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# CITY OF LITTLE FALLS

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## BOARD OF ADJUSTMENT/ PLANNING COMMISSION

September 14, 2015





**AGENDA**  
**PLANNING COMMISSION**  
 Conference Room, City Hall  
 September 14, 2015, 6:30 p.m.

P	A	Member	P	A	Member
		(Vacant)			Schilling, Kara
		Dahlberg, Doug			Schulte, Ray
		Gosiak, Frank			Silbernick, Keith
		Hanfler, Jeremy			Oleson, Ben (Zoning Official)
					Kimman, Greg (City Engineer)

**CALL TO ORDER:** Planning Commission Chairperson

**ADOPT THE AGENDA:** September 14, 2015

**APPROVAL OF MINUTES:** August 10, 2015

**PUBLIC HEARINGS:**

- 1) Rezoning from Industrial – Heavy (I-2) with a Planned Unit Development (PUD) overlay to eliminate the PUD overlay while retaining the underlying I-2 zoning.
  - a. Applicant: City of Little Falls.
  - b. Property Owner: CC VIII Operating LLC.
  - c. Legal Description: Part of the SW4 of the SW4, Section 36, Township 41, Range 32. Property
  - d. Address: 15616 153<sup>rd</sup> Street.
  - e. Parcel number(s): 48.7078.000

**OLD BUSINESS:**

- 1) Discussion – Storage POD regulations

**NEW BUSINESS:**

- 1) Appeal of Zoning Administrator Decision (Fence Permit) – Scott and Lori Williams, 14424 Elm Street
- 2) Discussion – Ordinance amendment re: parking requirements for dual-use buildings.
- 3) Discussion – Work plan for future ordinance updates.

**NEXT REGULAR MEETING:** Monday, October 12, 2015

**ADJOURNMENT:**



**MINUTES**  
**PLANNING COMMISSION**  
 Conference Room, City Hall  
 August 10, 2015, 6:30 p.m.

P	A	Member	P	A	Member
		(Vacant)	X		Schilling, Kara
	X	Dahlberg, Doug	X		Schulte, Ray
X		Gosiak, Frank	X		Silbernack, Keith
X		Hanfler, Jeremy	X		Oleson, Ben (Zoning Official)
			X		Kimman, Greg (City Engineer)

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

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

**APPROVAL OF MINUTES:** A motion was made by Silbernack, seconded by Hanfler to adopt the minutes of the July 13, 2015 meeting as presented. Motion carried.

**PUBLIC HEARINGS:**

- 1) Consolidated Preliminary and Final Plat Application of a two lot residential subdivision known as "Karnowski's First Addition". Proposed lots to be 22,939 and 20,460 sq ft.
  - a. Applicant: Mary Ann Karnowski
  - b. Legal Description: Part of the NE4 of the NE4, Section 8, Township 40, Range 32
  - c. Property Address: 726 9<sup>th</sup> Street NE
  - d. Parcel number(s): 48.6011.000

Oleson summarized the preliminary and final plat requests. Public hearing opened at 6:31 pm. Kimman discussed the history of the application and re-application. Mary Ann Karnowski, 916 6<sup>th</sup> Street NE, explained her application. There was no public comment. Oleson summarized one phone call received with questions about the zoning of the property and what kind of housing could be allowed on the plat. Public hearing closed at 6:35 pm. Discussion among the planning commission centered on the various points brought up during the public hearing. Motion by Hanfler, seconded by Silbernack, to recommend approval of the Preliminary and Final plat as presented. Motion carries.

**OLD BUSINESS:**

- 1) Discussion – Storage POD regulations

The Commission discussed a listing of possible regulations to apply to portable storage units located within the city. Staff was directed to draft language based on the input and present it at a future meeting.

**NEW BUSINESS:** Staff was directed to develop a work plan for updating the City's zoning ordinances to present at the October meeting.

**NEXT REGULAR MEETING:** Monday, September 14, 2015

**ADJOURNMENT:** A motion was made by Silbernack, seconded by Hanfler to adjourn. Meeting adjourned at 7:34 p.m. Motion carried.

DRAFT

## STAFF REPORT

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**Application:** Rezoning from Industrial - Heavy (I-2) with a Planned Unit Development (PUD) overlay to eliminate the PUD overlay while retaining the underlying I-2 zoning.

**Applicant:** City of Little Falls. (Property Owner: CC VIII Operating LLC)

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### **Background Information:**

- Proposal:** The property in question is currently zoned I-2 with a Planned Unit Development (PUD) "overlay" district. The PUD designation comes from when the property was owned by the Morrison County Agricultural Society and was part of a Master Plan for development as the County Fairgrounds.

The property has since been sold to CC VIII Operating LLC and is now in the process of being sold again as per Staff's understanding.

In order to better reflect the fact that the property is no longer part of the Fairgrounds property and thus no longer practically part of their Master Plan, City Staff is proposing that the Planning Commission discuss removing the PUD zoning designation so that it goes back to the I-2 Heavy Industrial zoning district that previously existed.

- Location:**
    - o Property address: 15616 153<sup>rd</sup> Street
    - o Legal Description: Part of the SW4 of the SW4, Section 36, Township 41, Range 32.
    - o Parcel number(s): 48.7078.000
  - Property Owner:** CC VIII Operating LLC
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### **Applicable Statutes/Ordinances/Court Decisions:**

#### **Little Falls City Code**

#### **11.04: ADMINISTRATION AND ENFORCEMENT**

##### **C. Variances:**

1. The planning commission shall, within sixty (60) days, make a recommendation to the city council on variance requests. If the planning commission fails to make a report within said sixty (60) days, then the council shall hold a public hearing, unless the applicant requests an extension of time. Failure to receive a report from the planning commission as herein provided shall not invalidate the proceeding or actions of the council. The council and planning commission may hold joint public hearings on variance requests. The council, sitting as the board of appeals and adjustment, shall hear and decide all applications for variances. (Ord. 44, 3rd Series, eff. 5-30-1988)
2. A variance from the literal provisions of this chapter may be granted in instances where the strict enforcement of such provisions would cause

undue hardship because of circumstances unique to the individual property under consideration, only when it is demonstrated that such action will be in keeping with the spirit and intent of this chapter.

3. The term "undue hardship", as used in this subsection, means the following:
  - a. The property in question cannot be put to a reasonable use if used under conditions allowed by this chapter.
  - b. The plight of the owner of the property in question is due to circumstances unique to his property and not created by him.
  - c. If the variance is granted, it will not alter the essential character of the locality.
  - d. The term also includes, but is not limited to, inadequate access to direct sunlight for solar energy systems.
4. Economic considerations alone will not constitute an undue hardship if reasonable use for the property exists under the terms of this chapter.
5. Variances shall be granted for earth sheltered construction, as defined by statute, when in harmony with this chapter.
6. A variance may not be granted for any use that is not permitted or conditional under this chapter for property in the district where the affected land is located.
7. A variance may be granted for the temporary use of a one-family dwelling as a two-family dwelling.
8. A variance may be granted which imposes conditions to ensure compliance and to protect adjacent properties.
9. 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 construction actually begun within that period, and is thereafter diligently pursued to completion. (Ord. 132, 2nd Series, eff. 10-29-1984)
10. 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. (Ord. 17, 3rd Series, eff. 9-29-1986)

E. Amendments:

1. 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.

4. Action By Planning Commission: Within sixty (60) days after the date or receipt of the petition by the zoning administrator, the planning commission shall make a written report to the council stating its findings and recommendations, unless the applicant, in writing, requests an extension of time.

5. Action By Council: On receipt of the written report from the planning commission, the council shall hold a hearing within thirty (30) days after the receipt of the report and recommendations from the planning commission. If the planning commission fails to make a report within sixty (60) days after receipt of the application, then the council shall hold a public hearing within thirty (30) days after the expiration of said sixty (60) day period, unless the applicant, in writing, requests an extension of time. Failure to receive a report from the planning commission as herein provided shall not invalidate the proceedings or actions of the council. The council shall give not less than ten (10) days nor more than thirty (30) days' notice of time and place of such hearing published in the designated legal newspaper, and such notice shall contain a description of the land and the proposed change in zoning. At least ten (10) days before the hearing, the council shall order the zoning administrator to mail an identical notice to the owner and to each of the property owners within three hundred feet (300') of the outside boundaries of the land proposed to be rezoned. Failure to mail the notice or failure of the property owners to receive the notice shall not invalidate the proceedings. At the time of hearing, the council may take final action upon the application or it may continue the hearing from time to time for further investigation and hearing. The council may also request further information and report from the planning commission.

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.

7. Effect Of Denial: Rezoning applications may be denied by motion of the council and such motion shall constitute a finding and determination that the proposed rezoning is not in the best interest for the physical development of the city. No application which has been denied wholly or in part shall be resubmitted for a period of six (6) months from the date of said order of denial, except on grounds of new evidence or proof of change of conditions found to be valid by the planning commission. (Ord. 801, eff. 6-3-1974)

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

**Current Zoning:**

- Subject Property: Industrial - Heavy (I-2) with a Planned Unit Development (PUD) overlay
- Surrounding Properties: Industrial - Heavy (I-2) with a Planned Unit Development (PUD) overlay to the east, Industrial - Heavy (I-2) to the

north. Property to the west and south is not in the City and is zoned by Morrison County.

**Current Land Use:**

- Subject Property: Small utility building
- Surrounding Properties:
  - West: Agricultural
  - East: Undeveloped
  - South: Undeveloped/Residential
  - North: Undeveloped/County Fairgrounds

**Lot size:** Approx. 9.47 acres

**Sewer/Water:** City sewer water runs under 18<sup>th</sup> Street NE, along the west side of the property.

**Natural Features:**

Floodplain: The property is not within an identified floodplain.

Bluff/Steep Slopes: There are steep slopes on the south portion of the property.

Wetlands: The National Wetland Inventory indicates one wetland near the center of the property.

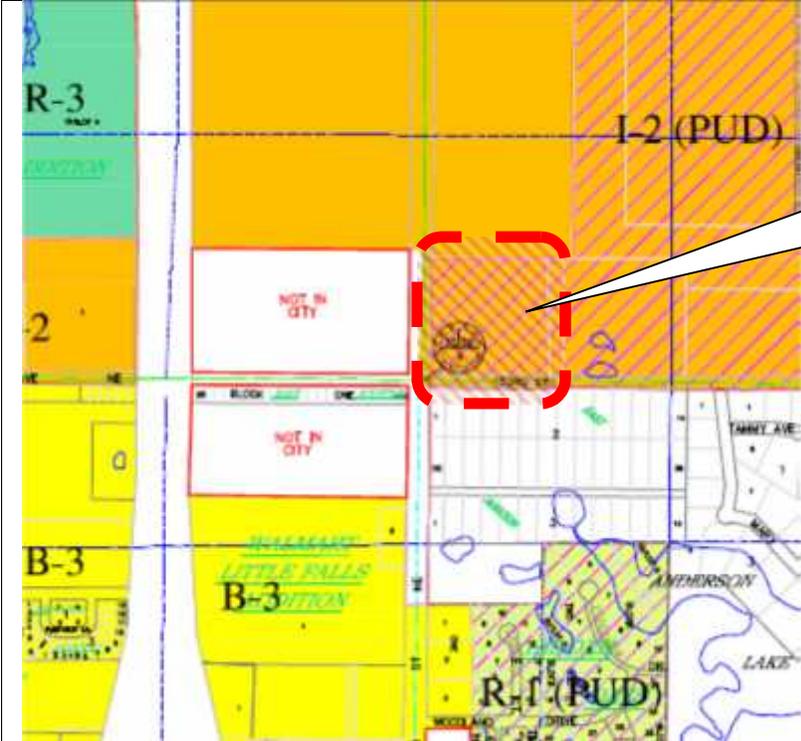
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**Planning Commission Action:** The Planning Commission may recommend to the Council approval of a rezoning, deny the request, or table the request if the Commission should need additional information. If the Commission should approve or deny the request, it should state the findings which support either of these actions. If the application is tabled, the Commission should provide specific direction as to what additional information is needed.

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**Staff Comments:** As the Planning Commission considers this application, Staff would make the following comments:

1. The PUD overlay would appear to only complicate issues in regards to future development of this site, since the PUD district requires adherence to an approved Master Plan. The Master Plan associated with this site right now was when it was part of the County Fairgrounds property and given that the property is no longer owned by the Agricultural Society and is not part of the Fairgrounds, Staff feels it is unnecessary and would unnecessarily hinder any future development of the site.
2. The rezoning of this property would not approve any specific development of the property. Future development would be limited to that allowed in the I-2 zoning district, which is what the adjacent properties to the east and north are zoned.



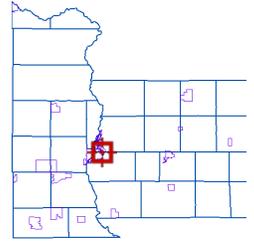
Proposed Rezoning to remove PUD overlay and retain underlying I-2 zoning district.

**Rezoning Request**  
September 14, 2015





**Overview**



**Legend**

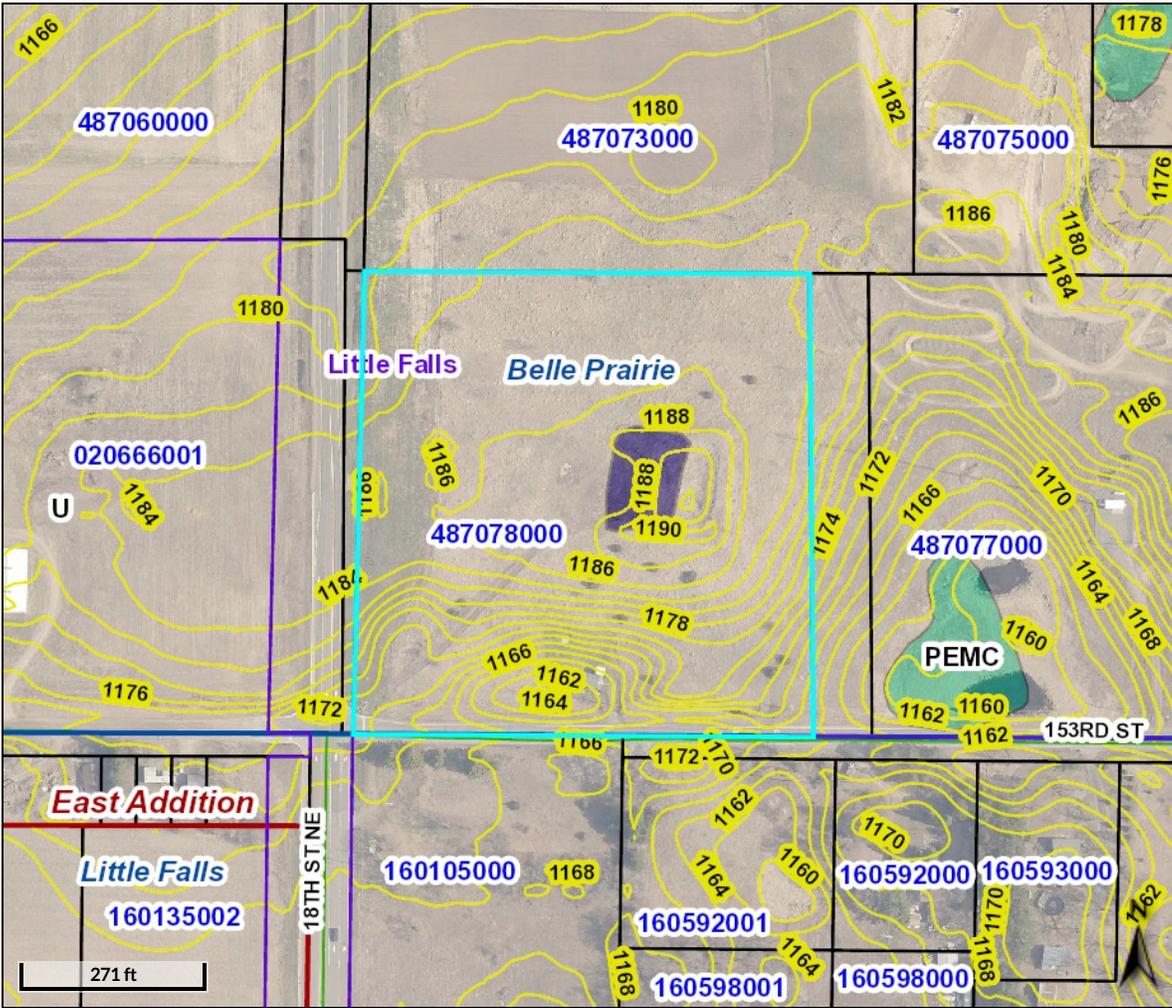
-  Corporate Limits
-  Political Township
-  Subdivisions
-  Parcels
- Main Roads**
-  State Highway
-  US Highway
-  Road Centerlines
-  ACUB Easements
- PZ\_Zoning**
-  AG
-  C
-  MHB
-  MI
-  R
-  RR
-  SC
-  SP
-  SR
- PZ\_Flood Plain**
-  IN
-  OUT, 500yr
-  PZ\_Army  
Compatible Use  
Buffer
-  PZ\_Urban Fringe  
Zoning
-  PZ\_FeedLots

Parcel ID	487078000	Alternate ID	n/a	Owner Address	CC VIII OPERATING LLC
Sec/Twp/Rng	36-41-32	Class	3A-Commercial/Industrial/Public Utility		12405 POWERS COURT DR 3RD FL
Property Address	15616 153RD ST LITTLE FALLS	Acreage	9.47		ST LOUIS MO 63131-3674

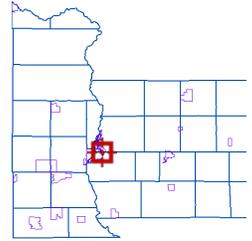
**District** LITTLE FALLS EAST-#482-HRA

**Brief Tax Description** PT OF SW1/4 OF SW1/4 DESC AS: BEG AT SW COR OF SEC 36, N ALG W LN 660 FT, ELY 660 FT, SELY TO A PT ON S LN 670 FT E OF PT OF BEG, W 670 FT TO BEG, LESS PT DESC AS: BEG AT SW COR OF SEC 36, N 0°08'52" E 660 FT ALG W LN, S 89°25'10" E 43.12 FT, S 0°38'15" E 659.98 FT TO S LN, N 89°24'58" W ALG S LN 37.47 FT TO BEG, TOG WITH EASEMENT 49.1216.003

(Note: Not to be used on legal documents)



Overview



**Legend**

-  Corporate Limits
-  Political Township
-  Subdivisions
-  Parcels
- Main Roads**
-  State Highway
-  US Highway
-  Road Centerlines
-  Elevation Contours
- National Wetland Inventory**
-  Bogs
-  Industrial or Municipal
-  Inland deep fresh marshes
-  Inland fresh meadows
-  Inland open fresh water
-  Inland shallow fresh marshes
-  Riverine system
-  Seasonally flooded basins or flats
-  Shrub swamps
-  Upland
-  Wooded swamps
-  ACUB Easements
- PZ\_Zoning**
-  AG
-  C
-  MHB
-  MI
-  R
-  RR
-  SC
-  SP
-  SR
- PZ\_Flood Plain**
-  IN
-  OUT, 500yr
-  PZ\_Army Compatible Use Buffer
-  PZ\_Urban Fringe Zoning
-  PZ\_FeedLots

<b>Parcel ID</b>	487078000	<b>Alternate ID</b>	n/a	<b>Owner Address</b>	CC VIII OPERATING LLC
<b>Sec/Twp/Rng</b>	36-41-32	<b>Class</b>	3A-Commercial/Industrial/Public Utility		12405 POWERS COURT DR 3RD FL
<b>Property Address</b>	15616 153RD ST	<b>Acreage</b>	9.47		ST LOUIS MO 63131-3674

## STAFF REPORT

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**Discussion:** Storage POD regulations

**Applicant:** City of Little Falls

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### **Background Information:**

- **Proposal:** The city does not currently have clear regulations regarding portable storage units that are sometimes used on properties for temporary storage. These units are usually the rectangular metal structures commonly seen on train cars and are used when people are moving or for other purposes.

The attached represents a draft amendment to the Ordinance to address these storage units, which is for discussion purposes. Ultimately, if such an ordinance is to be adopted, a public hearing would need to be scheduled.

## 11.02: DEFINITIONS

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

## 11.07: SPECIAL PROVISIONS

### J. Portable Storage Units

1. Requirements for Placement and Use of Portable Storage Units.
  - a. No more than two (2) portable storage units may be located on a legal lot of record at any one time. For the purposes of this requirement, adjacent lots of record under common ownership shall be considered one legal lot of record.
  - b. Minimum property line setbacks for portable storage units shall be the same as required by Chapter 11 of the City Code for accessory structures in the zoning district where the unit is placed or five (5) feet, whichever is greater.
  - c. Portable storage units shall be placed on firm, level ground such that there is not a reasonable possibility of sliding, tipping or sinking.
  - d. Portable storage units shall not be placed:
    - (1) In a public right-of-way, except when on a trailer designed and maintained for the legal transport of such units;
    - (2) In a location where it would block the view of motorists at street intersections. At a minimum, units shall not be placed within 25 feet of the point where two street rights-of-way intersect;
    - (3) In off-street parking spaces, unless such spaces are unnecessary to meet the requirements of Section 11.07 of the City Code;
    - (4) On any residential property which does not already have a dwelling on the property, except when allowed under during active construction of a dwelling.
      1. This restriction shall not apply when the storage unit is on a property adjacent to another property under common ownership which has a dwelling.
    - (5) Within five (5) feet of any other portable storage unit. Units may not be stacked vertically.
  - e. Portable storage units shall not:
    - (1) Be used for human occupancy;
    - (2) Be connected to a power source (except temporarily by extension cord) or to sewer or to a water source;

- (3) Be used for containment of solid waste or debris in an amount which may attract rodents or otherwise create a public health hazard.
  - f. Portable storage units shall not be counted as impervious coverage for the purposes of Chapter 11 of the City Code provided they are on a site temporarily as regulated in this section.
  - g. The Applicant, as well as the Supplier, shall be responsible for ensuring that the Portable Storage Unit meets all state or federal laws which may apply and that it is maintained in good condition, free from evidence of deterioration, weathering, discoloration, graffiti, rust, ripping, tearing or other holes or breaks, at all times.
2. Exemptions: The following portable storage units are exempt from the requirements of this section:
- a. Portable storage units which are entirely contained within a building or screened to an equivalent manner by fences, trees, shrubs, natural topography or other means acceptable to the City Zoning Administrator shall be exempted from these regulations.
  - b. Portable storage units which are actively being unloaded and will be located on-site for sixteen (16) days or less. The City shall be notified of the presence of the portable storage unit within 24 hours of placement or by the first business day following placement of the unit.
    - (1) In cases of casualty damage to a property, the Zoning Administrator may issue a permit for the placement of a portable storage unit for periods of up to one hundred eighty (180) days. If a unit is necessary for longer than 180 days due to the casualty damage, such use must be approved by the City Council.
  - c. Portable storage units which are placed on any property which is engaged in active construction that has been authorized by a building permit or is otherwise allowed by ordinance.
  - d. Portable storage units for sale or rent or awaiting services which are located on premises owned or leased by a person or business legally engaged in the sale, rental or service of such units.



## STAFF REPORT

**Appeal:** Appeal of Zoning Administrator Decision (Fence Permit)

**Applicant:** Scott and Lori Williams

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**Background Information:** In April 2015, the Zoning Administrator issued a permit for Scott and Lori Williams (14424 Elm Street) to replace an existing fence near their west and north property line with a new fence. The application for the fence (attached) indicated that they would be installing a 6 ft high fence along almost the entire length of each property line. However, the Zoning Administrator's approval letter (attached) noted that the approval was to:

“Construct a 6 ft wood fence along the north and west property lines. Any fencing located within 30 ft of the front lot line may not exceed its previously existing height or 4 feet, whichever is higher.”

In August 2015, the Zoning Administrator received a complaint that the Williams' recently installed fence along the west and north sides was not facing the correct way as required by the City Code, which states:

### 11.03: GENERAL PROVISIONS

#### Q. Fences:

9. That side of the fence considered to be the face, the side not attached to the primary structural supports, shall face the abutting property or street right of way.

The Zoning Administrator made a site visit to view the fence and confirmed that the face of the fence was not facing to the abutting property as required and sent a letter to the Williams' to that effect.

Following the letter being sent, the Zoning Administrator also noticed that the fence height of 6 ft exceeded what was allowed in the City Code in the first 30 ft back from the right-of-way of Elm Street. Normally, the City Code requires a fence height of no more than 4 feet in that area. The permit approval did allow them to go to the same height as the previous fence, which the Zoning Administrator estimates at about 4-5 feet.

The Williams' are appealing the Zoning Administrator's decision that they are in violation of their permit (see written letter attached), arguing that they were not informed about the requirement regarding which way the fence faces or the 4 foot height maximum in the first 30 ft back from the right-of-way. The Zoning Administrator does not recall whether there was any discussion about the way the fence faces. The permit approval letter did discuss the 4 ft height maximum.

Photos of the current fence, as installed, are attached. A photo from Google Street View of the previously existing fence along the west side is also attached (the same style of fencing was what previously existed along most of the north boundary line as well).

A copy of the fence permit application form that was available at the time of the original fence permit application is also attached.

Appeal Committee;

On 4/27/2015 we were given a permit to put up a privacy fence on our property. We already had an existing fence there. We were removing the old one and replacing it with a new one. Also the new privacy fence was going to continue on with a 6' privacy fence already in place from 14 years prior. So when I talked with Ben Olson I told him of our plans of replacing our existing fence and replacing it with 8' wide by 6' panels to continue on with the same way it was already put up years before. He told us he would come out and check it out and would get back with us. When he called back to inform us that we could go ahead and get the permit that everything would be fine the way we wanted to install the fence. We just needed to draw a map of what the fence would in tale. We did this and on the map it shows we are putting up a 6' fence. Now the argument is it's only suppose to be 4' and the good side facing the neighbors, in which we were never told of this rule. We are newly annexed into the city, so our existing privacy fence the nice side faces our way. Ben Olson stated that this rule is on the back side of our permit. We have no back side of our permit. We have talked with Terri Roach about our fence because one side faces his property and he told us we could leave it. The west side of our fence is really the side that's being questioned it faces Byron Smith's side of the property which is about 3 acres of pine trees. We just feel that we were not properly informed of all the city rules prior to putting up our fence. We were given the go ahead by Ben Olson to put it up, so we feel we should not have to take it down and turn it around.

Thank you  
Scott and Lori Williams



Dead End Elm St,

Driveway

Garage

House

Metal Shed

High Wood Barn

Low Wood Barn

8' long dog Ear treated  
6' High lumber

existing fence - replacing with new  
Fence ↓ on line

Height 6'  
2' ft. footings

Also existing fence replacing with new  
Fence

Fence



Established in 1849  
"Where Minnesota History Begins"

April 21, 2015

Scott and Lori Williams  
14424 Elm Street  
Little Falls, MN 56345

RE: 48.6967.000 and 48.6966.000 (14424 Elm Street)

Mr. and Mrs. Williams:

We are writing to notify you that your permit application for the following project has been approved:

Construct a 6 ft wood fence along the north and west property lines. Any fencing located within 30 ft of the front lot line may not exceed its previously existing height or 4 feet, whichever is higher.

All work shall be in accordance with the above requirements and otherwise compliant with the City of Little Falls City Code. If your plans change, please notify us immediately to determine if there are any additional requirements.

Please feel free to call if you have any questions.

Sincerely,

Ben Oleson  
Hometown Planning  
City of Little Falls Zoning Administrator



Established in 1849  
"Where Minnesota History Begins"

August 20, 2015

SCOTT B & LORI G WILLIAMS  
14424 ELM ST  
LITTLE FALLS, MN 56345

Dear Mr. and Mrs. Williams:

The City of Little Falls has recently received an inquiry as to whether certain structures or other elements on your property comply with the requirements of the City's ordinances. The property in question is:

- 14424 ELM ST, Parcel ID 48.6967.000

The subject of the inquiry is:

- A recently installed fence not meeting the requirements of the City Code.

It is the responsibility of the City Zoning Administrator to determine whether a violation has occurred or not.

We have viewed the fencing in question (on the west and north sides of your property), which was permitted in April 2015, and noticed that the "good" side of the fence is facing toward your property rather than to the abutting property. Section 11.03.Q.9 indicates that "That side of the fence considered to be the face, the side not attached to the primary structural supports, shall face the abutting property or street right of way."

As such, you will have sixty (60) calendar days from the date of this letter to correct the situation and bring the fencing on the west and north sides of your property into compliance with the current City Code.

Please contact me toll-free at 888-439-9793 or at 320-759-1560 to discuss this matter at your earliest convenience if you have any questions or concerns. You may also contact City Hall directly at (320) 616-5500.

Thank you for your cooperation.

Sincerely,

Ben Oleson  
Hometown Planning  
City of Little Falls Zoning Administrator



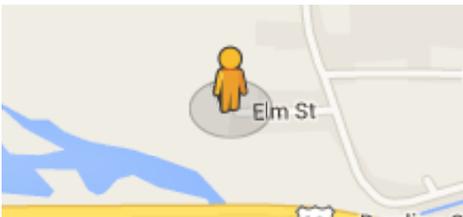
Google Maps 14317 Elm St



Image capture: Jul 2014 © 2015 Google

Little Falls, Minnesota

Street View - Jul 2014



## STAFF REPORT

**Discussion:** Parking Requirements for Buildings with Two Or More Uses

**Applicant:** City of Little Falls

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### Background Information:

- **Proposal:** In November of 2014, the Planning Commission discussed issues related to parking requirements for a local Bed and Breakfast establishment. As part of that discussion, the Commission noted its desire to review those ordinance requirements and consider the possibility of allowing for on-street parking to be used to accommodate certain uses, such as “additional food service” associated with a Bed and Breakfast.

The text below represents a draft amendment to the Ordinance to address the issue of on-street parking for limited types of uses, which is for discussion purposes. Text to be amended is as shown by crossed out (to be deleted) or underlined text (to be added). Ultimately, if such an ordinance is to be adopted, a public hearing would need to be scheduled.

The proposed amendments would allow for certain limited off-street parking requirements to be waived if there are sufficient on-street parking spaces located directly adjacent to the property where the use is proposed and which are on the same side of the street. No use which would be likely to create overnight parking would be eligible for the exemption.

The off-street parking requirements would remain for the “primary” use of the site. In this case, the primary use would be either the dwelling (for purposes of a dwelling which houses a home occupation) and the bed and breakfast establishment. IN other words, off-street parking requirements would not change in relation to the parking needs of the residents of a home or for overnight guests of a B&B. The allowance for the use of on-street parking would be limited only to customers of a home occupation (which are already limited in number by the ordinance) and to customers of “additional food service” events held at a B&B during daytime hours.

### 11.05: ZONING DISTRICTS AND 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:

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

(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;

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:

d. Home occupations by conditional use permit;

(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.

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.~~

(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.

## **11.07: SPECIAL PROVISIONS:**

### **A. Off Street Parking And Loading Spaces:**

2. Requirements: The location, design and use of off street parking, driveways and loading spaces shall be in compliance with the following requirements:

c. Calculating Space:

(4) Buildings With Two Or More Uses: Except as provided for under "joint parking facilities", should a building contain two (2) or more types of use, each use shall be calculated separately for determining the total off street parking spaces required. Warehouse areas associated with retail uses shall have parking requirements calculated separately from the retail requirements.

For home occupations and bed and breakfasts with additional food service allowed by conditional use in a Residential zoning district, the Zoning Administrator may waive off-street parking requirements for the secondary use (customers of the home occupation, dining guests for the bed and breakfast additional food service) but not for the primary use, provided that: 1) an equivalent amount of on-street parking spaces as would be otherwise be

required for off-street parking are available on the same side of the street and adjacent to the property on which the home occupation or bed and breakfast with additional food service is located; and 2) that the secondary use would not create a need for overnight parking.