

**CITY OF DUNDAS PLANNING COMMISSION  
PUBLIC HEARING AND REGULAR MEETING AGENDA  
THURSDAY, APRIL 20, 2023  
7:00 P.M. - DUNDAS CITY HALL**

1. CALL TO ORDER
  - a. Roll Call
2. PUBLIC FORUM/PRESENTATIONS (non-agenda items)
3. APPROVAL OF AGENDA
4. APPROVAL OF MINUTES
  - a. Public Hearing and Regular Minutes of January 19, 2023
5. PUBLIC HEARING
  - A. Consider ordinance and zoning map amendments related to implementing the Comprehensive Plan and establishing new districts and standards
    - i. Open Public Hearing at \_\_\_\_\_p.m.
    - ii. Staff Presentation\*
    - iv. Public Comment
    - v. Closed Public Hearing \_\_\_\_ p.m.
6. Land Use/Action Items
  - A. Consider ordinance and zoning map amendments related to implementing the Comprehensive Plan and establishing new districts and standards recommendation to City Council
  - B. Other Business
  - C. ADJOURN

**CITY OF DUNDAS PLANNING COMMISSION  
PUBLIC HEARING AND REGULAR MEETING MINUTES  
THURSDAY, JANUARY 19, 2023  
7:00 P.M. - DUNDAS CITY HALL**

**UNOFFICIAL MINUTES**

Present: Chair Grant Modory, Commissioners Francis Boehning, Bruce Morlan, Luke LaCroix, Luke Swartwood, Glenn Switzer

Absent: Commissioner Larry Alderks

Staff: City Planner Nate Sparks, City Administrator Jenelle Teppen

**CALL TO ORDER**

Chair Modory called the Dundas Planning Commission Public Hearing and regular meeting to order at 7:01 p.m. A quorum was present.

**PUBLIC FORUM/PRESENTATIONS (non-agenda items)**

**ORGANIZATIONAL MEETING**

Election of Chair

Commission Morlan nominated Modory to serve as Chair. There were no further nominations.

**Motion by Morlan, second by LaCroix to appoint Grant Modory as Chair of Dundas Planning Commission. Motion Carried Unanimously (MCU)**

Election of Vice Chair

Chair Modory nominated Morlan to serve as Vice Chair. There were no further nominations.

**Motion by Modory, second by Boehning to appoint Bruce Morla as Vice Chair of the Dundas Planning Commission. MCU**

**APPROVAL OF AGENDA**

**Motion by Morlan, second by Swartwood, to approve agenda. MCU**

**APPROVAL OF MINUTES**

**Motion by LaCroix, second by Morlan, to approve the public hearing and regular meeting minutes of November 17, 2022. MCU**

**PUBLIC HEARING**

Conditional Use Permit Amendment Application submitted by GM2 Properties LLC

*Open Public Hearing:* Chair Modory opened the public hearing regarding a Conditional Use Permit Amendment application submitted by GM2Properties d/b/a Johnson Reiland Builders on the request to allow outdoor storage of material at 616 Hwy 3 at 7:04 p.m.

*Staff Presentation:* City Planner Sparks reviewed the property is in the B-2 Highway Commercial District designated for commercial and professional offices as permitted use and recently has been storing material on the site which is not permitted. He reviewed the Ordinance standards for the district noting there is a clause permitting outside storage upon issuance of a conditional use permit. Sparks reviewed setback requirements and landscaping relating to exterior storage areas. He stated any recommendation includes reduction in size requested, landscaping plan, surface of area, grading plan, and fencing specifications as reviewed by staff and Commissioners.

*Applicant Presentation:* Administrator Teppen stated an email was received on January 18, 2023, from the applicant to withdraw the Conditional Use Permit Amendment Application.

*Public Comment:* Administrator Teppen stated a letter from property owner Norman Oberto of Self Storage objected to the size of the fenced area and suggested a reduction.

*Closed Public Hearing:* Chair Modory closed the public hearing at 7:13 p.m.

**OLD BUSINESS**

No old business presented to Commissioners

NEW BUSINESS

Recommendation to City Council on Conditional Use Permit (CUP) Application

No action taken by Commissioners due to withdraw of the CUP application by the applicant.

Zoning Code Updates

City Planner Sparks stated the City recently updated the Comprehensive Plan so now the zoning map needs to be updated to match the Plan. He identified areas for development of different types and densities noting some of the concepts of the Plan do not correspond to the Zoning Ordinance. He compared the Ordinance with the Plan for zoning areas R-1 District, R-2 District, R-3 District, Downtown Commercial District, Highway Commercial District, and Industrial Districts. Sparks stated staff will prepare a draft of conceptual changes to the Zoning Ordinance for review and a public hearing.

ADJOURN

**Motion by Morlan, second by LaCroix to adjourn at the meeting at 7:44 p.m.**

Minutes prepared by Jenelle Teppen, City Administrator/City Clerk

**NOTICE OF PUBLIC HEARING**  
**City of Dundas – Rice County**

NOTICE IS HEREBY GIVEN that the Dundas Planning Commission will conduct a Public Hearing on Thursday, April 20, 2023 at 7:00 p.m. or soon thereafter as possible at Dundas City Hall, 100 Railway St N, Dundas, MN to consider ordinance and zoning map amendments related to implementing the Comprehensive Plan and establishing new districts and standards.

The Planning Commission will consider both oral and written comments. If you desire to be heard in reference to this matter you may attend the Public Hearing, submit a letter to the City Administrator/Clerk at City of Dundas, PO Box 70, Dundas, MN 55019-0070, or email [jteppen@dundas.us](mailto:jteppen@dundas.us). Letters and emails must be received by 4:30 PM, Thursday, April 20, 2023. A copy of the materials are available for inspection at Dundas City Hall during normal business hours.

Jenelle Teppen, Administrator/Clerk  
Published *Faribault Daily News*:



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## **PLANNING REPORT**

TO: Dundas Planning Commission  
Jenelle Teppen, City Administrator

FROM: Nate Sparks, City Planner

DATE: April 14, 2023

RE: Comprehensive Plan – Zoning Updates

## **BACKGROUND**

Recently, the City adopted a new Comprehensive Plan. With that plan adoption there are a few needed changes to the Zoning Ordinance.

## **PROPOSED AMENDMENTS**

Focusing on the zoning districts section itself, the following changes are proposed:

### *Non-conforming Uses*

There are a significant number of non-conforming single family houses in the expansion area of the Downtown and the Hester Street District. This code section states that they can expand if they meet the standards of the R-1 District.

### *Frontage Required*

This states that no building permit can be issued for a property that does not have frontage on a public road.

### *Downtown Parking*

The ordinance is clarifying that parking lots are not required for Downtown commercial uses but are required for Downtown residential uses.

The Commission should discuss whether or not garages should be required for residences. It is common to require a two stall garage for a house, duplex, and townhouse and at least one garage space for each apartment (when in an R District).

### *Residential Housing Standards*

There's no section in code with minimum house and apartment sizes.

### *Deletion of the LDSF District*

This was a district with 1 acre lot minimum that had no defined place on the zoning map and was omitted from the Comp Plan. Expectations for the NRSF District may be discussed.

### *Housing Standards Moved*

The standards related to house sizes and basements was moved to a performance standard section.

### *Impervious Surface Standards*

Impervious surface standards are added to all districts.

*New R-2 District*

There is a new R-2 District which is the “old plat” areas of the City with 65 foot wide lots.

*Bed & Breakfasts*

Bed & Breakfasts were removed from all districts but the new R-2, Traditional Residential District and the Hester Street District.

*Corner Setbacks*

In some of the Districts that allow smaller lot single family residences, there is a new standard or “corner lot setback” which would be the street side yard. These have slightly less setbacks than the traditional front.

*Hester Street Additional Uses*

The Hester Street District now allows for certain traditional commercial uses as a CUP. The City has already allowed such a use (brewery with taproom).

*Downtown Split*

The Downtown District (B-1) was split into two. The area along Railway is now B-1A and the rest is B-1B. In B-1B housing is allowed on the ground floor but it is not in the B-1A. Setbacks were altered to bring buildings closer to the street.

*Zoning Map*

A new zoning map is provided in draft form.

**RECOMMENDATION**

Staff would recommend approval of the above amendments after a lively discussion.

ZONING DISTRICT AMENDMENTS

APRIL PC REVIEW DRAFT

154.025 (B) (5). Legally non-conforming single-family residential dwelling units in the HSD and B-1 Districts may be expanded or add accessory uses provided such expansions and additions are consistent with the standards of the R-1 Zoning District.

154.062 (D):

(D) Frontage Required: No building permit shall be issued for a structure on a lot that does not have frontage on a publicly dedicated and opened right-of-way.

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154.067 (F) Parking requirements in the B-1 District:

(1) Minimum required parking stalls are waived for commercial uses in the B-1 District.

(2) Residential parking is required at 1 stall per bedroom in the B-1A District.

(3) Residential parking is required at 1.75 stalls per unit in the B-1B District but cannot be less than 1 stall per bedroom.

(4) Garages are not required in the B-1 District.

154.071 (A) (5) Residential Housing Standards.

(a) Full basements are required on all residential structures.

(b) Single family houses shall be a minimum of 22 feet in width.

(c) All single family houses shall have a minimum foundation footprint of 800 square feet (not including garages).

(d) All single family houses shall have a front street facing entrance. At least 8 feet or 20% of the width of the front facing structure, whichever is greater, shall be livable space and not garage.

(e) All residential dwellings, including manufactured homes, shall have a foundation that conforms to the Building Code, as adopted by the City. With the exception of manufactured homes in an approved manufactured housing park, all residential dwelling units shall have a continuous permanent perimeter foundation.

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(f) Multiple Dwelling Units Minimum Sizes: Multiple family dwelling units shall have the following minimum floor areas per unit:

1. Efficiency units: 500 square feet

2. 1 bedroom units: 700 square feet

3. 2 bedroom units: 800 square feet

4. 3+ bedroom: 880 square feet plus an additional 80 feet for each bedroom over 3.

(g) Two-Family and Townhouse Minimum Sizes: Two-family and townhouse dwelling units shall have a minimum floor area of 600 square feet first floor above grade plus 100 additional square feet for each bedroom.

§ 154.087 NRSF, NATURAL RESOURCE SINGLE-FAMILY RESIDENTIAL DISTRICT.

(A) Purpose. The purpose of this district is to protect natural resources and environmentally sensitive areas of the City by limiting development to low density-large acreage lots.

(B) Permitted uses. Permitted uses in the NRSF District include:

(1) Single-family detached dwellings;

~~(2) Family day care;~~

(3) Playgrounds and parks;

(4) Essential services; and

(5) Agriculture.

(C) Accessory uses. Permitted accessory uses include: private garages; parking spaces and carports; fences; decorative landscape features; recreational equipment (including swimming pools and tennis courts); in-home family day care facility, and tool houses or sheds for storage of domestic supplies.

(D) 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 § 154.022 of this chapter:

~~(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; and~~

(5) Planned unit developments (PUDs).

(E) Performance standards. The following minimum requirements shall be observed in an NRSF District:

(1) Lot area: two and one-half acres;

(2) Lot width: 200 feet;

~~(3) Full basement: all residential structures;~~

(4) Setbacks:

(a) Front yards: not less than 50 feet. In the case of corner lots, two front yards will be required;

(b) Side yards: not less than 20 feet on each side;

(c) Rear yards: not less than 35 feet; and

(d) Wetlands: not less than 30 feet from the ordinary high watermark.

(5) Impervious surface coverage shall not exceed 10% of the lot area; and

(6) Street address, visible from street, on front of structure.

(F) 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 § 154.026 of this chapter: home occupations, as regulated by § 154.064 of this chapter.

~~(Ord. passed 3-20-2002, § 5.5)~~

#### ~~§ 154.088 LDSF, LOW DENSITY SINGLE FAMILY RESIDENTIAL DISTRICT.~~

~~—(A) Purpose. The purpose of this district is to provide a transition between very low density development in the township and higher density subdivisions in the City by limiting development to larger lots.~~

~~—(B) Permitted uses. Permitted uses in the LDSF District include:~~

~~—(1) Single family detached dwellings;~~

~~—(2) Family day care;~~

~~—(3) Playgrounds and parks;~~

~~—(4) Essential services; and~~

~~—(5) Agriculture.~~

~~—(C) Accessory uses. Permitted accessory uses include: private garages; parking spaces and carports; fences; decorative landscape features; recreational equipment (including swimming pools and tennis courts); and tool houses or sheds for storage of domestic supplies.~~

~~—(D) 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 § 154.022 of this chapter:~~

~~—(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; and~~
  - ~~—(5) Planned unit developments (PUDs);~~
  - ~~—(E) Performance standards. The following minimum requirements shall be observed in an NRSF District:~~
    - ~~—(1) Lot area: one acre;~~
    - ~~—(2) Lot width: 100 feet;~~
    - ~~—(3) Full basement: all residential structures;~~
    - ~~—(4) Setbacks:~~
      - ~~—(a) Front yards: not less than 35 feet. In the case of corner lots, two front yards will be required;~~
      - ~~—(b) Side yards: not less than 15 feet on each side;~~
      - ~~—(c) Rear yards: not less than 30 feet; and~~
      - ~~—(d) Wetlands: not less than 30 feet from the ordinary high watermark.~~
      - ~~—(5) Impervious surface coverage shall not exceed 10% of the lot area; and~~
      - ~~—(6) Street address, visible from street, on front of structure.~~
  - ~~—(F) 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 § 154.026 of this chapter: home occupations, as regulated by § 154.064 of this chapter.~~
- ~~(Ord. passed 3-20-2002, § 5.6)~~

§ 154.089 R-S, RURAL SERVICE OVERLAY DISTRICT.

(A) Purpose. The major purpose of this overlay district is to establish a district in the rural parts of the City that is for agricultural uses, landscape nurseries, forest lands and privately-owned recreational uses, such as golf courses, and similar activities. This section is established pursuant to Ord. 25.02, passed by the City Council on 7-10-2000.

(B) Permitted uses. Permitted uses in the R-S District include:

(1) Agriculture, including farm crops, and farm and agricultural related buildings\* and structures (but not residential dwellings), subject to the state's pollution control standards,

but not including feedlots, manure spreading, livestock management or other commercial or industrial operations; and

(2) Essential services.

\* Farm and agriculture-related buildings existing (but not residential dwellings) at the time a property is first included in the Rural Service District may continue to be utilized for agricultural purposes. Existing buildings and structures may be repaired or replaced, if destroyed by wind or fire, but may not be expanded. No permit shall be granted to construct any new or additional buildings or structures.

(C) Accessory uses. Permitted accessory uses include: private garages; parking spaces and carports; fences; decorative landscape features; recreational equipment (including swimming pools and tennis courts); and tool houses or sheds for storage of domestic supplies.

(D) Conditional uses.

(1) Conditional uses in this district are subject to the following requirements:

(a) A conditional use permit is applied for based on procedures set forth in § 154.022 of this chapter;

(b) Screening and landscaping in compliance with § 154.071 of this chapter shall be required;

(c) Off-street parking is provided in compliance with § 154.067 of this chapter; and

(d) Any other conditions deemed to be necessary to reduce possible adverse impacts by the development, as determined by the Planning Commission or City Council.

(2) Conditional uses in this district include: none.

(E) Prohibited uses. No animal feedlot or manure spreading shall be allowed within this district. No use which is permitted in the underlying district shall be allowed until the RS Zoning Overlay District is removed from the property.

(F) Registration of existing farm animals at the time of adoption of this chapter. Any farm animals kept or maintained within the City limits shall be registered with the City by no later than 4-1-2005. Thereafter, to the extent that existing farm animals are not registered with the City, all property within the City shall comply with the requirements of this chapter.

(G) 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 § 154.026 of this chapter:

(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; and

(3) Maintenance and confinement of farm animals, which do not meet the definition of an “animal feedlot”.

(Ord. passed 3-20-2002, § 6)

§ 154.090 R-1, ~~SINGLE-FAMILY~~LOW DENSITY RESIDENTIAL DISTRICT.

(A) Purpose. The purpose of this district ~~is to allow the continuation of existing residential development and infilling of existing lots in the older residential areas of the City is for low density residential dwelling units in areas identified for such in the Comprehensive Plan.~~

(B) Permitted uses. Permitted uses in the R-1 District include:

(1) Single-family detached dwellings;

~~(2) Family day care;~~

(3) Playgrounds and parks; and

(4) Essential services.

(C) Accessory uses. Permitted accessory uses include: private garages, parking spaces and carports, fences, decorative landscape features, recreational equipment (including swimming pools and tennis courts), in-home family day care, and tool houses or sheds for storage of domestic supplies.

(D) Conditional uses.

(1) Conditional uses in this district are subject to the following requirements:

(a) A conditional use permit is applied for based on procedures set forth in § 154.022 of this chapter;

(b) Screening and landscaping in compliance with § 154.071 of this chapter shall be required;

(c) Off-street parking is provided in compliance with § 154.067 of this chapter; and

(d) Any other conditions deemed to be necessary to reduce possible adverse impacts by the development, as determined by the Planning Commission or City Council.

(2) Conditional uses in this district include:

~~(a) Cemeteries;~~

~~(b) Public or semi-public recreational or community buildings;~~

(c) Religious institutions, conditioned on access being provided only off of a collector road; and

~~(d) Bed and breakfast facilities.~~

(E) Performance standards. The following minimum requirements shall be observed in an R-1 District:

(1) Lot area: 10,000 square feet for single-family dwellings ~~and duplexes/twin homes;~~

(2) Lot width: 75 feet;

~~(3) Full basement: all residential structures;~~

~~(4) Minimum house width: 22 feet;~~

(5) Setbacks:

(a) Front yards: not less than 30 feet. In the case of corner lots, two front yards will be required;

(b) Side yards: not less than ten feet on each side:

1. Principal building: ten feet; and

2. Detached accessory structures: five feet if located in the rear yard.

(c) Rear yards: not less than 25 feet:

1. Principal building: 25 feet; and

2. Detached accessory structures: five feet.

(6) Street address, visible from street, on front of structure; and

(7) Signs:

(a) One nameplate sign for each dwelling not to exceed two square feet in area per surface, and no sign shall be so constructed as to have more than two surfaces; and

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

(8) Impervious surfaces: Not more than 40%

(F) 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 § 154.026 of this chapter:

(1) Home occupations, as regulated by § 154.064 of this chapter; and

~~(2) Outside storage of materials other than fireplace wood piles, equipment, unused vehicles, truck trailers or products.~~

(Ord. passed 3-20-2002, § 7)

§ 154.090 R-2, TRADITIONAL RESIDENTIAL DISTRICT.

(A) Purpose. The purpose of this district is to allow the continuation of existing residential development and infilling of existing lots in the historic residential areas of the City.

(B) Permitted uses. Permitted uses in the R-2 District include:

(1) Single-family detached dwellings;

(2) Playgrounds and parks; and

(3) Essential services.

(C) Accessory uses. Permitted accessory uses include: private garages, parking spaces and carports, fences, decorative landscape features, recreational equipment (including swimming pools and tennis courts), in-home family day care, and tool houses or sheds for storage of domestic supplies.

(D) Conditional uses.

(1) Conditional uses in this district are subject to the following requirements:

(a) A conditional use permit is applied for based on procedures set forth in § 154.022 of this chapter;

(b) Screening and landscaping in compliance with § 154.071 of this chapter shall be required;

(c) Off-street parking is provided in compliance with § 154.067 of this chapter; and

(d) Any other conditions deemed to be necessary to reduce possible adverse impacts by the development, as determined by the Planning Commission or City Council.

(2) Conditional uses in this district include:

(a) Religious institutions, conditioned on access being provided only off of a collector road; and

(b) Bed and breakfast facilities.

(E) Performance standards. The following minimum requirements shall be observed in an R-2 District:

(1) Lot area: 7,500 square feet for single-family dwellings;

(2) Lot width: 65 feet;

(3) Setbacks:

(a) Front yard: not less than 30 feet.

(b) Corner: not less than 15 feet, provided no corner side facing garage shall be closer than 20 feet

(c) Side yards: not less than 7.5 feet on each side;

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- 1. Principal building: 7.5 feet; and
- 2. Detached accessory structures: five feet if located in the rear yard.

(c) Rear yards: not less than 25 feet:

- 1. Principal building: 25 feet; and
- 2. Detached accessory structures: five feet.

(6) Street address, visible from street, on front of structure; and

(7) Signs:

(a) One nameplate sign for each dwelling not to exceed two square feet in area per surface, and no sign shall be so constructed as to have more than two surfaces; and

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

(8) Impervious surfaces: Not more than 60%

(F) 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 § 154.026 of this chapter:

(1) Home occupations, as regulated by § 154.064 of this chapter; and

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§ 154.091 R-23, ~~TWO-FAMILY AND TOWNHOUSE~~MEDIUM DENSITY RESIDENTIAL DISTRICT.

(A) Purpose. The purpose of this district is to allow the construction of single-family homes, duplexes, twin homes, and townhouses in a medium density setting, as defined by the Comprehensive Plan.

(B) Permitted uses. Permitted uses in the R-2 District include:

- (1) Single-family detached dwellings;
- (2) Duplexes, twin homes and townhouses;
- ~~(3) Family day care;~~
- (4) Playgrounds and parks; and
- (5) Essential services.

(C) Accessory uses. Permitted accessory uses include: private garages; parking spaces and carports; fences; decorative landscape features; recreational equipment (including swimming pools and tennis courts); in-home family day care facilities, and tool houses or sheds for storage of domestic supplies.

(D) Conditional uses.

(1) Conditional uses in this district are subject to the following requirements:

(a) A conditional use permit is applied for based on procedures set forth in § 154.022 of this chapter;

(b) Screening and landscaping in compliance with § 154.071 of this chapter shall be required;

(c) Off-street parking is provided in compliance with § 154.067 of this chapter; and

(d) Any other conditions deemed to be necessary to reduce possible adverse impacts by the development, as determined by the Planning Commission or City Council.

(2) Conditional uses in this district include:

~~(a) Cemeteries;~~

~~(b) Public or semi-public recreational or community buildings;~~

(c) Religious institutions, conditioned on access being provided only off of a collector road;

~~(d) Bed and breakfast facilities; and~~

(e) Manufactured home parks subject to the performance standards below.

(E) Performance standards. The following minimum requirements shall be observed in a R-2-3 District:

(1) Lot area:

(a) Ten thousand square feet minimum lot size for two-family dwellings, duplexes and townhouses or manufactured home park; and

(b) Five thousand square feet per unit for single-family homes, each townhome, duplex, twinhome unit and manufactured home.

(2) Lot width: ~~75-55 feet~~ for single family, 50 for two-family unit lots, and 75 for all other uses;

~~(3) Full basement: all residential structures;~~

~~(4) Minimum house width: 22 feet;~~

(5) Setbacks:

~~(a) (a) Front yards: not less than 30 feet.~~

~~(b) Corner: not less than 15 feet, provided no corner side facing garage shall be closer than 20 feet~~

~~In the case of corner lots, two front yards will be required; and~~

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(bc) Side yards: not less than ~~ten~~ 5 feet on each side:

~~1. Principal building: ten feet; and~~

~~2. Detached accessory structures: five feet if located in the rear yard.~~

(c) Rear yards: not less than 25 feet:

1. Principal building: 25 feet; and

2. Detached accessory structures: five feet.

(6) Street address, visible from street, on front of structure; and

(7) Signs:

(a) One nameplate sign for each dwelling not to exceed two square feet in area per surface, and no sign shall be so constructed as to have more than two surfaces; and

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

(8) Impervious surfaces. Not more than 65%

(F) Interim uses. The following are interim uses in a R-~~2-3~~ District and require an interim use permit based upon procedures set forth in and regulated by § 154.026 of this chapter:

(1) Home occupations, as regulated by § 154.064 of this chapter; and

~~(2) Outside storage of materials other than fireplace wood piles, equipment, unused vehicles, truck trailers or products.~~

(Ord. passed 3-20-2002, § 8)

#### § 154.092 HSD, HESTER STREET DISTRICT.

(A) Purpose. This neighborhood commercial corridor district connects the Highway 3 commercial area to the downtown area and serves as a welcoming gateway to draw activity downtown. The district is also a transition between residential neighborhoods, traffic on Hester Street and higher intensity commercial areas where new development and redevelopment is anticipated. The HSD District includes uses that will not disrupt nearby, low density land uses through high traffic generation, noise, appearance or other nuisances.

(B) Permitted uses. Permitted uses in the HSD District include:

(1) Essential services;

(2) Out-patient health or mental health providers limited to physical therapy, therapeutic massage, chiropractors, dentists, orthodontia, oral surgeons and opticians;

(3) Personal services limited to barber/beauty shops and nail and tanning salons;

(4) Professional, administrative or clerical service operations including, but not limited to, attorneys, accounts, financial advisors, consulting, insurance, travel and real estate;

(5) Production of art and craft products and on-premises retail sales of those products and related products including, but not limited to, painting, decorating and photography studios;

(6) Repair services limited to jewelry and small electronic appliance/computer repair shops, but not auto repair; and

(7) Tailoring services.

(C) Accessory uses. The following are permitted accessory uses in the HSD District:

(1) Accessory buildings and uses incidental and customary to uses allowed as permitted, conditional, interim and administratively permitted in this chapter;

(2) Fences as regulated by § 154.073 of this chapter;

(3) Signs as regulated by §§ 154.160 through 154.170 of this chapter; and

(4) Off-street parking and loading as regulated by § 154.067 of this chapter.

(D) Conditional uses. The following are conditional uses in the HSD District and require a conditional use permit based upon the procedures and criteria of § 154.026 of this chapter:

(1) Retail commercial activities ~~accessory to permitted or conditional use businesses provided that:~~

~~—(a) Merchandise is sold at retail;~~

~~—(b) The retail activity is located within a structure whose principal use is not retail sales; and~~

~~—(c) The retail activity shall not occupy more than 20% of the gross floor area of the principal building.~~

(2) Mixing of residential and business uses within one principal building; provided that:

(a) The residential and non-residential uses shall not conflict in any manner;

(b) There shall be separate entrances for residential and business uses; and

(c) Residential uses shall comply with the off-street parking requirements of § 154.067 of this chapter.

(3) Bed and breakfast facilities;

(4) Coffee, tea and small cafés; provided that:

- (a) No roasting is conducted on site;
- (b) Business hours shall be limited to 7:00 a.m. to 10:00 p.m.;
- (c) No exhaust or ventilation may be directed to adjacent residential uses; and
- (d) The facility contains no drive-through service.

(5) Production of art and craft products with the potential for negative impacts including noise, vibration and odor such as, but not limited to, sculpture, ceramic/pottery works, furniture and candle making, and the on-premises retail sales of those products and related products; provided that:

- (a) No exhaust or ventilation may be directed to adjacent residential uses; and
- (b) Adequate measures are installed to mitigate sound.

(6) Two non-residential uses on the same property; provided that, there is very little or no parking demand or traffic associated with one of the non-residential uses.

~~(7) On- and off-sale liquor establishments;~~

~~(9) Convenience food establishments;~~

~~(10) On- and off-sale liquor establishments;~~

~~(11) Restaurants; and~~

~~(12) Breweries with taprooms / distilleries with cocktail rooms~~

(E) Prohibited uses. The following uses are not allowed in the HSD District:

- (1) Outdoor storage;
- (2) Outdoor sales;
- (3) Auto-oriented uses;
- (4) Fuel sales;
- (5) More than one detached single-family home; and

(6) Warehousing and storage uses, except as an accessory use as permitted in this district.

~~(7) Drive through lanes~~

(F) Performance standards. The following minimum requirements shall be observed in the HSD District:

- (1) Lot area: 8,700 square feet;
- (2) Lot width: 65 feet;

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(3) Setbacks:

(a) Front yards: ten feet. In the case of corner lots, two front yards will be required;

(b) Interior side yards: ten feet if the adjacent property is zoned for residential use, otherwise no side yard is required; and

(c) Rear yards: ten feet.

(4) All trash and recycling containers shall comply with screening requirements of § 154.071 of this chapter;

(5) Landscaping: parcels with non-residential uses shall be landscaped with at least two deciduous shade trees per 50 lineal feet of public right-of-way frontage. Ornamental trees and/or shrubs may be substituted for shade trees at the rate of three to one (3:1). Landscaping shall be placed within the required ten-foot setback adjacent to public right-of-way;

(6) Maximum building/impervious surface coverage: 75%;

(7) New construction:

(a) Exterior building materials: the exterior walls of all new structures shall be surfaced with any of the following materials: brick; stone; rock faced block; stucco; EIFS; wood; fiber cement and glass; or other materials as approved through the site plan approval process and shall be reasonably compatible with adjacent properties;

(b) Required off-street parking spaces for businesses shall not be located between the principal structure and Hester Street; and

(c) Buildings shall be oriented, including front doors, to Hester Street.

(8) Compliance with off-street parking requirements of § 154.067 of this chapter, except up to two of the required off-street parking spaces for business uses may be permitted as on-street parking;

(9) All business use must be conducted in the principal structure; and

(10) Any change of use or occupancy of any buildings including additions requiring more parking area shall not be permitted until additional parking spaces are furnished as required by § 154.067 of this chapter.

(G) Site plan review. All plans for development shall require processing of a formal site and building plan review according to §§ 154.040 through 154.047 of this chapter.

(Ord. passed 3-20-2002, § 9)

§ 154.093 R-43, ~~MULTIPLE FAMILY~~ HIGH DENSITY RESIDENTIAL DISTRICT.

(A) Purpose. The purpose of this district is to allow the construction of multiple-family buildings.

(B) Permitted uses. Permitted uses in the R-~~34~~ District include:

(1) Multiple-family dwellings (apartments) with four or more units;

(2) Duplexes, twin homes and townhouses;

~~(3) Family day care;~~

(4) Playgrounds and parks; and

(5) Essential services.

(C) Accessory uses. Permitted accessory uses include: private garages; parking spaces and carports; fences; decorative landscape features; recreational equipment (including swimming pools and tennis courts); in-home family day care facilities, and tool houses or sheds for storage of domestic supplies.

(D) Conditional uses.

(1) Conditional uses in this district are subject to the following requirements:

(a) A conditional use permit is applied for based on procedures set forth in § 154.022 of this chapter;

(b) Screening and landscaping in compliance with § 154.071 of this chapter shall be required;

(c) Off-street parking is provided in compliance with § 154.067 of this chapter; and

(d) Any other conditions deemed to be necessary to reduce possible adverse impacts by the development, as determined by the Planning Commission or City Council.

(2) Conditional uses in this district include:

~~(a) Cemeteries;~~

(b) Public or semi-public recreational or community buildings;

(c) Religious institutions, conditioned on access being provided only off of a collector road;

~~(d) Bed and breakfast facilities; and~~

~~(d)~~, ~~(e)~~ Manufactured home parks subject to the performance standards below.

(e) Nursing homes/assisted living facilities

(f) Chemical dependency treatment centers

(E) Performance standards. The following minimum requirements shall be observed in a R-~~43~~ District:

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(1) Minimum lot area: ~~10,000 square feet for townhouse and twin home developments, 12,000 square feet for multiple dwellings; 12,000 square feet~~

(2) Minimum lot area per unit: ~~3,000~~2,500 square feet for each apartment dwelling unit or 3,000 square feet for each townhome unit/manufactured home in a manufactured home park;

(3) Lot width: 100 feet;

~~(4) Full basement: all residential structures;~~

~~(5) Minimum house width: 22 feet;~~

(6) Setbacks:

(a) Front yards: not less than 30 feet. In the case of corner lots, two front yards will be required;

(b) Side yards: not less than ten feet on each side or 25 feet from a public right-of-way; and

(c) Rear yards: not less than 25 feet.

(7) Street address, visible from street, on front of structure; and

(8) Signs:

(a) One nameplate sign for each dwelling not to exceed two square feet in area per surface, and no sign shall be so constructed as to have more than two surfaces; and

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

(9) Impervious surface maximum: 50%

(F) 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 § 154.026 of this chapter:

(1) Home occupations, as regulated by § 154.064 of this chapter; and

~~(2) Outside storage of materials other than fireplace wood piles, equipment, unused vehicles, truck trailers or products.~~

(Ord. passed 3-20-2002, § 10)

#### § 154.094 P-OS, PUBLIC-OPEN SPACE DISTRICT.

(A) Purpose. The purpose of the P-OS, Public-Open Space District is to provide for a specific zoning district allowing facilities devoted to serving the public. It is unique in that the primary objective of uses within this district is the provision of services, frequently on a

non-profit basis, rather than the sale of goods or services. It is intended that uses within such a district will be compatible with adjoining development, and they will often be located along arterial or major collector streets with full availability of urban services.

(B) Permitted uses. Permitted uses in the POS District include:

(1) Parks, trails, playfields, playgrounds and directly related buildings and structures in the City only;

(2) Public civic or cultural buildings, such as libraries, public administration buildings, fire stations, Police Department buildings and historical developments in the City only;

(3) Governmental utility buildings, public maintenance buildings and structures necessary for the health, safety and general welfare of the community in the City only;

(4) Essential services;

(5) Storm water management facilities;

(6) Public docks, boat landings and boat launch areas; and

(7) Swimming pools, tennis courts and other recreational facilities.

(C) Accessory uses. The following are permitted accessory uses in a POS District:

(1) Accessory uses and buildings incidental and customary to uses allowed as permitted, conditional, interim and administrative permits in this chapter;

(2) Fences as regulated by § 154.073 of this chapter;

(3) Off-street parking as regulated by § 154.067 of this chapter;

(4) Secondary or accessory use antennas or satellites as regulated by § 154.063 of this chapter; and

(5) Signs as regulated by §§ 154.160 through 154.170 of this chapter.

(D) Conditional uses. The following are conditional uses in a POS District and require a conditional use permit based upon procedures set forth in and regulated by § 154.022 of this chapter:

(1) Antennas: personal wireless service antennas and telephone antennas not located on an existing structure or tower, as regulated by § 154.191 of this chapter;

(2) Automobile parking lots as a principal use; provided that, the parking lot shall be subject to the requirements for off-street parking established by § 154.067 of this chapter;

(3) Cemeteries;

(4) Day care facilities as a principal or accessory use, except as otherwise allowed for by this chapter; provided that, the use complies with the provisions of § 154.071 of this chapter;

(5) Essential services;

(6) Governmental and public regulated utility buildings, public maintenance buildings and structures necessary for the health, safety and general welfare of the community, other than City;

(7) Parks and recreational areas owned or operated by public bodies other than the City; and

(8) Public civic auditoriums, indoor recreation centers, arenas or other facilities both City or other government unit with an event seating capacity of more than 300 persons; provided that, access to the facility shall be provided only from a major collector or arterial street.

(E) Design standards. The architectural appearance and functional design of the building and site shall maintain a high standard of architectural and aesthetic compatibility with surrounding uses so as to positively reflect desired community character. All sides of the principal and accessory structures are to have essentially the same or coordinated, harmonious exterior finish materials and treatment.

(F) Lot requirements and setbacks. The following minimum requirements shall be observed in a P-OS District:

(1) Parks, trails, playfields and playgrounds:

(a) Lot area: none;

(b) Lot width: none;

(c) Setbacks (structures only):

1. Front yards: 30 feet;

2. Rear yards: 30 feet; and

3. Side yards: ten feet; 30 feet abutting an R District or public right-of-way.

(d) Maximum building height: 35 feet.

(2) All other uses:

(a) Lot area: 20,000 square feet;

(b) Lot width: 100 feet;

(c) Setbacks:

1. Front yards: 30 feet;

2. Rear yards: 30 feet; and

3. Side yards: ten feet; 30 feet abutting an R District or public right-of-way.

(d) Maximum building height: 35 feet.

(e) Impervious surface maximum: 35%

(Ord. passed 3-20-2002, § 11)

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§ 154.095 B-1A, DOWNTOWN BUSINESS DISTRICT.

(A) Purpose. The purpose of the Downtown Business District is to provide for medium intensity retail and service outlets which provide goods and services in the downtown area of the City along and adjacent to Railway Street. When a reference is made to the B-1 District it applies to both the B-1A and B-1B Districts.

(B) Permitted uses. Permitted uses in this district include:

- (1) Bakeries;
- (2) Financial institutions;
- (3) Barber shops and beauty parlors;
- (4) Commercial and professional offices;
- (5) Commercial recreational uses;
- (6) Convenience food establishments;
- (7) Dry cleaning (pick up and drop off locations) and self-service laundry establishments;
- (8) Drug stores;
- (9) Essential services;
- (10) Grocery stores;
- (11) Hardware, paint and building material sales (in enclosed buildings only);
- (12) Medical and dental offices and clinics;
- (13) On- and off-sale liquor establishments;
- (14) Repair services such as, but not limited to, jewelry, radio and television repair shops,
- (15) Public and semi-public buildings;
- (16) Restaurants; and
- (17) Retail merchandising establishments similar, but not limited, to those above.

(18) Hotels

(19) Brewery with taproom / Distillery with cocktail room

(C) Accessory uses. Permitted accessory uses in a B-1A District are those commercial or business buildings and structures accessory to the principal use. The accessory uses shall not exceed 30% of the gross floor space of the principal use.

(D) Conditional uses.

(1) Conditional uses in this district are subject to the following requirements:

(a) A conditional use permit is applied for based on procedures set forth in § 154.022 of this chapter;

(b) Screening from abutting residential uses and landscaping in compliance with § 154.071 of this chapter shall be required;

(c) Off-street parking is provided in compliance with § 154.067 of this chapter; and

(d) Any other conditions deemed to be necessary to reduce possible adverse impacts by the development, as determined by the Planning Commission or City Council.

(2) Conditional uses in this district include:

(a) Commercial developments undertaken by two or more property owners in which the extension of an existing structure is proposed or a structure spans more than one lot. Side yards shall not be required in these cases unless the side yard abuts residentially zoned property or a public road. Side yard requirements specified below shall apply in these areas;

(b) Governmental and public regulated utility buildings and structures necessary for the health, safety and general welfare of the community;

(c) Apartments as an integral part of commercial structures and which are typically located on the upper floors of the structure;

~~(d) Residential uses existing on 1-1-2004. No new residential properties or uses, except for those permitted in division (D)(2) above shall be permitted;~~

~~(e) Motor fuel stations;~~

~~(f) Sign area that exceeds the standards in division (E) below for motor fuel stations; and~~

(g) Production of art and craft products and on-premises retail sales of those products and related products.

(E) Performance standards. The following minimum requirements shall be observed in a B-1 District:

(1) Lot width: ~~75~~50 feet;

(2) Setbacks for all yards: 25 feet where abutting ~~a street, alley or~~ a residential district, ~~except along Railway Street, south of Hester Street, where otherwise~~ there is no minimum setback, a permissible zero-lot-line setback, and a ten-foot maximum setback to a public right-of-way;

(3) Maximum size: 25,000 square feet for any retail building in this district; and

(4) Signs: (See also § 154.071 of this chapter.) the aggregate square footage of sign space per lot shall not exceed the greater of one and one-half square feet per lineal foot of effective building frontage; or 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 feet. This limitation shall include pylon or freestanding signs; except that, the 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.

(F) 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 § 154.026 of this chapter:

~~—(1) Outside storage of materials other than fireplace wood piles, equipment, unused vehicles, truck trailers or products; and~~

~~—(2) Signs on adjoining properties as regulated by § 154.168 of this chapter.~~

(Ord. passed 3-20-2002, § 12; Ord 2019-08, passed 10-14-2019, § 1)

#### § 154.095 B-1B, DOWNTOWN MIXED USE DISTRICT.

~~\_(A) Purpose. The purpose of the Downtown Mixed Use District is to provide for retail and service outlets and higher density residential units in the downtown area of the City. When a reference is made to the B-1 District it applies to both the B-1A and B-1B Districts.~~

~~\_(B) Permitted uses. Permitted uses in this district include:~~

~~\_(1) All uses permitted within the B-1A District;~~

~~\_(2) Apartments;~~

~~\_(3) Townhomes;~~

~~\_(C) Accessory uses. Permitted accessory uses in a B-1B District are those commercial or business buildings and structures accessory to the principal use. The accessory uses shall not exceed 30% of the gross floor space of the principal use.~~

~~\_(D) Conditional uses.~~

~~\_(1) Conditional uses in this district are subject to the following requirements:~~

(a) A conditional use permit is applied for based on procedures set forth in § 154.022 of this chapter;

(b) Screening from abutting residential uses and landscaping in compliance with § 154.071 of this chapter shall be required;

(c) Off-street parking is provided in compliance with § 154.067 of this chapter; and

(d) Any other conditions deemed to be necessary to reduce possible adverse impacts by the development, as determined by the Planning Commission or City Council.

(2) Conditional uses in this district include:

(a) Commercial developments undertaken by two or more property owners in which the extension of an existing structure is proposed or a structure spans more than one lot. Side yards shall not be required in these cases unless the side yard abuts residentially zoned property or a public road. Side yard requirements specified below shall apply in these areas;

(b) Governmental and public regulated utility buildings and structures necessary for the health, safety and general welfare of the community;

(c) Production of art and craft products and on-premises retail sales of those products and related products.

(E) Performance standards. The following minimum requirements shall be observed in a B-1 District:

(1) Lot width: 75 feet;

(2) Setbacks for all yards: 25 feet where abutting a residential district, otherwise there is no minimum setback, a permissible zero-lot-line setback, and a ten-foot maximum setback to a public right-of-way;

(3) Maximum size: 25,000 square feet for any retail building in this district; and

(4) Signs: (See also § 154.071 of this chapter.) the aggregate square footage of sign space per lot shall not exceed the greater of one and one-half square feet per lineal foot of effective building frontage; or 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 feet. This limitation shall include pylon or freestanding signs; except that, the 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.

(5) Impervious surface maximum: 90%

(F) Interim uses. The following are interim uses in a B-1B District and require an interim use permit based upon procedures set forth in and regulated by § 154.026 of this chapter:

§ 154.096 B-2, HIGHWAY COMMERCIAL DISTRICT.

(A) Purpose. The B-2 Highway Commercial District is intended to provide a district allowing for the development of highway oriented businesses and "big box" retail uses which require concentrations of auto traffic closely related to existing urban areas and/or major transportation routes. The district is also intended to accommodate those commercial uses which may be incompatible with predominantly retail uses permitted in the downtown business district and whose service is not confined to any one neighborhood or community.

(B) Permitted uses. Permitted uses in the B-2 District include:

(1) Auto service stations, repair shops and tire and battery sales;

(2) Retail centers and commercial office buildings. Development of individual and/or groups of buildings that are 80,000 square feet (individually and cumulatively) and larger require zoning as PUD. Expansions of existing buildings over 80,000 square feet or expansions resulting in buildings that are 80,000 square feet (individually and cumulatively) also require zoning as a PUD. The projects will be evaluated based on the design guidelines in §§ 154.115 through 154.128 of this chapter;

(3) All permitted uses allowed in the B-1 District; and

(4) ~~Hotels~~-Day Care Center

(C) Accessory uses. Permitted accessory uses in the B-2 District are those commercial or business buildings and structures accessory to the principal use. The accessory uses shall not exceed 30% of the gross floor space of the principal use.

(D) Conditional uses.

(1) Conditional uses in this district are subject to the following requirements:

(a) A conditional use permit is applied for based on procedures set forth in § 154.022 of this chapter;

(b) Screening and landscaping in compliance with § 154.071 of this chapter shall be required; and

(c) Off-street parking is provided in compliance with § 154.067 of this chapter.

(2) Conditional uses in this district include:

(a) Commercial developments undertaken by two or more property owners in which the extension of an existing structure is proposed, a new structure is proposed, or a structure spans more than one lot. Side yards shall not be required (a zero lot line setback) in these cases unless the side yard abuts residentially zoned property or a public road. Side yard requirements specified below shall apply in these areas;

- ~~(b) Light manufacturing;~~
- ~~(c) Warehousing signs larger than those permitted in division (E) below;~~
- ~~(d) Printing and publishing services;~~

(e) Accessory adult uses as defined in Ch. 117 of this code; and

(f) Banquet hall (principal use), club or lodge, or religious institution when part of a multi-tenant structure; provided, the aggregate of all such uses in a single structure does not occupy more than 25% of the structure or 1,000 square feet, whichever is greater.

(g) Motor Fuel Station

(h) Auto Sales

(i) Car Wash

(j) Auto Repair Facility - Minor

(E) Performance standards. The following minimum requirements shall be observed in the B-2 District:

(1) Lot area: the minimum necessary to meet all setbacks and other requirements of this chapter;

(2) Lot width: no minimum;

(3) Setbacks:

(a) Front yards: not less than 25 feet. In the case of corner lots, two front yards will be required.

(b) Side yards: not less than ten feet on each side, except where there is a permissible zero lot line setback pursuant to division (D)(2)(a) above or 25 feet when abutting a public right-of-way or a residential district; and

(c) Rear yards: not less than 25 feet.

~~(4) Outside storage of materials, equipment, unused vehicles, truck trailers or products is not permitted unless authorized by conditional use permit.~~

(4) Impervious surface maximum: 65%

(F) 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 § 154.026 of this chapter: none.

(Ord. passed 3-20-2002, § 13; Ord. 2017-01, passed 3-27-2017; Ord. 2019-01, passed 1-28-2019, § 1)

§ 154.097 LI, LIMITED INDUSTRIAL DISTRICT.

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(A) Purpose. The purpose of the Limited Industrial District is to establish and preserve areas for industrial and related uses of such a nature that they do not create serious problems of compatibility with other land uses.

(B) Permitted uses. Permitted uses in the LI District include:

(1) Light manufacturing uses that are not similar to any of the uses allowed or prohibited in the GI District and that do not cause noise, dust or other pollution that are a nuisance to neighbors;

(2) Wholesaling;

(3) Warehousing;

(4) Bulk storage of under 1,000 gallons accessory to other uses permitted in the district;

(5) Laboratories;

(6) Offices (except contractors offices), office-showrooms and office-warehouses;

(7) Machine and metal shops;

(8) Essential services;

(9) Government and public utility buildings and structures;

(10) Broadcasting antennas;

(11) Printing and publishing establishments;

(12) Fuel sales and service stations, to include accessory retail and food service uses, that are fully contained within the principal use structure;

(13) Government and public utility buildings and structures;

(14) Outdoor civic events conducted by non-profit organizations, each such outdoor event being limited to 14 days in any calendar year;

(15) Radio and television stations;

(16) Commercial printing establishments;

(17) Trade schools;

~~(18) Major auto manufactured repair such as transmission repair, body work and painting; provided that:~~

~~(a) All servicing of vehicles and equipment shall occur entirely within the principal structure;~~

~~—(b) To the extent required by state law and regulations, painting shall be conducted in an approved paint booth, which thoroughly controls the emission of fumes, dust or other particulate matter;~~

~~—(c) Storage and use of all flammable materials, including liquids and rags, shall conform to applicable provisions of the state's Uniform Fire Code; and~~

~~—(d) The storage of damaged vehicles and vehicle parts and accessory equipment must be completely inside a principal or accessory building.~~

(19) Brewery with taprooms / Distillery with cocktail room

(20) Minor Auto Repair

(C) Accessory uses. Permitted accessory uses in an LI District are those incidental repair, retail trade, processing or storage facilities necessary to conduct a permitted principal use:

(1) Retail sales of products manufactured on the site shall be allowed as an accessory use. A maximum of 20% of the floor area of the space occupied by the manufacturing company may be used for retail sales purposes;

(2) Off-street loading;

(3) Off-street parking, but not including semi-trailer trucks; and

(4) Semi-truck parking, incidental to the principal use.

(D) Conditional uses.

(1) Conditional uses in this district are subject to the following requirements:

(a) A conditional use permit is applied for based on procedures set forth in § 154.022 of this chapter;

(b) Screening and landscaping in compliance with § 154.071 of this chapter shall be required;

(c) Servicing of motor freight vehicles and heavy construction equipment; directly related accessory materials and parts sales for the repair and servicing (not including new or used vehicles sales); and accessory materials and parts warehousing which is related to and dependent upon the uses; provided that:

1. To the extent required by state law and regulations, painting shall be conducted in an approved paint booth, which thoroughly controls the emission of fumes, dust or other particulate matter;

2. Storage and use of all flammable materials, including liquids and rags, shall conform to applicable provisions of the state's Uniform Fire Code; and

3. The storage of damaged vehicles and vehicle parts and accessory equipment must be completely inside a principal or accessory building;

(d) Off-street parking is provided in compliance with § 154.067 of this chapter.

(2) Conditional uses in this district include:

(a) Maintenance garages and shops;

(b) Contractors offices, shops and accessory uses where there is no outside storage;

(c) Bulk storage of more than 1,000 gallons;

(d) Any permitted use under this section, if any proposed building or structure exceeds 35 in height. A conditional use permit under this section may only be approved if a development plan is first approved by the Planning Commission and City Council, and complies in other respects with the performance requirements of the Light Industrial District. It must be found that:

1. The site is capable of accommodating the increased height;

2. The increased height does not cause an increase in traffic volumes beyond the capacity of the surrounding streets;

3. Public utilities and services are adequate;

4. For each additional story over three stories, front and side yard setback requirements shall be increased by 5%; and

5. The increased height shall not, in the judgment of the City Council, be adverse or detrimental to adjacent properties or the general area.

(e) Open or outdoor service, sale and rental as a principal or accessory uses; provided that:

1. Outside services, sales and equipment rental connected with the principal use is limited to 30% of the gross floor area of the principal use;

2. Outside sales areas are fenced or screened from view of neighboring residential uses or an abutting R District based upon a plan approved by the City Council;

3. All lighting shall be hooded and so directed that the light source shall not be visible from the public right-of-way or from neighboring residences and shall be based upon a plan approved by the City Council;

4. The use does not take up required parking space;

5. Sales area is grassed or surfaced to control dust; and

6. The proposed use shall not, in the judgment of the City Council, be adverse or detrimental to adjacent properties or the general area.

(f) Commercial recreation facilities; provided that:

1. The architectural appearance and function plan of the building and the site shall be designed with a high standard of architectural and aesthetic compatibility with surrounding properties. Building materials, orientation, colors, height, roof design, lighting, signage and site landscaping shall be designed to complement the surrounding industrial properties and demonstrate potential industrial reuse. All sides of the principal and accessory structures are to have essentially the same or a coordinated, harmonious exterior finish treatment;

2. A commercial recreational use shall not be located within a shared tenancy building containing a use classified as an "H" occupancy, as defined by the state's Building Code, as may be amended;

3. In multiple occupancy buildings, a material safety data sheet (MSDS) shall be required identifying all materials stored or used in the operation of the tenant businesses. Any change in building tenants shall require that the MSDS be updated and provided to all other tenants in the multi-tenant building;

4. A commercial recreational use in a shared tenancy building shall have its own exterior entrance and exit;

5. The site must be accessed via a collector street. Vehicular access points shall create a minimum of conflict with through traffic movement and shall be subject to the approval of the City Engineer;

6. Adequate off-street parking and off-street loading and shall be subject to the approval of the City Engineer; and

7. The proposed use shall not, in the judgment of the City Council, be adverse or detrimental to adjacent properties or the general area.

(g) Animal kennels; provided that:

1. The animal kennel shall be located in a freestanding building;

2. The animal kennel shall be located on a lot at least two acres in size;

3. An exercise area at least 100 square feet in size shall be provided to accommodate the periodic exercising of animals boarded at the kennel;

4. If an outdoor exercise area is provided, it shall be at least 150 square feet in size and shall be restricted to the exercising of one animal, on leash, under the control of a handler, in the pet exercise area, at a time;

5. Outdoor exercise areas shall be fenced, not less than six feet in height with an additional two-foot security arm with an internal orientation set at a 30-degree angle and shall be of sufficient strength to retain kenneled animals. The fence shall be located in a side or rear yard and shall provide a complete visual screen from surrounding properties. The fence shall be set back at least 100 feet from any side or rear property line;

6. Outdoor exercise areas must be cleaned at least once a day to prevent the accumulation of animal wastes and the spread of disease;

7. A ventilation system shall be designed so that no odors or organisms will spread between wards or to the outside air, and will be capable of completely exchanging internal air at a rate of at least twice per hour. Air temperature must be maintained between 60°F and 75°F;

8. A room separate from the kennel area shall be provided of sufficient size to adequately separate animals that are sick or injured from healthy animals;

9. Indoor animal kennel floors and walls shall be made of non-porous materials or sealed concrete to make it non-porous;

10. Animal wastes shall be flushed down an existing sanitary sewer system or enclosed in a container of sufficient construction to eliminate odors and organisms and shall be properly disposed of at least once a day;

11. The appropriate license is obtained from the City Clerk-Treasurer;

12. All State Health Department and State Pollution Control Agency requirements for the facilities are met; and

13. The proposed use shall not, in the judgment of the City Council, be adverse or detrimental to adjacent properties or the general area.

(h) Self-storage facilities.

(i) Day care center.

(j) Major auto manufactured repair such as transmission repair, body work and painting; provided that:

(a) All servicing of vehicles and equipment shall occur entirely within the principal structure;

(b) To the extent required by state law and regulations, painting shall be conducted in an approved paint booth, which thoroughly controls the emission of fumes, dust or other particulate matter;

(c) Storage and use of all flammable materials, including liquids and rags, shall conform to applicable provisions of the state's Uniform Fire Code; and

(d) The storage of damaged vehicles and vehicle parts and accessory equipment must be completely inside a principal or accessory building.

(k) Brewery / Distillery (Taprooms and Cocktail rooms are not permitted)

(E) Lot requirements and setbacks. The following minimum requirements shall be observed in an LI District:

(1) Lot area: 20,000 square feet;

(2) Lot width: 100 feet;

(3) Setbacks:

(a) Front yards: not less than 35 feet, except when across the street from residentially-zoned property. In such cases, the setback shall be 100 feet. The setback shall contain a berm with trees and shrubs to provide a buffer between the industrial and residential use. In the case of corner lots, two front yards will be required;

(b) Side yards: not less than ten feet on each side nor less than 35 feet when abutting a public right-of-way. A setback of 100 feet shall be required when an industrial district abuts a residential district. The setback shall contain a berm with trees and shrubs to provide a buffer between the industrial and residential use; and

(c) Rear yards: not less than 30 feet.

(4) Building height: the following building height requirements shall apply:

(a) No structure shall exceed three stories or 35 feet, whichever is less, unless a conditional use is approved for the increased height; and

(b) No excluded roof equipment or structural element extending beyond the limited height of a building may occupy more than 25% of the area of the roof, nor exceed ten feet, unless otherwise noted.

(5) Outside storage: outside storage of materials shall be prohibited in the LI District;

(6) Water usage: no use may consume more than 1,300 gallons of water per acre per day, or as prorated for developments of less than one acre, without specific authorization of the City Council; and

(7) Sewer discharge: if the proposed use requires any sanitary sewer discharge for industrial (non-human) waste, a sewer discharge plan must be submitted to the City for evaluation and approval. Industrial sewer discharge may require pre-treatment, for reduction of BOD, suspended solids or other minerals or materials, at the industrial site, before discharge into the Dundas/Northfield sanitary sewer system.

**(8) Impervious surface maximum: 50%**

(F) 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 § 154.026 of this chapter: none.

(Ord. passed 3-20-2002, § 14; Ord. 2019-01, passed 1-28-2019, §§ 2, 3; Ord. 2020-04, passed 5-11-2020)

§ 154.098 GI, GENERAL INDUSTRIAL DISTRICT.

(A) Purpose. The purpose of this district is to allow industrial uses that have a greater impact on surrounding property than those uses allowed in the limited industrial district and to prohibit certain industrial uses that have impacts that are not compatible with surrounding properties in the City.

(B) Permitted uses. Permitted uses in the GI District include:

(1) All uses permitted in the LI District;

(2) Manufacturing, bulk handling and storage, processing, packaging or assembly of products and materials such as stone, brick, glass, lime, gypsum, plaster of paris, glue, size, cloth, batteries (wet cell), ceramic products, plastics, rubber products, grain, agricultural products, feed, food, flour and paint (pigment manufacturing). Industrial activities such as mill working, metal polishing and plating, foundry, vinegar distillation, grain milling, cement production and all other similar uses as determined by the City's Zoning Officer;

(3) Agricultural uses limited to raising of crops and forestry;

(4) Adult uses as defined and controlled in Ch. 117 of this code of ordinances;

(5) Commercial truck storage and parking;

(6) Bulk storage plants and establishments (see the limitation on storage of liquids under conditional use permits below);

(7) Cartage and express facilities;

(8) Building materials sales;

(9) Transportation terminals; and

(10) Industrial, compounding, assembly, packaging, treatment or storage of products and materials, except waste.

(C) Accessory uses. Permitted accessory uses in an GI District are those incidental repair, retail trade, processing or storage facilities necessary to conduct a permitted principal use:

(1) Buildings and structures for a use accessory to the principal use;

(2) Off-street loading;

(3) Off-street parking, but not including semi-trailer trucks;

(4) Semi-truck parking; and

(5) Retail sales of products manufactured on the site shall be allowed as an accessory use. A maximum of 20% of the floor area of the space occupied by the manufacturing company may be used for retail sales purposes.

(D) Conditional uses.

(1) Conditional uses in this district are subject to the following requirements:

(a) A conditional use permit is applied for based on procedures set forth in § 154.022 of this chapter;

(b) Screening and landscaping in compliance with § 154.071 of this chapter shall be required; and

(c) Off-street parking is provided in compliance with § 154.067 of this chapter.

(2) Conditional uses in this district include:

(a) All permitted industries listed above which have outside or open storage of parts, products or fuels;

(b) Buildings or structures exceeding 35 feet in height;

(c) Advertising signs (subject to §§ 154.160 through 154.170 of this chapter);

(d) Bulk storage of more than 1,000 gallons of fuel, fertilizer, agricultural chemicals or agricultural products;

(e) Refuse transfer stations; and

(f) Creameries.

(g) Accessory exterior storage, provided such storage is screened from all rights-of-way and adjacent non-industrial uses.

(E) Prohibited uses. The following uses (or essentially similar uses as determined by the City Council) shall be prohibited in the GI District:

(1) Junkyards;

(2) Manufacture of explosives;

(3) Petroleum or ethanol refineries;

(4) Asphalt plants;

(5) Landfills of products other than filling or grading of land with totally buildable materials to prepare land for development;

(6) Sludge disposal;

(7) Permanent or temporary storage of hazardous waste as a principal use;

(8) Acid manufacturing;

(9) Creosote treatment or manufacture;

(10) Rendering plants;

(11) Meat packing; and

(12) Incinerators of toxic or medical waste.

(F) Performance standards. The following minimum requirements shall be observed in a GI District:

- (1) Lot area: one acre;
- (2) Lot width: 200 feet;
- (3) Setbacks:

(a) Front yards: not less than 35 feet, except when across the street from residentially zoned property. In such cases, the setback shall be 100 feet. The setback shall contain a berm with trees and shrubs to provide a buffer between the industrial and residential use. In the case of corner lots, two front yards will be required;

(b) Side yards: not less than ten feet on each side, nor less than 35 feet when abutting a public right-of-way. A setback of 100 feet shall be required when an industrial district abuts a residential district. The setback shall contain a berm with trees and shrubs to provide a buffer between the industrial and residential use. In the case of corner lots, two front yards will be required; and

(c) Rear yards: not less than 30 feet.

(4) Height: 35 feet, unless a greater height is authorized by conditional use permit;

(5) Water usage: no use may consume more than 1,300 gallons of water per acre per day, or as prorated for developments of less than one acre, without specific authorization of the City Council;

(6) Sewer discharge: if the proposed use requires any sanitary sewer discharge for industrial (non-human) waste, a sewer discharge plan must be submitted to the City for evaluation and approval. Industrial sewer discharge may require pre-treatment, for reduction of BOD, suspended solids or other minerals or materials, at the industrial site, before discharge into the Dundas/Northfield sanitary sewer system; and

(7) Outside storage of materials: outside storage areas are permitted in:

- (a) Side yards not adjacent to or across the street from residential districts;
- (b) Rear yard, except within 50 feet of residential property;

(c) Open storage areas shall be screened by walls of buildings or a screening fence compatible with the principle building and surrounding land uses. The fence will be at least six feet high and 100% opaque. Gates will be of the same height and opaqueness as the fence. The height of the fence will be increased to a height approved by the Planning Commission, to screen materials of greater height from non-industrial land uses and adjoining public streets. Fire lanes shall be maintained as determined by the Fire Department; and

(d) Outside storage is not permitted between building and street right-of-way.

(8) Impervious surface maximum: 40%

(G) 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 § 154.026 of this chapter: mining and extraction.

(Ord. passed 3-20-2002, § 15)

#### § 154.099 PUD, PLANNED UNIT DEVELOPMENT OVERLAY DISTRICT.

(A) Purpose. This overlay district is established to achieve the coordinated integration of land parcels and large commercial and retail establishments into the community, as well as appropriate mixes of residential, commercial and industrial uses. It is recognized that traditional setbacks, parking, open space requirements, use and subdivision regulations may not always be appropriate to achieve high quality development. Specifically, the PUD Overlay District is intended to encourage:

(1) Innovations in residential development to provide for greater variety in tenure, type, design and siting of dwellings, open space and parking; and to promote conservation and more efficient use of land;

(2) More convenience in location of accessory commercial and service areas;

(3) The preservation and enhancement of desirable site characteristics such as natural topography and geologic features and the prevention of soil erosion;

(4) To allow variation from the provisions of this chapter including setbacks, height, lot area, width, depth, yards and the like; and

(5) A high standard of site and building design for commercial and retail establishments that integrate well into the community.

(B) Authorization. A rezoning to a PUD Overlay District may allow the following:

(1) Variety. Within a comprehensive site design concept, a mixture of land uses, housing types and densities;

(2) Sensitivity. Through the departure from the strict application of required setbacks, yard areas, lot sizes, minimum house sizes, minimum requirements and other performance standards associated with traditional zoning, a PUD can maximize the development potential of land while remaining sensitive to its unique and valuable natural characteristics;

(3) Efficiency. The consolidation of areas for recreation and reductions in street lengths and other utility-related expenses;

(4) Flexibility. The project may be granted flexibility from the strict zoning standards of this chapter to promote a desirable and creative environment that might be prevented through the strict application of zoning and subdivision regulations of the city.

(5) Density transfer. The project density may be clustered, basing density on a number of units per acre in place of specific lot dimensions; and

(6) District integration. The combination of uses that are allowed in separate zoning districts such as:

(a) Mixed residential uses to allow both densities and unit types to be varied within the project;

(b) Mixed residential uses with increased density based upon the greater sensitivity of PUD projects to regulation; and

(c) Mixed land uses with the integration of compatible land uses within the project.

(C) Approval standards. The city shall consider a proposed PUD Overlay District against the following standards:

(1) The PUD provides a development pattern in harmony with the objectives of the Comprehensive Plan.

(2) The PUD is designed in accordance with the design guidelines in §§ 154.115 through 154.128 of this chapter.

(3) The PUD prioritizes the conservation of woodlands, wetlands, other natural features, where applicable.

(4) The PUD does not conflict with the protection of health, safety and welfare of the community.

(5) The location of the buildings, parking areas, and other features is compatible with respect to the topography of the area and existing natural features such as streams, bluffs and woodlands.

(D) Approval standards for NRSF ~~and LDSF~~ Districts.

(1) This purpose of this section is intended to encourage creative site design for the conservation of land and provision of other public benefits through density incentives and by allowing deviation from the strict provisions of this chapter related to setbacks, heights, lot area, width, depth and yards. Density incentives are provided to owners and developers of all land in the Natural Resource Single-Family Residential and Low Density Single-Family Residential Districts regardless of size. Density incentives are offered in exchange for public benefits that achieve Comprehensive Plan goals for open space, habitat and rural character protection, low impact storm water design, trails, high quality housing and use of public sewer and water service by:

(a) Defining in quantified terms the significant public benefits that can be used to earn density incentives;

(b) Providing rules and formulas for guiding the calculation of density incentives earned by each benefit;

(c) Preserving land for wildlife habitat and unique natural resources and reducing negative impacts on the environment;

(d) Designing land efficiently resulting in smaller networks of utilities and streets thereby lowering development costs and public investments;

(e) Creating common open space that provides a unified landscape for the use and enjoyment of the neighborhood community and/or the general public; and

(f) Providing a review process to allow evaluation of proposed density increases and the public benefits offered to earn them, and to give the public opportunities to review and comment.

(2) The density incentive system is described and defined as follows:

(a) The density incentive is expressed as additional dwelling or bonus units (BU) earned per specified amount of public benefit provided;

(b) Bonus units may be earned through any combination of the listed public benefits or amenities;

(c) Through the review process, public benefits and bonus units not identified in this section may be proposed by either the developer or the City; and

(d) The awarding of bonus units for each proposed public benefit shall be guided by the following framework. The applicant, Planning Commission, City Council and staff may suggest other award levels for benefits that are in keeping with the overall purpose of this section. The City Council shall award the bonus units based on its evaluation of the entire PUD proposal. Based on this evaluation, the Council may deviate from the following framework at its discretion. In its evaluation of each project, the City will consider the capacity of the land to handle increased densities. The City may determine that the land cannot support the proposed densities due to physical limitations or potential negative impacts which may include, but are not limited to: soils; slope; loss of vegetation; drainage; habitat; sewer capacity; and traffic.

Bonus Density Incentive Framework

Public Benefit or Amenity

Qualifying Condition

Bonus Unit (BU)

Bonus Density Incentive Framework

Public Benefit or Amenity

Qualifying Condition

Bonus Unit (BU)

Accessible design

20% of homes in project achieve a performance level of “bronze” for accessible design as defined and updated by the City

Bonus units are awarded per allowable unit at base density for the following performance tiers: .25 bonus units “bronze”; .50 bonus units “silver”; .75 bonus units “gold”

Dedication of active or passive recreation public open space or corridor contributing to the rural character of the City

Dedication of land or granting a permanent easement for land containing public open space to the City (or designee) meeting the City’s standards for open space

.5 BU per acre of buildable land exceeding the 10% park dedication requirement

Improved park

Improvements to a dedicated public park site

.5 - .8 BU per acre of park depending on the amount and quality of improvements. Bonus units earned shall be in addition to bonus units earned by dedication of raw land

Improved trail

Improvement to a dedicated corridor land segment meeting City multi-purpose trail standards

.3 - .8 BU per quarter-mile of trail constructed depending on level and quality of improvements

LEED (leadership in energy efficient design) certification of residential houses built in subdivisions

All homes in project achieve U.S. Green Building Council (USGBC) LEED certification as defined and updated by USGBC

Bonus units are awarded per allowable unit at base density for each LEED performance tier: .25 bonus units “certified”; .50 bonus units “silver”; .75 bonus units “gold”; 1.0 bonus units “platinum”

Low impact design storm water management systems

The implementation low impact design storm water systems that retain and infiltrate annual runoff volumes on-site to that of predevelopment conditions with natural vegetation

2 BU per allowable unit at base density for runoff volume no greater than predevelopment natural vegetative conditions

Other benefit

Developer or City proposed benefits not listed above

Bonus units assigned through staff recommendation and Commission and Council review and approval

#### Tree preservation

Preservation of 70% or more of tree canopy within developed area (lots, streets, storm water management and the like. At least 50% of developed area must be covered by tree canopy to qualify

1 BU per allowable unit at base density if 70-75% of canopy preserved; 2 BU per allowable unit at base density if 75-80% of canopy preserved; 3 BU per allowable unit at base density if over 80% of canopy preserved

(3) The rules for determining total permitted dwelling units are defined as follows.

(a) The formula for calculating the total number of dwelling units (DW) permitted through the review process shall be:

Dwelling Units allowed at base density + Bonus Units (Bu) = Total Dwelling Units

(b) The dwelling units allowed at base density is determined by dividing the total buildable area (acres) of the project site by the minimum lot size allowed in the base zoning district. Buildable area excludes slopes of 12% or greater, wetlands, poor soils and resources identified to be protected in the Comprehensive Plan.

(c) The bonus units for each public benefit shall be calculated individually and rounded to the nearest tenth. In summing the bonus units for more than one public benefit, fractional numbers shall be added together and rounded to the nearest whole number; one-half or more dwelling units are rounded up.

(d) The total number of dwelling units may not exceed a gross maximum density of two units per buildable acre. Higher maximum densities may be allowed based on demonstrated land development capacity, environmental impact, impact on adjacent properties and transportation system as well as available capacity of City sewer and water service.

(4) All properties, regardless of size, in the NRSF and LDSF Districts are subject to this division (D), which creates a PUD Overlay District to encourage density incentives within said districts.

(E) Permitted uses.

(1) The PUD development plan shall identify all the proposed land uses. A majority of the uses within a PUD should be those allowed in the underlying zoning district. Additional uses in the PUD District may be allowed; provided, they are compatible with the permitted uses normally allowed in the district and consistent with the comprehensive plan.

(2) Any change in the uses presented in the final development plan will be considered an amendment to the PUD and must follow the procedures specified in this section.

(F) Provisions of original district. The provisions of the zoning district within which the PUD is established shall guide preparation of a PUD, except as otherwise provided in approval of the final development plan.

(G) Coordination with subdivision regulations. If a PUD involves the subdivision of land, then a subdivision review shall be carried out simultaneously with the review of the PUD. The plans required under this section shall be submitted in a form that will satisfy the requirements for a sketch/concept plan, preliminary plat and final plat.

(H) Application conference. Prior to filing of an application for a PUD, the developer may arrange for and attend a conference with the Zoning Administrator, and City Engineer. The primary purpose of the conference shall be to provide the developer with an opportunity to gather information and obtain guidance as to the general suitability of developer's proposal for the area for which it is proposed, and its conformity to the provisions of this section, before incurring substantial expense in the preparation of plans, surveys and other data.

(I) Sketch/concept plan. The sketch plan provides an opportunity for an applicant to submit an informal plan to the City. Twenty copies and one electronic file shall be submitted, showing the applicant's basic intent and general nature of the development. The sketch plan is intended to provide feedback from the Planning Commission before the applicant incurs substantial cost in the preparation of formal plans. The sketch plan shall be considered a partial, incomplete application prior to formal submittal of the complete application and scheduling of hearings.

(J) Preliminary development plan. The purpose of a preliminary development plan is to formally present a PUD application, and a preliminary plat application if subdivision of land is a part of the PUD, in a public hearing before the Planning Commission. The application shall include 20 copies and one electronic file of the preliminary development plan, including all of the following exhibits, analyses and plans:

(1) Preliminary plat for any land being subdivided;

(2) The landowner's name and address and the landowner's interest in the property;

(3) The developer's name and address if different from the landowner;

(4) The names and addresses of all professional consultants who have contributed to the development of the PUD plan being submitted, including attorney, land planner, engineer and surveyor;

(5) Evidence that the developer has sufficient control over the property to effectuate the proposed PUD, including a statement of all legal, beneficial, tenancy and contractual interests held in or affecting the property and including an up-to-date certified abstract of title or registered property report and other evidence as the City Attorney may require to show the status of title or control of the property;

(6) The address and legal description of the property;

(7) The existing zoning classification and present use of the property and all lands within 300 feet of the property;

(8) A map depicting the existing development of the property and all land within 300 feet thereof and indicating the location of existing streets, property lines, easements, water mains and storm and sanitary sewers, with invert elevations on and within 100 feet of the property;

(9) A written statement generally describing the proposed PUD and the market which it is intended to serve and its demand showing its relationship to the city's comprehensive plan and how the proposed pud is to be designed, arranged and operated in order to permit the development and use of neighboring property in accordance with the applicable regulations of the city;

(10) Overall maximum PUD density;

(11) Location of all streets and pedestrian ways;

(12) Location and extent of public and private open space;

(13) Location of residential and non-residential land uses with approximate type of intensities of development;

(14) Staging and time schedule of development;

(15) A traffic generation and routing analysis prepared by a licensed professional;

(16) Graphic reproductions of the existing site conditions at a scale of not less than one inch equals 100 feet including:

(a) Grading plan with contours, minimum two-foot intervals;

(b) Area devoted to residential use by building type;

(c) Area devoted to private open space;

(d) Area devoted to public open space;

(e) Area devoted to streets;

(f) Area devoted to, and number of, off-street parking;

(g) Parking and loading spaces and related access;

(h) Approximate area and floor area devoted to commercial uses;

(i) Approximate area and floor area devoted to industrial or office use; and

(j) Total area of the property.

(17) When the PUD is to be constructed in stages during a period of time extending beyond a single construction season, a schedule for the development of such stages or units shall be submitted stating the approximate beginning and completion date for each stage or unit and the proportion of the total PUD public or common open space and dwelling units

to be provided or constructed during each stage and overall chronology of development to be followed from stage to stage;

(18) When the proposed PUD includes provisions for public or common open space or service facilities, a statement describing the provision that is to be made for the care and maintenance of the open space or service facilities;

(19) Any restrictive covenants that are to be recorded with respect to property included in the proposed PUD;

(20) A complete plan set as described in § 154.042 of this chapter including, but not limited to, architectural plans; and

(21) The city may require the submission of any additional information or documentation that it may find necessary.

(K) Exceptions to submittal requirements. The City may excuse a developer from submitting any specific item of information or document required in this stage that it finds to be unnecessary to the consideration of the specific proposal.

(L) Schedule for city review of the preliminary development plan.

(1) Pursuant to the requirements of M.S. § 15.99, after verification by the Zoning Administrator that the required plan and supporting data is adequate, the Planning Commission shall hold a public hearing. The city's planning application schedule provides specific deadlines for the application process.

(2) The Planning Commission shall conduct the hearing and report its findings and make recommendations to the City Council.

(3) The city may request additional information from the developer concerning operational factors or retain expert testimony at the expense of the developer concerning operational factors.

(4) If the Planning Commission fails to take action on the matter on or before a date 60 days after the application is deemed adequate, then the City Council may proceed without the Planning Commission's recommendation.

(M) Final development plan. Following approval of the preliminary development plan, the applicant shall submit an application for the final development plan, and a final plat if subdivision of land is a part of the PUD. If appropriate, because of the limited scale of the proposal, the Zoning Administrator may permit the preliminary development plan and final development plan to proceed through the review and approval processes simultaneously. In cases where the final plan is reviewed separately, the plan shall be submitted to the City Council for consideration. Provided the final plan is consistent with the approved preliminary plan, the Council may approve the request.

(N) Final development plan submission requirements. The final development plan submission should depict and outline the proposed implementations of the preliminary development plan for the PUD. Information from the preliminary development plan may be

included for background and to provide a basis for the submitted plan. The final development plan submissions shall include, but not be limited to:

- (1) A final plat for any land to be subdivided and information required by this code;
- (2) Twenty sets of final plans, including one electronic file, drawn to a scale of not less than one inch equals 100 feet (or other scale requested by the City Engineer) containing at least the following information:
  - (a) Proposed name of the development, which shall not duplicate nor be similar in pronunciation to the name of any plat previously recorded in the county;
  - (b) Property boundary lines and dimensions of the property and any significant topographical or physical features of the property;
  - (c) The location, size use and arrangement including height in stories and feet and total square feet of ground area coverage and floor area of proposed buildings, including manufactured homes, and existing buildings which will remain, if any;
  - (d) Location, dimensions of all driveways, entrances, curb cuts, parking stalls, loading spaces and access aisles, and all other circulation elements including bike and pedestrian; and the total site coverage of all circulation elements;
  - (e) Location, designation and total area of all public and private open space;
  - (f) Location, designation and total area proposed to be conveyed or dedicated for public open space, including parks, playgrounds, school sites and recreational facilities;
  - (g) Proposed lots and blocks, if any, and numbering system;
  - (h) The location use and size of structures and other land uses on adjacent properties;
  - (i) Detailed sketches and provisions of proposed landscaping;
  - (j) General grading and drainage plans for the developed PUD; and
  - (k) Any other information that may have been required by the Planning Commission, or other affected agency, in conjunction with the approval of the preliminary development plan.
- (3) An accurate legal description of the entire area within the PUD for which final development plan approval is sought;
- (4) A tabulation indicating the number of residential dwelling units, expected population and traffic generation;
- (5) A tabulation indicating the number of non-residential uses and expected traffic generation;
- (6) Preliminary architectural "typical" plans indicating use, floor, plan, elevations and exterior wall finishes of proposed building, including manufactured homes;

(7) A detailed site plan, suitable for recording, showing the physical layout, design and purpose of all streets, easements, rights-of-way, utility lines and facilities, lots, blocks, public and common open space, general landscaping plan, structures, including manufactured homes, and uses;

(8) Preliminary grading and site alteration plan illustrating changes to existing topography and natural site vegetation. The final development plan should clearly reflect the site treatment and its conformance with the approved preliminary development plan;

(9) A final plat prepared in accordance with this chapter if land is being subdivided; and

(10) A soil erosion control plan acceptable to watershed districts, Department of Natural Resources, Soil Conservation Service, MPCA or any other agency with review authority clearly illustrating erosion control measures to be used during construction and as permanent measures.

(O) Ordinance approval procedures and recording. The City Council shall adopt an ordinance approving all PUD Overlay Districts concurrent with any approval of a preliminary plan. Approval shall follow the same requirements as the approval of a zoning map amendment. After approval by the City Council, the PUD zoning ordinance map amendment shall be published, with reference made to the PUD agreement text.

(P) Effective date. The effective date of the PUD shall be after:

(1) Approval of the PUD overlay ordinance and text, the final development plan documents and the developers agreement and its requirements; and

(2) Publication of the ordinance.

(Q) Procedures for post approval changes, revisions and/or changes to plans between final approval and construction.

(1) Minor changes in location, placement and height. Minor changes in the location, placement and height of structures may be authorized by the Zoning Administrator if required by engineering or other circumstances not foreseen at the time the final plan was approved and filed with the Zoning Administrator.

(2) Significant changes in use location size and height. Changes in uses, significant changes in location, size or height of structures, any rearrangement of lots, blocks and building tracts, changes in provision of common open spaces and all other changes to the approved final development plan may be made only after a public hearing conducted by the Planning Commission. Upon determination by the Zoning Administrator that a major change has been proposed, the developer shall apply for an amended PUD. The application to amend the PUD shall be treated as a new zoning application. Upon acceptance of a complete application, the Planning Commission shall hold a hearing as set forth in this code. Any changes shall be recorded as amendments to the recorded copy of the final development plan, and shall include an amended developers agreement, as appropriate.

(R) Construction progress. If substantial development has not occurred as established by the PUD agreement, the City Council may instruct the Planning Commission to initiate rezoning to the original zoning district. It shall not be necessary for the City Council to find that the rezoning was in error.

(S) Compliance with conditions of approval. Within the PUD agreement, the City may schedule formal City Council review periods on an annual or less frequent basis to ascertain that actual development on the site meets the conditions of the approved PUD.

(T) Phasing and guarantee of performance.

(1) Comparison with approved development schedule. The Planning Commission shall compare the actual development accomplished in the various portions of the PUD with the approved development schedule.

(2) Extension of limits of development schedule. Upon recommendation of the Planning Commission and for good cause shown by the developer, the City Council may extend the limits of the development schedule.

(3) Construction rates of dwelling and open space. The construction and provision of all of the common open space and public and recreational facilities that are shown on the final development plan must proceed at the same rate as the construction of dwelling units, if any. The Zoning Administrator shall review all of the building permits issued for the PUD and examine the construction that has taken place on the site. If it is found that the rate of construction of dwelling units is greater than the rate at which common open spaces and public and recreational facilities have been constructed and provided, the Zoning Administrator shall forward this information to the City Council for action.

(4) Security. A irrevocable letter of credit in form acceptable to the City shall be required to guarantee performance by the developer. The amount of the letter of credit and the specific elements of the development program that it is intended to guarantee will be stipulated in the PUD agreement.

(U) Control of PUD following completion.

(1) Final development plan governs. After a certificate of occupancy has been issued for all or any portion of a PUD, the use of the land covered by the certificate of occupancy and the construction, modification and alteration of any buildings or structures within the PUD shall be governed by the final development plan.

(2) Changes after issuance of certificate of occupancy. After a certificate of occupancy has been issued for all or any portion of a PUD, no changes shall be made in the approved final development plan, except upon application as provided below.

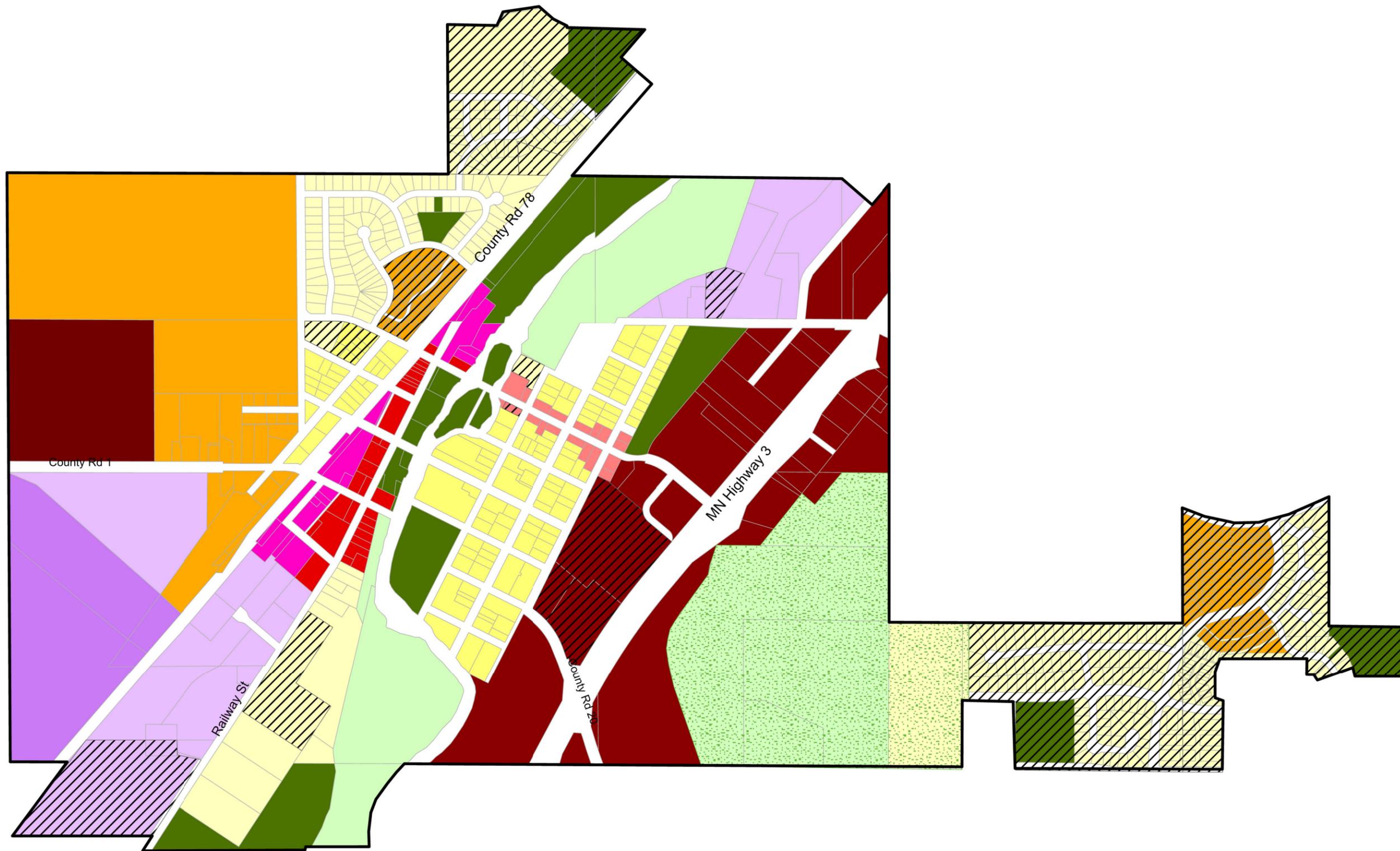
(a) Any minor extensions, alterations or modifications of existing buildings or structures may be authorized by the Zoning Administrator if they are consistent with the purposes and intent of the final development plan. No change authorized by this section may increase the mass or volume of any building or structure by more than 10%.

(b) Any building or structure that is totally or substantially destroyed may be reconstructed only in compliance with the final development plan unless an amendment to the final development plan is approved under this section.

(3) Changes by amendment. Changes in the use of the common open spaces may be authorized by an amendment to the final development plan by the City's Planning Commission after a public hearing as provided in this chapter and without all the documents necessary for the original application.

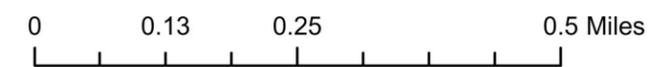
(4) Other changes. Any other changes in the final development plan must be authorized by an amendment of the final development plan under this section.

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CITY OF  
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**Zoning Map**

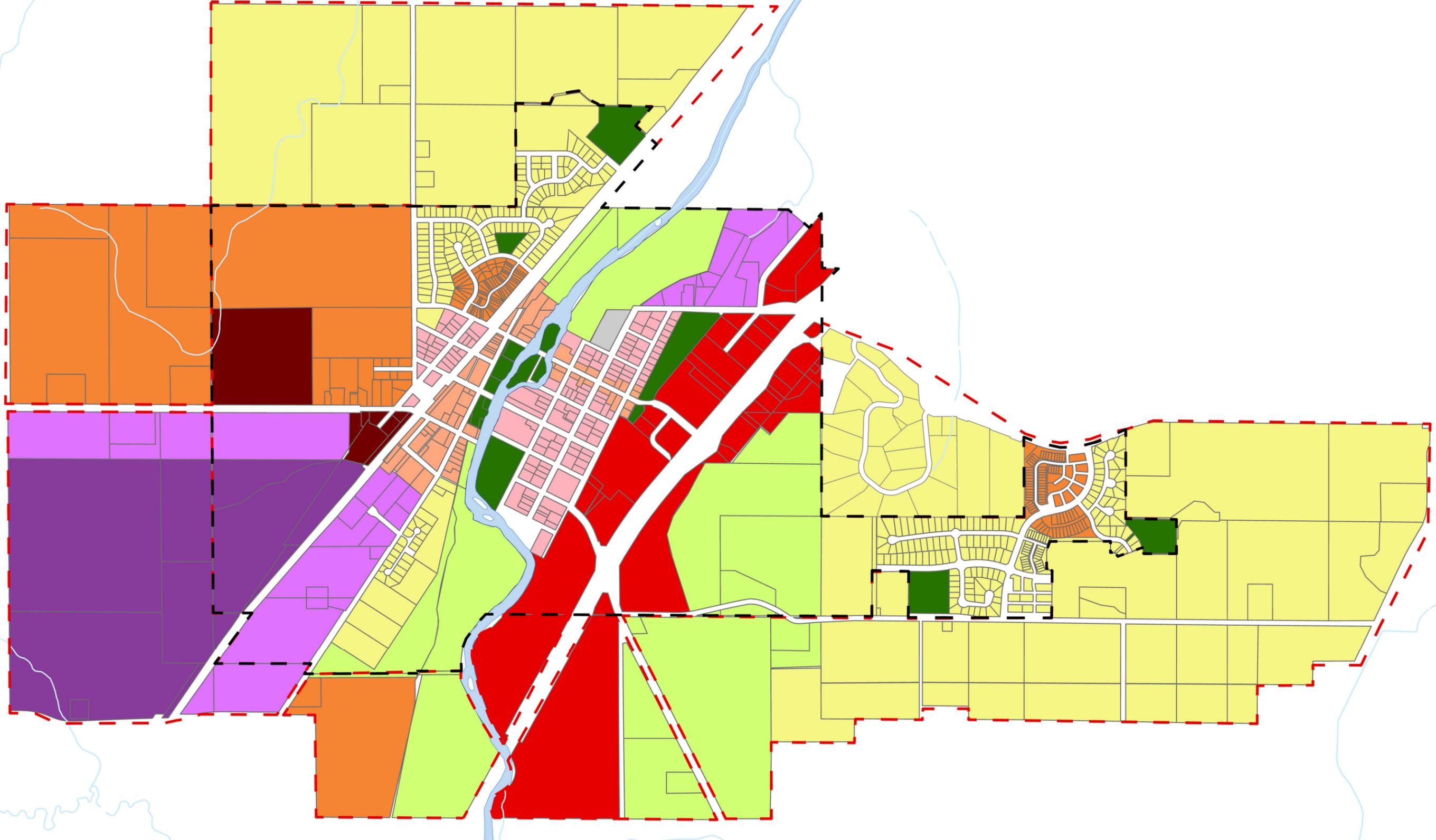
R-1 Single Family Residential	B-1A Downtown Core Buisness	G-I General Industrial
R-2 Traditional Residential	B-1B Downtown Mixed Use	P-OS Public-Open Space
R-3 Multifamily Residential	HSD Hester Street District	Bluff Protection District
R-4 High Density Residential	B-2 Highway Commercial District	PUD
NRSF Natural Resource SF Residential	L-I Limited Industrial	Boundary



Source: Rice County, MNDOT,  
 Northwest Associated Consultants

Map Updated: 04/14/23

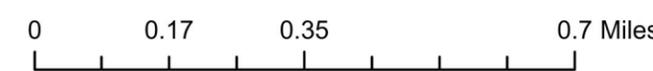




CITY OF  
**DUNDAS**

**Future  
Land Use**

COMMERCIAL	LOW DENSITY RESIDENTIAL	PARK
INDUSTRIAL	MEDIUM DENSITY RESIDENTIAL	CEMETERY
LIGHT INDUSTRIAL	HIGH DENSITY RESIDENTIAL	Cannon_River
DOWNTOWN MIXES USE	TRADITIONAL RESIDENTIAL	Streams
HESTER STREET CORRIDOR	CRITICAL NATURAL AREA RESIDENTIAL	City Boundary
		Annexation



Source: Rice County, MNDOT,  
Northwest Associated Consultants

Map Updated: 04/14/23

