



REQUEST FOR COUNCIL ACTION

AGENDA DATE: September 13, 2021

AGENDA ITEM: Conduct a Public Hearing to consider the adoption of an Ordinance amending and updating multiple sections of Article VI Zoning within Chapter 30 Land Development Regulations.

PREPARED BY: Eric Trast, Community Development Department

BACKGROUND:

Over the past year, staff had accumulated a short list of sections within Article VI (Zoning) of Chapter 30 (Land Development) of the Municipal Code. The identified items, proposed for review, generally fell into a category of new language or text being added, or the updating or modernization of the text due to inconsistencies, duplication, need of further clarification, or the section/language simply being outdated.

On May 6, 2021 the Planning Commission formally initiated this review process, and formed a subcommittee of three Commissioners to work with staff on further developing potential amendments to the text of the Zoning Ordinance, which would then be presented to the full Planning Commission for review and recommendation to the City Council.

Generally, the Planning Commission initiated amendments pertained to the following areas/sections of the Zoning Ordinance:

- Sec. 30-596. Parking lot design and maintenance standards. – pertaining to private driveway and street intersection separation requirements.
- Section 30-512. Table of permitted uses. – consider adding Salon/Barbershop use to permitted use table under “Retail” subheading.
- Section 30-482. Zoning districts map. – change designated office where official zoning map is kept.
- Section 30-628. Minimum number. - Review off-street parking requirements for Car Washes and the footnote establishing stacking spaces for the wash bays.

- Consider the addition and establishment of a “Small Scale Agricultural” or “Grower Stand” use within the Rural Residential zoning district areas of town, as recommended by the 2020 Comprehensive Plan.

The Planning Commission Subcommittee met with staff July 19th to review the Sections of the Ordinance proposed for amendment, as well as have further discussion on the salon/barbershop use, parking requirements for car washes, and the development of the “Small Scale Agricultural” or “Grower Stand” use within the Rural Residential zoning district.

The draft amendments to the Zoning Ordinance are summarized below, within the identified sections (and are attached individually as Exhibits (deleted language ~~red~~ / new text blue), and also include several Comprehensive Plan references related to the subject amendment):

Sec. 30-596. *Parking lot design and maintenance standards* – (EXHIBIT “1”)

This Section establishes standards to promote the safe and efficient storage, circulation and channelization of motor vehicles development on-site.

- ***Subpart b(2) – current language.***
#2 No closer than 25 feet to the nearest point of any street/alley intersection. (This measurement refers to distance between a private driveway entrance and the nearest street intersection).
- ***Proposed Amendment:*** #2 No closer than 50 feet to the curb return of any street/alley intersection.
*Amend to 50 feet and define where measurement is taken from per City Engineers recommendation and for consistency with MnDot guidelines

Section 30-512 Table-1. *Table of permitted uses.* – (EXHIBIT “2”)

Pertaining to salon(beauty)/barber shop uses. Section is a list of uses permitted by right (permitted uses), uses permitted with restrictions, and conditional uses, within the various zoning districts.

The proposed amendment would create consistency with Section 30-628, which establishes off-street parking requirements that are unique to this use. Currently, without a separately listed use in 30-512 Table-1, the salon(beauty)/barber shop use has thus far been classified as “general retail sales & services use”, which is permitted by right within the Central Business District and the General Business zoning districts, and permitted within the Limited Business and Airport zoning districts with certain restrictions.

Proposed Amendments:

- Add Salon/Barbershop use to permitted use table Section 30-512 Table -1 under “Retail” subheading.
- “Salon” replaces word “Beauty” (as was listed in Sect. 30-628 off-street parking minimum numbers), modernization of the use description.
- Add Salon/Barbershop as a use permitted by right (P) within the CBD (Central Business District) and GB (General Business).

- Add Salon/Barbershop as a use permitted by right (P) within the *Business Park zoning district. (*The Salon/Barbershop use within the Business Park zoning district would be a new zoning district to allow this type of use. Discussion with the Planning Commission was related to if this use is complementary to the purpose of the Business Park zoning district.)
- Add Salon/Barbershop as a use permitted with restrictions (R) within the Limited Business zoning district: restriction - maximum size of structure shall be limited to 3,000 square feet gross floor area (this is consistent with building size requirements in the LB zoning district)

Section 30-482. Zoning districts map – (EXHIBIT “3”)

- **Current Language:** *The location and boundaries of the districts established in section 30-481 are shown upon the official zoning map, together with all notations, references and other information shown thereon, and all amendments thereto, shall be as much a part of this division as if fully set forth and described in this section. The zoning map shall be kept on file in the office of the city administrator.*
- **Proposed Amendment:** Zoning map has historically been kept on file or displayed in the office of the “Zoning Administrator”.

Section 30-628. Minimum number. – (EXHIBIT “4”)

Pertaining to car wash parking/stacking requirements. Section establishes a minimum numbers of off-street parking spaces to be provided and maintained for various identified uses.

Business Uses: - current requirements

- # 7 Car washes (principal use) - 3 plus (see footnote 4)
#8 Car washes (accessory) - 4 stacking spaces per bay
- ⁴ a) 4 stacking spaces per manual self-serve bay; b) 12 stacking spaces per automatic bay; and c) 1 per 140 square feet gross floor area of retail space.
- **Proposed Amendment:** Require 6 Stacking Spaces for both listed types of automatic car washes.

Consider the addition of, and establishment of a “Small Scale Agricultural” or “Farm Stand” use within the Rural Residential zoning district areas of town, as recommended by the 2020 Comprehensive Plan. – (EXHIBIT “5”)

Proposed Amendments:

- Add definition of a “Grower Stand” to Section 30-411 *Definitions: Grower stand, means an area accessory to an on-site agricultural operation that is used to sell farm products produced on-site where the total sales area does not exceed 1,500 square feet.*

- Add “Grower Stand” use to permitted use to Section 30-512 Table -1 under “Agricultural Sales & Service” subheading.
- Add Grower Stand as a use permitted with restrictions (R) within the Agricultural and Shoreland/Rural Residential zoning districts within Section 30-512 Table -1 (restrictions below):
 - A grower stand is allowed only if it is accessory to an on-site agricultural operation where farm products and value-added farm products are produced.
 - The total sales area of a grower stand shall not exceed 1,500 square feet.
 - A grower stand shall comply with the height and setback requirements that apply in the zone in which the property is located.
 - No more than 15% of the grower stands sales shall come from off-site agricultural products or value-added farm products.
 - Adequate on-site parking for consumers and employees shall be provided. If a grower stand consists of a structure, one off-street parking space shall be provided for each 300 square feet of structural floor area, with a minimum of two parking spaces.
 - One sign shall be permitted during the operation of the growers stand, with a maximum size of 16 square feet (four feet by four feet). Such sign may contain up to two sides, and shall not encroach on the public right-of-way.
- Add definition of “value added farm product” to Section 30-411 Definitions: *Value-added farm product, means a farm product that has been changed from its natural state to an item in a different form through canning, drying, freezing, preserving, fermenting, compounding, processing, packing, or a similar alteration, so as to increase the value of the farm product.*

At their meeting on September 2, 2021, the Planning Commission reviewed the amendments and forwarded a favorable recommendation to the City Council regarding the draft text amendment. The proposed amendments shown as Exhibits 1-5 attached to this RCA, and are incorporated into the draft Ordinance being considered following the public hearing, which also includes the Planning Commission’s findings of fact.

REQUESTED COUNCIL ACTION:

Make a motion to Conduct a Public Hearing to consider the adoption of an Ordinance amending and updating multiple sections of Article VI Zoning within Chapter 30 Land Development Regulations.