

ORDINANCE 2010-05

CITY OF DUNDAS COUNTY OF RICE, MINNESOTA

An Ordinance Amending the Zoning Ordinance of the City of Dundas to Allow for Certain Interim Uses

WHEREAS, the Dundas Planning Commission held a public hearing on July 15, 2010, after providing notice as required by state statute and City Code, with respect to amending the Zoning Ordinance to allow for certain interim uses;

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF DUNDAS DOES HEREBY ORDAIN:

Section 1. Section 20, Subsection 7 of the Dundas Zoning Ordinance is hereby added to read as follows:

- (A) Purpose. The purpose of allowing interim uses is:
 - (1) To allow a use for a brief period of time until a permanent location is obtained or while the permanent location is under construction.
 - (2) 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.
 - (3) 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 harmony and compatibility with surrounding uses and is in keeping with the architectural character and design standards of existing uses and development.
- (B) Procedure.
 - (1) Existing Uses: Uses defined as interim uses which presently exist as a legal use or a legal nonconforming use within a respective zoning district shall be considered approved and shall be treated as allowed uses.
 - (2) New Uses: Uses defined as interim uses which do not presently exist within a respective zoning district shall be processed according to the standards and procedures for a conditional use permit as established by Subd. 05 of this Chapter.
- (C) General Standards. An interim use shall comply with the following:

- (1) Existing uses shall be in conformance with zoning and building standards in effect at the time of initial construction and development and shall continue to be governed by such regulations in the future.
- (2) New Uses. New uses shall meet the following criteria:
 - (a) Meet the standards of a conditional use permit set forth in Subsection 3 of this Section.
 - (b) Conform to the applicable performance standards of this Ordinance.
 - (c) The use must be 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 costs on the public if it is necessary for the public to take the property in the future.
 - (f) The user shall agree to any conditions that the City Council deems appropriate for permission of the proposed use.
- (D) Termination. An interim use shall terminate on the happening of any of the following events, whichever first occurs:
 - (1) The date or event stated in the permit.
 - (2) Upon violation of conditions under which the permit was issued.
 - (3) Upon change in the City's zoning regulations which renders the use non-conforming.
 - (4) The redevelopment of the use and property upon which it is located to a permitted or conditional use as allowed within the respective zoning district.

Section 2. Section 5.5 (“NRSF” NATURAL RESOURCE SINGLE FAMILY RESIDENTIAL DISTRICT) shall be amended to read as follows:

Subsection 4. Conditional Uses. The following are conditional uses in a NRSF District and require a conditional use permit based upon procedures set forth in and regulated by Section 20.3 of this Chapter.

- (A) Conditional uses in this district include:
 - (1) Cemeteries.
 - (2) Public or semi-public recreational or community buildings.

- (3) Religious institutions, conditioned on access being provided only off of a collector road.
- (4) Bed and breakfast facilities.
- (5) Planned Unit Developments (PUDs).

Subsection 6. Interim Uses. The following are interim uses in a NRSF District and require an interim use permit based upon procedures set forth in and regulated by Section 20, Subsection 7 of this Chapter:

(A) Interim uses in this district include:

- (1) Home occupations, as regulated by Section 4.5 of this Ordinance.

Section 3. Section 5.6 (“LDSF” LOW DENSITY SINGLE FAMILY RESIDENTIAL DISTRICT) shall be amended to read as follows:

Subsection 4. Conditional Uses. The following are conditional uses in a LDSF District and require a conditional use permit based upon procedures set forth in and regulated by Section 20.3 of this Chapter.

(A) Conditional uses in this district include:

- (1) Cemeteries.
- (2) Public or semi-public recreational or community buildings.
- (3) Religious institutions, conditioned on access being provided only off of a collector road.
- (4) Bed and breakfast facilities.
- (5) Planned Unit Developments (PUDs).

Subsection 6. Interim Uses. The following are interim uses in a LDSF District and require an interim use permit based upon procedures set forth in and regulated by Section 20, Subsection 7 of this Chapter:

(A) Interim uses in this district include:

- (1) Home occupations, as regulated by Section 4.5 of this Ordinance.

Section 4. Section 6 (“R-S” RURAL SERVICE OVERLAY DISTRICT) shall be amended to read as follows:

Subsection 4. Conditional Uses.

(B) Conditional uses in this district include:

(1) None.

Subsection 7. Interim Uses. The following are interim uses in a R-S Overlay District and require an interim use permit based upon procedures set forth in and regulated by Section 20, Subsection 7 of this Chapter:

(A) Interim uses in this district include:

- (1) Landscape nurseries or forest lands,
- (2) Privately owned recreational uses, such as golf courses, golf driving ranges, and similar outdoor recreational activities that require relatively large amounts of land.
- (3) Maintenance and confinement of farm animals, which do not meet the definition of an “animal feedlot”.

Section 5. Section 7 (“R-1” SINGLE FAMILY RESIDENTIAL DISTRICT) shall be amended to read as follows:

Subsection 4. Conditional Uses.

(B) Conditional uses in this district include:

- (1) Cemeteries.
- (2) Public or semi-public recreational or community buildings.
- (3) Religious institutions, conditioned on access being provided only off of a collector road.
- (4) Bed and breakfast facilities.

Subsection 5. Performance Standards. The following minimum requirements shall be observed in an R-1 District:

- (A) Lot Area: 10,000 square feet for single family dwellings and duplexes/twin homes
- (B) Lot Width: 75 feet
- (C) Full Basement: All residential structures
- (D) Minimum House Width: Twenty-two (22) feet
- (E) Setbacks:

- (1) Front Yards: Not less than thirty (30) feet. In the case of corner lots, two front yards will be required.
 - (2) Side Yards: Not less than ten (10) feet on each side.
 - (a) Principal Building: Ten (10) feet.
 - (b) Detached Accessory Structures: Five (5) feet if located in the rear yard.
 - (3) Rear Yards: Not less than twenty-five (25) feet.
 - (a) Principal Building: Twenty-five (25) feet.
 - (b) Detached Accessory Structures: Five (5) feet.
- (F) Street address, visible from street, on front of structure
- (G) Signs:
- (1) One nameplate sign for each dwelling not to exceed two (2) square feet in area per surface, and no sign shall be so constructed as to have more than two (2) surfaces.
 - (2) One nameplate sign for each permitted non-residential use or use by conditional use permit. Such signs shall not exceed twelve (12) square feet in area per surface and no sign shall be so constructed as to have more than two (2) surfaces.

Subsection 6. Interim Uses. The following are interim uses in a R-1 District and require an interim use permit based upon procedures set forth in and regulated by Section 20, Subsection 7 of this Chapter:

- (A) Interim uses in this district include:
- (1) Home occupations, as regulated by Section 4.5 of this Ordinance.
 - (2) Outside storage of materials other than fireplace wood piles, equipment, unused vehicles, truck trailers or products.

Section 6. Section 8 (“R-2” SINGLE FAMILY RESIDENTIAL DISTRICT) shall be amended to read as follows:

Subsection 4. Conditional Uses.

- (B) Conditional uses in this district include:
- (1) Cemeteries.
 - (2) Public or semi-public recreational or community buildings.

- (3) Religious institutions, conditioned on access being provided only off of a collector road.
- (4) Bed and breakfast facilities.
- (5) Manufactured home parks subject to the performance standards below.

Subsection 5. Performance Standards. The following minimum requirements shall be observed in an R-2 District:

- (A) Lot Area:
 - (1) 10,000 square feet minimum lot size for two-family dwellings, duplexes, and townhouses, or manufactured home park.
 - (2) 5,000 sq. ft. per unit for single-family homes, each townhome, duplex, twinhome unit, and manufactured home.
- (B) Lot Width: 75 feet
- (C) Full Basement: All residential structures
- (D) Minimum House Width: Twenty-two (22) feet
- (E) Setbacks:
 - (1) Front Yards: Not less than thirty (30) feet. In the case of corner lots, two front yards will be required.
 - (2) Side Yards: Not less than ten (10) feet on each side.
 - (a) Principal Building: Ten (10) feet.
 - (b) Detached Accessory Structures: Five (5) feet if located in the rear yard.
 - (3) Rear Yards: Not less than twenty-five (25) feet.
 - (a) Principal Building: Twenty-five (25) feet.
 - (b) Detached Accessory Structures: Five (5) feet.
- (F) Street address, visible from street, on front of structure.
- (G) Signs:
 - (1) One nameplate sign for each dwelling not to exceed two (2) square feet in area per surface, and no sign shall be so constructed as to have more than two (2) surfaces.

- (2) One nameplate sign for each permitted non-residential use or use by conditional use permit. Such signs shall not exceed twelve (12) square feet in area per surface and no sign shall be so constructed as to have more than two (2) surfaces.

Subsection 6. Interim Uses. The following are interim uses in a R-2 District and require an interim use permit based upon procedures set forth in and regulated by Section 20, Subsection 7 of this Chapter:

(A) Interim uses in this district include:

- (1) Home occupations, as regulated by Section 4.5 of this Ordinance.
- (2) Outside storage of materials other than fireplace wood piles, equipment, unused vehicles, truck trailers or products.

Section 7. Section 10 (“R-3” MULTIPLE FAMILY RESIDENTIAL DISTRICT) shall be amended to read as follows:

Subsection 4. Conditional Uses.

(B) Conditional uses in this district include:

- (1) Cemeteries.
- (2) Public or semi-public recreational or community buildings.
- (3) Religious institutions, conditioned on access being provided only off of a collector road.
- (4) Bed and breakfast facilities.
- (5) Manufactured home parks subject to the performance standards below.

Subsection 5. Performance Standards. The following minimum requirements shall be observed in an R-3 District:

- (A) Minimum Lot Area: 10,000 square feet for townhouse and twin home developments, 12,000 square feet for multiple dwellings.
- (B) Minimum Lot Area Per Unit: 3,000 square feet for each dwelling unit or manufactured home in a manufactured home park.
- (C) Lot Width: 100 feet.
- (D) Full Basement: All residential structures.
- (E) Minimum House Width: Twenty-two (22) feet.

- (F) Setbacks.
 - (1) Front Yards: Not less than thirty (30) feet. In the case of corner lots, two front yards will be required.
 - (2) Side Yards: Not less than ten (10) feet on each side or twenty-five (25) feet from a public right-of-way.
 - (3) Rear Yards: Not less than twenty-five (25) feet.
- (G) Street address, visible from street, on front of structure.
- (H) Signs
 - (1) One nameplate sign for each dwelling not to exceed two (2) square feet in area per surface, and no sign shall be so constructed as to have more than two (2) surfaces.
 - (2) One nameplate sign for each permitted non-residential use or use by conditional use permit. Such signs shall not exceed twelve (12) square feet in area per surface and no sign shall be so constructed as to have more than two (2) surfaces.

Subsection 6. Interim Uses. The following are interim uses in a R-3 District and require an interim use permit based upon procedures set forth in and regulated by Section 20, Subsection 7 of this Chapter:

- (A) Interim uses in this district include:
 - (1) Home occupations, as regulated by Section 4.5 of this Ordinance.
 - (2) Outside storage of materials other than fireplace wood piles, equipment, unused vehicles, truck trailers or products.

Section 8. Section 12 (“B-1” DOWNTOWN BUSINESS DISTRICT) shall be amended to read as follows:

Subsection 5. Performance Standards. The following minimum requirements shall be observed in an B-1 District:

- (A) Lot Width: 75 feet
- (B) Setbacks:
 - All Yards: Twenty-five (25) feet where abutting a street, alley, or a residential district, except along Railway Street, south of Hester Street, where there is no minimum setback, a permissible zero-lot-line setback, and a 10-foot maximum setback.
- (C) Maximum size: 25,000 square feet for any retail building in this district.

(D) Signs (See also Section 4, Subsection 12)

The aggregate square footage of sign space per lot shall not exceed the greater of one and one half (1½) square feet per lineal foot of effective building frontage; or ten percent (10%) of the gross area of the effective front face of the building to the height of the eave line or top of parapet, not to exceed 20'. This limitation shall include pylon or freestanding signs, except that such sign areas shall be computed on the basis of the area of one side, if both sides are the same. "Effective Building Frontage" is the length of the face of the building parallel to the lot frontage, or as projected to a line parallel to the lot frontage. The lot frontage is that side of the building which includes the main entry of the building.

Subsection 6. Interim Uses. The following are interim uses in a B-1 District and require an interim use permit based upon procedures set forth in and regulated by Section 20, Subsection 7 of this Chapter:

(A) Interim uses in this district include:

- (1) Outside storage of materials other than fireplace wood piles, equipment, unused vehicles, truck trailers or products.
- (2) Signs on adjoining properties as regulated by Section 27, Subsection 9(C)(5) of this Ordinance.

Section 9. Section 13 ("B-2" HIGHWAY COMMERCIAL DISTRICT) shall be amended to read as follows:

Subsection 6. Interim Uses. The following are interim uses in a B-2 District and require an Interim use permit based upon procedures set forth in and regulated by Section 20, Subsection 7 of this Chapter:

(A) None.

Section 10. Section 14 ("LI" LIMITED INDUSTRIAL DISTRICT) shall be amended to read as follows:

Subsection 6. Interim Uses. The following are interim uses in a LI District and require an Interim use permit based upon procedures set forth in and regulated by Section 20, Subsection 7 of this Chapter:

(A) None.

Section 11. Section 15 (GENERAL INDUSTRIAL (GI) DISTRICT) shall be amended to read as follows:

Subsection 4. Conditional Uses.

(B) Conditional Uses in this district include:

- (1) All permitted industries listed above which have outside storage or open storage of parts, products or fuels
- (2) Buildings or structures exceeding 35 feet in height
- (3) Advertising signs (subject to the sign ordinance)
- (4) Bulk storage of more than 1,000 gallons of fuel, fertilizer, agricultural chemicals or agricultural products
- (5) Refuse transfer stations
- (6) Creameries

Subsection 7. Interim Uses. The following are interim uses in a GI District and require an interim use permit based upon procedures set forth in and regulated by Section 20, Subsection 7 of this Chapter:

(A) Interim uses in this district include:

- (1) Mining and extraction

Section 12. Section 27, Subsection 9(C) (Signs – Within the B-2 Highway Commercial District) shall be amended to read as follows:

- (5) **Adjoining Properties.** Adjoining properties with a common lot line may each locate a sign on one freestanding structure to be located on either property. Such signs shall be classified as on-premises signs. Each sign may exceed the allowed area for a freestanding sign by twenty (20) percent without affecting the maximum area allowed for the individual property, and be up to twenty-five (25) feet in height provided that:
 - (a) The maximum number of signs displayed on a single structure is two (2) signs.
 - (b) No additional freestanding signs shall be displayed on the individual properties.
 - (c) An agreement addressing construction, maintenance, and repair responsibilities and trespass rights is established and filed with the Rice County recorder against the titles of the two (2) properties involved in the co-located freestanding sign structure. Amendment or cancellation of the agreement shall be allowed only upon written approval by the zoning administrator.
 - (d) A second freestanding sign may be allowed per Section 27, Subd. 9(C)(5) upon approval of an interim use permit, provided that (a) through (c) above are complied with, in addition to the following:

1. The second freestanding sign shall be located no less than two hundred (200) feet from any existing freestanding sign on the two adjoining sites.
2. The combined total area of the two adjoining properties is no less than ten (10) acres.

BE IT FURTHER ORDAINED BY THE CITY COUNCIL FOR THE CITY OF DUNDAS:

1. The Attached Summary of Ordinance 2010-05 is hereby approved for publication.
2. This Ordinance shall become effective immediately upon its passage and publication.

ADOPTED by the Dundas City Council, of Dundas, Minnesota, on this 26th day of July 2010.

CITY OF DUNDAS BY:

ATTEST BY:

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Glenn Switzer, Mayor

John McCarthy, Administrator/Clerk

Ordinance 2010-05

_____Switzer _____Cruz _____Pribyl _____Ryan _____Zander

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ATTACHMENT: Summary of Ordinance 2010-05

**SUMMARY OF
ORDINANCE 2010-05**

CITY OF DUNDAS
STATE OF MINNESOTA

*An Ordinance Amending the Zoning Ordinance of the City of
Dundas to Allow for Certain Interim Uses*

The following is the official summary of Ordinance 2010-05, which was approved and adopted by the Dundas City Council on July 26, 2010:

Chapter 1500 Zoning and Subdivision Ordinance of the Dundas City Code has been amended to allow certain interim uses. The purpose of allowing interim uses is: to allow a use for a brief period of time until a permanent location is obtained or while the permanent location is under construction; 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; and 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 harmony and compatibility with surrounding uses and is in keeping with the architectural character and design standards of existing uses and development

A copy of the entire Ordinance 2010-05 is available for inspection by any person during regular office hours at the Dundas City Hall, 216 Railway Street North, Dundas, Minnesota 55019; and is posted at the Dundas City website: www.cityofdundas.org.

ADOPTED BY THE DUNDAS CITY COUNCIL on the 26th day of July 2010.

Published by order:
John McCarthy, City Administrator/Clerk
in the *Northfield News* on July 31, 2010