



Norwood Young America Planning Commission
6:00 p.m., Tuesday, February 4, 2020
Norwood Young America City Council Chambers, 310 Elm St. W.

AGENDA

1. Call to Order
Pledge of Allegiance
2. Adoption of Agenda
3. Approve Minutes of January 7, 2020 meeting
4. Introductions, Presentations, and Public Comment
(Citizens may address the Planning Commission about any non-agenda item of concern. Speakers must state their name, address, and limit their remarks to three minutes. The Planning Commission will take no official action on these items but may refer the matter to staff for a future report or direct that the matter be scheduled for a future meeting.)
5. Public Hearings
6. New Business
 - A. Review Commercial and Industrial Zoning Districts Conditional Uses and Conditional Use Permit Process
 - B. Review Railroad Street Rezoning Properties from C-3 to RC-1
 - C. Joint Meeting Attendance
7. Old Business
 - A. Accessory Dwelling Units Draft Ordinance
8. Miscellaneous
 - A. January Building Permit Report
9. Commissioner's Reports
10. Adjourn

UPCOMING MEETINGS

February 10 th	City Council 6:00 p.m.
February 12 th	Economic Development Commission 5:30 p.m.
February 18 th	Parks & Recreation Commission 4:45 p.m.
February 24 th	City Council Work Session/EDA/Regular meeting 6:00 p.m.
March 4 th	Planning Commission 6:15 p.m.
April 8 th	Joint Meeting – City Council, PC, EDC, Parks & Recreation Commission & Chamber of Commerce Board 6:30 p.m.

**Jerry
Barr**

**Mike
Eggers**

**John
Fahey**

**Bill
Grundahl**

**Paul
Hallquist**

**Bob
Smith**

**Craig
Heher
Council
Liaison**

*Norwood Young America
Planning Commission Minutes
January 7, 2020*

- Present:** Commissioners Mike Eggers (exited at 7 p.m.), John Fahey (exited at 7 p.m.), Bill Grundahl, Paul Hallquist, Craig Heher, and Bob Smith.
- Absent:** Commissioner Jerry Barr
- Staff:** Norwood Young America Resident Andrea Girth, Steve Curfman of Curfman Trucking, City Administrator Steve Helget, and Planning Consultant Cynthia Smith Strack.
- Public:** None.

1. Call to Order.

The meeting was called to order by Chair Heher at 6:00 pm. All present stood for the Pledge of Allegiance.

2. Adoption of Agenda.

Chairperson Heher introduced the agenda.

Motion – Eggers, second Hallquist to approve the agenda. The agenda was approved 6-0.

3. Appoint Officers and Representatives to Commissions.

Chairperson Heher introduced the agenda.

Motion – Grundahl, second Fahey to appoint Craig Heher as Committee Chair. No other nominations received. Motion carried 6-0.

Motion – Grundahl, second Eggers to appoint John Fahey as Committee Vice Chair. No other nominations received. Motion carried 6-0.

Staff was designated as Secretary, like previous years.

Motion – Fahey, seconded Hallquist to appoint Bill Grundahl as PC Liaison to Parks and Recreation Committee. No other nominations received. Motion carried 6-0.

Motion – Fahey, seconded Grundahl to appoint Mike Eggers as PC Liaison to Economic Development Commission. No other nominations received. Motion carried 6-0.

4. Approval of Minutes from the Regular Meeting December 3, 2019.

Heher introduced the minutes from the December 3, 2019 regular meeting.

Motion – Fahey to approve the December 3, 2019 regular meeting. Seconded by Eggers. With all in favor the regular meeting minutes were approved 6-0.

Helget asked how the PC would likely approach potential issues where house was resided but detached ADU was not and other similar circumstances.

Hallquist opined the Council has sent a message, with majority support for detached ADU. Hallquist suggested the PC recommendation reflect Council direction.

Fahey noted a preference for CUP with ability to ease restriction in future, noting his primary concern was with detached ADU.

Hallquist voiced support for a balanced approach with some ADU allowed as a right under administrative permit with others requiring CUP or IUP.

Strack offered to bring sample language to the February PC meeting. Members concurred.

The PC next discussed parking requirements. Helget noted City Code Section 702.045 (not zoning related) caps the maximum number of vehicles allowed to be parked outdoors at a residence at four. This would mean if a dwelling had a two-car garage, two vehicles could be parked in the garage and an additional four on an approved surface. PC Members concurred six vehicles on site was likely not a limiting factor for ADU.

9. Miscellaneous.

- A. Reschedule March PC meeting due to presidential primary election.

Motion Heher, Second Smith to reschedule March meeting to Wednesday, March 4 at **6:15 p.m.** Motion carried 4-0.

- B. December Building Permit Report.

The December building permit report was reviewed.

10. Commissioner Reports.

Grundahl provided an update from the Parks meeting. Helget requested PC Members watch open meeting law training provided by City Attorney Jay Squires.

11. Adjourn

Motion – Grundahl, Second Hallquist to adjourn the meeting. With all in favor the meeting adjourned at 7:25 p.m.

Respectfully submitted,

Steve Helget
Zoning Administrator

Steve Curfman introduced himself and his proposed operation. He noted he has worked with the City Council and Planning Commission on several items related to his business operation.

Chairperson Heher asked Mr. Curfman if a fifteen (15) day limit of trucks being repaired on site was realistic or if that timeline should be extended to thirty (30) days. Curfman noted 30 days was likely to be more realistic. The Commission consented to recommend a longer term for vehicles to be stored on site awaiting repair completion.

Grundahl inquired about current practice for tire storage. Curfman noted tires are stored in a covered location.

Motion Eggers seconded by Smith to close the public hearing at 6:18 p.m. Motion carried.

7. New Business.

A. Conditional Use Permit to Allow Truck Repair at 600 Railroad Street West.

Heher introduced the agenda item.

Strack presented potential considerations for issuance of a CUP for truck repair as follows:

1. The "Use" is to be defined as a commercial trucking contractor operation with ancillary commercial truck repair and outdoor storage at 600 Railroad Street West.
2. Retail and wholesale repair and service of commercial trucks and automobiles is allowed to occur within the existing 9,600 square foot principal building.
3. The "Site Plan" is a site plan completed by RAM Building dated July 17, 2017 remains in effect.
4. Conditions of approval under City Council Resolutions 2017-14 (variance), 2017-15 (CUP for outdoor storage), and 2017-16 (site plan approval) applicable to the subject property remain in effect, except for condition number two (2) of City Council Resolution 2017-16 (prohibiting truck repair) is to be superseded.
5. No vehicle or equipment shall be parked on the premises other than those utilized by employees, used by the business, or awaiting service. No vehicle or equipment shall be parked or be waiting service longer than thirty (30) days. Vehicles and equipment, if required to be licensed, shall display current licenses.
6. Junk yards and/or auto salvage is prohibited.
7. Exterior storage shall be limited that provided under City Council Resolution 2017-15
8. The storage of new tires, batteries and other such items for sale outside the building is allowed only during hours of business operation, except as provided under City Council Resolution 2017-15.

9. Re-painting of vehicles on site is prohibited.
10. Review of building occupancy by the Building Official is required.
11. Any signage requires submittal of a sign permit application and approval by the Zoning Administrator and/or Building Official.
12. Approval is subject to applicable codes, regulations and ordinances, and violation thereof shall be grounds for revocation.
13. Approval to expire one year after date of approval unless the Applicant commences the use on the Property.
14. Approval of this conditional use permit does not approve any future expansion or associated improvements on-site, including but not limited to a 24' by 80' future addition to the proposed structure.

Strack noted that if the property owner contemplated moving his auto repair business to the site in a new building a planned unit development would need to be considered as a means of allowing two principal buildings on a single lot of record.

Motion Fahey, second Smith to recommend the City Council approve a conditional use permit to allow retail truck repair at 600 Railroad Street West subject to conditions as outlined. Motion carried 6-0.

8. Old Business.

A. Accessory Dwelling Units.

Heher introduced the agenda item.

Strack noted that at the December meeting the Commission discussed feedback from the City Council pertaining to accessory dwelling units. The Council supported consideration of accessory dwelling units but requested the Planning Commission examine the potential to broaden potential scope of ADU to include: (1) detached ADU units, (2) reduction of parking requirements; and (3) allowing ADU as a right verses through conditional or interim use permit. At the December meeting the PC requested assembly of additional background material for this evenings meeting, including current code language for accessory structures and the current rental license code. In addition, the PC requested information pertaining to site cover maximums in residential districts and parking requirements be provided.

Strack requested input from the PC pertaining to level of interest in allowing detached ADU. If interest exists what potential conditions/requirements were envisioned. Strack also requested input on what whether the PC was comfortable with allowing ADU as a right versus under CUP/IUP. Lastly Strack requested discussion about parking requirements.

Heher requested comment on the potential to provide for detached ADU. Heher mentioned tiny homes and voiced concern for ensuring the accessory unit looked and felt like the dwelling on site.

Fahey suggested if detached ADU were considered that they match the color, character, exterior material type, and other design aspects of the principal structure.

Smith recommended the PC talk specifically about material types such as metal siding, stucco, lap-siding and design aspects such as shutters. Smith noted that he needed to be convinced detached ADU were going to be maintained to the degree the principal dwelling was.

Eggers inquired about separate or shared utility service lines. Helget noted City Code specified hook-up was required, local discretion may determine whether that meant a new connection or shared service.

Strack suggested lot size could impact detached ADU including whether impervious surface coverage to allow a detached structure on a particular lot. Strack also suggested the PC could limit the lots eligible for detached ADU by lot size. Strack opined if a lot was large enough to be split in the future, separate services may make most sense.

Hallquist asked if the rental code has specific standards pertaining to maintenance of property. Helget noted that the rental code does specify maintenance standards for rental dwellings. A rental license is not required if a rental fee is not being charged.

Fahey inquired as to whether other members of the Commission had a preference ADU, either attached or detached as a right or under conditional or interim use permit. Fahey opined that could impact decision on shared or separate services.

Strack noted a detached ADU could be subject to conditional/interim use permit and attached/integral units as a right subject to conditions in code.

Fahey recommended the Commission approach potential to allow detached ADU with caution voicing concern about what a detached unit could look like from tiny house to manufactured home. Fahey voice support for starting from a conservative vantage point and easing restrictions if interest proved to be present. Fahey asked Helget if he had received inquiries regarding detached ADU. Helget noted Andrea Girth was in the audience and she had specifically requested the PC discuss detached ADU.

Grith, 307 Shady Lane, addressed the Planning Commission with details about her property and potential to convert existing detached structure into an ADU. She noted she had a larger lot and would likely not be opposed to having separate utility services.

Hallquist suggested the Commission could consider allowing conversions of existing detached units to ADU under administrative review while preserving a requirement that new detached structures be subject to CUP/IUP issuance.

Smith asked Girth if her detached structure was on a foundation. Girth confirmed.

Heher asked Administrator Helget if impervious surface coverage maximums could impact what could be added to a lot. Helget confirmed. Heher then commented on an article forwarded to him by Council Member Dick Stolz pertaining to ADU.

Heher noted a potential reluctance on the PC regarding detached ADU, but a willingness to consider if design blended with the principal structure.

5. Public Comment.

None.

6. Public Hearings.

A. Conditional Use Permit to Allow Truck Repair at 600 Railroad Street West.

Heher introduced the public hearing and opened the proceeding at 6:05 p.m.

Strack stated that Steve Curfman, owner of Curfman Trucking had applied for a conditional use permit to allow retail truck repair at 600 Railroad Street West as part of his trucking operation business.

Strack noted the City Council previously authorized a commercial trucking contractor operation and ancillary outdoor storage (City Council resolutions 2017-14, 2017-15, and 2017-16) at 600 Railroad Street West. The Applicant at that time indicated he'd like to provide commercial truck repair on a retail basis at the site. That use was not authorized under the aforementioned resolutions as truck repair was not an authorized use in the I-1, Light Industrial District. The City Council recently enacted code language allowing commercial truck repair in the I-1 District with a CUP. Section 1230.12, Subd. 4(F) of the Code provides for the proposed use. The Applicant proposes no change to outdoor storage approved under City Council Resolution 2017-15 and the attached site plan dated July 17, 2017.

Notice of public hearing has been published, posted, and mailed to adjacent property owners. No comment for or against the proposed use has been received as of the drafting of the staff memo.

Strack reviewed comments pertaining specifically to truck repair uses in the Industrial District.

Strack noted that abutting property is zoned I-1, Light Industrial and TA, Transitional Agriculture meaning a perimeter fencing is not required.

Strack recommended a condition of CUP issuance be that no vehicle or equipment shall be parked on the premises other than those utilized by employees, used by the business, or awaiting service. No vehicle or equipment shall be parked or be waiting service longer than fifteen (15) days. Vehicles and equipment, if required to be licensed, shall display current licenses.

Strack noted junk yards and/or auto salvage is not allowed under the proposed use and recommended this condition be added to the CUP.

Strack noted that no exterior storage, other than allowed by the existing CUP for outdoor storage should be allowed on site. Strack suggested this be a condition of conditional use permit issuance.

Strack stated that under City Code pertaining to truck repair in the I-1 District, the storage of new tires, batteries and other such items for sale outside the building is allowed only during hours of business operation. Strack recommended this standard to be incorporated as a condition of approval, with exception for that approved under City Council Resolution 2017-15.

Strack further noted that business activities such as automatic car and truck wash, rental of vehicles, equipment or trailers, and general retail sales may be allowed. Outdoor storage of used tires may be allowed, provided tires are stored in the manner required under City Council Resolution 2017-05.



To: Chairperson Heher
Members of the Planning Commission
Administrator Helget

From: Cynthia Smith Strack, Planning Consultant

Date: February 4, 2020

Re: Review of Conditional Use Standards

The joint meeting group addressing Downtown revitalization held discussion in January pertaining to conditional uses and conditional use processes. The joint committee suggests the Planning Commission review conditional uses in commercial and industrial districts to determine whether or not some conditional uses could be reclassified as permitted uses.

In addition, the group requests consideration of existing processing requirements to determine potential means of streamlining requirements or review criteria.

Please find attached highlighted versions of commercial and industrial districts with highlighting calling attention to conditional uses. CUP review criteria are also attached. Review criteria for specific commercial and industrial uses has been highlighted.

PC Members who sit on the joint committee may have additional insight.

1230.08 RC-1 Residential/Neighborhood Commercial District

Subd. 1. Intent. The intent of the RC-1 District is to provide certain areas of the City for the development of specialty service and commercial focusing on neighborhood related business in areas where residential dwellings predominate. The District is intended to include primarily established residential areas where

changing conditions have made certain commercial uses suitable and not incompatible with the basic residential character of the district. The district is also intended for certain residential areas which, by reason of proximity to existing commercial areas and major streets, would be suitable for limited office use. It is further the intention of this Section that the classification as RC-1 of an area will aid in the preservation and stabilization of property values. To this end, it is the intention that the conversion and alteration of existing residential structures or construction of new residential structures be compatible by means of landscaping, open space, and architectural treatment with neighboring residences and that new commercial buildings be compatible with the requirements set forth in Section 1245.02.

Subd. 2. Permitted Uses. The following uses are permitted in the Residential Neighborhood Commercial District

- A. Single-family dwellings;
- B. Twin homes;
- C. Two-family dwellings;
- D. Townhomes, up to 4 units per attached group;
- E. A State licensed residential facility serving six (6) or fewer persons, a State licensed day care facility serving 12 or fewer persons, and a group family day care facility licensed under Minnesota Rules, parts 9502.0315 to 9502.0445 to serve 14 or fewer children;
- F. Public parks, open spaces and other recreational uses, non-commercial in nature;
- G. Professional services, such as medical/dental clinics, law offices, and accounting offices
- H. Finance, Insurance and Real Estate
- I. Personal or Business Services
- J. Retail Trade
- K. Specialty shops, such as book and stationary stores, candy stores, ice cream parlors, tobacco, coffee, gift and florist shops.
- L. Standard Restaurants
- M. Residential uses in conjunction with commercial uses permitted in this district

Subd. 3 Permitted Accessory Uses. The following accessory uses are permitted in the Residential/Neighborhood Commercial District:

- A. Off-street parking and loading facilities, subject to Section 1250
- B. Fences, subject to Section 1245.05
- C. Lighting, subject to Section 1245.08
- D. Decks, patios and porches in conjunction with the principal use;
- E. Signs, subject to Section 1260
- F. Home occupations for residential uses
- G. Detached garages, tool houses, sheds and similar buildings for use accessory to the principal use, subject to Section 1245.04

Subd. 4 Conditional Uses. The following uses are permitted, subject to the provisions of Section 1210.06:

Principal Uses:

- A. Churches, schools and similar public uses
- B. Condominiums
- C. Contractor Operations (*Amended by Ord. 216; 8-24-2009*)
- D. Licensed Daycare Facilities, other than those permitted in Subd. 2.E. above
- E. Converted residential dwellings for lodging services, such as hotels, motels and bed and breakfasts.
- F. Multifamily, up to 4-units per dwelling
- G. Custom or Limited Manufacturing, Assembly, or Treatment of Articles or Merchandise from Previously Prepared Materials, such as cloth, fiber, leather, metal, paper, plastic, stone, wax, wood, and wool (*Amended by Ord. 303, 5-30-2018*)

Accessory Uses:

- A. Outdoor Dining

Subd. 5 Lot Requirements and Setbacks. The following requirements and setbacks are the minimum amount allowed in the RP-1 District, with the exception of "Lot Coverage" and "Building Height" which shall be the maximum amount allowed:

- A. Lot Area: 7,000 square feet
- B. Lot Width: 50 feet
- C. Lot Coverage: 70%
- D. Building Height: 35 feet (principal structure)
25 feet (accessory structure)

E. Setbacks*:

Principal Structures:

- Front yard: 10 feet
- Side yard: 5 feet
- Street side yard: 10 feet
- Rear yard: 10 feet

Accessory Structures:

- Front yard: not permitted in front yards
- Side yard: 5 feet
- Street side yard: 10 feet
- Rear yard: 5 feet
- Alley rear yard: 10 feet

*See additional provisions regarding setbacks in Section 1220.02- Permitted Yard Encroachments

- F. Minimum foundation size for detached and attached single family residential units: 900 square feet.
(Amended by Ord 265, 7-27-15).

1230.09 C-2 General Commercial District

Subd. 1 Intent. The C-2, General Commercial District is intended to recognize development opportunity and the need for commercial establishments fronting on or with direct access to major highways, a frontage road, or a major street intersecting a highway, serving area residents as well as vehicular traffic generated from the surrounding area.

Subd. 2 Permitted Uses. The following uses are permitted in the General Commercial District:

- A. Banking/Financial institutions.
- B. Churches and schools
- C. Commercial recreational uses.
- D. Convenience stores, without motor fuel facilities.
- E. Daycare Centers
- F. Dwelling Units, if located above the street level in non-residential structures
- G. Funeral homes/Mortuaries
- H. Garden Centers
- I. Grocery stores.
- J. Medical, professional and commercial offices.
- K. Motels/hotels
- L. Personal Services
- M. Retail Trade
- N. Standard restaurants.

Subd. 3 Permitted Accessory Uses. The following accessory uses are permitted in the General Commercial District.

- A. Commercial or business buildings and structures for a use accessory to the principal use;
- B. Fences, subject to Section 1245.05;
- C. Lighting, subject to Section 1245.08;
- D. Signs, subject to Section 1260;

Subd. 4 Conditional Uses. The following uses are permitted, subject to the provisions of Section 1210.06:

Principal Uses:

- A. Auto, Truck, Recreational Vehicle and Equipment Sales and Display;
- B. Automobile Service Station
- C. Convenience stores with motor fuel sales;
- D. Fast Food Restaurant
- E. Hospitals;
- F. Veterinary clinic, animal care, animal shelter, pet daycare, pet training, or animal hospital.

Accessory Uses:

- A. Recreational Facilities in association with an on-sale liquor establishment or standard restaurant.
- B. Outdoor Dining;
- C. Outdoor Storage;

Subd. 5 Interim Uses. The following uses are permitted as an interim use, subject to the provisions of Section 1210.07:

- A. Outdoor Storage

Subd. 6 Lot Requirements and Setbacks. The following requirements and setbacks are the minimum amount allowed in the C-2 District; with the exception of "Lot Coverage" which shall be the maximum amount allowed:

- A. Lot Area: 20,000 square feet
- B. Lot Width: 200 feet
- C. Lot Coverage: 80%
- D. Building Height: 35 feet (principal structure)
25 feet (accessory structure)
- E. Setbacks:

Principal Structures:

- Front yard: 25 feet
- Side yard: 5 feet
- Side yard: 30 feet (if adjacent to a residential district)
- Street side yard: 25 feet
- Rear yard: 20 feet
- Rear yard: 30 feet (if adjacent to a residential district)

Accessory Structures:

- Front yard: not permitted in front yards
- Side yard: 5 feet
- Street side yard: 25 feet
- Rear yard: 5 feet
- Alley rear yard: 10 feet

Subd. 7 Architectural Standards and Guidelines. Architectural Standards and Guidelines shall follow the provisions of Section 1245.03 of this Chapter.

1230.10 C-3 Downtown Districts

Subd. 1 Intent. The C-3, Downtown Districts, which include the original Norwood downtown, known as "Downtown Business" and the original Young America downtown, known as "Community Uptown", is intended to serve as the specialized service, retail, employment, and public business district for the community. The specific intent of this district is:

- A. To be the focal point for specialty services and goods focusing on neighborhood service related businesses;
- B. To allow for mixed commercial and residential uses since the district offers convenient access to services.
- C. To promote pedestrian-friendly design and development and encourage gathering areas.

Subd. 2 Permitted Uses. The following uses are permitted in the Downtown District:

- A. General commercial office space;
- B. Professional Services, such as medical/dental clinics, law offices, and accounting offices;
- C. Finance, Insurance and Real Estate;
- D. Personal or Business Services, such as laundry, barber, shoe repair, beauty salons, photography studios and physical fitness centers less than 5,000 square feet
- E. Public facilities serving all or portions of the city, such as municipal offices, library, post office.
- F. Retail Trade, such as grocery, hardware, drug, clothing, appliance and furniture stores.
- G. Dwelling units, if located above the street level in nonresidential structures.
- H. Specialty Shops, such as book and stationary stores, candy stores, ice cream parlors, tobacco, coffee, gift and florist shops;
- I. Standard restaurants
- J. On and off-sale liquor establishments
- K. Public Parks
- L. Residential uses on the first floor of commercial structures provided:
 - 1. The residential use does not compose greater than fifty (50) percent of the ground floor area;
 - 2. A store front is retained in the front of the building adjacent to public streets;
 - 3. A separate entry is provided for the residential use;
 - 4. The residential use is not adversely impacted by the adjoining commercial use of odor or noise, or increased traffic generation;
 - 5. Off-street parking is provided for the residential use.

Subd. 3 Permitted Accessory Uses. The following accessory uses are permitted in the Downtown Districts.

- A. Off-street parking and loading facilities, subject to Section 1250
- B. Fences, subject to Section 1245.05
- C. Lighting, subject to Section 1245.08
- D. Decks, patios and porches in conjunction with the principal use;
- E. Signs, subject to Section 1260

Subd. 4 Conditional Uses. The following uses are permitted, subject to the provisions of Section 1210.06:

Principal Uses:

- A. Contractor Operations (*Amended by Ord. 216; 8-24-2009*)
- B. Lodging Services, such as hotels, motels and bed and breakfasts.
- C. Entertainment Services, such as motion picture theaters and bowling alleys
- D. Licensed Daycare Facilities
- E. Custom or limited manufacturing, assembly, or treatment of articles or merchandise from previously prepared materials, such as cloth, fiber, leather, metal, paper, plastic, stone, wax, wood, and wool (*Amended by Ord. 261, 5-11-2015*)
- F. Auto Dealership Sales, Storage, and Display with or without ancillary minor auto repair and service, provided:

- i. Sales, display, and storage are limited to new and used passenger automobiles.
 - ii. A valid dealership license is maintained.
 - iii. Office space devoted to perform transactions in conjunction with the business is provided on site.
 - iv. Service and repair, if provided, are clearly secondary and subordinate to the use of the property for auto dealer sales, display, and storage.
 - v. Auto service and repair, if provided, shall be conducted indoors and all automobiles undergoing service or repair shall be stored off-street.
 - vi. Auto repair shall not include vehicle painting or auto body work.
(Amended by Ord 274, 6-27-16)
 - H. Veterinary clinic, animal care, animal shelter, pet daycare, pet training, or animal hospital.
- Accessory Uses:**
- A. Outdoor Dining;
 - B. Recreational Facilities;

Subd. 5 Lot Requirements and Setbacks. The following requirements and setbacks are the minimum amount allowed in the C-3 District, with the exception of "Lot Coverage" and building height, which shall be the maximum amount allowed:

- A. Lot Area: no minimum established
- B. Lot Width: no minimum established
- C. Lot Coverage: no maximum established
- D. Building Height: 45 feet (principal structure) (Amended by Ord. 216; 8-24-2009)
25 feet (accessory structure)
- E. Setbacks:
 - Principal Structures:**
 - Front yard: 0 feet
 - Side yard: 0 feet
 - Side yard: 5 feet (if adjacent to a residential district)
 - Street side yard: 0 feet
 - Rear yard: 0 feet
 - Rear yard: 10 feet (if adjacent to a residential district or alley)
 - Accessory Structures:**
 - Front yard: not permitted in front yards
 - Side yard: 5 feet
 - Street side yard: 0 feet
 - Rear yard: 5 feet
 - Alley rear yard: 10 feet

Subd. 6 Architectural Standards and Guidelines. Architectural standards and guidelines shall follow the provisions of Section 1245.02 of this Chapter.

1230.11 B-1 Business Industrial District

Subd. 1 Intent. The B-1, Business Industrial District is intended to provide an area identified for light industrial and large-scale office-park development.

Subd. 2 Permitted Uses. The following uses are permitted in the Business Industrial District:

- A. Automobile repair, major
- B. Contractor Yards
- C. Light Industrial
- D. Office Complexes
- E. Garden and landscaping services

- F. Mini-storage facilities
- G. Retail in association with a contractor yard or wholesale trade business
- H. Vocational and Technical Schools
- I. Warehouses
- J. Wholesale Trade and Showrooms

Subd. 3 Permitted Accessory Uses. The following accessory uses are permitted in the Business Industrial District.

- A. Commercial or business buildings and structures for a use accessory to the principal use;
- B. Fences, subject to Section 1245.05;
- C. Lighting, subject to Section 1245.08;
- D. Signs, subject to Section 1260.

Subd. 4 Conditional Uses. The following uses are permitted, subject to the provisions of Section 1210.06:

Principle Uses:

- A. Veterinary clinic, animal care, animal shelter, pet daycare, pet training, or animal hospital.

Accessory Uses:

- A. Outdoor Auto, Truck, Recreational Vehicle and Equipment Sales and Display;
- B. Outdoor Storage;
- C. Barbed-wire Fencing

Subd. 5 Interim Uses. The following uses are permitted as an interim use, subject to the provisions of Section 1210.07:

- A. Outdoor Storage

Subd. 6 Lot Requirements and Setbacks. The following requirements and setbacks are the minimum amount allowed in the B-1 District; with the exception of "Lot Coverage" which shall be the maximum amount allowed:

- A. Lot Area: 30,000 square feet
- B. Lot Width: 200 feet
- C. Lot Coverage: 80%
- D. Building Height: 40 feet (principal structure)
25 feet (accessory structure)
- E. Setbacks:

Principal Structures:

- Front yard: 25 feet
- Side yard: 5 feet
- Side yard: 30 feet (if adjacent to a residential district)
- Street side yard: 25 feet
- Rear yard: 20 feet
- Rear yard: 30 feet (if adjacent to a residential district)

Accessory Structures:

- Front yard: not permitted in front yards
- Side yard: 5 feet
- Street side yard: 25 feet
- Rear yard: 5 feet
- Alley rear yard: 10 feet

Subd. 7 Architectural Standards and Guidelines. Architectural standards and guidelines shall follow the provisions of Section 1245.03 of this Chapter.

1230.12 I-1 Light Industrial District

Subd. 1 Intent. The purpose of the I-1, Light Industrial District, is to create industrial areas within the City that will be acceptable and will not adversely affect adjacent business or residential neighborhoods. The overall character of the I-1 District is intended to have low-impact manufacturing/warehouse character. Industrial uses allowed within the District shall be either:

- A. Those whose operations are relatively free from objectionable influences; or
- B. Those whose objectionable features will be mitigated by design or appropriate devices.

Subd. 2 Permitted Uses. The following uses are permitted in the Light Industrial District:

- A. Contractor Operations;
- B. Laboratories;
- C. Light Industry;
- D. Utilities (public sewer, water);
- E. Warehousing;
- F. Wholesale Trade and Showrooms

Subd. 3 Permitted Accessory Uses. The following accessory uses are permitted in the Low-Density Residential District.

- A. Commercial or business buildings and structures for a use accessory to the principal use.
- B. Fences, subject to Section 1245.05
- C. Lighting, subject to Section 1245.08

Subd. 4 Conditional Uses. The following uses are permitted, subject to the provisions of Section 1210.06:

Principal Uses:

- A. Antennas, satellite dishes, communication and radio towers;
- B. Vocational and Technical Schools;
- C. Adult Uses

Accessory Uses:

- C. Freight and yard equipment;
- D. Outdoor Auto, Truck, Recreational Vehicle and Equipment Sales and Display;
- E. Outdoor Storage;
- F. Barbed-wire Fencing

Subd. 5 Lot Requirements and Setbacks. The following requirements and setbacks are the minimum amount allowed in the R-4 District, with the exception of "Lot Coverage" which shall be the maximum amount allowed:

- A. Lot Area: 87,120 square feet (2 acres)
- B. Lot Width: 200 feet
- C. Lot Coverage: 80%
- D. Building Height: 40 feet (principal structure)
25 feet (accessory structure)
- E. Setbacks:

Principal Structures:

- Front yard: 30 feet
- Side yard: 15 feet
- Street side yard: 30 feet
- Rear yard: 50 feet
- Rear yard: 75 feet (if adjacent to a residential district)

Accessory Structures:

Front yard:	not permitted in front yards
Side yard:	10 feet
Street side yard:	30 feet
Rear yard:	10 feet
Alley rear yard:	10 feet

1210.06 Conditional Use Permits.

Subd. 1 Purpose. In order to give the district use regulations of this Ordinance the flexibility necessary to achieve the objectives of the Comprehensive Plan, certain uses are permitted subject to the granting of a Conditional Use Permit. Because of their unusual characteristics, such conditional uses require special consideration so they may be located properly with respect to the objectives of the Comprehensive Plan and with respect to their effects on surrounding properties. In order to achieve these purposes, the City Council is empowered to grant and to deny applications for Conditional Use Permits and to impose reasonable conditions upon the granting of these permits.

Subd. 2 Procedure. The procedure for obtaining a conditional use permit is as follows:

- A. The property owner or their agent shall meet with the zoning administrator to explain the situation, learn the procedures and obtain an application form.
- B. The applicant shall file the completed application form together with the required exhibits and filing fee with the zoning administrator.
- C. The zoning administrator shall transmit the application and exhibits to the Planning Commission. Written notice of the public hearing shall be mailed at least ten days before the date of the hearing to the property owners within 350 feet of the outer boundaries of the area in question. Failure of any property owner to receive notification shall not invalidate the proceedings.
- D. The zoning administrator shall have notice of the required public hearing published in the official municipal newspaper not less than ten (10) calendar days prior to the date of the hearing.
- E. The Planning Commission shall hold a public hearing, study the application to determine possible adverse effects of the proposed conditional use, determine what additional requirements may be necessary to reduce such adverse effects and provide a recommendation to the City Council for its official action.
- F. The City Council may hold such public hearings as it may consider necessary on a proposed conditional use permit, consider application materials and the recommendation of the planning commission and make a final decision on the conditional use permit request.

Subd. 3 Standards for Granting a Conditional Use Permit. No conditional use permit shall be granted, unless the City Council determines that all of the following standards, along with standards for a specific use and any other conditions the City Council deems necessary to protect the health, safety and general welfare of the public, will be met:

A. General Standards.

1. The use is consistent with goals, policies and objectives of the Comprehensive Plan.
2. The use is consistent with the intent of this Ordinance.
3. The use does not have an undue adverse impact on governmental facilities, utilities, services or existing or proposed improvements.
4. The use does not have an undue adverse impact on the public health, safety or welfare.
5. The use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purpose already permitted, nor substantially diminish and impair property values within the neighborhood.
6. The use will not impede the normal and orderly development and improvement of surrounding property for uses permitted in the district.
7. Adequate utilities, access roads, drainage and necessary facilities have been or will be provided.
8. Adequate measures have been or will be taken to provide for vehicular and pedestrian safety and convenience to, from and within the site.
9. The use meets all of the performance criteria requirements as established in Section 1245.01 of this chapter.

10. The use shall, in all other respects, conform to the applicable regulations of the district in which it is located.
- B. Specific Conditional Use Provisions. In addition to the general standards specified in Subd. 3.A. of this Section, no conditional use permit shall be granted unless the City Council determined that each of the following specific standards have been met for the following uses.
 1. Adult Entertainment Uses/Sexually Oriented Businesses.
 - a. A sexually oriented business shall not be located within six hundred (600) feet of any of the following:
 - i. A public or private preschool, elementary, junior or high school site;
 - ii. A licensed day care center;
 - iii. A residential zoning district boundary or site used for residential purposes;
 - iv. A public park adjacent to a residential district;
 - v. Church site;
 - vi. Civic site;
 - vii. Another sexually oriented business site.
 - b. A sexually oriented business:
 - i. Shall be prohibited from serving or locating in any place, which is also used to dispense or consume alcoholic beverages.
 - ii. Shall require all entrances to the business, with the exception of emergency fire exits, which are not useable by patrons to enter the business, be visible from a street-facing public right-of-way.
 - iii. Shall have no customer parking at the rear of the building.
 - iv. Shall have no doors on video viewing booths.
 - v. Shall have the layout of the display areas designed so that the management of the established and any law enforcement personnel inside the store can observe all patrons while they have access to any merchandise offered for sale or viewing including but not limited to books, magazines, photographs, video tapes, or any other material.
 - vi. Shall have no display of sexual activity, sexually explicit material or paraphernalia that is visible by the public from the exterior of the building.
 - vii. Shall be limited in operation to the house of 10:00 a.m. to midnight.
 - viii. Shall have signage that complies with the sign ordinance regulations addressed in Section 1260 of this Chapter. In addition, signs for sexually oriented businesses shall not contain representational depiction of an adult nature or graphic descriptions of the adult theme of the operation.
 - ix. Shall have lighting that complies with the lighting ordinance addressed in Section 1245.08 of this Chapter. In addition, illumination of the premises exterior shall be adequate to observe the location and activities of all persons on the exterior premises.
 2. Reserved. (*Ord 298; 3-26-18*)
 3. Bed and Breakfast
 - a. The owner must reside on the premises and be the operator of the facility.
 - b. There is a maximum of four (4) guest rooms in the principal structure.
 - c. All units are located within the principal structure.
 - d. Occupancy shall be event driven and no stay shall be permitted for longer than thirty (30) consecutive days.
 - e. A building code inspection is conducted and any necessary building permit is issued prior to occupancy to assure conformance to Health, Building and Fire Codes.
 - f. The exterior façade shall not be altered from its Single Family character.

- g. On-premise advertising signs shall be limited to either one wall sign up to 4 square feet or a free-standing sign up to 2 square feet.
- h. The sign shall be designed in character with the principal structure, identifying not more than the name and address of the facility.
- i. The facility shall be located on a through street.
- j. A minimum of one off-street parking stall for each guest room plus two off-street parking stalls for the permanent residents shall be provided, and the facility must be able to accommodate all guest parking off-street without the need to alter the existing off-street parking arrangement. A piggy-back or tandem parking arrangement is permitted.
- k. On-site dumpsters or other waste containers shall be screened from public view.
(Amended by Ord. 220, 2-22-2010)

4. Cemeteries. Cemeteries shall conform to the following standards:

- a. Shall be located at least 25 feet from adjacent uses.
- b. Shall have adequate off-street parking.

5. Churches, schools and similar public uses.

- a. The site shall have access on a collector or arterial roadway or shall be otherwise located so that access can be provided without generating significant traffic on local residential streets.
- b. Parking areas shall be set back at least ten (10) feet property lines.
- c. An off-street passenger loading area shall be provided.
- d. The structure must be setback at least 50 feet from a residential use.
- e. Outdoor recreation and play areas shall be located at least 25 feet from a residential use and buffered by appropriate landscape materials.
- f. No more than seventy (70) percent of the site shall be covered with impervious surface.
- g. Site plan approval shall be obtained pursuant to Section 1210.08 of this Chapter.

6. Contractor Operations. Contractor Operations in the C-3, Downtown District shall conform to the following standards:

- a. No outdoor storage of any kind, including but not limited to materials, equipment or machinery shall be permitted.
- b. All business vehicles shall be accommodated by off-street parking.
- c. The office area shall be maintained at the front (street-facing) side of the building to the greatest extent possible. (Amended by Ord. 216; 8-24-2009)

7. Day Care Centers. State Licensed Commercial Day Care Centers shall conform to the following standards:

- a. The site shall have loading and drop off points designed to avoid interfering with traffic and pedestrian movements.
- b. Outdoor recreation and play areas shall be located at least 25 feet from a residential use and buffered by appropriate landscape materials.
- c. Each center shall obtain applicable licenses.

8. Farms, including Livestock. Farms including Livestock shall conform to the following standards:

- a. The structures used in conjunction with the livestock operation must be in compliance with Chapter 5.
- b. The site must be located on a collector street.
- c. The structures must be a minimum of two hundred feet from a wetland area.
- d. The use shall be setback a minimum of 500 feet from a residential district.

9. Group Homes. The following applies to state licensed residential facilities for seven to sixteen persons. State licensed residential facilities shall conform to the following standards:

- a. The structure must be in compliance with the state licensing requirements.
- b. The structure must be in compliance with local building and fire codes.
- c. The site shall have adequate off-street parking to accommodate one parking space for each employee on the major shift.

10. Guest Cottages

- a. The owner must be the operator of the facility.
- b. There is a maximum of four (4) guest rooms in the principal structure, all of which are located within the principal structure.
- c. No more than 12 guests per overnight stay are permitted.
- d. Occupancy shall be event driven and no stay shall be permitted for longer than seven (7) consecutive days to one entity.
- e. A building code inspection is conducted and any necessary building permit is issued prior to occupancy to assure conformance to Health, Building and Fire Codes. This information, including contact information for the owner/operator, shall be posted in a conspicuous location in the facility.
- f. The exterior façade shall not be altered from its Single Family character.
- g. On-premise advertising signs shall be limited to either one wall sign up to 4 square feet or a free-standing sign up to 2 square feet, and designed in character with the principal structure, identifying not more than the name and address of the facility.
- h. The facility shall be located on a through street.
- i. The site shall be able to accommodate a minimum of four off-street parking spaces and must be able to accommodate all guest parking off-street without altering the existing off-street parking arrangement. A piggy-back or tandem parking arrangement is permitted.
- j. On-site dumpsters or other waste containers shall be screened from public view.

(Amended by Ord. 220, 2-22-2010)

11. Industry. Industry shall conform to the following standards for both light and heavy industrial uses:

- a. Landscaping: all open areas of any site, lot, tract or parcel shall be graded to provide proper drainage, and except for areas used for parking, drives or storage, shall be landscaped with trees, shrubs or planted ground cover. Such landscaping shall conform with the planting plan approved by the City Council. It shall be the owner's responsibility to see that this landscaping is maintained in an attractive and well-kept condition. All vacant lots, tracts or parcels shall also be properly maintained.
- b. All raw materials, supplies, finished or semi-finished products and equipment shall be stored within a completely enclosed building, provided, however, that motor vehicles necessary to the operation of the principal use and of not more than three-quarter ton capacity may be stored within the permitted parking lot space.
- c. Building Design and Construction. In addition to other restrictions of this Chapter and any other regulations of the City, any industrial building or structure shall meet the following standards:
 - i. All exterior wall surfaces shall employ high exterior finishes such as glass, brick and stone. Specifically designed pre-cast concrete units shall be allowed if the surfaces have been integrally treated with an applied decorative material or texture. Factory fabricated and finished metal-framed panel construction, if the panel materials be any of those named above, other than unpainted galvanized iron or plastic.
 - ii. All subsequent additions and outbuildings constructed after the erection of an original building or buildings shall be constructed of the same materials as the original construction

and shall be designed in a manner conforming with the original architectural design and general appearance.

- d. **Heavy Industry.** In addition to meeting the above requirements for light industry, heavy industry shall conform to the following additional standards:
 - i. Shall be located at least 50 feet from non-heavy industrial uses.
 - ii. The site shall have direct access to collector or arterial streets.
 - iii. Shall encourage shared parking with like heavy industrial uses.

12. **Hospitals and Health Care Facilities.** Hospitals and health care facilities shall conform to the following standards:

- a. The site shall have direct access to collector or arterial streets.
- b. Emergency vehicle access shall not be adjacent to or located across a street from any residential use.

13. **Kennels.** The following applies to commercial kennels:

- a. The use shall not be located within 500 feet of any residential district.
- b. Any outdoor exercise area shall be screened from view from abutting property with a landscaping buffer strip having a minimum width of eight (8) feet, consisting of coniferous and deciduous trees.
- c. The site must be located on a collector street.
- d. The structures associated with the kennel operation must be a minimum of two hundred feet from a wetland area.

14. **Manufactured Home Park.** Manufactured Home Parks shall conform to the following standards:

15. **Multiple Family.** Multiple family shall conform to the following standards:

- a. Adequate off-street parking and off-street loading is provided.
- b. The development is adequately served by a collector or arterial street or shall be otherwise located so that access can be provided without generating significant traffic on local residential streets.
- c. Development is compatible in design and layout with existing and planned use of the area.
- d. The lot, setback and building requirements are complied with.
- e. The following requirements are established to provide uniform building design and to insure the quality of construction to provide adequate protection to all persons residing within the structure:
 - i. Window glass should be a minimum of 10% of the floor space of the living area in each unit.
 - ii. All below grade units shall have a floor grade not greater than 36 inches below ground.
 - iii. No building of a height greater than three (3) stories shall contain below grade dwelling units.
 - iv. Any multiple dwelling over three stories in height shall contain an elevator.
 - v. A multiple dwelling building over three stories shall supply building plans including site plans that are certified by an architect registered in the State of Minnesota, stating that the design of the building and the site has been prepared under their direct supervision. Any building of Type I or Type II construction, as provided in the Uniform Building Code, shall have its electrical, mechanical or structural systems designed by engineers registered in the State of Minnesota.
 - vi. The minimum floor area of an efficiency dwelling unit shall not be less than four hundred square feet. That of a one bedroom unit shall not be less than six hundred and fifty (650) square feet, and that of a two bedroom unit shall not be less than eight hundred (800) square feet.

16. Outdoor Auto, Truck, Recreational Vehicle, Equipment Sales and Display. Outdoor auto, truck, recreational vehicle, equipment sales and display shall comply with the following standards:
- a. Shall have adequate off-street parking.
 - b. All access drives, parking and storage areas shall be surfaced with concrete or bituminous with curb and gutter.
 - c. Shall be screened from adjacent residential districts by buffer fence of adequate design or a planting buffer screen.
 - d. All used vehicles associated with the use shall comply with the following additional standards:
 - i. Shall be in an operable condition.
 - ii. Shall not be extensively damaged, with the damage including such things as broken or missing tires and wheels, motor, body parts, windows, drive train or transmission.
 - iii. Shall have a fair market value greater than the approximate value of the scrap in it.
17. Outdoor Dining.
- a. Outdoor dining on public sidewalks shall comply with the following standards:
 - i. Sidewalk pedestrian pass-by area must be wide enough to accommodate the six-foot (6') seating and pedestrian pass-by requirement.
 - ii. Outdoor dining and related obstructions shall be prohibited from the pedestrian pass-by area.
 - iii. Outdoor dining and seating shall not be placed in areas that negatively impact the line-of-sight of vehicles, specifically at intersections.
 - iv. Outdoor dining hours shall be restricted to the hours of 11 a.m. to 8 p.m.
 - v. Noise levels from the outdoor dining activity shall not exceed those levels stated within the City Code.
 - vi. The sale of alcoholic beverages in the outdoor dining area shall be prohibited entirely.
 - vii. The permit holder must show that the outdoor area is in compliance with federal, state, and local regulations regarding the preparation, sale, and service of food.
 - viii. The permit holder must reapply annually for a permit.
 - ix. Along with the application, a diagram indicating the location and size of tables, chairs, and walk area and exits must be submitted. The location of entryways and exits to the restaurant, with dimensions, must also be included along with any other information deemed necessary for the provision of the permit.
 - x. Fencing or an acceptable barrier shall be used to surround the outdoor dining area, separating the dining area from the pedestrian space.
 - xi. Tables, chairs and other items associated with the outdoor dining operation shall be removed at the end of each business day, thus restoring the sidewalk to its normal condition.
 - b. Outdoor dining areas on private property on decks and patios shall comply with the following standards:
 - i. Outdoor dining may be allowed between the hours of 11:00 a.m. to 1:00 a.m.
 - ii. Railings or fencing shall be used to surround the outdoor dining area.
 - iii. Noise levels from the outdoor dining area shall not exceed levels stated within the City Code.
 - iv. Dining areas shall be constructed in compliance with all standards in the Zoning Ordinance and applicable Building and Fire Codes.
 - v. The sale of alcoholic beverages in the outdoor dining area shall be regulated and subject to the requirements of Chapter 4 Alcoholic Beverages of the City Code. All outdoor alcohol sales shall comply with the standards in Section 440 – Outdoor Sales.

(Amended by Ord. 179, 4/24/2006)

18. Outdoor Storage. Outdoor storage shall conform to the following standards:

- a. All outdoor storage yards shall be completely screened from roads or developed areas with a solid fence or wall 6 feet or more in height, maintained in good condition, and screened with suitable planting.
 - b. No un-screened outdoor storage yards established after the effective date of this Chapter shall be located closer than 500 feet to existing State and Federal roads, nor closer than 100 feet to any other City streets.
19. Recreational Facilities in the C-2, or C-3 District. Recreational facilities in the C-2, or C-3 District shall comply with the following standards:
- a. Recreational facilities may be permitted as a conditional accessory use of one of the following permitted uses:
 - i. Restaurant
 - ii. Hotel/Motel
 - iii. Bar/Licensed Liquor Establishment
 - b. The recreational facility shall be fenced in its entirety with a 6-foot privacy fence, with access of ingress from the principal structure only. The privacy fence shall be constructed of wood, vinyl or similar, but shall not include chain link and slats.
 - c. The recreational facilities, including the fenced area, shall conform to the setback requirements for the District.
 - d. Recreational facilities shall not be permitted in any front yard or side street yard.
 - e. A diagram of the proposed facility, including walk areas and exits, must be submitted for review. The number of egress points shall be determined by the Fire Inspector or Code Official, based on occupant load. At least one point of egress shall be provided from the fenced in area directly to the outside of the fenced in area. The proposed plan must meet the minimum requirements of the current Fire and Building codes and shall be approved by the Fire Inspector or Code Official prior to issuance of a permit.
 - f. Use of the facility may be allowed between the hours of 9:00 a.m. to 10:00 p.m.
 - g. Noise levels from the recreational activity shall not exceed those levels stated within the City Code.
 - h. The sale of alcoholic beverages in the recreational area shall be prohibited entirely.
 - i. Any lighting associated with the recreational facility shall meet the standards of Section 1230.
20. Stables
- a. Submittal of a site plan showing stable operation, fencing, drainage, buildings, sewage treatment and well systems.
 - b. A minimum lot size of ten (10) acres.
 - c. Applicable animal densities may be increased for in-house operations pending submittal of the stables' functional plans showing that the animals' needs will be adequately cared for and including an area for daily exercise. In no event shall in-house confinement areas be less than 100 square feet per horse.
 - d. All structures, parking lots and storage areas shall be located at least 300 feet from an existing residential use or district boundary.
 - e. Submittal of a plan for removal and distribution of manure and other waste materials, which meets all requirements of the Minnesota Pollution Control Feedlot Rules. The plan shall provide for the storage of manure and other waste materials at least 300 feet from an existing residential use or district boundary and at least 100 feet from a well.
 - f. Depending upon the size of the operation, one or more caretaker units may be allowed as part of a public stable operation.
21. Vocational and Technical Schools. Vocational and Technical Schools shall conform to the following standards:

- a. Any automotive and/or machine repair or similar uses shall be contained entirely within a building.
 - b. The site shall have access on a collector or arterial roadway or shall be otherwise located so that access can be provided without generating significant traffic on local residential streets.
 - c. An off-street passenger loading area shall be provided.
 - d. Buildings associated with the school must be setback at least 75 feet from a residential use.
22. Custom or limited manufacturing, assembly, or treatment of articles or merchandise from previously prepared materials, such as cloth, fiber, leather, metal, paper, plastic, stone, wax, wood, and wool in the C-3, Downtown Districts and the RC-1 Residence and Neighborhood Commercial District shall conform to the following standards: *(amended by Ord. 303, 5-30-2018)*
- a. No outdoor storage of any kind, including but not limited to materials, equipment, or machinery shall be permitted.
 - b. All business vehicles shall be accommodated by off-street parking.
 - c. Office or retail sales areas shall be maintained at the front (street-facing) side of the building.
 - d. The standards of Section 1245.01 (Performance Standards) and 1245.02 (Architectural Standards and Guidelines) apply. *(Amended by Ord. 261, 5-11-2015)*
23. Veterinary clinic, animal care, animal shelter, pet daycare, pet training, or animal hospitals shall conform to the following standards:
- a. Animals are allowed outside only under control and direct supervision of a responsible employee. When not in an approved, enclosed exercise/run area, animals shall at all times be under direct control on a leash.
 - b. Other than approved, enclosed exercise/run areas there shall be no outside storage on site.
 - c. A maximum number of animals allowed at the facility shall be established at the time of use permit issuance.
 - d. There shall be no animals outside the building from 9:00 p.m. to 6 a.m.
 - e. Dogs barking for one minute or longer shall be defined as excessive barking. Excessive barking is prohibited. If corrective measures, to the satisfaction of the City, are not taken to prevent continued excessive barking behavior, the conditional use permit may be revoked.
 - f. Indoor and outdoor facilities are kept in a clean, dry, and sanitary condition.
 - g. Animal waste shall be picked up immediately and disposed of in a sealed container. Animal exercise/run areas shall be designed to enable washing of surfaces to eliminate urine retention throughout all seasons.
 - h. Adequate storage and refrigeration shall be provided to protect food supplies against contamination and deterioration.
 - i. Indoor facilities shall be adequately ventilated and have ample light and heat.
 - j. Adequate screening shall be provided, as determined by the City Council at the time of conditional use permit issuance.
 - k. The facility and operation shall comply with all applicable city, county, state, and federal regulations.

Subd. 4 Amendment of a Conditional Use Permit. Any modification to the conditions of a conditional use permit shall be required to complete a conditional use permit amendment. A conditional use permit amendment is subject to all conditions and approvals required for conditional use permit review as specified in Section 1210.06. *(Amended by Ord. 216; 8-24-2009).*

Subd. 5 Revocation of Conditional Use Permits.

- A. A conditional use permit shall become null and void without further action by the Planning Commission or City Council unless work thereon commences within one year of the date of granting such conditional use.
- B. A conditional use shall expire if that use shall cease for more than 12 consecutive months.
- C. Inspections will be conducted at least annually and an update provided to the City Council to determine compliance with the terms of a conditional use permit.
- D. Failure to comply with any condition set forth in a conditional use permit shall be a misdemeanor and shall also constitute sufficient cause for the revocation of the conditional use permit by the City Council following a public hearing. The property owner shall be notified in advance of the City Council's review of the permit. A public hearing established to consider the revocation of a conditional use permit shall be conducted pursuant to the provisions of Subd. 2.C. of this Section.

Subd. 6 Uses by Conditional Use Permit not Nonconforming Uses. Uses authorized by conditional permit under this section shall not be deemed a nonconforming use, but shall without further action be considered a conforming use, but only in accordance with the conditions set forth in the conditional use permit.

Subd. 7 Filing. A certified copy of any Conditional Use Permit shall be filed with the Carver County Recorder or Registrar of Titles and shall include a legal description of the subject property.

1210.07 Interim Use Permits.

Subd. 1 Purpose and Intent. The purpose and intent of allowing interim uses is:

- A. To allow a use for a brief period of time until a permanent location is obtained or while the permanent location is under construction.
- B. To allow a use that is presently judged acceptable by the City Council, but that with anticipated development or redevelopment, will not be acceptable in the future or will be replaced in the future by a permitted or conditional use allowed within the respective district.
- C. To allow a use which is reflective of anticipated long-range change to an area and which is in compliance with the Comprehensive Plan provided that said use maintains compatibility with surrounding uses.
- D. To establish predictable and balanced regulations for the establishment of interim uses in the location and circumstances under which the uses may be established without detriment to the public health, safety, and welfare of neighboring property owners or occupants.

Subd. 2 Procedure. Uses defined as interim uses which do not presently exist within a respective zoning district shall be processed according to the criteria and procedures for a conditional use permit as established by Section 1210.06 of this chapter.

Subd. 3 General Standards. An interim use shall comply with the following:

- A. Meet the standards of a conditional use permit set forth in Section 1210.06 of this chapter.
- B. Conform to the applicable performance standards of Section 1245.01 of this chapter.
- C. The use is allowed as an interim use in the respective zoning district.
- D. The date or event that will terminate the use can be identified with certainty.
- E. The use will not impose additional unreasonable costs on the public.
- F. The user agrees to any conditions that the City Council deems appropriate for permission of the use.
- G. All obsolete and unused buildings and equipment shall be removed within six (6) months of cessation of operation at the site, unless an exemption is granted by the City Council.

Subd. 4 Termination. An interim use shall terminate subject to any of the following events, whichever occurs first:

- A. The date of termination stated within the approving resolution
- B. Upon violation of conditions under which the permit was approved.



To: Chairperson Heher
Members of the Planning Commission
Administrator Helget

From: Cynthia Smith Strack, Planning Consultant

Date: February 4, 2020

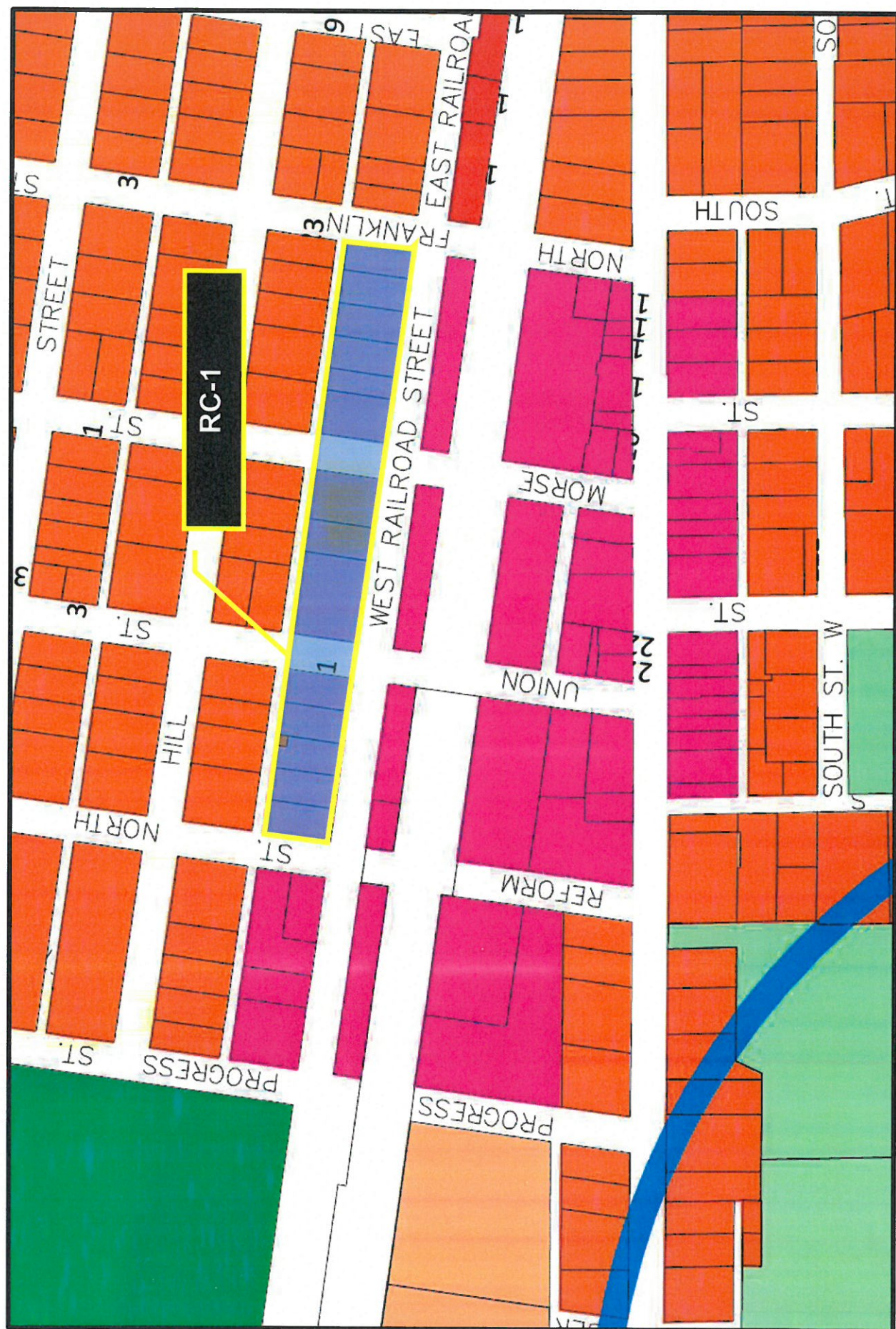
Re: Rezoning of Property Adjacent to Railroad Street

The City Council and some Planning Commission Members held joint work session discussion on March 11, 2019. During the discussion the City Council requested the Planning Commission investigate rezoning the north and south side of Railroad St W from Franklin to Progress to RC-1 to better fit existing uses.

The Planning Commission noted the rezoning was consistent with the proposed 2040 Comprehensive Plan's future land use map, but not consistent with the 2030 Comprehensive Plan's future land use which currently applies. Since the Metropolitan Council is no longer considering amendments to 2030 plans, the PC recommended consideration of rezoning be delayed until placing of the 2040 plan into effect was imminent.

City Administrator Helget notes the 2040 Comprehensive Plan is expected to be placed into effect in the next few months. As such, the Commission is asked to provide initial review. Official rezoning requires an ordinance amendment of the official zoning map.

Attached please find existing zoning and an aerial photo of the area.





This map was created using Carver County's Geographic Information Systems (GIS). It is a compilation of information and data from various City, County, State, and Federal offices. This map is not a surveyed or legally recorded map and is intended to be used as a reference. Carver County is not responsible for any inaccuracies contained herein.

Map Date: 1/26/2020



To: Chairperson Heher
Members of the Planning Commission
Administrator Helget

From: Cynthia Smith Strack, Planning Consultant

Date: February 4, 2020

Re: Accessory Dwelling Unit Standards

At the January meeting the PC discussed adjustments to a framework to provide for accessory dwelling units. For more information from the meeting please see the draft January minutes included in the packet.

At the meeting the Commission requested draft code amendment language be developed. Please find attached potential language for consideration. Please note:

1. Organization of the code amendment is primarily the addition of standards pertaining to accessory dwelling units as opposed to updating of each residential zoning classification's permitted and conditional uses.
2. As presented internal ADU, ADU additions, and conversions of existing accessory structures to ADU (as of January 1, 2020) are all allowed as a right subject to issuance of an administrative permit and a rental license. Rental licenses are proposed to be required regardless of whether or not rent is exchanged and whether or not persons are related.
3. New detached ADU are allowed provided a CUP is issued.
4. All detached ADU are subject to standards required for accessory structures, including design requirements.
5. Subd. 4 of the draft code has standards applicable to all ADU, unless otherwise stated.

The Commission is to review and comment on proposed text.

CITY OF NORWOOD YOUNG AMERICA
ORDINANCE NO. _____

**AN ORDINANCE AMENDING CHAPTER 1200.04, DEFINITIONS AND ADDING SECTION 1254.11
PROVIDING FOR ACCESSORY DWELLING UNITS**

- I. THE CITY COUNCIL OF THE CITY OF NORWOOD YOUNG AMERICA, MINNESOTA HEREBY ORDAINS:
- II. SECTION 1200.04 (DEFINITIONS) OF THE NORWOOD YOUNG AMERICA CITY CODE IS HEREBY AMENDED BY ADDING THE FOLLOWING DEFINITION.

Dwelling Unit, Accessory. A secondary, subordinate dwelling unit featuring a full bathroom, full kitchen, and sleeping area which is located on the same lot as a single-family dwelling to which it is accessory. Accessory dwelling units may be internal to or attached to an existing dwelling or detached from an existing dwelling.

- III. CHAPTER 12 OF THE CITY CODE SHALL BE AMENDED BY ADDING SECTION 1245.11 PERTAINING TO ACCESSORY DWELLING UNITS, AS FOLLOWS.

Subd. 1. Purpose. The purpose of this Section is to establish regulations that govern the use, approval, location, and design of Accessory Dwelling Units within the City. The specific purposes of this Section are to:

- A. Create new housing opportunities and choices while respecting the look and scale of low density development.
- B. Support the efficient use of existing housing stock and infrastructure.
- C. Provide housing that responds to changing family needs.
- D. Provide affordable housing options.
- E. Provide accessible housing for seniors and persons with disabilities.

Subd. 2. Permitted Uses. The following accessory dwelling units are permitted, subject to issuance of an administrative permit as provided for in Section 1210.09 of the City Code as may be amended.

- A. Internal accessory dwelling units in detached single family dwellings in the R-1 Low Density Single Family Residential District, the R-2 Medium Density Single Family Residential District, the R-3 Medium Density Mixed Residential District, and the RC-1 Residence Neighborhood Commercial District.
- B. Accessory dwelling units attached to detached single family dwellings in the R-1 Low Density Single Family Residential District, the R-2 Medium Density Single Family Residential District, the R-3 Medium Density Mixed Residential District, and the RC-1 Residence Neighborhood Commercial District.
- C. Conversions of preexisting (existing on/before January 1, 2020) detached structures accessory to detached single family dwellings in the R-1 Low Density Single Family Residential District, the R-2 Medium Density Single Family Residential District, the R-3 Medium Density Mixed Residential District, and the RC-1 Residence Neighborhood Commercial District.

Subd. 3. Conditional Uses. The following accessory dwelling units are conditional uses, subject to the provisions of Section 1210.06.

- A. Detached accessory dwelling units on lots with an existing detached single family dwelling in the R-1 Low Density Single Family Residential District, the R-2 Medium Density Single Family Residential District, the R-3 Medium Density Mixed Residential District, and the RC-1 Residence Neighborhood Commercial District.

Subd. 4. Required Standards. The following are required standards for any accessory dwelling unit.

- A. A maximum of one accessory dwelling unit is allowed per lot.
- B. Accessory dwelling units are allowed on lots with an existing detached single family dwelling. Accessory dwelling units are not allowed on twin home, townhome, condominium, or multiple family lots.
- C. Impervious surface limits of the applicable zoning classification shall not be exceeded. If applicable, the maximum impervious surface allowed in a shoreland overlay district shall not be exceeded.
- D. Detached accessory structures are subject to all standards contained in Section 1245.04 of the City Code pertaining to accessory structures, as may be amended.
- E. Accessory dwellings internal to or attached to principal structures shall meet required setbacks, maximum height, and yard requirements of the applicable zoning district.
- F. The existing detached single family dwelling or the accessory dwelling unit shall be occupied by the fee owner of the property.
- G. The existing detached single family dwelling shall be maintained as homestead property.
- H. The existing detached single family dwelling and the accessory dwelling unit shall remain a single parcel of record under unified ownership without the possibility of splitting the property or changing ownership status to a condominium arrangement.
- I. Accessory dwelling units shall be licensed under Section 350 of the City Code pertaining to licensing of rental dwellings regardless of whether or not rent is charged or the occupant is related to the homestead owner.
- J. The following design standards apply to accessory dwellings:
 - i. Accessory dwellings internal to or attached to an existing detached single family dwelling shall be designed and constructed to maintain the appearance of a single family detached dwelling.
 - ii. Accessory dwellings shall have a minimum gross floor area of three hundred (300) square feet.
 - iii. Accessory dwellings shall have a maximum gross floor area of the greater of 900 square feet or 40% of the gross floor area of the principal structure to which it is accessory. In addition, detached accessory dwelling units must not exceed maximum aggregate area square footage or number of detached units provided for under Section 1245.04 of the City Code.
 - iv. A minimum of one (1) additional off-street parking space is required for the accessory dwelling unit.
 - v. Accessory dwellings internal to or attached to existing single family detached dwellings shall use the same water and sanitary sewer connection and water meter as the principal structure.
 - vi. As a condition of conditional use permit issuance, the City may require separate water and sanitary service lines be extended from the street to detached accessory dwelling units.

- vii. For accessory dwellings internal to or attached to existing detached single family dwellings, there shall be no more than one exterior building entrance facing the front street.
- viii. For lots with detached accessory dwelling units, there shall be no more than one driveway per street frontage.
- ix. Dwelling units with exterior entrances different than the single family detached dwelling shall have a different street address (e.g. 200-A).
- x. Detached accessory dwellings shall be designed for residential occupancy.

IV. EFFECTIVE DATE: THIS ORDINANCE IS EFFECTIVE UPON ITS ADOPTION AND PUBLICATION AS PRESCRIBED BY LAW.

Adopted by the City of Norwood Young America on the ____ day of _____, 2020.

Attest:

Carol Lagergren, Mayor

Kelly Hayes, City Clerk

Adopted:
Published: