SUPPLEMENTAL PACKET

7.B.

462.3597 INTERIM USES.

Subdivision 1. **Definition.** An "interim use" is a temporary use of property until a particular date, until the occurrence of a particular event, or until zoning regulations no longer permit it.

Subd. 2. **Authority.** Zoning regulations may permit the governing body to allow interim uses. The regulations may set conditions on interim uses. The governing body may grant permission for an interim use of property if:

(1) the use conforms to the zoning regulations;

(2) the date or event that will terminate the use can be identified with certainty;

(3) permission of the use will not impose additional costs on the public if it is necessary for the public to take the property in the future; and

(4) the user agrees to any conditions that the governing body deems appropriate for permission of the use.

Any interim use may be terminated by a change in zoning regulations.

Subd. 3. **Public hearings.** Public hearings on the granting of interim use permits shall be held in the manner provided in section 462.357, subdivision 3.

History: *1989 c 200 s 2*

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9.A.1.

Subject: Commercial Definition

Good morning,

Thank you for your question. You asked: **Can you point me to documents that would help the city of Afton define Commercial activity? We are working on our comprehensive plan, and this definition is eluding us. Thanks. Barbara J Ronningen Chair - Afton Planning Commission**

If I'm understanding your question correctly, you are looking for a definition for what would constitute a commercial activity for zoning purposes. Based on my understanding of the question, I am attaching several zoning ordinances with commercial definitions. I will list the names and the relevant page number below. I highly recommend working closely with your city attorney in adopting a definition as to what constitutes commercial activity in your city. A definition that works for one city may not work well in another city.

Melrose: Page 23
Cannon Falls: Page 3 (but copied here) **15. "Business" or "Commercial"** - Any establishment, occupation, employment or enterprise where merchandise is manufactured, exhibited or sold, or where services are offered for compensation.

Source: Ordinance No. 71, 2nd Series
Effective Date: 5-9-86

Taylors Falls: Page 4 (but copied here) **Subd. 20.** **Commercial Recreation.** Bowling alley, cart track, golf course, pool hall, vehicle racing or amusement, dance hall, skating, swimming, tavern, theater, hunting preserves, boat rental, amusement rides, campgrounds, deer park, and similar uses for which fees are charged for admission or use of the facility, not to include firearms range, gun clubs.
Subd. 21. **Commercial Uses.** The principal use of land or buildings for the sale, lease, rental, or trade of products, goods, and services.

Hawley: Page 2

I hope this is helpful and gives you somewhat of an idea of how some other cities have defined commercial activity. I have attached the full zoning guides for greater context as to how the ordinances actually operate with the excepted definitions. Please let me know if you have any further questions.

Thanks,

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031.00 Retail Service -
An establishment that involves the offering of a service or entertainment to the general public for compensation.
032.00 Retail Trade -
An establishment that involves the offering of a product to the general public for compensation.

220. Commercial Districts

221. C-1 Commercial Downtown

.02 Permitted Uses

(1) Commercial retail and service establishments including, but not limited to the following:

(1.1) Retail establishments such as grocery, hardware, drug, clothing and furniture stores; eating and drinking places; auto dealers; and automobile service stations.

(1.2) Personal services such as laundry, hair styling salons, shoe repair shops and photography studios.

(1.3) Professional services such as medical and dental clinics and attorney offices.

(1.4) Repair services such as automobile, jewelry and radio and television repair shops.

(1.5) Entertainment and amusement services such as motion picture theatres and bowling alleys.

(1.6) Lodging services such as hotels and motels.

(1.7) Finance, insurance and real estate services.

(2) Public and semi-public buildings such as post offices, fire stations, libraries, museums, community centers and city offices.

(3) Private clubs.

(4) Apartments provided they are located above the first floor level.

(5) Licensed day care facilities.

222. C-3 - Commercial Limited

.01. Intent

The intent of the Commercial Limited District is to provide areas which are related to and may adjoin residential districts for the location and development of businesses permitted in this Section. These uses are subject to restrictive controls to assure compatibility with surrounding properties, traffic facilities and other environmental factors. No exterior display or retail sales shall be made to the general public.

.02. Permitted Uses

(1) Public and semi-public buildings such as post offices, fire stations, libraries, museums, community centers and city offices.
(2) Schools.
(3) Radio and television studios.
(4) Telemarketing offices.
(5) Apartments provided they are located above the first floor level.
(6) Licensed day care facilities.

.03. Permitted Accessory Uses

(1) Off-street parking.
(2) Signs as regulated by Section 700.

.04. Uses by Conditional Use Permit

(1) Services establishments, including but not limited to the following:
(1.1) Personal services such as laundry, hair styling salons, shoe repair shops and photography studios.
(1.2) Professional services such as medical and dental clinics and attorney offices.
(1.3) Public professional services such as community health and social services.
(1.4) Finance, insurance and real estate services.
(2) Other uses similar in nature to the above uses and which in the opinion of the Council, after review and recommendation by the Commission, will not be detrimental to the integrity of this District.

210. Residence Districts

211. R-1 - Residential

.01 Intent

The intent in establishing the Residential District is to provide for compatible in-fill residential development within the developed portions of the City and to permit a greater housing density.

.02 Permitted Uses

(1) One and two family detached dwellings.
(2) Farmsteads and agricultural operations including

residences of the farm owners or tenants and their immediate families.

(3) Neighborhood public parks, playgrounds, athletic fields and other neighborhood scale recreational uses of a non-commercial nature.

(4) A licensed day care facility serving 12 or fewer persons.

(5) A community residential facility serving not more than 6 persons.

(6) Townhouses

.03 Permitted Accessory Uses

(1) The renting of rooms by a resident family for lodging purposes only, and for not more than two roomers in a one-family dwelling.

(2) Customary home occupations located in the principal or accessory building(s) provided that:

(2.1) Not more than 25 percent of the gross floor area of the residence is used for this purpose.

(2.2) Only articles made or originating on the premises shall be sold on the premises unless such articles are incidental to a permitted commercial service.

(2.3) No articles for sale shall be displayed so as to be visible from any street.

(2.4) No mechanical or electrical equipment is used if the operation of such equipment interferes with the desired quiet residential environment of the neighborhood.

(2.5) Such occupation is engaged in by at least the resident(s) of said home, provided that two non-resident persons may be permitted if sufficient off-street parking is provided.

(3) Private garage with door height of nine feet or less or parking space.

(4) Private swimming pool.

(5) Accessory buildings of different materials than the principal building provided that they do not exceed 100 square feet with a sidewall of not more than 6 feet.

(6) Living quarters for people employed on the premises.

(7) Signs as regulated by Section 700.

.04 Uses by Conditional Use Permit

(1) Planned Unit Developments as defined herein.

(2) Hospitals, nursing homes, old age homes, rest homes, cemeteries, municipal facilities such as fire stations, city offices, libraries and museums and similar uses of a public service nature.

(3) Nurseries and greenhouses.

(4) Private garages with door openings greater than nine feet in height.

(5) New farm operation buildings in which farm animals are to be kept or other similar use of property which may be objectionable to adjacent property owners is an eligible conditional use only after written consent of 75 percent of all property owners within 500 feet of the proposed use, after review by the Commission and approval of the Council.

(6) Churches and public and parochial schools.

(7) Community wide recreational facilities such as special use parks and golf courses.

(8) Essential public utility service structures not exempted by Subsection 106.

(9) Special use residential as defined in Section 800.

(10) Accessory buildings in excess of two.

Subd. 21. **Commercial Uses.** The principal use of land or buildings for the sale, lease, rental, or trade of products, goods, and services.

SECTION 1000.004 (A-R) AGRICULTURAL - RESIDENTIAL DISTRICT

Subd. 1. **Purpose.** The Agricultural - Residential District is intended to provide a district which will allow suitable areas of the City to be retained and utilized in open space and/or agricultural uses, prevent scattered non-farm uses from developing improperly, promote orderly development, and secure economy in government expenditures for public utilities and service.

Subd. 2. **Permitted Uses.** The following are permitted uses:

A. Single family residences.

B. Agricultural activities and farmsteads which include the raising of crops and livestock or animals not typically regarded as domestic pets for sale, profit, or pleasure, but not including commercial feedlots. The raising of animals shall require the following land areas:

1. On parcels of less than ten (10) acres and not less than five (5) acres, the number of animals shall not exceed three (3) animal units.

2. On parcels of less than five (5) acres and not less than two (2) acres, the number of animals shall not exceed one (1) animal unit.

3. On parcels of less than two (2) acres, the raising of such animals is not permitted.

Animal units are calculated as follows:

Poultry, animals of a similar size..... ..... 0.06

Sheep, swine, animals of a similar size.....0.50

Cow, horse, animals of a similar size..... 1.00

C. Parks and forest preserves.

D. Churches, synagogues

Subd. 3. **Conditional Uses.** The following uses may be permitted through the issuance of a conditional use permit:

A. Golf courses, country clubs, tennis courts, swimming pools and additional private and private-club recreational uses, all non-commercial, not to include firearm shooting ranges.

B. Roadside stands for the sale of agricultural products.

C. Greenhouses or nurseries.

D. Extraction of rock, sand or gravel as regulated by Section 1000.017.

E. Public buildings erected by any government agency.

F. Cemeteries.

G. Commercial recreational facilities.

H. Bed and breakfast inns.

I. Home occupations as regulated by Section 1000.015, Subd. 2. of this Ordinance.

Subd. 4. **Accessory Uses**. The following are permitted accessory uses:

A. Operation and storage of such vehicles, equipment, and machinery which are incidental to permitted or conditional uses allowed in this district.

B. Recreational facilities which serve the residents of the principal use.

C. Home occupations consistent with Section 1000.015, Subd. 3 of this Ordinance.

D. Fencing, screening and landscaping as permitted and regulated by Section 1000.012, Subd. 7 of this Ordinance.

E. Essential services.

15. **"Business" or "Commercial"** - Any establishment, occupation, employment or enterprise where merchandise is manufactured, exhibited or sold, or where services are offered for compensation.

SEC. 11.10. A (AGRICULTURAL DISTRICT).

Subd. 1. Purpose. The A District is intended for agricultural buildings, structures and uses.

Source: Ordinance No. 71, 2nd Series
Effective Date: 5-9-86

Subd. 2. Permitted Uses.

A. Agricultural-related buildings, structures and uses, except commercial feedlots or other similar commercial operations. Only one farm dwelling is permitted.

B. (Repealed by Ordinance No.212, 2nd Series, adopted 03-15-2001).

Subd. 3. Conditional Uses.

A. Government and public related utility buildings and structures which, when abutting a residential use in a Residence District, are screened and landscaped.

B. Public or semi-public recreational buildings and community centers, public and private educational institutions limited to elementary, junior high and senior high schools, and religious institutions such as churches, chapels, temples and synagogues; provided that side yards shall be double that required for the district (but no greater than 30 feet), they shall be screened from abutting residential uses and landscaped, and off-street parking and access shall be provided with screening and landscaping from surrounding residential uses.

C. Commercial outdoor recreational areas such as country clubs and swimming pools; provided that not more than 5% of the land area of the site shall be covered by buildings or structures and, when abutting a residential use and a Residence District the property is screened and landscaped.

D. Commercial riding stables, dog kennels, animal hospitals; provided that animal holding, grazing, and exercise areas and buildings are located a minimum of l,000 feet from any Residence or Commercial District.

E. Recreational travel vehicle campsites; provided that it is served by a major or arterial street, all driveways and parking areas are paved, not more than 5% of the land area is covered by buildings or structures, the location is a minimum of l00 feet from any adjoining Residence District, and that signs conform.

F. Cemeteries.
G. Commercial feedlots.

H. Bed and breakfast home.
I. Bed and breakfast inn.

Source: Ordinance No. I26, 2nd Series
Effective Date: 6-5-92

J. Antennas mounted on an existing structure, not exceeding fifteen (15) feet above the highest point of the structure, as regulated in this Chapter.

K. Single satellite earth station antenna greater than one (1) meter in diameter and single antenna designed to receive direct broadcast satellite services or multichannel multipoint distribution services greater than one (1) meter in diameter, as regulated in this Chapter.

L. Towers, as regulated in this Chapter.

Source: Ordinance No. 212, 2nd Series
Effective Date: 04-27-2001

Subd. 4. Accessory Uses.

A. Operation and storage of vehicles, equipment and machinery incidental to the permitted or conditional use.

B. Boarding or renting rooms to not more than two persons.
C. Home occupations.

D. Recreational vehicles and equipment parking.
E. Greenhouses, conservatories and landscape operations.
F. Swimming pool, tennis courts and other recreational facilities.

G. Tool houses, sheds and similar buildings for storage of domestic supplies and non-commercial recreational equipment.
H. Private garages.

Source: Ordinance No. 7I, 2nd Series
EffectiveDate: 05-09-1986

I. Single satellite earth station antennas one (1) meter or less in diameter and single antenna designed to receive direct broadcast satellite services or multichannel multipoint distribution services one (1) meter or less in diameter and antennas designed to receive television broadcast signals, as regulated in this Chapter.

J. Towers supporting amateur radio antennas, as regulated in this Chapter.

SEC. 11.25. B-1 (GENERAL BUSINESS DISTRICT).

Subd. 1. Purpose. The purpose of the B-1 District is to provide for moderate intensity retail or service outlets and motor vehicle oriented service activities.

Source: Ordinance No. 71, 2nd Series
Effective Date: 5-9-86

Subd. 2. Permitted Uses.

A. Commercial establishments offering products and services for sale to the general public in return for compensation, including, but not limited to, the following:

I. Retail establishments such as grocery, bakery, hardware, appliance, jewelry, eating and drinking establishments.

2. Professional offices and service facilities such as beauty and barber services, attorney, doctor, engineer, architect, finance and real estate.

3. Hotels and motels.
4. Car washes, gasoline service stations, and auto repair.

B. Residential uses located above the first floor (ground level), provided that they have separate entrances.

C. Private clubs and lodges.
D. Transportation and warehouse facilities.
E. Government and public buildings and structures.
F. (Repealed by Ordinance No. 212, 2nd Series, adopted 03-15-2001.)

Subd. 3. Conditional Uses.

A. Bed and breakfast home.
B. Bed and breakfast inn.

C. Towers, as regulated in this Chapter.

D. Antennas mounted on an existing structure, exceeding fifteen (15) feet above the highest point of the structure, as regulated in this Chapter.

E. Single satellite earth station antenna in excess of two (2) meters in diameter and single antenna designed to receive direct broadcast satellite services or multichannel multipoint distribution services in excess of one (1) meter in diameter, as regulated in this Chapter.

Subd. 4. Accessory Uses. Off-street parking and loading.

A. Off-street parking and loading.
B. Single satellite earth station antenna two (2) meters or less in diameter and single antenna designed to receive direct broadcast satellite services or multichannel multipoint distribution services one (1) meter or less in diameter and antennas designed to receive television broadcast signals, as regulated in this Chapter.

City of Hawley

Summary Ordinance #230 - Zoning Ordinance

City of Hawley, Minnesota.

This is an Ordinance for the purpose of promoting the public health, safety, comfort, and general welfare, and to implement the Comprehensive Plan. This is achieved by regulating the location and size of buildings and other structures; the percentage of each lot which may be occupied; the size of yards and other open spaces; the density and distribution of population; the uses of buildings and structures for trade, industry, residence, recreation, public activities, or other purposes; and the use of land for trade, industry, residence, recreation, agriculture, forestry, soil conservation, water supply conservation, conservation of shore lands, flood control or other purposes, and establishing standards and procedures regulating such uses.

As residential development is considered the cornerstone of development in the City, this Zoning Ordinance will ensure the availability of an ample supply of land to meet the diverse housing needs of all residents in a compact and orderly manner. As housing growth occurs, the opportunity for commercial and light industrial development must also be accommodated.

To protect the public such provisions are intended to provide for adequate light and air, safety from fire and other danger; prevent unhealthy concentrations of population; provide ample parking facilities; regulate the location and operation of businesses, industries, dwellings and buildings for other specified purposes; preserve and stabilize property values by providing for orderly and compatible development of the various land uses; provide for administration of the Ordinance; provide for amendments hereto; provide for official recording of the Ordinance and all amendments hereto; implement the comprehensive plan and exercise any or all of the powers to the City of Hawley under state law.

A summary of the district requirements follows:

The **R-1 District** is established to provide for the development of new low density (not more than 6 dwelling units per 43,560 square feet) residential area with large boulevards and narrow local streets which promote the sense of quiet well kept single family neighborhoods.

Lot Area:

a. Minimum lot size of 10,500 sq feet (+3,000 sq ft per additional dwelling unit on the lot)
b. Maximum lot coverage: 50%
c. Minimum livable space: 1,600 sq ft
d. Minimum roof slope: 3:12

Setbacks:

a. Front Yard: Not less than 30 feet.
b. Side Yard:
   (1) 8 feet.
   (2) Accessory Structures: 8 feet minimum unless a garage entrance faces into a street in which case the setback will be 18 feet to accommodate a vehicle from encroaching onto the public right-of-way.
c. Rear Yard:
   (1). Principal Building: 8 feet.

The purpose of the **C-1 Central Commercial District** is for the development and maintenance of a public and business district which acts as an image maker, a community center, and a primary business location for the community. It is intended to be a pedestrian oriented place which provides for a wide variety of commercial activities that will result in the most intensive and attractive use of the City's historical business center.

Lot Requirements and Setbacks

1. Lot Area: 1,250 sq. ft.
2. Lot Width: 25 feet
3. Setbacks are from property lines. The street right-of-way and boulevard are not part of the setback area:
   a. Front Yards: 0
   b. Side Yards: 0-Existing; 3 feet-New Structures

c. Rear Yards: 0-Existing; 3 feet-New Structures

4. Maximum lot coverage: 80%

It is the purpose of the **C-2 Highway Commercial District** to provide for the careful and attractive development of highway oriented businesses which depend on non-local traffic for a substantial portion of their business and which create substantial negative impacts to city infrastructure if located in areas not adjacent to state and federal highways:

Lot Requirements and Setbacks

1. Lot Area: 5,000 sq ft
2. Maximum lot coverage: 60%.
3. All setbacks are from property lines. The street right-of-way and boulevard are not part of the setback area.
   a. Front Yard: 20 feet
   b. Side Yard: 10 feet
   c. Rear Yard: 10 feet

The **C-3 Agriculture Commercial District** is established to provide for agricultural service businesses and other types of commercial activities which are primarily oriented toward Heavy equipment use, sale, or repair, and Heavy truck traffic.

Lot Requirements and Setbacks:

1. Front yard setback: 25 feet
2. Rear and side yard setback: 10 feet
3. Maximum lot coverage: 60%
4. Minimum lot width: 50 feet
5. Minimum lot size: 2,500 feet
6. Minimum setback from residentially zoned lots: 250 feet

It is the purpose of the **I-1 Light Industrial District** to provide a place for uses which are generally considered industrial and benefit from specially designed or provided infrastructure. This district is intended to serve heavy truck traffic and assembly or distribution and warehousing functions.

Lot Requirements and Setbacks:

1. Front Yard Setback: 25 feet
2. Rear and side yard setback: 10 feet
3. Maximum lot coverage: 90%
4. Minimum lot width: 75 feet
5. Minimum lot size: 5,000 sq ft

It is the purpose of the **I-2 Heavy Industrial District** to provide an area for uses such as manufacturing and ag product processing or any other industry which is desirable to separate from public, residential, or normal commercial activities due to safety, noise, or any other reasonable concerns.

Lot Requirements and Setbacks:

1. Lot Area: 7,500 feet
2. Front yard setback: 25 feet
3. Rear and side yard setback: 10 feet
4. Maximum lot coverage: 90%

The **Transition Zone District** is established primarily for those annexed unplatted areas within the City that have not been zoned for development and area undergoing a transition from, in most cases, agricultural to urban uses. The urban transition is contingent upon development plans, proper timing, availability of public utilities and services and compatibility with the Comprehensive Land Use Plan. As these criteria take place, a more conventional urban zoning district will replace the Transition Zone District.

Lot Requirements and Setbacks

1. Lot Area: (2 acres) 87,120 sq ft
2. Lot Width: 150 feet minimum
3. Lot Depth: 300 feet minimum
4. All setbacks are from property lines. The street right-of-way and boulevard are not part of the setback area:
   a. Front Yard: Not less than 30 feet
   b. Side Yard:
      1) Principal building: 10 feet
      2) Accessory Structures: 10 feet minimum unless a garage entrance faces into a street in which case the setback will be 18 feet to accommodate a vehicle from encroaching onto the public right-of-way.
   c. Rear yard:
      1) Principal Building: 10 feet

This Ordinance also regulates the following areas: Off-Street Parking Requirements, Wind Energy Conservation Systems, Moving Buildings, Signs, Fences and Screening, Day Care Facilities, Regulation of Antennas and Wireless Communication, General Yard, Lot Area and Building Requirements, Accessory Structures, Uses and Equipment, and Home Occupations.

Summary Ordinance #231 - Zoning Fees

The following is adopted as the Schedule of Zoning Fees:

Zoning Permits:

New Principal Structure Residential	Fee	$250.00
New Principal Structure Commercial	Fee	$250.00
New Principal Structure Industrial	Fee	$250.00
Addition to existing Structure	Fee	$ 50.00