

SPECIAL DISTRICTS

§ 1007.130 PSP, PUBLIC AND SEMI-PUBLIC DISTRICT.

(1) *Purpose.* This district is designed and intended to aid in guiding development towards fulfillment of the Comprehensive Plan and to serve the following functions:

(a) To provide the community with properly located schools, colleges, and health institutions.

(b) To provide the community with properly located public services, public utilities, and public or private communication antennas.

(c) To provide the community with properly located open green space, parks, playgrounds and recreational facilities.

(d) To relate public and semi-public locations with thoroughfare system.

(2) *Lot and Yard Requirements.*

(a) *Minimum Lot Size.*

1. *Sewered Lot.* One (1) acre.

2. *Unsewered Lot.* Ten (10) acres in accordance with applicable provisions of §1007.041 of this Ordinance.

(b) *Minimum Lot Width.* One hundred fifty (150) feet.

(c) *Setbacks.* (The greater of the following:)

1. *From Streets.*

a. *Local Street.* Fifty (50) feet.

b. *Collector or Arterial Street.* Fifty (50) feet.

2. *Rear Yard.*

a. *Principal Building.* Thirty (30) feet.

b. *Accessory Building.* Ten (10) feet.

c. *Parking Lot/Driveway.* Ten (10) feet.

3. *Side Yard.*

- a. *Principal Building.* Ten (10) feet.
- b. *Accessory Building.* Ten (10) feet.
- c. *Parking Lot/Driveway.* Five (5) feet.

(3) *Height Regulations.* No building in the PSP District shall be erected or structurally altered to exceed forty-five (45) feet in height.

(4) *Impervious Surface Coverage.* In no event shall off-street parking space, structures of any type, buildings, or other features cover more than sixty-five (65) percent of the lot area resulting in less than thirty-five (35) percent pervious landscaped area.

(5) *Building Requirements.* All newly constructed buildings in the PSP District shall meet the applicable exterior building standards of §1007.043(2)(D) of this Ordinance.

(6) *Permitted Uses.* In the PSP District, no building or land shall be used, and no building shall be erected, converted or structurally altered unless otherwise provided herein, except for one or more of the following uses.

- (a) All public buildings for county and state government.
- (b) All public buildings for municipal government, such as City Hall, water works, sewage plant, police, fire, etc.
- (c) Cemeteries.
- (d) Clinics, rest homes, nursing homes.
- (e) Public parks and recreation facilities, golf courses.
- (f) Community Gardens operated by the city.

(7) *Accessory Uses.* Subject to applicable provisions of this Ordinance, the following are permitted accessory uses in the PSP District:

- (a) Accessory buildings and structures as regulated by §1007.043(4)(i) of this Ordinance.
- (b) Fences, as regulated by §1007.043 (18) of this Ordinance.
- (c) Off-street parking as regulated by §1007.044 of this Ordinance.
- (d) Off-street loading as regulated by §1007.045 of this Ordinance.

(e) Radio and television receiving antennas, satellite dishes, TVROs three (3) meters or less in diameter, short-wave dispatching antennas, or those necessary for the operation of electronic equipment including radio receivers, ham radio transmitters and television receivers as regulated by §1007.054 of this Ordinance.

(f) Signs, as regulated by the city sign ordinance, Ord. No. 12-97, as amended, of the City Code.

(g) Parks, playgrounds, or athletic fields accessory to an allowed principal use.

(8) *Conditional Uses.* The following conditional uses may be allowed in the PSP District, subject to the provisions of §1007.016 of this Ordinance.

(a) All schools (public and private) provided that:

1. Side yards shall be double that required for the district, but no greater than thirty (30) feet.

2. Adequate screening from abutting residential uses and landscaping is provided in compliance with §1007.043 (17) of this Ordinance.

3. Adequate off-street parking and access is provided on the site or on lots directly abutting or directly across a public street or alley to the principal use in compliance with §1007.044 of this Ordinance and that such parking is adequately screened and landscaped from surrounding and abutting residential uses in compliance with §1007.043 (17) this Ordinance.

4. Adequate off-street loading and service entrances are provided and regulated where applicable by §1007.045 of this Ordinance.

5. The provisions of §1007.016 of this Ordinance are considered and determined to be satisfied.

(b) Hospitals provided that:

1. Side yards are double the minimum requirements established for this district and are screened in compliance with §1007.043 (17) of this Ordinance.

2. Only the rear yard shall be used for play or recreational areas. Said area shall be fenced and controlled in compliance with §1007.043 (17) of this Ordinance.

3. The site shall be served by an arterial or collector street of sufficient capacity to accommodate traffic which will be generated.

4. All State Statutes and regulations governing such use are strictly adhered to and all required operating permits are secured.

5. The provisions of §1007.016 of this Ordinance are considered and determined to be satisfied.

(c) Two (2) or more buildings on same lot provided such buildings relate to a permitted or conditional use that is operated as a single business or enterprise.

(Ord No. 05-19, passed 04-08-2019)

(9) *Uses by Administrative Permit.* Subject to applicable provisions of this Ordinance, the following uses are allowed by administrative permit, as may be approved by the Zoning Administrator:

(a) Personal wireless service antennas as secondary uses as regulated by §1007.054 of this Ordinance.

(b) Telecommunication towers as regulated by §1007.054 of this Ordinance.

(c) Temporary mobile towers as regulated by §1007.054 of this Ordinance.

(d) Open Air Markets.

(e) Transient Merchants.

(10) *Interim Uses.* Subject to applicable provisions of this Ordinance, the following are interim uses in the PSP District, and are governed by §1007.017 of this Ordinance:

(a) Farms, Farm Dwellings, Horticulture and Agriculture.

§ 1007.131 R-BR, RURAL-BUSINESS RESERVE DISTRICT.

(1) *Purpose.*

(a) This district is intended to preserve a rural very low density environment until such time as the land is needed for commercial and industrial uses. Residents of this district can expect to fully use the land for farming, grazing, animal husbandry, propagation of nursery stock, gardening, and other traditional rural uses. In addition, the district is meant to prevent incursion of those land uses that would adversely affect or diminish the rural character of the land. In particular, subdivisions of land for residential purposes as well as commercial and industrial uses without access to suitable infrastructure is not to be permitted. This district is also meant to serve the following functions:

1. To control and limit urban sprawl.
2. To conserve land in a viable economic status until such time as the need is present for rezoning to a business use district.
3. To reduce the possibility of rural-urban conflict in both the use of the land and in the extension of utilities and other infrastructure items.
4. To maintain acceptable per capita costs for City services such as snowplowing, road maintenance, and fire and police protection.
5. To define a “trigger mechanism” that will establish a formula for the rezoning of rural-business reserve land to a business use as needed.

(b) The R-BR District shall only be specifically applied to the following areas:

1. Rural residential properties located along 77th Street West.
2. Properties along I-35E north of the existing MUSA.

(2) *Rezoning (Trigger Mechanism).* Land in the R-BR District shall be rezoned by the City upon demonstration that all of the following applicable to a specific site are true:

(a) The land is within the City’s MUSA and sanitary sewer service or municipal water is available or MUSA reserve is available and utilities can be extended to the site.

(b) The proposed use is not premature according to the requirements of the subdivision ordinance and/or site and building plan review.

(c) Rural residential properties along 77th Street West can be phased out through redevelopment and land assembly efforts in cooperation with property owners.

(d) Along I-35E, rezoned land shall be adjacent to the existing business district and shall extend from south to north in quarter mile increments. From that point on, rezoning may be initiated whenever the corridor has an inventory of land that is zoned business or industrial of no more than two hundred (200) acres.

(3) *Impact on Adjoining Property.* To protect the rural nature of the R-BR District, no activity in the adjacent business zoning district shall result in the following:

- (a) Loud, boisterous, and disturbing noise levels.
- (b) Hazardous traffic conditions.
- (c) Offensive, obnoxious, and disturbing odors.
- (d) Excessive litter.
- (e) Excessive artificial lighting.

(f) Any other condition inconsistent with the reasonable use and enjoyment of adjoining property and inconsistent with the health, safety, and general welfare of the adjoining community.

(4) *Lot and Yard Requirements.*

- (a) *Minimum Lot Size.* Ten (10) acres.
- (b) *Minimum Lot Width.* Three hundred thirty (330) feet.
- (c) *Setbacks.*

1. *From Streets.*

- a. *Local Street.* Thirty (30) feet.
- b. *Collector or Arterial Street.* Forty (40) feet.

2. *Rear Yard.* Thirty (30) feet.

3. *Side Yard.*

- a. *Interior.* Ten (10) feet.
- b. *Corner.* Thirty (30) feet.

(5) *Minimum Floor Area Requirements.* The minimum outside dimension and floor area for single family dwellings shall be as follows:

- (a) *Rambler.*
 - 1. *Three Bedroom.* One thousand fifty (1,050) square feet.
 - 2. *Two Bedroom.* Nine hundred eighty (980) square feet.
- (b) *One and one-half Story.* Nine hundred eighty (980) square feet.
- (c) *Split Foyer (Foyer, Stairs).* Nine hundred eighty (980) square feet.
- (d) *Two Story.* Eight hundred fifty (850) square feet.

(6) *Height Regulations.* No building in the R-BR District shall be erected or structurally altered to exceed thirty (30) feet in height. These regulations shall not apply to barns, silos, or other farm buildings.

(7) *Permitted Uses.* In the R-BR District, no building or land shall be used or divided, and no building shall be erected, converted or structurally altered unless otherwise provided herein, except for one or more of the following uses.

- (a) Agriculture, gardening and sod farming.
- (b) Commercial greenhouses and nurseries.
- (c) Day care nurseries (fourteen (14) or fewer persons).
- (d) Golf courses and driving ranges.
- (e) Governmental and public regulated utility buildings and structures necessary for the health, safety, and general welfare of the City.
- (f) Home occupations as provided for in §1007.049 of this Ordinance.
- (g) Public parks.
- (h) Single family detached dwellings.
- (i) State licensed residential care facility serving six (6) or fewer persons.
- (j) Keeping of farm animals in compliance with Chapter 503.
- (k) Temporary stands for the sale of agricultural products produced on the premises.
- (l) Transmission towers/radio, television and other similar towers up to forty-five (45) feet in height.

(m) Community Gardens operated by the city.

(8) *Accessory Uses.* Subject to applicable provisions of this Ordinance, the following are accessory uses in the R-BR District:

(a) Accessory apartments as regulated by §1007.049 of this Ordinance.

(b) Accessory buildings including garages, tool houses, sheds and similar buildings for storage of domestic and farm supplies and non-commercial recreational equipment, as regulated by §1007.043 (4) of this Ordinance.

(c) Fences as regulated by §1007.043 (18) of this Ordinance.

(d) Home occupation Level A as regulated by §1007.047 of this Ordinance.

(e) Operation, parking, or storage of such vehicles, equipment and machinery which are incidental and customary to permitted or conditional uses allowed in this district.

(f) Radio and television receiving antennas, satellite dishes, TVROs three (3) meters or less in diameter, short-wave radio dispatching antennas, or those necessary for the operation of electronic equipment including radio receivers, ham radio transmitters and television receivers as regulated by §1007.054 of this Ordinance.

(g) Recreational vehicles and equipment per §1007.043 (16) of this Ordinance.

(h) Signs as regulated by the city sign ordinance, Ord. No. 12-97, as amended, of the City Code.

(i) Swimming pools, tennis courts and other recreational facilities which are operated for the enjoyment and convenience of the residents of the principal use and their guests, as regulated by §1007.043 (4) of this Ordinance.

(9) *Conditional Uses.* The following are conditional uses in the R-BR District:

(a) Bicycle racing arenas, provided that:

1. The facility is provided adequate private on-site sewer and water facilities of sufficient size to accommodate the occupancy capacity of the arena.

2. Side yard setbacks shall not be less than fifty (50) feet.

3. Adequate screening from abutting residential uses and landscaping is provided in compliance with §1007.043 (17) of this Ordinance.

4. Adequate off-street parking and access is provided on the site or on lots directly abutting or directly across a public street or alley to the principal use in compliance with §1007.044 of this Ordinance and that such parking is adequately screened and landscaped from surrounding and abutting residential uses in compliance with §1007.043 (17) of this Ordinance.

5. Adequate off-street loading and service entrances are provided and regulated where applicable by §1007.045 of this Ordinance.

(b) Cemeteries provided that:

1. At minimum, the site accesses on a “major collector” street.

2. Where abutting a rural or residential zoning district, the periphery of the site shall be screened in accordance with §1007.043 (17) of this Ordinance.

(c) Commercial and Public Radio and Television Transmitting Antennas, and Public Utility Microwave Antennas greater than forty-five (45) feet in height and less than two hundred (200) feet in height as regulated by §1007.054 of this Ordinance.

(d) Commercial Kennels and similar uses provided that:

1. The applicable provisions of Chapter 503 are determined to be satisfied.

2. Property shall be a minimum of 5 acres in size.

3. Cages, enclosures, and housing facilities shall be a minimum of 100 feet from any property line.

(Ord. No. 10-18, passed 7-23-2018)

(e) Veterinary Hospitals provided that:

1. Property shall be in conformance with minimum lot size requirements of this zoning district.

2. All areas in which animals are confined are located indoors and are properly soundproofed from adjacent properties.

3. Animal carcasses are properly disposed of in a manner not utilizing on-site garbage facilities or incineration and the carcasses are properly refrigerated during periods prior to disposal.

4. An animal kennel is permitted as an accessory use to the veterinary hospital provided that:

a. The number of animals boarded shall not exceed forty (40).

b. An enclosed indoor or exterior exercise area shall be provided to accommodate the periodic exercising of animals boarded at the kennel.

c. 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 and 75 degrees Fahrenheit.

d. 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.

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

f. 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.

g. A commercial kennel license is obtained from the City.

5. The applicable provisions of Chapter 503 are determined to be satisfied.

6. All State Health Department and Minnesota Pollution Control Agency requirements for such facilities are met.

(f) Day care facilities (exceeding fourteen (14) persons) provided that:

1. Such day care facility has access to adequate private sewer and water to protect the health and safety of all persons who occupy the facility.

2. Screening is provided along shared property boundaries. Such required fencing and screening shall comply with the applicable provisions of §1007.043 (17) of this Ordinance.

3. All day care facility operations comply with the minimum requirements of the Minnesota Department of Health and Human Services regulations, as may be amended.

(g) Public, Educational and Religious Buildings. Public or semi-public recreational buildings and neighborhood or community centers; public and private educational institutions limited to elementary, junior high and senior high schools; and religious institutions such as churches, chapels, temples, mosques and synagogues provided that:

1. Side yard setbacks shall not be less than fifty (50) feet.

2. Adequate screening from abutting residential uses and landscaping is provided in compliance with §1007.043 (17) of this Ordinance.

3. Adequate off-street parking and access is provided on the site or on lots directly abutting or directly across a public street or alley to the principal use in compliance with §1007.04 of this Ordinance and that such parking is adequately screened and landscaped from surrounding and abutting residential uses in compliance with §1007.043 (17) of this Ordinance.

(h) Home Occupation Level C as regulated by §1007.047 of this Ordinance.

(i) Commercial Stables as regulated by §1007.058 of this Ordinance.

(Ord. No. 10-18, passed 7-23-2018)

(10) *Uses by Administrative Permit.* Subject to applicable provisions of this Ordinance, the following uses are allowed by administrative permit, as may be approved by the Zoning Administrator:

(a) Personal wireless service antennas as secondary uses as regulated by §1007.054 of this Ordinance.

(b) Home Occupation Level B as regulated by §1007.047 of this Ordinance.

(c) Open Air Market accessory to an institutional use and limited in area to 25% of the gross floor area of the principal building.

(d) Transient Merchants.

(11) *Interim Uses.* Subject to applicable provisions of this Ordinance, the following are interim uses in the R-BR District and are governed by §1007.017 of this Ordinance:

(a) Temporary Batch Plants.

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§ 1007.132 PUD, PLANNED UNIT DEVELOPMENT DISTRICT.

(1) *Purpose.* The purpose of the PUD, Planned Unit Development District is to provide for the integration and coordination of land parcels, as well as the combination or mixture of varying types of residential, commercial, and/or industrial land uses.

(2) *Application.* All permitted, permitted accessory or conditional uses contained in all zoning districts identified in §1007.080 through §1007.132 of this Ordinance shall be directed as potentially permitted uses within the PUD District.

(3) *Procedure.* Whether requested as a rezoning or initially established by City action alone, a PUD, Planned Unit Development District shall be established and governed subject to the amendment and procedure requirements as outlined in §1007.015 of this Ordinance, plus the procedures, conditions, and standards imposed by §1007.024 of this Ordinance.

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