, a church or other church purpose, excluding parish houses, an exclusive city, state or federal government purpose, a hospital, a nursing home, or a medical clinic and that the offices or services are housed within the same gross floor area as had existed when the building was last used for the above-mentioned purposes.

h. Conditional agricultural, rural.

Commented [BJ07]: 245A.14 allows a day care with 13-16 persons. More than 16 persons would be considered a commercial daycare and wouldn't necessarily be allowed in the R district.
Maybe we want to allow commercial daycares as a CUP in an R district??

i. Golf course and country club, including buildings for clubhouses, pro shop, vehicle storage, equipment storage or repair shall be permitted on parcels of forty (40) acres or more. (Ord. 48, 3rd Series, eff. 4-18-1988; amd. Ord. 103, 3rd Series, eff. 3-11-1991; Ord. 125, 4th Series, eff. 9-14-1998)

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

- (1) Parking must meet the requirements of section [11.07](#) of this chapter.
- (2) All guestrooms must be contained in the principal building.
- (3) Dining facilities are not open to the public but limited to residents, employees and registered guests.
- (4) The facility must be licensed by Morrison County public health and/or the Minnesota department of health.
- (5) Bed and breakfast uses in residential areas must be located at least six hundred feet (600') apart (approximately 2 blocks).
- (6) The facility must be inspected by the state fire marshal and the city building inspector every three (3) years at the time of license renewal by the Minnesota department of health.
- (7) The facility, if located in a residential zone district, shall appear outwardly to be a single-family dwelling, giving no appearance of a business use and is allowed a maximum of eight (8) square feet of signage.
- (8) The conditional use permit shall be transferable with the property pursuant to subsection [11.04D](#) of this chapter.

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

- (1) Parking must meet the requirements of section [11.07](#) of this chapter. In addition must provide off street parking for all dining guests.
- (2) All guestrooms must be contained in the principal building.
- (3) Dining facilities are not open to the public but limited to residents, employees and registered guests or dining guests by appointment only.
- (4) Hours for dining by appointment will be limited to eight o'clock (8:00) A.M. to four o'clock (4:00) P.M.
- (5) Dining will be limited to ten (10) persons or less.
- (6) The facility must be licensed by Morrison County public health and/or the Minnesota department of health.
- (7) Bed and breakfast uses in residential areas must be located at least six hundred feet (600') apart (approximately 2 blocks).
- (8) The facility must be inspected by the state fire marshal and the city building inspector every three (3) years at the time of license renewal by the Minnesota department of health.

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

(10) The conditional use permit shall be transferable with the property pursuant to subsection [11.04D](#) of this chapter. (Ord. 49, 6th Series, eff. 9-16-2013)

I. 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.

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

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 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. (Ord. 801, eff. 6-3-1974; amd. Ord. 46, 5th Series, eff. 3-11-2002)

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

Minimum lot area, interior lot – 9,000 sq ft

Minimum lot area, corner lot – 9,000 sq ft

Minimum lot width – 60 feet

Minimum setback, front – 30 feet

Minimum setback, rear (principal building) – 35 feet

Minimum setback, rear (accessory building) – 10 feet

Minimum setback, side (principal building, interior lot line) – 10 feet

Minimum setback, side (principal building, corner lot line) – 15 feet

Minimum setback, side (accessory building) – As regulated in Section 11.03.E.

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

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.

c. All habitable dwellings shall have a minimum width and length of twenty four feet (24') and a permanent foundation meeting latest edition of the Minnesota state building code. (Ord. 78, 2nd Series, eff. 1-24-1983)

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 as a conditional use 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.

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

Lot Size	Lot Width	Front Yard	Rear Yard	Side Yard Interior
16,000 square feet	100 feet	20 feet	10 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 per level.

d. All habitable buildings shall have a minimum width and length of twenty four feet (24') and permanent foundations meeting the latest edition of the Minnesota state building code at the time of construction.

e. 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 creation; and
- (4) Any new structures will meet applicable setbacks. (Ord. 80, 5th Series, eff. 8-18-2003)

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

~~1. Permitted Uses:~~

~~a. Any use permitted in the R-1 district. (Ord. 801, eff. 6-3-1974; amd. Ord. 80, 5th Series, eff. 8-18-2003)~~

~~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. (Ord. 801, eff. 6-3-1974; amd. Ord. 68, 3rd Series, eff. 7-10-1989; Ord. 80, 5th Series, eff. 8-18-2003)

d. 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 R-1 district.

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

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

(Ord. 801, eff. 6-3-1974; amd. Ord. 80, 5th Series, eff. 8-18-2003)

a. Floor area per dwelling unit shall be as follows: for one-story dwellings, at least one thousand (1,000) square feet; for split level dwellings, minimum floor area per floor shall be eight hundred sixty four (864) square feet; for two-story dwellings, at least eight hundred sixty four (864) square feet. For two-family dwellings, the minimum floor area per dwelling unit shall be eight hundred (800) square feet. (Ord. 22, 5th Series, eff. 11-6-2000; amd. Ord. 80, 5th Series, eff. 8-18-2003)

G. R-3 Multiple-Family Residential District:

1. Permitted Uses:

a. Any use permitted in the R-21 district.

b. Multiple dwellings. (Ord. 801, eff. 6-3-1974; amd. Ord. 80, 5th Series, eff. 8-18-2003)

2. Conditional Uses:

a. Any use permitted as conditional in the R-21 district.

b. Commercial, retail and service facilities of an ancillary nature, housed within a multiple dwelling complex (including day care facilities), hospital, nursing home, or home for the aged (including assisted living, memory care or similar) .

~~c. Motels.~~

~~d. Residential and nonresidential programs as regulated by MN Statutes 245A.11 and 245A.14, as amended, including programs considered a multifamily residential use by said statutes. A residential facility serving seven (7) through sixteen (16) persons and licensed by the state department of human services.~~

~~e. A daycare facility serving fifteen (15) through twenty five (25) persons and licensed by the state department of human services. (Ord. 801, eff. 6-3-1974; amd. Ord. 58, 3rd Series, eff. 12-12-1988; Ord. 80, 5th Series, eff. 8-18-2003) Commercial daycare facilities.~~

f. 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 R-2 district. (Ord. 801, eff. 6-3-1974; amd. Ord. 80, 5th Series, eff. 8-18-2003)

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

a. There shall be no height restriction on buildings in the R-3 district, except that any structure exceeding three (3) stories or forty five feet (45') shall be set back from the nearest property line a distance equal to one-half (1/2) the building height.

b. A side yard abutting a street shall not be less than thirty feet (30') in width.

Commented [BJ08]: Conflicts with required 15 ft setback elsewhere.

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

	Minimum Yard
Lot Area Per Dwelling Unit:	
One-family structure	9,000 square feet
Two-family structure	4,600 square feet

Three-family structure	4,000 square feet
Four-family structure	3,000 square feet
Multiple Dwellings With 5 Or More Units:	
Efficiency units	1,500 square feet
1 bedroom units	2,000 square feet
2 bedroom units	2,500 square feet

For each parking space provided within or under a multiple dwelling structure, subtract three hundred twenty five (325) square feet per unit from the minimum lot area requirements.

Floor Area Per Dwelling Unit:	
One-family structure	1,000 square feet
Two-family structure	600 square feet
Three-family or more structures:	
Efficiency units	500 square feet
1 bedroom units	600 square feet
2 bedroom units	750 square feet
Lot width at front setback line	60 feet
Front yard setback	30 feet
Side yard setback - interior	5 feet
Side yard setback - corner	15 feet

Rear yard setback	30 feet
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d. All habitable dwellings shall have a minimum width and length of twenty four feet (24') and a permanent foundation meeting the latest edition of the Minnesota state building code. (Ord. 49, 3rd Series, eff. 5-30-1988; amd. Ord. 80, 5th Series, eff. 8-18-2003)

H. R-4 Mobile Homes Residential District:

1. Permitted Uses:

- a. Any use permitted in the R-3 district.
- b. "Mobile homes", as defined in section [11.02](#) of this chapter.
- c. Motels. (Ord. 801, eff. 6-3-1974; amd. Ord. 80, 5th Series, eff. 8-18-2003)

2. Conditional Uses:

- a. Recreational vehicles and mobile 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. (Ord. 801, eff. 6-3-1974; amd. Ord. 72, 3rd Series, eff. 9-11-1989; Ord. 80, 5th Series, eff. 8-18-2003)

3. Permitted Accessory Uses:

- a. Administrative offices, recreation buildings and facilities, laundry and other uses of a supporting nature to a mobile 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 Annotated 327.14, subdivision 8.
- c. Signs as regulated in [chapter 5](#) of this code. (Ord. 801, eff. 6-3-1974; amd. Ord. 46, 5th Series, eff. 3-11-2002; Ord. 80, 5th Series, eff. 8-18-2003)

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.
- b. The following minimum requirements shall be observed, subject to additional requirements, exceptions and modifications contained in this chapter:
 - (1) Minnesota health department mobile home and recreational camping area law, chapter 327, sections 327.10-327.28.
 - (2) Minnesota health department regulations no. 152 governing mobile home parks and recreational camping areas.

~~I. B-1 Limited Business District:~~

~~1. Permitted Uses:~~

~~a. Any uses permitted in the R-3 district.~~

~~b. Municipal buildings, essential services, buildings and structures.~~

~~c. Professional offices, including, but not limited to, doctors, dentists, lawyers, architects, engineers and accountants.~~

~~d. Offices of a general nature where the employment within the building does not exceed fifty (50) persons and the operations do not include retail sales or warehousing from the site.~~

~~e. Clinics for human care.~~

~~f. Colleges, universities and professional and vocational institutes, schools, churches.~~

~~g. Research centers.~~

~~h. Antique or gift shop, appliances store, art and school supply store, auto accessory store, bakery goods sales and baking of goods for retail sales on premises, bank, barbershop, beauty shop, bicycle sales and repair, book office supply and stationery store, business office, candy, ice cream, popcorn, nuts, frozen dessert and soft drink shop but not of the drive-in type, camera and photographic supply and processing store, delicatessen and/or dairy store, department store, dry cleaning and laundry pick up station, including incidental pressing and repair, dry goods store, five and ten store, florist, furniture, gift or novelty store, grocery, fruit or vegetable store, hardware store, hobby store including handicraft classes, interior decorating, jewelry sales and repair store, laundromat of the self-service type, library, locksmith, meat market, but not including processing for a locker, music store, newsstand, paint, wallpaper sales, photographic studio, physical culture or dance studio, pipe and tobacco shop, post office, record shop, restaurant, cafe, tearoom, shoe sales and repair, small appliance repair shop, sporting goods store, variety store, wearing apparel shop, radio and television studio, art studio, interior decorating studio, photographic studio, music studio, and other businesses of similar nature or uses.~~

~~2. Conditional Uses:~~

~~a. Any use permitted as conditional in the R-3 district.~~

~~b. Nursing homes, rest homes or retirement homes.~~

~~c. Funeral homes and mortuaries, theaters.~~

~~d. Private clubs and lodges.~~

~~e. Multiple dwellings as permitted and regulated herein.~~

~~f. Tavern or liquor store.~~

~~g. Theaters, but not of the drive-in type. (Ord. 801, eff. 6-3-1974; amd. Ord. 80, 5th Series, eff. 8-18-2003)~~

h. A residential facility serving seventeen (17) persons or more and licensed by the state department of services.

i. A daycare facility serving twenty five (25) persons or more and licensed by the state department of human services. (Ord. 58, 3rd Series, eff. 12-12-1988; amd. Ord. 80, 5th Series, eff. 8-18-2003)

j. Construction offices.

k. Exterior storage of functional equipment, components or inventory used in the trade or business of any permitted or conditional use. (Ord. 61, 3rd Series, eff. 12-5-1988; amd. Ord. 80, 5th Series, eff. 8-18-2003)

l. 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. Private garages, off street parking and loading spaces as regulated in this chapter.

b. Signs as regulated in chapter 5 of this code.

c. Buildings temporarily located for purpose of construction on the premises for a period not to exceed time necessary to complete said construction.

d. Decorative landscape features.

e. Any incidental repair or processing necessary to conduct a permitted principal use.

f. Public telephone booths. (Ord. 801, eff. 6-3-1974; amd. Ord. 46, 5th Series, 3-11-2002; Ord. 80, 5th Series, eff. 8-18-2003)

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

a. There shall be no height restrictions on buildings in the B-1 district, except that any structure exceeding three (3) stories or forty five feet (45') shall be set back from the nearest property line a distance equal to one half ($\frac{1}{2}$) the building height. (Ord. 801, eff. 6-3-1974; amd. Ord. 80, 5th Series, eff. 8-18-2003)

b. Multiple dwellings in the B-1 district shall conform to the requirements set forth in the R-3 district. (Ord. 22, 5th Series, eff. 11-6-2000; amd. Ord. 80, 5th Series, eff. 8-18-2003)

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

Lot Area	Lot Width	Front Yard	Rear Yard	Side Yard Interior	Side Yard Corner	Side Yard Adjacent To R
10,000 square feet	75 feet	30 feet	30 feet	10 feet	30 feet	25 feet

~~(Ord. 64, 4th Series, eff. 10-23-1995; amd. Ord. 80, 5th Series, eff. 8-18-2003)~~

~~J. B-2-1 General Central Business District:~~

~~1. Permitted Uses:~~

- ~~a. Any permitted or conditional use in the B-4R-1, R-1C or R-3 district, except as limited in this section.~~
- ~~b. 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.~~

~~Automobile and truck sales, auto repair, boats and marine equipment sales, building material and lumberyards, commercial greenhouses, garden supply stores, motels, motor hotels and hotels, newspaper printing and publishing, other printing and publishing, furniture and home furnishing stores, farm equipment sales, wholesale businesses including warehousing, retail shipping centers.~~

- ~~c. Public and semi-public buildings, including post office, fire hall and city hall. Electrical service, heating, plumbing, appliance, upholstery, or air condition service shop. (Ord. 57, 3rd Series, eff. 6-12-1989; amd. Ord. 115, 3rd Series, eff. 11-11-1991; Ord. 80, 5th Series, eff. 8-18-2003)~~

~~d. Private clubs.~~

~~2. Conditional Uses:~~

- ~~a. Any use that provides more than 50 parking spaces, or is required to provide more than 50 parking spaces. Armories, convention halls, sport arenas and stadiums.~~
- ~~b. Any use where outdoor storage will exceed 500 sq ft or where outdoor storage within 50 feet of a residentially-used or -zoned property is not entirely screened from said residential property and public streets or alleys within 50 feet of said residential property. Bowling alleys, billiard and pool rooms, drive-in theaters, skating rinks, dance halls, gymnasiums, YMCA, YWCA, nightclubs, liquor stores, fraternal organizations and similar uses.~~
- ~~c. Bus terminals. Any use where a drive-thru or drive-up window is within 50 feet of a residentially-used or -zoned property~~
- ~~d. Business or trade school when conducted entirely within a building.~~

~~e. Drive in business.~~

~~f. Stone and monument sales.~~

~~g. Animal hospital or clinic, kennel.~~

~~h. Accessory structure or uses other than those listed as permitted.~~

~~i. Motor fuel stations.~~

~~j. Open sales or storage lots.~~

~~k. Commercial uses on lots under one-half ($\frac{1}{2}$) acre in size if parking requirements cannot be met on the lot itself, or if a change in use, if the required number of parking spaces would increase over the previous use by more than four (4) spaces.~~

l. Light assembly or light manufacturing. (Ord. 57, 3rd Series, eff. 6-12-1989; amd. Ord. 115, 3rd Series, eff. 11-11-1991; Ord. 22, 5th Series, eff. 11-6-2000; Ord. 80, 5th Series, eff. 8-18-2003)

m. 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. er 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 Planning Commission.

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:

a. No front or side yard setback ~~or height~~ restrictions shall be required.

b. Minimum setback, rear – 10 feet.

c. Maximum height – 40 feet, except as allowed by conditional use permit.

~~b. All development uses in the B-2 district shall be architecturally designed so as to be as compatible as possible with the general architectural intent of the area in which it is located.~~

K. ~~B-2~~ Noncentral Business District:

1. Permitted Uses:

a. Any permitted use in the ~~B-2~~ district, except as limited herein.

b. Light assembly or light manufacturing.

2. Conditional Uses:

~~a. Any conditional use in the B-2 district, except as limited herein.~~

~~a. Any use where outdoor storage will exceed 10,000 sq ft or where outdoor storage within 50 feet of a residentially-used or -zoned property is not entirely screened from said residential property and public streets or alleys within 50 feet 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.er 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 Planning Commission.~~

3. Permitted Accessory Uses:

a. Any use permitted as accessory in the B-~~2~~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. (Ord. 57, 3rd Series, 6-12-1989; amd. Ord. 80, 5th Series, eff. 8-18-2003)

b. Requirements Of Uses:

(1) Commercial uses shall be governed by the following setbacks and lot areas,~~unless a conditional use permit is issued:~~

Lot Area	Lot Width	Front Yard	Rear Yard	Side Yard Interior	Side Yard Corner	Side Yard Adjacent To R District Or Existing Residential Use
1-acre <u>10,000 sq ft</u> , excluding road right of way	150-75 <u>150-75</u> feet	50-30 <u>50-30</u> feet	40-30 <u>40-30</u> feet	10 feet	50-30 <u>50-30</u> feet	40-25 <u>40-25</u> feet

(Ord. 64, 4th Series, eff. 10-23-1995; amd. Ord. 80, 5th Series, eff. 8-18-2003)

(2) Residential uses shall be governed by lot size and setback requirements as provided in R-~~2~~1 districts. (Ord. 57, 3rd Series, eff. 6-12-1989; amd. Ord. 80, 5th Series, eff. 8-18-2003)

(3) Businesses within a B-3-2 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. (Ord. 22, 5th Series, eff. 11-6-2000; amd. Ord. 80, 5th Series, eff. 8-18-2003)

c. Height Restrictions: There shall be no height restrictions on buildings in the B-3-2 district, except that for every foot that a building exceeds thirty feet (30'), an additional foot of setback shall be provided from ~~the nearest each~~ property line.

~~d. Architectural Design: All development uses in the B-3 district shall be architecturally designed so as to be compatible as possible with the general architectural intent of the area in which it is located.~~

e. 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. (Ord. 57, 3rd Series, eff. 6-12-1989; amd. Ord. 80, 5th Series, eff. 8-18-2003)

~~L-1-1 Industrial District (Light):~~

~~1. Permitted Uses:~~

~~a. Conducting a process, fabrication, wholesale operation, manufacturing or providing a service, including any of the following or similar uses meeting the performance standards applicable to the L-1 district; provided, that all development uses in the L-1 district are conducted wholly within a building. Any uses permitted in the B-3 district.~~

~~b. Machine shops.~~

~~c. Paper products from previously processed paper.~~

~~d. Radio and television studios.~~

~~e. Research laboratories.~~

~~f. Electronics assembly and testing.~~

~~g. Warehousing and wholesaling.~~

~~2. Conditional Uses:~~

~~a. Any use permitted as conditional in the B-3 district.~~

~~b. Trucking and freight terminals.~~

~~e. Motor fuel stations:~~

~~d. Open sales lot, provided that all open storage be screened by a fence or compact evergreen hedge at least fifty percent (50%) opaque and at least six feet (6') high.~~

~~e. Any accessory structures or uses other than those listed as permitted. (Ord. 801, eff. 6-3-1974; amd. Ord. 80, 5th Series, eff. 8-18-2003)~~

~~f. 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. Off street parking and loading as regulated in this chapter.~~

~~b. Signs as regulated in chapter 5 of this code.~~

~~c. Residence for night watchman or other security personnel. (Ord. 801, eff. 6-3-1974; amd. Ord. 46, 5th Series, eff. 3-11-2002; Ord. 80, 5th Series, eff. 8-18-2003)~~

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

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

Lot Size	Lot Width	Front Yard	Rear Yard	Side Yard Interior	Side Yard Corner	Adjacent To R
24,000 square feet	100 feet	40 feet	30 feet	10 percent of lot width	40 feet	40 feet

~~b. There shall be no height restrictions on buildings in the I-1 district, except that for every foot that a building exceeds thirty feet (30'), an additional foot of setback shall be provided from the nearest property line.~~

~~M. I-2-1 Industrial District (Heavy):~~

~~1. Permitted Uses:~~

~~a. Any use permitted in the I-1a B district regulated herein.~~

~~b. Warehousing and StorageThe manufacturing, compounding, assembly, packaging, treatment or storage of the following products or materials not likely to meet the performance standards outlined in this chapter.~~

c. ~~Manufacturing Brewing, fiberglass, cement, stonecutting, brick, glass, batteries, ceramic products, millworking, metal polishing and plating, paint (pigment manufacturing), boat manufacturing, vinegar works, rubber products, plastics, meatpacking, flour, feed and grain milling, vegetable canning and processing, lime, gypsum and plaster of Paris, and similar uses.~~

d. Processing

e. Wholesale

f. Research laboratories/facilities

2. Conditional Uses:

- a. Coal, tar, creosote or asphalt processing or distillation.
- b. Acid manufacture.
- c. Storage, utilization or manufacture of material or products which could decompose by detonation, including, but not limited to, dynamite, trinitrotoluene (TNT), nitroglycerin, guncotton, blasting caps and cartridge primers.
- d. Auto wrecking or salvage yard, junkyard, used auto parts and similar uses; provided, that the use is screened by a fence or compact evergreen hedge which is at least fifty percent (50%) opaque and at least six feet (6') high.
- e. Incineration or reduction of waste material other than customarily incidental to a principal use.
- f. Kilns or other heat processes fired by means other than electricity.
- g. Commercial stockyards and slaughtering of animals.
- h. Crude oil, gasoline, liquid fertilizer or other liquid storage tanks containing hazardous, flammable or otherwise potentially dangerous liquids or gases.
- i. 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 I-1 district as regulated herein.

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

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

<u>Lot Size</u>	<u>Lot Width</u>	<u>Front Yard</u>	<u>Rear Yard</u>	<u>Side Yard Interior</u>	<u>Side Yard Corner</u>	<u>Adjacent To R</u>
<u>24,000 square feet</u>	<u>100 feet</u>	<u>40 feet</u>	<u>30 feet</u>	<u>10 percent of lot width</u> <u>30 feet</u>	<u>40 feet</u>	<u>40 feet</u>

<u>Lot Size</u>	<u>Lot Width</u>	<u>Front Yard</u>	<u>Rear Yard</u>	<u>Rear Yard Adjacent To R</u>	<u>Side Yard</u>		<u>Adjacent To R</u>
					<u>Interior</u>	<u>Corner</u>	
<u>1 acre</u>	<u>150 feet</u>	<u>40 feet</u>	<u>30 feet</u>	<u>70 feet</u>	<u>10 percent of lot width</u>	<u>40 feet</u>	<u>70 feet</u>

b. There shall be no height restriction on buildings in the I-2 district. (Ord. 801, eff. 6-3-1974; amd. Ord. 80, 5th Series, eff. 8-18-2003)

N. Planned Unit Development District (PUD District):

1. Purpose: This mixed use district is created specifically to protect existing landscape features, to preserve open space, to sensitively integrate development with the natural landscape, to appropriately space accesses to public street systems and to require the planning of an entire land ownership as a unit rather than permit piecemeal or scattered development on a lot by lot basis.

2. Uses Permitted By Planned Unit Development (PUD): Within the planned unit development district (PUD district), no structures or land shall be used except for one or more of the following uses, which uses shall be permitted only by planned unit development (PUD) procedures and subject to all stated conditions:

a. Golf courses which include the following customary accessory uses, activities and facilities:

- (1) Commercial recreation.
- (2) Food and drink concessions, etc.
- (3) Maintenance, storage and equipment facilities.
- (4) Off street parking.
- (5) Private clubs.
- (6) Signage. (Ord. 116, 3rd Series, eff. 3-23-1992; amd. Ord. 80, 5th Series, eff. 8-18-2003)