

CHAPTER 8**LAND AND BUILDING REGULATIONS****835 - ZONING – RURAL COMMERCIAL HOLDING DISTRICT**

Section 835.01. Purpose -The purpose of this district is to provide a zoning district which is consistent with the area guided for commercial reserve in the city’s comprehensive plan. The rural commercial holding zone includes areas of the community lying outside of the area in which urban services are currently available to commercial uses but which will be added to the urban service area in the future. Development within the rural commercial holding district shall be limited in scale until municipal utility services are available and shall be designed in a way to efficiently accommodate additional development in the future and also designed to protect and enhance the natural environment.

Section 835.02. Permitted Uses. Within the Rural Commercial Holding District the following uses shall be permitted, subject to site plan approval, the sanitary sewer usage limitations set forth herein, and other applicable provisions of the city code:

- (1) Permitted uses of the Commercial-Highway zoning district, as described in Section 838.1.02 of the city code, except the following shall not be permitted uses:
 - (a) Car washes or auto detailing
 - (b) Day care facilities
 - (c) Hospitals and inpatient services
 - (d) Hotels/Motels
 - (e) On-sale liquor establishments
 - (f) Restaurants
 - (g) Sports, health, and physical fitness clubs
- (2) Agricultural Uses. The animal unit density standards as described in Subd. 8 of Section 826.25 shall apply to the production of livestock and the keeping of animals.
- (3) Contractor services typically delivered off-site such as, building contractors, lawn care, electrical, plumbing, locksmiths, and extermination or pest control.

Section 835.03. Conditional Uses. The following shall be permitted within the RCH district, subject to conditional use permit approval, the specific requirements established in Section 838.5.08, the sanitary sewer usage limitations set forth herein, and other applicable provisions of the city code:

- (1) Conditional uses of the Commercial-Highway zoning district, as described in Section 838.1.03 of the city code, except the following shall not be allowed conditional uses:
 - (a) Car washes or auto detailing
 - (b) Day care facilities
 - (c) Hospitals and inpatient services

- (d) Hotels/Motels
 - (e) On-sale liquor establishments
 - (f) Restaurants
 - (g) Sports, health, and physical fitness clubs
- (2) Outdoor recreational facilities such as golf courses, driving ranges, etc.

Section 835.04. Accessory Uses. The following accessory uses shall be permitted within the RCH district, subject to applicable provisions of the city code and provided such use is subordinate to and associated with a permitted or conditional use:

- (1) Accessory Uses of the Commercial-Highway zoning district, as described in Section 838.1.04 of the city code, except the following shall not be an allowed accessory use:
- (a) Outdoor dining and/or drinking areas

Section 835.05. Interim Uses. Within the RCH district, the following interim uses, if existing prior to the effective date of this ordinance, shall be allowed without obtaining an interim use permit until such time as the property is redeveloped. If an interim use is damaged or destroyed by fire, storm, or other hazard, it may be reconstructed without obtaining an interim use permit, if a building permit is applied for within 180 days of the event causing the damage. Expansion of the use or improvement of the property in an amount greater than 50 percent of its current value shall be permitted only by interim use permit.

- (1) Single Family Detached Dwellings

Section 835.06. Lot, Setbacks, Building Size Requirements and Sanitary Sewer Usage Rate.

The following minimum requirements shall be observed, subject to additional requirements, exceptions and modifications set forth in other sections of this ordinance.

Subd. 1. Lot of Record: A lot of record, which existed on or before December 31, 1999 and has one or more of the following shall be considered buildable without requiring a variance provided all other provisions of the ordinance are met.

- (a) less than the required lot size, but more than 1 acre
- (b) less than the required lot width
- (c) less than the required lot depth

Subd. 2 Minimum Lot Area: 20 acres. Additionally, each lot must contain 5 acres of contiguous soils suitable for a standard individual on-site sewage disposal system as defined in section 820.29 subd. 4(a) and subd. 5 in compliance with section 720 Individual Sewage Treatment Systems.

Subd. 3. Minimum Lot Width: 200 feet.

Subd. 4. Minimum Lot Depth: 200 feet.

Subd. 5. Minimum Front Yard Setback: 50 feet.

Subd. 6. Minimum Side Yard Setback: 20 feet. If the lot is part of an integrated development, the interior side yard setback may be reduced to 15 feet in order to accommodate shared use of loading dock circulation, fire lanes or other site improvements, or to configure buildings in a way to screen loading docks.

Subd. 7. Minimum Rear Yard Setback: 30 feet.

Subd. 8. Corner Lots: Corner Lots shall have a front yard setback adjacent to all abutting streets.

Subd. 9. Commercial Setback from Residential: 100 feet, except as described in (b) below.

- (a) A required yard setback adjacent to or across a street from a residential zoning district shall be increased to 100 feet and a landscape buffer which is 50 percent opaque shall be required within the setback.
- (b) This required yard setback may be reduced to 75 feet if a landscape buffer which is 70 percent opaque is planted within the setback.

Subd. 10. Commercial to Commercial Parking Lot Setback:

- (a) Front Yard: Parking is allowed to encroach into the front yard setback except for the 25 feet adjacent to the front lot line.
- (b) Side and Rear Yards: Parking is allowed to encroach into the side and rear yard setbacks except for the first 20 feet adjacent to the lot line.
- (c) To accommodate shared or joint use of a parking lot which straddles a common lot line between adjoining properties, the owners of such lots may submit a parking plan to construct a shared parking area. In such instance, the adjoining yard setback requirements may be waived if the parking lot otherwise meets the requirements of the ordinance.

Subd. 11. Commercial to Residential Parking Lot Setback: 75 feet, except as follows:

- (1) This required yard setback may be reduced to 50 feet if a landscape buffer which is 70 percent opaque is planted within the setback.
- (2) Fire lanes which are not utilized for traffic circulation on the parcel may encroach within this yard setback.

Subd. 12. Limitations on Setbacks: No required front yard, side yard, rear yard and wetland setback or other required setbacks shall be used for building, or other use. No impervious surface shall be located in any required setback except for approved driveways, parking lot, walks, and trails approved by the City. When setback provisions overlap, the most restrictive provision of both setbacks applies.

Subd. 13. Building Height: No building shall exceed 2 ½ stories or 30 feet in height.

Subd. 14. Sanitary Sewer Usage Rate: No use may exceed a sanitary sewer usage rate of 100 gallons per day per net acre of land. For purposes of this subdivision, net acres equals the total area of the lot, minus wetlands and open water. Not more than 50 percent of the soils suitable for a standard on-site sewage disposal system on any site may be disturbed or covered by hard surfaces. For purposes of this subdivision, a hard surface includes any non-natural surface which is impervious to water, including but not limited to buildings and paved or gravel-surfaced drives, walks and parking areas. The City may require such documentation and testing as it deems appropriate in order to ensure compliance with these standards, including requiring the installation and maintenance of a water meter to measure daily maximum use.

Section 835.07. Connection to Municipal Utilities When Available. Property within the Rural Commercial Holding District is intended to eventually be served by municipal urban services. When municipal utility services become available, lots served by an individual on-site sewage disposal system and lots served by a private well shall be required to properly abandon these systems and connect to municipal utility services as described below.

Subd. 1. Single family dwellings and agricultural uses shall be required to connect to the sanitary sewer system if there is failure of the individual on-site sewage disposal system. Upon a change in the use of the property, the new use shall be required to connect to the municipal utility service(s) available.

Subd. 2. Any use not described in Subd. 1 above shall be required to connect to the municipal utility service(s) available when there is a change in the use of the property, a failure of the individual on-site sewage disposal system or within one year of the date municipal sanitary sewer or water service becomes available to the lot, whichever occurs first.

Section 835.08. Design and Development Standards.

Subd. 1. Generally. Design and development standards are established for this district to achieve a high standard of development by providing assurance that land uses, buildings, and functions are compatible within the district, with the guided development to occur within the district when municipal utilities are available, and with adjacent districts. The plans and the proposed use of a property shall conform to the design and development standards prior to approval of any permit. The applicant or owner shall supply data necessary to demonstrate such conformance.

Subd. 2. The design and development standards for the Rural Commercial Holding District are the same as those specified for the commercial districts, as described in Section 838.5 of the City Code, with the exception of standards for exterior building materials which shall be as follows. All exterior building materials shall be durable and meet the following standards:

- (a) A minimum of 20 percent of the building exterior shall be brick, natural stone, stucco (not Exterior Insulation and Finish System or similar product), copper, or glass.
- (b) A maximum of 80 percent of the exterior building materials may be decorative concrete, split face (rock face) decorative block, or decorative pre-cast concrete

panels. For buildings with a floor area of 12,000 square feet or less, a maximum of 80 percent of the exterior building materials may be commercial grade fiber cement lap siding installed per manufacturer's specifications. For buildings with a floor area of greater than 12,000 square feet, a maximum of 20 percent of the exterior building materials may be commercial grade fiber cement lap siding installed per manufacturer's specifications. Concrete and fiber cement materials shall be color impregnated in earth tones (rather than painted) and decorative concrete shall be patterned to create a high quality terrazzo, brick, stucco, or travertine appearance.

- (c) A maximum of 20 percent of the exterior building materials may be wood, metal (excluding copper), or Exterior Insulation and Finish System or similar product, if used as accent materials which are integrated into the overall building design.

Subd. 3. Property within the Rural Commercial Holding District has been identified for more intensive development when municipal utilities are available in the future. As a result, property shall be arranged and sites shall be designed so as to most efficiently accommodate additional future development. The City Council shall have the right to place conditions on any proposed development or deny a request within the RCH to ensure consistency with this requirement.

835.2 - ZONING – RURAL BUSINESS HOLDING DISTRICT

Section 835.2.01. Purpose. The purpose of this district is to provide a zoning district which is consistent with the area guided for business reserve in the city's comprehensive plan. The rural business holding zone includes areas of the community lying outside of the area in which urban services are currently available to business uses but which will be added to the urban service area in the future. Development within the rural commercial holding district shall be limited in scale until municipal utility services are available and shall be designed in a way to efficiently accommodate additional development in the future and also designed to protect and enhance the natural environment.

Section 835.2.02. Permitted Uses. Within the Rural Business Holding District the following uses shall be permitted, subject to site plan approval, the sanitary sewer usage limitations set forth herein, and other applicable provisions of the city code:

- (1) Permitted uses of the Business Park zoning district, as described in Section 832.1.02 of the city code, except the following shall not be permitted uses:
- (a) Day care facilities
 - (b) Educational facilities
 - (c) Hospitals and inpatient services
 - (d) Hotels/Motels
 - (e) Laboratories
 - (f) Nursing homes, assisted living facilities, and similar uses
 - (g) Licensed residential facilities

- (h) Religious institutions, conference halls, lodges, places of assembly, and other similar uses
- (i) Physical fitness clubs
- (2) Agricultural Uses. The animal unit density standards as described in Subd. 8 of Section 826.25 shall apply to the production of livestock and the keeping of animals.

Section 835.2.03. Conditional Uses. The following shall be permitted within the RBH district, subject to conditional use permit approval, the specific requirements established in Section 832.3.09, the sanitary sewer usage limitations set forth herein, and other applicable provisions of the city code:

- (1) Conditional uses of the Business Park zoning district, as described in Section 832.1.03 of the city code, except the following shall not be allowed conditional uses:
 - (a) Day care facilities
 - (b) Educational facilities
 - (c) Hospitals and inpatient services
 - (d) Hotels/Motels
 - (e) Laboratories
 - (f) Nursing homes, assisted living facilities, and similar uses
 - (g) Licensed residential facilities
 - (h) Religious institutions, conference halls, lodges, places of assembly, and other similar uses
 - (i) Physical fitness clubs
- (2) Outdoor recreational facilities such as golf courses, driving ranges, etc.

Section 835.2.04. Accessory Uses. The following accessory uses shall be permitted within the RBH district, subject to applicable provisions of the city code and provided such use is subordinate to and associated with a permitted or conditional use:

- (1) Accessory Uses of the Business Park zoning district, as described in Section 832.1.04 of the city code, except the following shall not be allowed accessory uses:
 - (a) Food service for employees and their guests
 - (b) Residential uses

Section 835.2.05. Interim Uses. Within the RBH district, the following interim uses, if existing prior to the effective date of this ordinance, shall be allowed without obtaining an interim use permit until such time as the property is redeveloped. If an interim use is damaged or destroyed by fire, storm, or other hazard, it may be reconstructed without obtaining an interim use permit, if a building permit is applied for within 180 days of the event causing the damage. Expansion of the use or improvement of the property in an amount greater than 50 percent of its current value shall be permitted only by interim use permit.

(1) Single Family Detached Dwellings

Section 835.2.06. Lot, Setbacks, Building Size Requirements and Sanitary Sewer Usage

Rate. The following minimum requirements shall be observed, subject to additional requirements, exceptions and modifications set forth in other sections of this ordinance.

Subd. 1. Lot of Record: A lot of record, which existed on or before December 31, 1999 and has one or more of the following shall be considered buildable without requiring a variance provided all other provisions of the ordinance are met.

- (a) less than the required lot size, but more than 1 acre
- (b) less than the required lot width
- (c) less than the required lot depth

Subd. 2 Minimum Lot Area: 20 acres. Additionally, each lot must contain 5 acres of contiguous soils suitable for a standard individual on-site sewage disposal system as defined in section 820.29 subd. 4(a) and subd. 5 in compliance with section 720 Individual Sewage Treatment Systems.

Subd. 3. Minimum Lot Width: 200 feet.

Subd. 4. Minimum Lot Depth: 200 feet.

Subd. 5. Minimum Front Yard Setback: 50 feet.

Subd. 6. Minimum Side Yard Setback: 30 feet. If the lot is part of an integrated development, the interior side yard setback may be reduced to 15 feet in order to accommodate shared use of loading dock circulation, fire lanes or other site improvements, or to configure buildings in a way to screen loading docks.

Subd. 7. Minimum Rear Yard Setback: 30 feet.

Subd. 8. Corner Lots: Corner Lots shall have a front yard setback adjacent to all abutting streets.

Subd. 9. Commercial Setback from Residential: 100 feet, except as described in (b) below.

- (a) A required yard setback adjacent to or across a street from a residential zoning district shall be increased to 100 feet and a landscape buffer which is 50 percent opaque shall be required within the setback.
- (b) This required yard setback may be reduced to 75 feet if a landscape buffer which is 70 percent opaque is planted within the setback.

Subd. 10. Commercial to Commercial Parking Lot Setback:

- (a) Front Yard: Parking is allowed to encroach into the front yard setback except for the 35 feet adjacent to the front lot line.
- (b) Side and Rear Yards: Parking is allowed to encroach into the side and rear yard setbacks except for the first 20 feet adjacent to the lot line.
- (c) To accommodate shared or joint use of a parking lot which straddles a common lot line between adjoining properties, the owners of such lots may submit a parking plan to construct a shared parking area. In such instance, the adjoining yard setback requirements may be waived if the parking lot otherwise meets the requirements of the ordinance.

Subd. 11. Commercial to Residential Parking Lot Setback: 75 feet, except as follows:

- (a) This required yard setback may be reduced to 50 feet if a landscape buffer which is 70 percent opaque is planted within the setback.
- (b) Fire lanes which are not utilized for traffic circulation on the parcel may encroach within this yard setback.

Subd. 12. Limitations on Setbacks: No required front yard, side yard, rear yard and wetland setback or other required setbacks shall be used for building, or other use. No impervious surface shall be located in any required setback except for approved driveways, parking lot, walks, and trails approved by the City. When setback provisions overlap, the most restrictive provision of both setbacks applies.

Subd. 13. Building Height: No building shall exceed 2 ½ stories or 30 feet in height.

Subd. 14. Sanitary Sewer Usage Rate: No use may exceed a sanitary sewer usage rate of 100 gallons per day per net acre of land. For purposes of this subdivision, net acres equals the total area of the lot, minus wetlands and open water. Not more than 50 percent of the soils suitable for a standard on-site sewage disposal system on any site may be disturbed or covered by hard surfaces. For purposes of this subdivision, a hard surface includes any non-natural surface which is impervious to water, including but not limited to buildings and paved or gravel-surfaced drives, walks and parking areas. The City may require such documentation and testing as it deems appropriate in order to ensure compliance with these standards, including requiring the installation and maintenance of a water meter to measure daily maximum use.

Section 835.2.07. Connection to Municipal Utilities When Available. Property within the Rural Business Holding District is intended to eventually be served by municipal urban services. When municipal utility services become available, lots served by an individual on-site sewage disposal system and lots served by a private well shall be required to properly abandoned these systems and connect to municipal utility services as described below.

Subd. 1. Single family dwellings and agricultural uses shall be required to connect to the sanitary sewer system if there is failure of the individual on-site sewage disposal system.

Upon a change in the use of the property, the new use shall be required to connect to the municipal utility service(s) available.

Subd. 2. Any use not described in Subd. 1 above shall be required to connect to the municipal utility service(s) available when there is a change in the use of the property, a failure of the individual on-site sewage disposal system or within one year of the date municipal sanitary sewer or water service becomes available to the lot, whichever occurs first.

Section 835.2.08. Design and Development Standards.

Subd. 1. Generally. Design and development standards are established for this district to achieve a high standard of development by providing assurance that land uses, buildings, and functions are compatible within the district, with the guided development to occur within the district when municipal utilities are available, and with adjacent districts. The plans and the proposed use of a property shall conform to the design and development standards prior to approval of any permit. The applicant or owner shall supply data necessary to demonstrate such conformance.

Subd. 2. The design and development standards for the Rural Business Holding District are the same as those specified for the business districts, as described in Section 832.3 of the City Code, with the exception of standards for exterior building materials which shall be as follows. All exterior building materials shall be durable and meet the following standards:

- (a) A minimum of 20 percent of the building exterior shall be brick, natural stone, stucco (not Exterior Insulation and Finish System or similar product), copper, or glass.
- (b) A maximum of 80 percent of the exterior building materials may be decorative concrete, split face (rock face) decorative block, or decorative pre-cast concrete panels. For buildings with a floor area of 12,000 square feet or less, a maximum of 80 percent of the exterior building materials may be commercial grade fiber cement lap siding installed per manufacturer's specifications. For buildings with a floor area of greater than 12,000 square feet, a maximum of 20 percent of the exterior building materials may be commercial grade fiber cement lap siding installed per manufacturer's specifications. Concrete and fiber cement materials shall be color impregnated in earth tones (rather than painted) and decorative concrete shall be patterned to create a high quality terrazzo, brick, stucco, or travertine appearance.
- (c) A maximum of 20 percent of the exterior building materials may be wood, metal (excluding copper), or Exterior Insulation and Finish System or similar product, if used as accent materials which are integrated into the overall building design.

Subd. 3. Property within the Rural Business Holding District has been identified for more intensive development when municipal utilities are available in the future. As a result, property shall be arranged and sites shall be designed so as to most efficiently accommodate additional future development. The City Council shall have the right to place conditions on any proposed development or deny a request within the RBH to ensure consistency with this requirement.

Amendment History of this Section

Adopted June 19, 2001 (Ord. 337).

Amended September 20, 2005 (Ord. 393). Amended Subd. 2 of Section 835.05 regarding soil requirements for minimum lot area.

Amended February 16, 2010 (Ord. 476). Amending the regulations of the RCH zoning district and creating the RBH zoning district.

Amended November 4, 2015 (Ord. 590). Amending 835.08 and 835.2.08 regarding exterior building materials in the rural commercial and business holding districts.