

BAXTER



"A Growing Community"

LONG RANGE PLANNING COMMISSION

August 22, 2016

6:00 p.m.

1. Call to Order
2. Approval of Minutes of July 25, 2016
3. Public Hearing for Dellwood Area Comprehensive Plan Amendment
4. Hunting Map Amendments
5. Adjourn

LONG RANGE PLANNING COMMISSION MEETING
July 25, 2016

The Long Range Planning Commission meeting was called to order at 6:00 p.m. by Chair Donnay.

MEMBERS PRESENT: Chair Kevin Donnay, Commissioners Cathy Clark, Bob Ryan, Mark Cross and Jim Kalkofen

MEMBERS ABSENT: Commissioner Rock Ylimeini, Lori Rubin and Council Liaison Todd Holman

STAFF PRESENT: Community Development (CD) Director Josh Doty and Planner Matthew Gindele

OTHERS: Judy & Mark Zahn, Craig Reikofski, Myron Rohloff and Kris & Rick Olson

Approval of Minutes

Motion by Commissioner Clark, second by Commissioner Ryan to approve the minutes of the June 27, 2016 meetings. Motion carried unanimously.

Dellwood Planning Area

Chair Donnay gave the floor to CD Director Doty who explained the zoning process for the Dellwood area. He gave a presentation of the area, history, existing use, access and previous studies of the annexed property in a PowerPoint presentation. CD Director Doty then reviewed the four land use options staff is proposing for this area:

Land Use Option One

Land Use Option One is a representation of landowner requests that the Long Range Planning Commission heard at the June 26, 2016 neighborhood meeting. Specifically, low density residential was requested on the north and east sides of the planning area. Commercial and Office was also requested in the north-central portion of the planning area.

CD Director Doty indicated the concern with the piece of property on the cul-de-sac going commercial and being the access point for the property to the north that is owned by the same person. Commercial property does not typically access off a cul-de-sac and it should have access from Pearl Drive or Dellwood Drive.

Land Use Option Two

Land Use Option Two includes a representation of the 2008 land use study that was completed. The 2008 Land Use Study included a transition approach to land use, moving from Commercial to Office use, to Low Density Residential. Staff notes that one of the land use recommendations in 2008 was for the land northeast of the north end of Pearl Drive to be either C-1 or Office zoning. Staff notes that a portion of that property was in the City prior to the annexation and is already guided for commercial use and zoned C-2. Therefore, if the City would like to follow the exact land use that was discussed in 2008, the City would need to ultimately rezone the portion of land that is already in the City from C-2 to C-1 or Office Service. Lastly, staff notes that in terms of Land Use, the Long Range Planning Commission should ultimately indicate if the land labeled "O or C1" is intended to be Office or Neighborhood Commercial.

Land Use Option Three

Land Use Option Three includes the same residential low density layout as Option 1. However, Option Three includes Commercial land Use for the property north of Pearl Drive and proposes Office Use for the Property North of Mertens Drive. Staff notes that this is option maintains a transition approach to land use but offers more business district property than is offered in Land Use Option number Two. Staff notes that the Comprehensive Plan amendment process does not officially zone property. That action will come after the Comprehensive Plan Update with a separate public hearing. However, staff notes that for the land guided Office under Option 3, an alternate land use could be C-1, Neighborhood Commercial. Staff notes that if Neighborhood Commercial is the desired land use for this property, that the land should be guided commercial and that the public hearing record should indicate that the anticipated future zoning of the property should be C-1.

CD Director Doty took a moment to explain the land use map verses a zoning map.

Land Use Option Four

Land Use Option Four includes the same Land Use pattern as Option Three, except that the Office area North of Mertens Drive is shown as Low Density Residential. Staff notes that this option is not the desired land use requested by the property owners. However the land use does provide a more consistent line /separation from commercial to residential land use that exists to the northwest and south of the Planning area. Staff notes that Land Use option Four could be supported if there is concern about having too much commercial depth from State Highway 371.

Staff notes that the depth of higher intensity Commercial Land Use from State Highway 371 should be considered together with the property owner's request for commercial. Therefore, staff would support either Land Use Option Three or Four. Staff recommends that the Long Range Planning Commission review the options and then direct staff to publish and send property notices for an official public hearing at the next Long Range Planning Commission meeting on August 22, 2016.

Chair Donnay asked the Commission if there were any questions for staff. Chair Donnay asked about the cul-de-sac and assumed it was platted residential. CD Director Doty stated that since it was just annexed he was not sure that it was platted, however it appeared to be, he would confirm.

Chair Donnay asked anyone that would like to speak regarding this area to please come forward to the podium. No one came forward to speak.

Commissioner Ryan asked about the hunting aspect. CD Director Doty stated that they were going to talk about the hunting map tonight, however it had to be pulled at this time. He stated that figuring out the zoning would determine the hunting regulations for that area. If it is zoned commercial then hunting would not be allowed, if it is zoned residential hunting could possibly be allowed. CD Director Doty stated the hunting map also had a different request for a separate piece of property and the Inglewood Dr. annexation needs to be determined. He stated that the hunting map will be on the next meeting.

Chair Donnay stated that the transportation piece is something to factor in and asked how commercial traffic would get there. CD Director Doty stated that staff doesn't know when Cypress Dr. will be built, it's not in the 5 year CIP plan. He stated if Cypress was to come through in the backside of the annexed land they may be having a different conversation; however, there is not a time frame for the road to be built. CD Director Doty agreed with Chair Donnay that there are some dead spots such as Pearl Drive. He stated that access does play a part in the land use determination.

Commissioner Ryan stated he would like to see the Commission comment on the commercial options presented by staff. CD Director Doty clarified the commercial locations; however, staff did not label C-1 or C-2 for this area. Chair Donnay asked Commissioner Ryan if he was looking for the depth of conversation that they had on the last annexation of Inglewood Dr. Commissioner Ryan indicated that he was looking for more specific information on which uses are allowed in the commercial districts. CD Director Doty stated that he can add the list of allowed, interim, and conditional uses for each district at the public hearing/next meeting. CD Director Doty explained some of the residential differences and well as commercial. Commissioner Kalkofen asked how many acres the office piece directly northwest of Mertens Dr. is in Option Three; CD Director Doty stated it was roughly 3.21 acres.

CD Director Doty asked if the Commission is comfortable with the public hearing at the next meeting or if more conversation is needed regarding the options. He stated it would be ideal if staff, the Commission and the neighborhood could come to a conclusion. Commissioner Kalkofen asked for staff to indicate which parcels within the planning area currently have businesses on them and what those businesses are for the next meeting.

CD Director Doty stated that notices of the Public Hearing will be sent to properties within 500 feet of the properties affected by the annexation.

Rick Olson (7889 Whispering Woods Lane) asked if rural is the most country setting verses low density. His son would like to build a modest single family home with a well and septic. CD Director Doty stated that rural is a 5 acre minimum lot and R-1 is only if you have city water and sewer. He stated that Mr. Olson has a few lots, therefore there is a possibility of building a home on a separate lot with well and septic. CD Director Doty stated he would like to research the lots to make sure they are deeded separate lots to make sure it could be built on.

Other Business

The next meeting is scheduled for August 22, 2016 at 6:00 p.m.

Adjournment

Motion by Commissioner Kalkofen, second by Commissioner Cross to adjourn the meeting at 6:50 p.m.

Approved By:

Submitted By:

Chair Kevin Donnay

Shanna Newman
CD Administrative Assistant

BAXTER



"A Growing Community"

TO: Baxter Long Range Planning Commission
FROM: Joshua Doty, Community Development Director
DATE: August 22, 2016 Long Range Planning Commission Meeting
SUBJECT: Dellwood Drive Area Comprehensive Plan Amendment

Background and Request

The City of Baxter is requesting amendments to the City's Comprehensive Plan to establish the City's future plan for the recently annexed land located east of Dellwood Drive, East/Northeast of Whispering Woods Lane and Northeast of Woida Road. Specifically, the city is proposing to establish future land use designations for the subject properties and other related amendments to maps and text within the Comprehensive Plan document.

Neighborhood Meeting

On June 27, 2016, the City of Baxter held a neighborhood meeting regarding the Dellwood Drive Planning Area. The neighborhood meeting was intended to receive feedback from the affected property owners in the affected area. Staff has gathered the information heard at the meeting and has provided land use option one (described later in this report) that summarizes land owner requests. Staff has also produced other land use options for consideration. Staff requests that the Long Range Planning Commission review the options and then direct staff to hold an official public hearing at a following Long Range Planning Commission meeting.

Annexation Background

In March, 2016, the City of Baxter and Crow Wing County agreed to an orderly annexation of land into the City of Baxter. The annexed property includes land east of Highway 371 along Dellwood Drive from Novotny Road to Wise Rd (CSAH 49). The annexation was related to the future reconstruction and maintenance of Dellwood Drive. Specifically, a portion of Dellwood Drive that extends North beyond Baxter City Limits through unorganized territory is currently built to a 5-ton design during springtime road restrictions and is in rough shape. The Crow Wing County Highway Department planned to reconstruct the road in 2016 and was awarded a grant for 75% of the cost that was part of a joint application with the cities of Baxter and Brainerd. Since the road currently functions more as a collector City roadway than a township road, the County indicated that it would like to turn the road over to the City for regular maintenance after it is reconstructed. The City agreed to take over the responsibility for this new roadway together with an annexation of land along Dellwood to recover some of the maintenance costs. It was decided that additional lands existing in a pocket of unorganized territory surrounded by the

municipal boundaries of Baxter and Brainerd should also be annexed to provide a tax base for the improvement of Mertens Drive and Whispering Woods Lane.

Since the annexation occurred after the City updated the Comprehensive Plan, the City has not planned for this area within the Comprehensive Plan. The City zoning ordinance states the following related to annexed lands:

Annexations: Areas annexed to the city shall be placed in the zoning district closest to the definition of their existing zoning, pending study of the area by the long range planning commission. The long range planning commission shall recommend the proper zoning classification to the city council within twelve (12) months of the date of annexation of such area. (Ord. 2006-21, 8-1-2006)

Planning Area Site Background

- Existing Conditions and Land Use

The subject property annexed into the City of Baxter is approximately 138 acres. The property includes approximately 21 lots of record. The land includes 13 single family homes and one business. A large portion of the acreage includes vacant privately owned wooded property; there is also one publicly owned parcel of vacant wooded property owned by Crow Wing County. A small section of the Paul Bunyan Trail also runs through the east side of the site from north to south.



- Wetland Areas

The wetland inventory pictured to the right indicates that there are seven separate wetland basins spread throughout the site totaling approximately 24 acres within the annexed area. The largest basin is located in the southwest portion of the site with approximately 9.5 acres lying within the annexed area and functions as a storm water treatment pond.

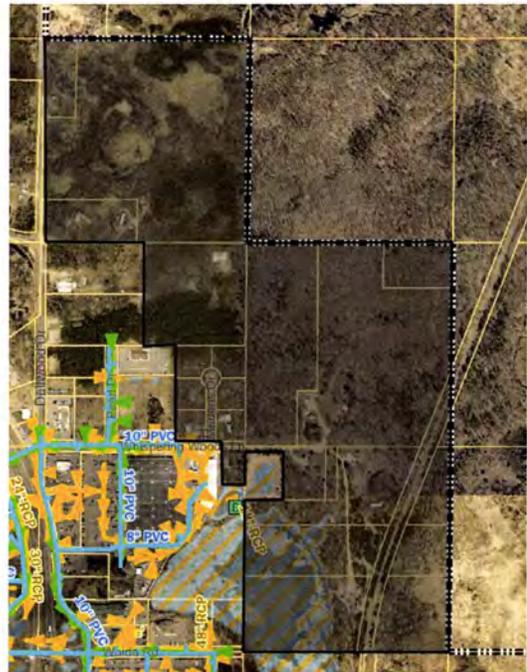


- Topography

The topography across the site is varied with moderately rolling hills on the north and west portions of the site gradually shifting to more prominent hills as on the south and east portions. Although there is 46 feet of elevation change found within the site area, the land in the central northeast corner of the site has the highest elevation and most significant elevation change including approximately 38 feet of slope.

- Utilities

One of the key areas of discussion as it relates to future land use designations and zoning of the subject property relates to utilities. The reconstruction of Dellwood Drive North of Novotny Road does not include utilities. However, the City did complete a project this year to provide utilities along Dellwood Drive South of Novotny Road. The land Northeast of Dellwood and Novotny Road can be serviced from this intersection. The annexed land to the south can be serviced from Whispering Woods Lane. A lift station would be needed East of Whispering Woods Lane to provide sanitary sewer service.

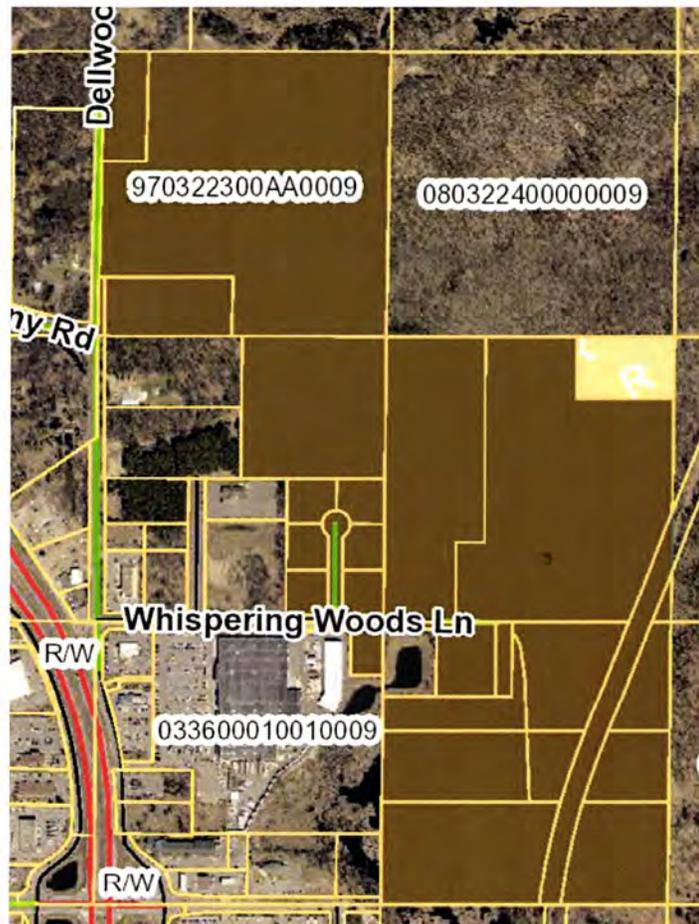


Municipal sanitary sewer and water services are generally available to serve the 138 acre site area. It should be noted that the City's present commercial and urban residential districts requires City water and sewer service to allow development. The City should consider public service requirements when applying zoning to the subject properties.

- Previous County Zoning

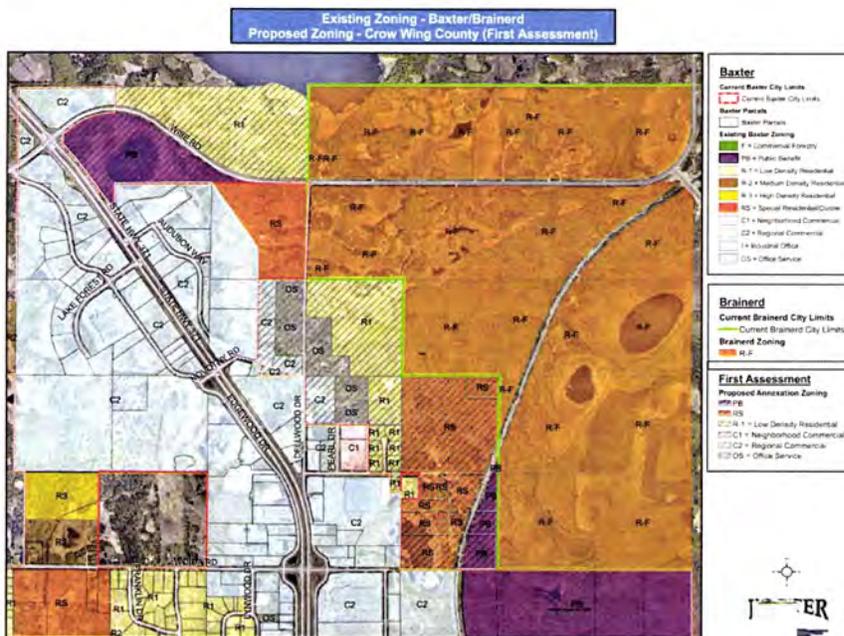
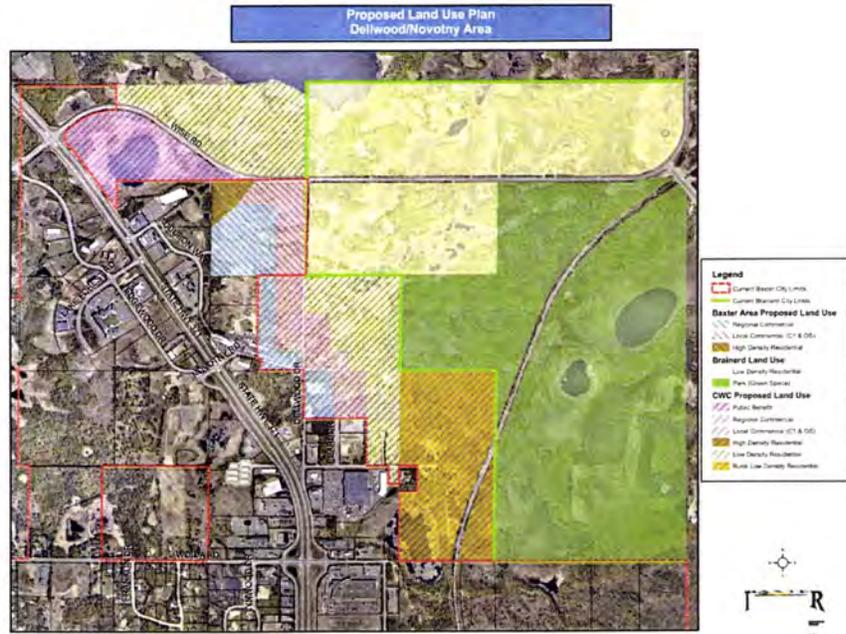
The previous County zoning of the property included two districts, the Rural Residential 1 district allowing 1 acre lots and the Public Lands zone. The Rural Residential zone was applied to all of the lots except for the public property located at the central northeast corner of the site.

- Public Lands
- Agricultural/Forestry District
- Airport District
- Commercial District 1
- Commercial District 2
- Commercial/Heavy Industrial District
- Commercial/Light Industrial District
- Rural Residential - 20
- Rural Residential - 10
- Rural Residential - 5
- Rural Residential - 2.5
- Rural Residential - 1
- Sensitive Shoreland District
- Shoreland District
- Urban Growth District
- Waterfront Commercial



- Previous Land Use Study

In 2008 a land use study was completed for this area to determine what the future land use and zoning possibly could be when it is annexed. The results of that study suggest a tiered land use approach extending out from Highway 371 with a regional commercial land use designation on the west side of the annexed area, local commercial/office toward the center and low density residential on the east side; the plan also shows rural low density residential in the farthest southeast portion of the site.



The proposed zoning follows the same tiered pattern with the applicable zoning districts matching up with the proposed land use. C-2 Regional Commercial is proposed on the west side closest to 371, OS Office Service toward the center, and R-1 Residential on the east side. The farthest southeast portion of the site shows primarily Special Residential with the small portion lying east of the Paul Bunyan Trail adjacent to the Arboretum shown as Public Benefit.

Land Use Options

A comprehensive plan is a long-range vision and guide for the entire community. The future land use plan for the Dellwood Planning Area should work together with the City's recently approved Comprehensive Plan. When considering future land use the City should consider the following:

- Public comments
- Land use surrounding the Planning Area
- Existing conditions of the land
- Availability of utilities
- Transportation System
- Existing development pattern
- Past land use studies/designations, such as the previous County zoning, the 2008 Land Use Study, and the City's Comprehensive Plan.

Below are four land use options and a description of the land uses.

Land Use Option One

Land Use Option One is a representation of land owner requests that the Long Range Planning Commission heard at the June 26, 2016 Neighborhood Meeting and based on a follow-up meeting that staff held with Mr. Reikofski and Mr. and Mrs. Zahn. Specifically, low density residential was requested on the North and East sides of the planning area. Commercial was requested for the south portion of Mr. Reikofski's property and Commercial was requested for the Zahn property in the North-central portion of the planning area.



Staff notes that a previous version of Option One included Office on the East side of the Reikofski property. Mr. Reikofski would prefer Commercial land use over Office but would not want to see residential land use. In addition, staff notes that the property owners southeast and northeast of Whispering Woods Lane have requested a residential zone that does not offer City services.

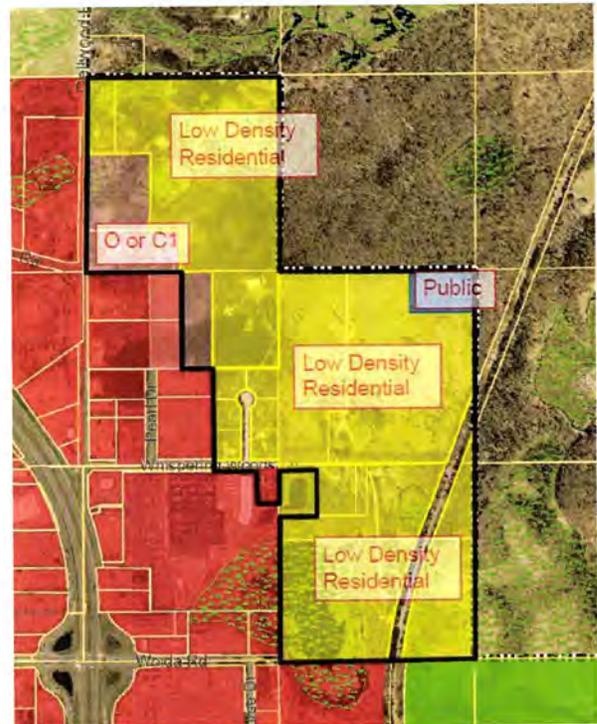


Staff notes that the property owner of the red bubbled property (noted to the left) had requested commercial land use for their properties. Staff notes that the property owns the one (bubbled) lot on the Mertens Drive cul-de-sac and the larger lot to the North identified with commercial land use. Staff points out this cul-de-sac property for specific discussion by the Long Range Planning Commission. Staff notes that although Commercial was requested for their properties, it is not customary to have one smaller commercial property on a cul-de-sac street with residential homes. Therefore, staff would support a residential land use for the smaller lot but would not support Commercial for the smaller lot. In addition, if Commercial land use is planned for their larger lot to the North, then access to serve this larger property should come from Pearl Drive or Dellwood Drive. Staff met with the recently with the Zahn's and they support residential land use for their property off Mertens Drive and agree that if they are allowed commercial land use for their larger property to

the North, that access to their larger property would not come from the Merten's Drive cul-de-sac lot.

Land Use Option Two

Land Use Option Two includes a representation of the 2008 land use study that was completed. The 2008 Land Use Study included a transition approach to land use, moving from commercial, to C-1 or Office use, to Low Density Residential. Staff notes that one of the land use recommendations in 2008 was for the land Northeast of the North end of Pearl Drive to be either C-1 or Office. Staff notes that a portion of that property was in the City prior to the annexation and is already guided for commercial use and zoned C-2. Therefore, if the City would like to follow the exact land use that was discussed in 2008, the City would need to ultimately rezone the portion of land that is already in the City from C-2 to C-1 or Office Service. Lastly, staff notes that in terms of Land Use, the Long Range Planning Commission should ultimately indicate if the land labeled "O or C1" is intended to be Office or Neighborhood Commercial.



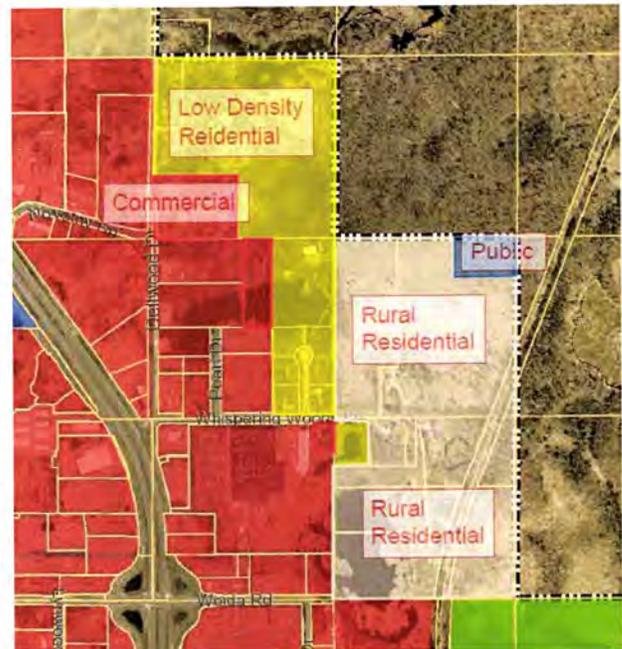
Land Use Option Three

Land Use Option Three includes the same residential low density layout as Option 1. However, Option Three includes Commercial land Use for the property north of Pearl Drive and proposes Office Use for the Property North of Mertens Drive. Staff notes that this is option maintains a transition approach to land use but offers more business district property than is offered in Land Use Option number Two. Staff notes that the Comprehensive Plan amendment process does not officially zone property. That action will come after the Comprehensive Plan Update with a separate public hearing. However, staff notes that for the land guided Office under Option 3, an alternate land use could be C-1, Neighborhood Commercial. Staff notes that if Neighborhood Commercial is the desired land use for this property, that the land should be guided commercial and that the public hearing record should indicate that the anticipated future zoning of the property should be C-1.



Land Use Option Four

Land Use Option Four includes the same Commercial Land Use pattern as Option Three. In this option, the Office area North of Mertens Drive is shown as Low Density Residential. Staff notes that this option is not the desired land use requested by the property owners. However the land use does provide a more consistent line /separation from commercial to residential land use that exists to Northwest and South of the Planning area. Staff notes that Land Use option Four is could be supported if there is concern about having too much commercial depth from State Highway 371. Staff notes that Land Use Option four incorporates the property owner wishes for Rural Residential land use to the Northeast and Southeast of Whispering Woods Lane.



Land Use Descriptions

Listed below are the land use designations from the City’s comprehensive plan that have been discussed as potential land use options for the subject properties.

LAND USE CATEGORY		ZONING DISTRICT COMPARISON
Commercial	Local and regional shopping needs for general commercial and highway-oriented businesses such as fast food restaurants, convenience stores, gas stations, big box retail, hotels, and other auto-oriented businesses.	C-1, Neighborhood Commercial and C-2 Regional Commercial
Office Service	Variety of professional office development with compatible service based retail users.	OS, Office Service
Public/Semi-Public/Institutional	Primarily intended to provide religious, governmental, education and other institutional facilities.	PU, Public Use
Rural Residential	Large-lot rural residential in areas that will not be served with municipal sewer and water.	RS-Special Residential
Low Density Residential	Single-family detached (and two-family unit by PUD) residential development at a maximum density of 3 units/acre.	R-1, Low Density residential district

Related Comprehensive Plan Amendments

In addition to planning for land use, staff notes that other Comprehensive Plan Amendments are also needed related to the Planning Area. Staff notes that planning for this new land area also requires that the City re-evaluate other sections of the Comprehensive Plan. Specifically, the City finds that revisions are needed to the City’s Functional Classification and Long Range Transportation Plan, Water Plan, and Sanitary Sewer Plan. Staff finds that there are no new roads or Functional Classification changes that are required with the Future Transportation

Plan. However, the map has been updated to show the new Baxter land area within the City's boundary. Staff finds that changes were needed with the water and sanitary sewer plans. WSN (the author of the original plans) has revised the plans for this area of the City to show how services could be provided in the future for water and sewer services. The three draft plans are attached for your review.

Findings and Conclusions

Staff recognizes that there are many land use options and combinations that could be established for the planning area. Staff also recognizes that public comments need to be part of the process before the City establishes future land use for this area of the City. The land uses that are ultimately selected for the planning area should consider not only land owner wishes but also the existing development pattern of the area and the existing conditions of the planning area and surrounding property.

Staff notes that the depth of higher intensity Commercial Land Use from State Highway 371 should be considered together with the property owner's request for commercial.

Staff finds that the R-1 or RS zones could be considered consistent with low density residential guiding. However, if the City is agreeable to a rural use, then the City should identify the land use as rural, which directs this land more specifically toward future rural zoning.

Recommendation

Staff recommends approval of the attached resolution approving Comprehensive Plan Amendments for the Dellwood Planning Area including Option Four for Future Land Use, revisions to the Future Land Use table, revisions to the Functional Classification and Future Transportation Plan, revisions to the Water Plan and revisions to the Sanitary Sewer Plan.

Attachments

1. Resolution Approving Comprehensive Plan Amendment
2. Draft Functional Classification and Future Transportation Plan
3. Draft Water Plan
4. Draft Sanitary Sewer Plan
5. C-1, C-2 and O Zoning Districts

**CITY OF BAXTER, MINNESOTA
RESOLUTION 16-_____**

**A RESOLUTION APPROVING A COMPREHENSIVE PLAN AMENDMENT TO ESTABLISH
FUTURE LAND USE FOR PROPERTIES RECENTLY ANNEXED INTO THE CITY OF
BAXTER LOCATED EAST OF DELLWOOD DRIVE, EAST/NORTHEAST OF WHISPERING
WOODS LANE AND NORTHEAST OF WOIDA ROAD AND TO ALLOW OTHER RELATED
COMPREHNSIVE PLAN AMENDMENTS**

WHEREAS, The City of Baxter has requested Comprehensive Plan Amendments to plan for newly annexed land into the city; and

WHEREAS, the properties that are specifically affected by the amendments are more specifically described as follows:

030322300B0009	030322300AA0009	030322300C00009
030323200AB0009	030323100BA0009	030323100B00889
030323100A00009	030323400AC0009	03032400AD0009
030323400E00009	030323400F00009	030323400AE0009
030323400D00009	034290010010009	034290010020009
034290010030009	034290010040009	034290010050009
034290010060009	030323300AC0009	

WHEREAS, the Long Range Planning Commission has reviewed the proposed Comprehensive Plan Amendments at a duly called public hearing on August 22, 2016 and recommends approval;

WHEREAS, the City Council considered the Long Range Planning Commission recommendation at their September 6, 2016 meeting;

NOW, THEREFORE, BE IT HEREBY RESOLVED BY THE CITY COUNCIL OF THE CITY OF BAXTER, MINNESOTA, that it should and hereby does approve the Comprehensive Plan Amendment to establish future land use for properties recently annexed into the City of Baxter located East of Dellwood Drive, East/Northeast of Whispering Woods Lane and Northeast of Woida Road and to allow other related amendments to the Comprehensive Plan, based upon the finding the following findings:

1. The future land use for the properties would not negatively impact other elements of the existing Comprehensive Plan except for related map and text amendment to items such as the Functional Classification and Future Transportation Plan, Water Plan and Sewer Plan.
2. The proposed future land use would be compatible with the future land use and zoning of the surrounding properties.

Whereupon, said Resolution is hereby declared adopted on this 6th day of September 2016.

Darrel Olson, Mayor

ATTEST:

Kelly Steele, Assistant City Administrator/Clerk

City Seal

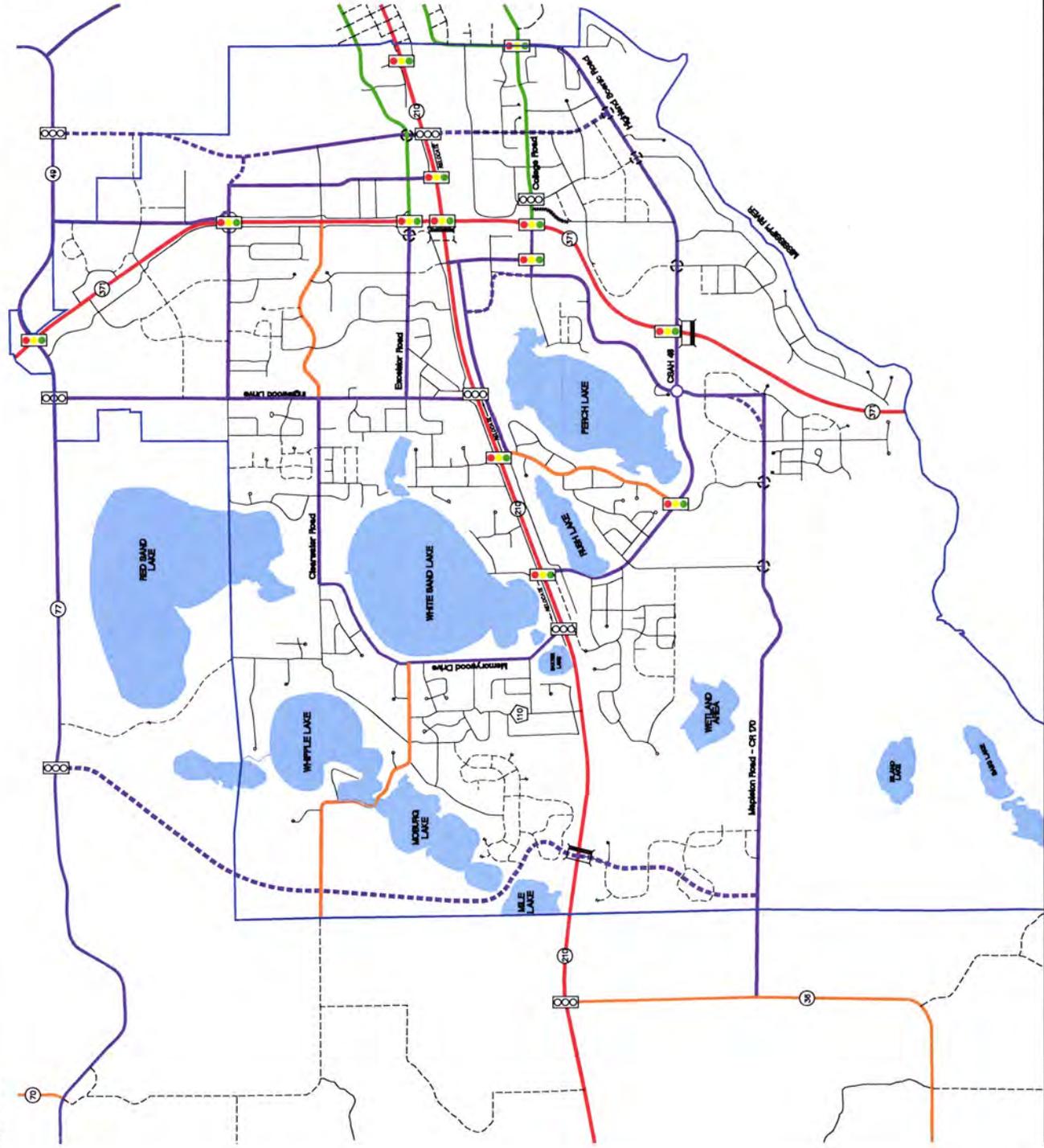
CITY OF BAXTER LONG RANGE TRANSPORTATION AND FUNCTIONAL CLASSIFICATION STREET MAP



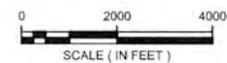
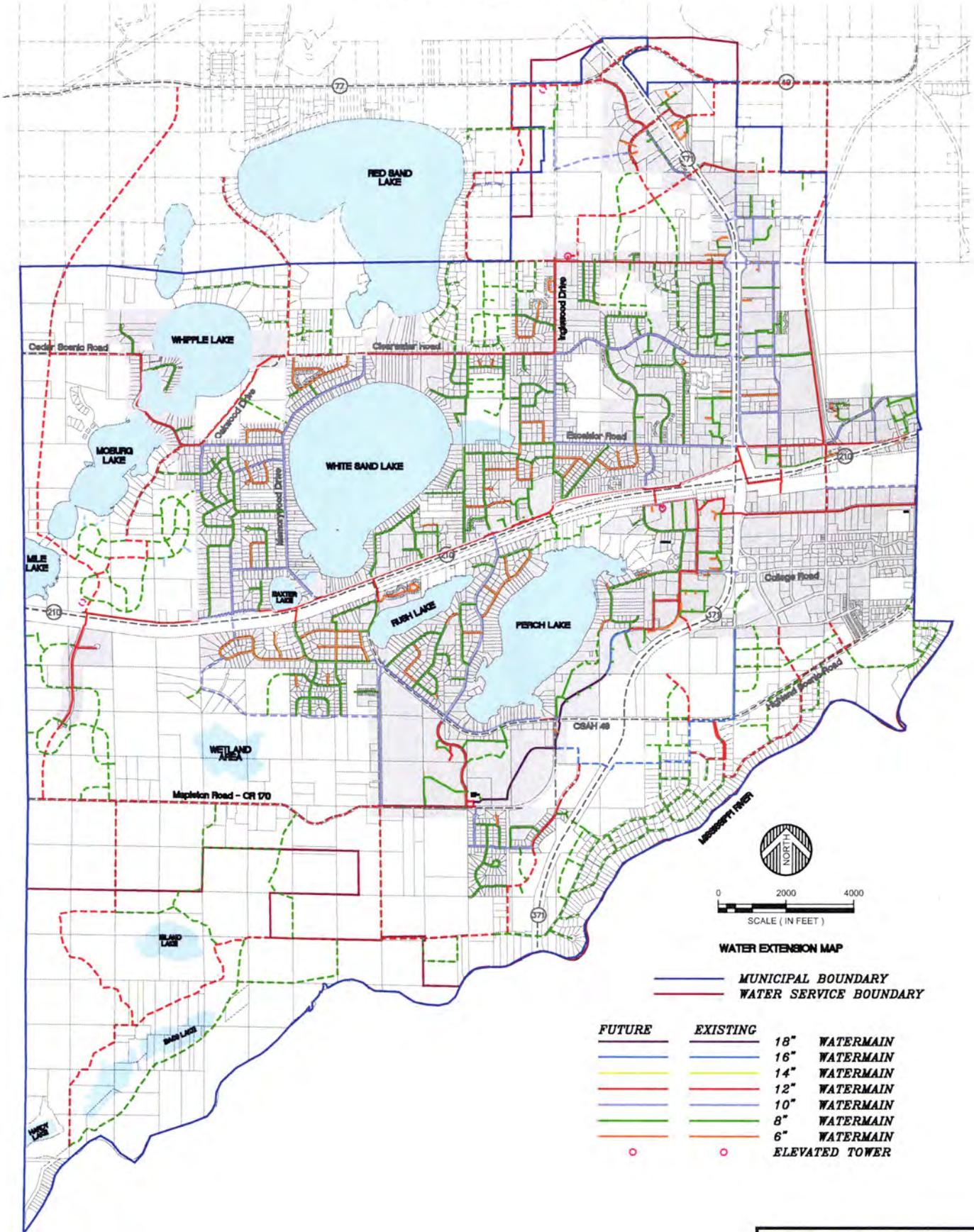
MUNICIPAL BOUNDARY

FUTURE		EXISTING	

	PRINCIPAL ARTERIAL
	MINOR ARTERIAL
	MAJOR COLLECTOR
	MINOR COLLECTOR
	LOCAL
	ROUNDABOUT
	SIGNALIZED INTERSECTION
	SEPARATED GRADE CROSSING
	WITH NON-MOTORIZED TRAIL



CITY OF BAXTER WATER SYSTEM MAP

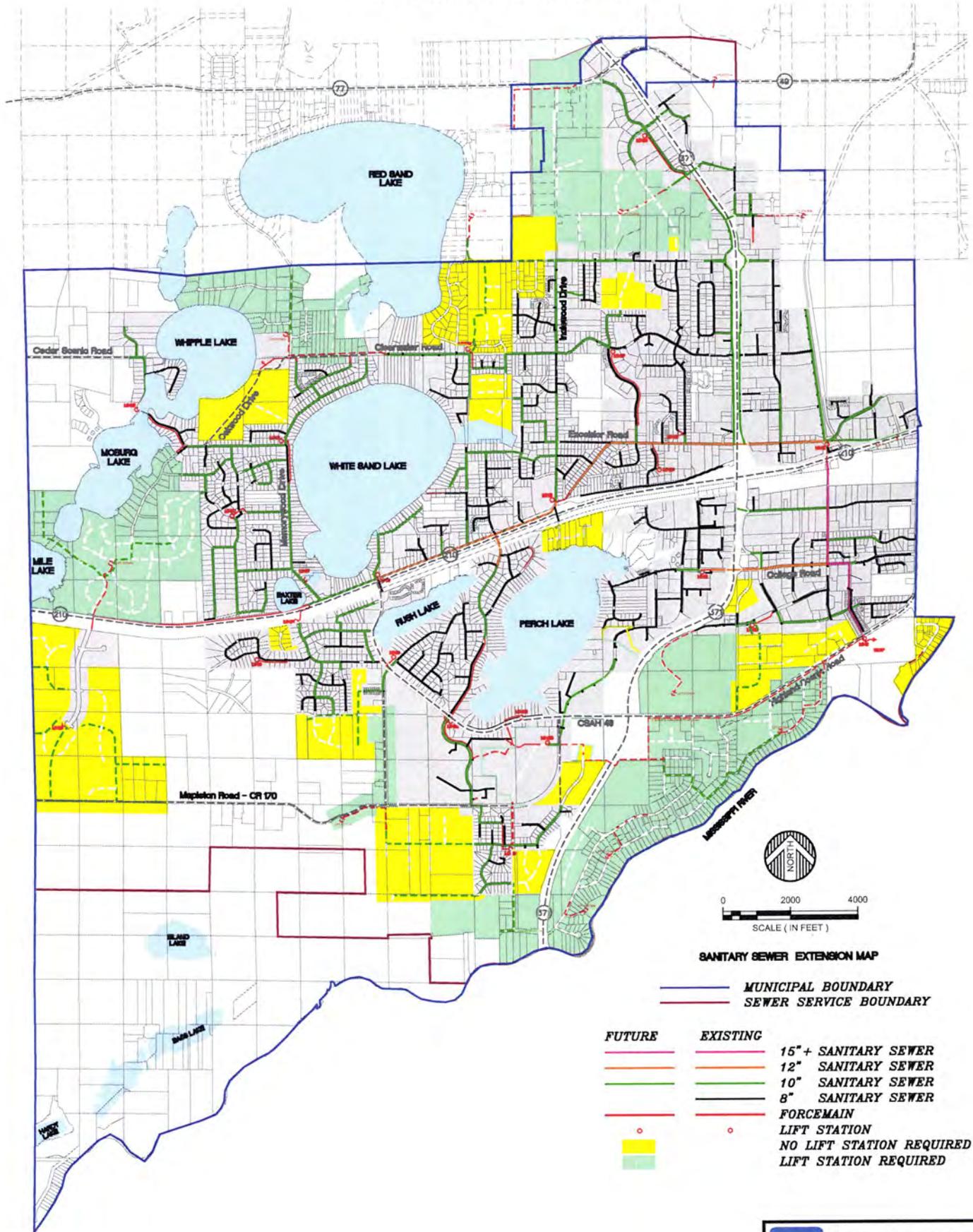


WATER EXTENSION MAP

- MUNICIPAL BOUNDARY
- WATER SERVICE BOUNDARY

FUTURE	EXISTING	
——	——	18" WATERMAIN
——	——	16" WATERMAIN
——	——	14" WATERMAIN
——	——	12" WATERMAIN
——	——	10" WATERMAIN
——	——	8" WATERMAIN
——	——	6" WATERMAIN
○	○	ELEVATED TOWER

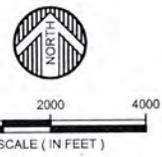
CITY OF BAXTER SANITARY SEWER MAP



SANITARY SEWER EXTENSION MAP

— MUNICIPAL BOUNDARY
 — SEWER SERVICE BOUNDARY

FUTURE	EXISTING	
		15" + SANITARY SEWER
		12" SANITARY SEWER
		10" SANITARY SEWER
		8" SANITARY SEWER
		FORCEMAIN
		LIFT STATION
		NO LIFT STATION REQUIRED
		LIFT STATION REQUIRED



ARTICLE F. C1 NEIGHBORHOOD COMMERCIAL DISTRICT

10-3F-1: PERMITTED USES:

The following neighborhood retail sales and service businesses with a ground floor footprint of thirty thousand (30,000) square feet or less supplying commodities or performing a service primarily for residents of the surrounding neighborhood:

Bakeries; retail.

Banks, savings and loans, credit unions and the like (without drive-through).

Barbershops, beauty shops; other personal service uses.

Civic buildings such as city halls, fire stations and the like (without outside storage).

Clinics including multispecialty outpatient clinic.

Convenience stores (without motor fuel stations).

Copy/printing services (excluding printing presses and publishing facilities).

Drugstores and pharmacies (without drive-through).

Dry cleaning and laundry pick ups, self-service laundromats, incidental pressing, tailoring, repair and the like (without dry cleaning processing).

Essential services.

Fitness centers and fitness related studios such as karate, yoga, dance and the like (less than 5,000 square feet in size).

Florists, hobby, craft or variety stores and the like.

Hardware stores.

Offices; professional and medical.

Restaurants (without drive-through).

Studios; art related.

Retail goods and services of a similar nature, as determined by the zoning administrator.
(Ord. 2013-20, 11-19-2013)

10-3F-2: ACCESSORY USES:

Accessory uses incidental and customary to uses allowed in section 10-3F-1, "Permitted Uses", of this article shall not occupy more than thirty percent (30%) of the gross floor area of the principal building.

Accessory structures as regulated by section 10-5-9, "Accessory Structures", of this title.

Adult use, accessory pursuant to title 3, chapter 4 of this code.

Off street parking, loading and service entrances as regulated in sections 10-5-2, "Off Street Parking", and 10-5-3, "Loading Spaces", of this title.

Signs as regulated by section 10-5-1, "Signs", of this title.

Wireless communication towers as accessory to a permitted principal use subject to title 9, chapter 4 and section 9-4-3 of this code. (Ord. 2014-19, 6-17-2014)

10-3F-3: CONDITIONAL USES:

The following are conditional uses, subject to the conditions outlined in section 10-7-4 of this title and the specific standards and criteria that may be cited for a specific use:

Adult use, principal, pursuant to title 3, chapter 4 of this code.

Car washes.

- A. The site shall provide stacking space for the car wash. The amount of stacking space shall take into account the type of car wash and the amount of time it takes to wash a vehicle. Stacking spaces shall not interfere with parking spaces or traffic circulation.
- B. The exit from the car wash shall have a drainage system which is subject to the approval of the city and gives special consideration to the prevention of ice buildup during winter months.
- C. Hours of operation shall be limited to between seven o'clock (7:00) A.M. and ten o'clock (10:00) P.M. daily.
- D. A bypass lane shall be provided for each drive-through use, allowing cars to leave the drive-through lane from the stacking area.

Daycare facility provided:

- A. Unless exempted by the zoning administrator, where an outdoor play area of a daycare facility abuts any commercial or industrial use or zone, or public right of way, the daycare facility shall provide screening along the shared boundary of such uses, zones or public rights of way. All of the required fencing and screening shall comply with section 10-4-8, "Screening/Landscaping/Fencing", of this title.
- B. There shall be adequate off street parking which shall be located separately from any outdoor play area. Parking areas shall be screened from view of surrounding and adjoining residential uses in compliance with section 10-5-2, "Off Street Parking", of this title.
- C. When a daycare facility is an accessory use within a structure containing another principal use, parking for each use shall be calculated separately for determining the total off street parking spaces required. An exception to this requirement may be granted by the zoning administrator in instances where no increase in off street parking demand will result.
- D. Off street loading space in compliance with section 10-5-3, "Loading Spaces", of this title.
- E. All signing and informational or visual communication devices shall be in compliance with section 10-5-1, "Signs", of this title.
- F. The structure and operation shall be in compliance with state of Minnesota department of human services regulations and shall be licensed accordingly.

Funeral homes and mortuaries.

Motor fuel stations in compliance with section 10-5-8, "Motor Fuel Stations", of this title and the following:

- A. **Application Requirements:** That the area and location of space devoted to nonautomotive merchandise sales shall be specified in the application and in the conditional use permit. Exterior sales or storage shall be only as allowed by the conditional use permit and shall be limited to ten percent (10%) of the gross floor area of its associated principal use.
- B. **Separation Of Spaces:** The off street loading space(s) and building access for delivery of goods shall be separate from customer parking and entrances and shall not cause

conflicts with customer vehicles and pedestrian movements.

- C. Installations: Motor fuel facilities shall be installed in accordance with state and city standards. Additionally, adequate space shall be provided to access gas pumps and to allow maneuverability around the pumps. Underground fuel storage tanks are to be positioned to allow adequate access by motor fuel transports and unloading operations which do not conflict with circulation, access and other activities on the site. Fuel pumps shall be installed on pump islands.
- D. Compliance: All buildings, canopies, and pump islands shall be located to comply with the minimum setback requirements of the C1 district.
- E. Canopy Lighting: All canopy lighting for motor fuel station pump islands shall be recessed or shielded to provide a ninety degree (90°) cutoff. Illumination levels for pump islands shall not exceed thirty (30) foot-candles.
- F. Litter Control: The operation shall be responsible for litter control within three hundred feet (300') of the premises and litter control is to occur on a daily basis. Trash receptacles must be provided at a convenient location on site to facilitate litter control.

Multi-business signs, as regulated in section 10-5-1, "Signs", of this title.

Residential care facilities such as nursing homes, assisted living facilities including community behavioral health hospital and similar facilities (excludes hospitals or similar institutions):

- A. That no building be located less than thirty feet (30') from the side lot line and are screened in compliance with section 10-4-8, "Screening/Landscaping/Fencing", of this title.
- B. An off street rider drop off and pick up drive is provided.
- C. There is an additional ten feet (10') of setback for all parking areas if abutting or adjacent to a residential district and adequate off street parking and access is provided in compliance with section 10-5-2, "Off Street Parking", of this title.
- D. Adequate off street loading and service entrances are provided in compliance with section 10-5-3, "Loading Spaces", of this title.

- E. The site and related parking and service shall be served by an arterial or collector street of sufficient capacity.
- F. On site services shall be for residents of the facility only.
- G. The site shall contain not less than six hundred (600) square feet of lot area for each person to be accommodated.
- H. All signing and informational or visual communication devices shall be in compliance with section 10-5-1, "Signs", of this title and shall not impact surrounding and abutting residential.

Veterinary; related indoor kennels provided:

- A. All pens or cages must be completely enclosed within a building with the exception of incidental run areas that shall be limited to ten percent (10%) of the gross floor area of its associated principal use, to a maximum of five thousand (5,000) square feet.
- B. All indoor activities shall include soundproofing and odor control.
- C. When abutting a residential use or district, the property shall be screened and landscaped in accordance with section 10-4-8, "Screening/Landscaping/Fencing", of this title.

Wireless communication towers as accessory to a permitted principal use subject to title 9, chapter 4 of this code. (Ord. 2014-19, 6-17-2014; amd. Ord. 2015-06, 3-17-2015)

10-3F-4: INTERIM USES:

The following are interim uses, subject to the conditions outlined in chapter 7 of this title, interim uses and the specific standards and criteria that may be cited for a specific use:

Buildings temporarily located for purposes of construction on the premises for a period not to exceed time necessary to complete said construction.

- A. All building and safety codes are met. (Ord. 2013-20, 11-19-2013)

10-3F-5: LOT AREA, HEIGHT, LOT WIDTH AND YARD REQUIREMENTS:

A. Area Requirements: The following requirements shall be met in the C1 district. New development shall only be allowed when a full range of municipal services and facilities are available to serve the site. Properties may be subject to special requirements as noted in article L, "SL Shore Land Overlay District", of this chapter.

		With Public Sewer And Water
Minimum lot size		20,000 square feet
Minimum lot width		100 feet interior 120 feet corner
Minimum principal structure setbacks:		
	Front yard	30 feet
	Side yard	10 feet interior 30 feet abutting corner
	Rear yard	30 feet
Minimum accessory structures setback		10 feet
Maximum building height		35 feet
Maximum ground floor footprint		30,000 square feet
Maximum lot coverage		50 percent
Maximum impervious surface (other than shore land overlay district)		88 percent
Maximum impervious surface (shore land overlay district)		25 percent

B. Fence, Screen Required: Wherever a C1 district abuts or is across the street from an R district, a fence or compact evergreen screen is required pursuant to section 10-4-8, "Screening/Landscaping/Fencing", of this title. (Ord. 2013-20, 11-19-2013)

ARTICLE G. C2 REGIONAL COMMERCIAL DISTRICT

10-3G-1: PERMITTED USES:

The following retail sales and service businesses supplying commodities or performing a service primarily for residents of the surrounding trade area:

Auto accessory retail (not including service).

Bakeries; retail.

Banks, savings loans, credit unions and the like (without drive-through).

Barbershops, beauty shops; other personal service uses.

Bus/transit stations or terminals without vehicle storage.

Civic buildings such as city halls, fire stations and the like (without outside storage).

Clinics including multispecialty outpatient clinic.

Commercial recreation, indoor (e.g., bowling alleys, roller rinks and the like).

Convenience stores (without motor fuel stations).

Copy/printing services (excludes printing presses and publishing facilities).

Department stores.

Drugstores and pharmacies (without drive-through).

Dry cleaning and laundry pick ups, self-service laundromats, incidental pressing, tailoring, repair and the like (without dry cleaning processing).

Essential services.

Fitness centers and fitness related studios such as karate, yoga, dance and the like.

Florists, hobby, craft or variety stores and the like.

Furniture and household appliance stores.

Grocery stores.

Hardware stores.

Hotels and motels.

Liquor; off-sale.

Offices; professional and medical.

Plumbing, television, radio, electrical sales and related accessory repair.

Public and private clubs and lodges.

Reception halls/event centers/conference centers.

Religious institutions (limited to worship and directly related social events).

Restaurant (without drive-through).

Sporting goods and similar retail sales.

Studios; art related.

Tobacco specialty store.

Retail goods and services of a similar nature, as determined by the zoning administrator.
(Ord. 2013-20, 11-19-2013)

10-3G-2: ACCESSORY USES:

Accessory uses incidental and customary to uses allowed in section 10-3G-1, "Permitted Uses", of this article shall not occupy more than thirty percent (30%) of the gross floor area of the principal building.

Accessory structures as regulated by section 10-5-9, "Accessory Structures", of this title.

Adult use, accessory pursuant to title 3, chapter 4 of this code.

Off street parking, loading and service entrances as regulated in sections 10-5-2, "Off Street Parking", and 10-5-3, "Loading Spaces", of this title.

Signs as regulated by section 10-5-1, "Signs", of this title.

Wireless communication towers as accessory to a permitted principal use subject to title 9, chapter 4 and section 9-4-3 of this code. (Ord. 2014-19, 6-17-2014)

10-3G-3: CONDITIONAL USES:

The following are conditional uses, subject to the conditions outlined in section 10-7-4 of this title and the specific standards and criteria that may be cited for a specific use:

Adult use, principal pursuant to title 3, chapter 4 of this code.

Car washes.

- A. The site shall provide stacking space for the car wash. The amount of stacking space shall take into account the type of car wash and the amount of time it takes to wash a vehicle. Stacking spaces shall not interfere with parking spaces or traffic circulation.
- B. The exit from the car wash shall have a drainage system which is subject to the approval of the city and gives special consideration to the prevention of ice buildup during winter months.
- C. Hours of operation shall be limited to between seven o'clock (7:00) A.M. and ten o'clock (10:00) P.M. daily.
- D. A bypass lane shall be provided for each drive-through use, allowing cars to leave the drive-through lane from the stacking area.

Daycare facility provided:

- A. Unless exempted by the zoning administrator, where an outdoor play area of a daycare facility abuts any commercial or industrial use or zone, or public right of way, the daycare facility shall provide screening along the shared boundary of such uses, zones or public rights of way. All of the required fencing and screening shall comply with section 10-4-8, "Screening/Landscaping/Fencing", of this title.
- B. There shall be adequate off street parking which shall be located separately from any outdoor play area. Parking areas shall be screened from view of surrounding and adjoining residential uses in compliance with section 10-5-2, "Off Street Parking", of this title.
- C. When a daycare facility is an accessory use within a structure containing another principal use, parking for each use shall be calculated separately for determining the total off street parking spaces required. An exception to this requirement may be granted by the zoning administrator in instances where no increase in off street parking

demand will result.

D. Off street loading space in compliance with section 10-5-3, "Loading Spaces", of this title.

E. All signing and informational or visual communication devices shall be in compliance with section 10-5-1, "Signs", of this title.

F. The structure and operation shall be in compliance with state of Minnesota department of human services regulations and shall be licensed accordingly.

Drive-through business subject to section 10-5-5, "Drive-Through Businesses", of this title provided:

A. Adequate stacking distance shall be provided, as determined by the city engineer, which does not interfere with other driving areas, parking spaces, or sidewalks.

B. Electronic speaker devices, if used, shall not be audible beyond the property being served and shall not be operated between the hours of ten o'clock (10:00) P.M. and seven o'clock (7:00) A.M., unless extended by the city council as part of the conditional use permit.

C. Screening shall be provided of automobile headlights in the drive-through lane to adjacent properties subject to section 10-4-8, "Screening/Landscaping/Fencing", of this title. Such screening shall be at least three feet (3') in height and fully opaque, consisting of a wall, fence, dense vegetation, berm, or grade change.

D. A bypass lane shall be provided for each drive-through use, allowing cars to leave the drive-through lane from the stacking area.

Funeral homes and mortuaries.

Garden center provided:

A. When abutting a residential use or district, the property shall be screened and landscaped in accordance with this chapter. All structures shall be set back at least one hundred feet (100') from any residential property line.

- B. On site storage and use of pesticides and fertilizers shall meet the standards of the Minnesota department of agriculture.

- C. Lighting shall comply with all ordinance requirements. If more than twenty five percent (25%) of the greenhouse spaces are to be lit at night, they shall be screened from residential properties by use of a retractable curtain, landscaping, buildings or other methods to prevent light pollution, including sky glow.

Motor fuel stations in compliance with section 10-5-8, "Motor Fuel Stations", of this title and the following:

- A. Application Requirements: That the area and location of space devoted to nonautomotive merchandise sales shall be specified in the application and in the conditional use permit. Exterior sales or storage shall be only as allowed by the conditional use permit and shall be limited to ten percent (10%) of the gross floor area of its associated principal use.

- B. Separation Of Spaces: The off street loading space(s) and building access for delivery of goods shall be separate from customer parking and entrances and shall not cause conflicts with customer vehicles and pedestrian movements.

- C. Installations: Motor fuel facilities shall be installed in accordance with state and city standards. Additionally, adequate space shall be provided to access gas pumps and to allow maneuverability around the pumps. Underground fuel storage tanks are to be positioned to allow adequate access by motor fuel transports and unloading operations which do not conflict with circulation, access and other activities on the site. Fuel pumps shall be installed on pump islands.

- D. Compliance: All buildings, canopies, and pump islands shall be located to comply with the minimum setback requirements of the C2 district.

- E. Canopy Lighting: All canopy lighting for motor fuel station pump islands shall be recessed or shielded to provide a ninety degree (90°) cutoff. Illumination levels for pump islands shall not exceed thirty (30) foot-candles.

- F. Litter Control: The operation shall be responsible for litter control within three hundred feet (300') of the premises and litter control is to occur on a daily basis. Trash receptacles must be provided at a convenient location on site to facilitate litter control.

Motor vehicle, boat or equipment repair.

- 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 particulated matter.
- C. Storage and use of all flammable materials, including liquid and rags, shall conform with applicable provisions of the Minnesota uniform fire code.
- D. Parking, driveway, and circulation standards and requirements shall be subject to the review and approval of the city and shall be based upon the specific needs of the operation and shall accommodate large vehicle equipment and semitrailer/tractor trucks.
- E. The storage of damaged vehicles and vehicle parts and accessory equipment must be completely inside a principal or accessory building.
- F. The sale of products other than those specifically mentioned in this section shall be subject to a separate conditional use permit.

Motor vehicle, boats and equipment sales, including manufactured housing and recreational camping vehicles, pursuant to section 10-5-6 of this title.

- A. All sales shall occur on one lot.
- B. Parking areas for the outside storage and sale of vehicles, boats and trailers, shall be on impervious surface, either bituminous, concrete, or approved equivalent.
- C. Interior concrete or asphalt curbs shall be constructed within the property to separate driving and parking areas from landscaped areas.
- D. All areas of the property not devoted to buildings or parking areas shall be landscaped in accordance with section 10-4-8, "Screening/Landscaping/Fencing", of this title.
- E. Off street parking shall be provided for customers and employees in accordance with section 10-5-2, "Off Street Parking", of this title.

- F. Parking for a motor vehicle, boat, or trailer sales shall not be less than nine feet (9') wide by 18.5 feet in length.

Multi-business signs, as regulated in section 10-5-1, "Signs", of this title.

School.

- A. The use when conducted entirely within a building.
- B. The site shall be served by a minor arterial or higher classification of roadway.
- C. A master plan shall be submitted that describes proposed physical development for the next five (5) years and for the following five (5) years. Said plan shall include a description of proposed development phases and plans, development priorities, the probable sequence of proposed development, estimated dates of construction and the anticipated interim use of property waiting to be developed.
- D. A transportation management plan shall be submitted to address off street parking, bus loading and unloading, traffic control, and the impact of the facility on surrounding roadways.

Veterinary and pet shop; related indoor kennels provided:

- A. All pens or cages must be completely enclosed within a building with the exception of incidental run areas that shall be limited to ten percent (10%) of the gross floor area of its associated principal use, to a maximum of five thousand (5,000) square feet.
- B. All indoor activity shall include soundproofing and odor control.
- C. When abutting a residential use or district, the property shall be screened and landscaped in accordance with section 10-4-8, "Screening/Landscaping/Fencing", of this title.

Wireless communication towers as accessory to a permitted principal use subject to title 9, chapter 4 and section 9-4-3 of this code. (Ord. 2014-19, 6-17-2014; amd. Ord. 2015-06, 3-17-2015)

10-3G-4: INTERIM USES:

The following are interim uses, subject to the conditions outlined in chapter 7 of this title, interim uses, and the specific standards and criteria that may be cited for a specific use:

Buildings temporarily located for purposes of construction on the premises for a period not to exceed time necessary to complete said construction.

A. All building and safety codes are met.

Outdoor seasonal fireworks sales provided:

A. When abutting a residential use or district, the property shall be screened and landscaped in accordance with this chapter. All structures shall be set back at least one hundred feet (100') from any residential property line.

B. Tents and stands may be used provided that they are located on the subject property, that appropriate permits are applied for and approved and provided, and provided that they are clearly identified on a plan to be reviewed and approved by the city as part of the interim use permit. Structures shall not impair the parking capacity, emergency access, or the safe and efficient movement of pedestrian and vehicular traffic on the site.

C. All refuse shall be disposed in approved containers and the site shall be kept clean.

D. Lighting shall comply with all ordinance requirements. If more than twenty five percent (25%) of the tent or stand area is to be lit at night, they shall be screened from residential properties by use of a retractable curtain, landscaping, buildings or other methods to prevent light pollution, including sky glow.

E. A maximum of two (2) 32-square foot banners are allowed. The banners shall be allowed only on the tent or stand. No additional temporary signage is allowed.

F. The tent or stand shall be staffed twenty four (24) hours a day with at least one person eighteen (18) years of age on the site at all times.

G. That adequate restroom facility is made available after business hours.

H. The net explosive weight of the product is provided to the city prior to the tent sale and there is compliance with all fire codes. (Ord. 2015-10, 5-19-2015)

10-3G-5: LOT AREA, HEIGHT, LOT WIDTH AND YARD REQUIREMENTS:

A. Area Requirements: The following requirements shall be met in the C2 district. New development shall only be allowed when a full range of municipal services and facilities are available to serve the site. Properties may be subject to special requirements as noted in article L, "SL Shore Land Overlay District", of this chapter.

		With Public Sewer And Water
Minimum lot size		20,000 square feet
Minimum lot width		100 feet interior 120 feet corner
Minimum principal structure setbacks:		
	Front yard	35 feet
	Side yard	10 feet interior 35 feet abutting corner
	Rear yard	30 feet
Minimum accessory structures setback		10 feet
Maximum lot coverage		50 percent
Maximum building height		45 feet
Maximum impervious surface (other than shore land overlay district)		88 percent
Maximum impervious surface (shore land overlay district)		25 percent

B. Fence, Screen Required: Wherever a C2 district abuts or is across the street from an R district, a fence or compact evergreen screen is required pursuant to 10-4-8, "Screening/Landscaping/Fencing", of this title. (Ord. 2013-20, 11-19-2013)

ARTICLE H. OS OFFICE SERVICE DISTRICT**10-3H-1: PERMITTED USES:**

Offices and complementary service uses of a general nature conducted in a building no greater than one hundred twenty five thousand (125,000) gross square feet, except as may be approved by the city council by conditional use permit:

Banks, savings and loans, credit unions and the like (without drive-through).

Barbershops, beauty shops; other personal service uses.

Bus/transit stations or terminals without vehicle storage.

Civic buildings such as city halls, fire stations and the like (without outside storage).

Clinics including multispecialty outpatient clinic.

Commercial recreation, indoor (e.g., bowling alleys, roller rinks and the like).

Convenience stores (without motor fuel stations).

Essential services.

Laboratories and research facilities.

Manufacturing or assembly of products that produces no exterior noise, glare, fumes, byproducts or wastes or creates other objectionable impact on the environment.

Offices, professional and medical.

Public and private clubs and lodges.

Radio and television stations or studios.

Religious institutions (limited to worship and directly related social events).

Residential care facilities such as nursing homes, assisted living facilities including community behavioral health hospital and similar facilities (excludes hospitals or similar institutions).

Studios; art related.

Warehousing, wholesale offices and showrooms, excluding explosives and hazardous waste. (Ord. 2014-19, 6-17-2014)

10-3H-2: ACCESSORY USES:

Accessory uses incidental and customary to uses allowed in section 10-3H-1 of this article,

including retail, shall not occupy more than thirty percent (30%) of the gross floor area of the principal building.

Accessory structures as regulated by section 10-5-9, "Accessory Structures", of this title.

Off street parking, loading and service entrances as regulated in sections 10-5-2, "Off Street Parking", and 10-5-3, "Loading Spaces", of this title.

Signs as regulated by section 10-5-1, "Signs", of this title.

Warehousing as accessory to the permitted principal use.

Wireless communication towers as accessory to a permitted principal use subject to title 9, chapter 4 and section 9-4-3 of this code. (Ord. 2014-19, 6-17-2014)

10-3H-3: CONDITIONAL USES:

The following are conditional uses, subject to the conditions outlined in section 10-7-4 of this title and the specific standards and criteria that may be cited for a specific use:

Daycare facility provided:

- A. Unless exempted by the zoning administrator, where an outdoor play area of a daycare facility abuts any commercial or industrial use or zone, or public right of way, the daycare facility shall provide screening along the shared boundary of such uses, zones or public rights of way. All of the required fencing and screening shall comply with section 10-4-8, "Screening/Landscaping/Fencing", of this title.
- B. There shall be adequate off street parking which shall be located separately from any outdoor play area. Parking areas shall be screened from view of surrounding and adjoining residential uses in compliance with section 10-5-2, "Off Street Parking", of this title.
- C. When a daycare facility is an accessory use within a structure containing another principal use, parking for each use shall be calculated separately for determining the total off street parking spaces required. An exception to this requirement may be granted by the zoning administrator in instances where no increase in off street parking demand will result.
- D. Off street loading space in compliance with section 10-5-3, "Loading Spaces", of this title.

E. All signing and informational or visual communication devices shall be in compliance with section 10-5-1, "Signs", of this title.

F. The structure and operation shall be in compliance with state of Minnesota department of human services regulations and shall be licensed accordingly.

Drive-through business subject to section 10-5-5, "Drive-Through Businesses", of this title provided:

A. Adequate stacking distance shall be provided, as determined by the city engineer, which does not interfere with other driving areas, parking spaces, or sidewalks.

B. Electronic speaker devices, if used, shall not be audible beyond the property being served and shall not be operated between the hours of ten o'clock (10:00) P.M. and seven o'clock (7:00) A.M., unless extended by the city council as part of the conditional use permit.

C. Screening shall be provided of automobile headlights in the drive-through lane to adjacent properties subject to section 10-4-8, "Screening/Landscaping/Fencing", of this title. Such screening shall be at least three feet (3') in height and fully opaque, consisting of a wall, fence, dense vegetation, berm, or grade change.

D. A bypass lane shall be provided for each drive-through use, allowing cars to leave the drive-through lane from the stacking area.

Funeral homes and mortuaries.

Hospitals, provided that:

A. The site and related parking and service entrances are served by an arterial or collector street of sufficient capacity to accommodate the traffic which will be generated.

B. An off street rider drop off and pick up drive and entrance is provided.

C. Adequate off street parking is provided in compliance with section 10-5-2, "Off Street Parking", of this title to include additional spots calculated for outpatient services.

- D. Adequate off street loading is provided in compliance with section 10-5-3, "Loading Spaces", of this title.
- E. Vehicular entrances to parking or service areas shall create a minimum of conflict with through traffic movement.
- F. When abutting an R-1 or R-2 district, a buffer area with screening and landscaping in compliance with section 10-4-8, "Screening/Landscaping/Fencing", of this title shall be provided.
- G. When abutting an R-1 or R-2 district, side yards are double the minimum requirement established for this district and are screened in compliance with section 10-5-2, "Off Street Parking", of this title.
- H. If across the street from an R-1 or R-2 district, the front yard setback depth shall be a minimum of forty five feet (45').
- I. All signing and information or visual communication devices shall be in compliance with section 10-5-1, "Signs", of this title and shall not impact surrounding or abutting residential uses.

Multi-business signs, as regulated in section 10-5-1, "Signs", of this title.

School.

- A. The use when conducted entirely within a building.
- B. The site shall be served by a minor arterial or higher classification of roadway.
- C. A master plan shall be submitted that describes proposed physical development for the next five (5) years and for the following five (5) years. Said plan shall include a description of proposed development phases and plans, development priorities, the probable sequence of proposed development, estimated dates of construction and the anticipated interim use of property waiting to be developed.
- D. A transportation management plan shall be submitted to address off street parking, bus loading and unloading, traffic control, and the impact of the facility on surrounding roadways.

Veterinary; related indoor kennels provided:

- A. All pens or cages must be completely enclosed within a building with the exception of incidental run areas that shall be limited to ten percent (10%) of the gross floor area of its associated principal use, to a maximum of five thousand (5,000) square feet.
- B. All indoor activity shall include soundproofing and odor control.
- C. When abutting a residential use or district, the property shall be screened and landscaped in accordance with section 10-4-8, "Screening/Landscaping/Fencing", of this title.

Wireless communication towers as accessory to a permitted principal use subject to title 9, chapter 4 of this code. (Ord. 2014-19, 6-17-2014; amd. Ord. 2015-06, 3-17-2015)

10-3H-4: INTERIM USES:

The following are interim uses, subject to the conditions outlined in chapter 7 of this title, interim uses and the specific standards and criteria that may be cited for a specific use:

Buildings temporarily located for purposes of construction on the premises for a period not to exceed time necessary to complete said construction.

- A. All building and safety codes are met. (Ord. 2013-20, 11-19-2013)

10-3H-5: LOT AREA, HEIGHT, LOT WIDTH AND YARD REQUIREMENTS:

- A. Area Requirements: The following requirements shall be met in the OS district. New development shall only be allowed when a full range of municipal services and facilities are available to serve the site. Properties may be subject to special requirements as noted in article L, "SL Shore Land Overlay District", of this chapter.

	With Public Sewer And Water
Minimum lot size	20,000 square feet

Minimum lot width		100 feet interior 120 feet corner
Minimum principal structure setbacks:		
	Front yard	35 feet
	Side yard	10 feet interior 35 feet abutting corner
	Rear yard	30 feet
Accessory structures		10 feet
Maximum lot coverage		50 percent
Maximum building height		45 feet
Maximum impervious surface (other than shore land overlay district)		88 percent
Maximum impervious surface (shore land overlay district)		25 percent

B. Fence, Screen Required: Wherever a business district abuts or is across the street from an R district, a fence or compact evergreen screen is required pursuant to section 10-4-8, "Screening/Landscaping/Fencing", of this title. (Ord. 2013-20, 11-19-2013)



TO: Baxter Long Range Planning Commission

FROM: Joshua Doty, Community Development Director &
Jim Exsted, Police Chief

DATE: August 22, 2016 Long Range Planning Commission Meeting

SUBJECT: Hunting Map Amendments

Background and Request

The City of Baxter is requesting amendments to the City's Hunting Map. Specifically, the City of Baxter has hunting regulations and a Hunting Map that indicates where certain types of hunting is allowed and where hunting is not allowed. As changes occur within the City, the Hunting Map should be re-evaluated to see if changes need to be made to the map. The City has recently received requests for changes to the Hunting Map. Specifically, property owners within the Dellwood Annexation area have requested the ability to hunt. While Camp Vanasek has requested no hunting for the land where Camp is located.

Hunting Zones

The City's Hunting Map (attached) delineates every property in the City into one of four zones as follows:

- No Hunting
- Archery Only Zone
- Shotgun & Archery Only Zone
- Muzzleloader / Shotgun & Archery Zone

The majority of the City is located in the No Hunting zone. Properties that are permitted for hunting are generally larger properties or properties that are in rural areas of the City. To help manage deer numbers within Baxter, the City has allowed larger properties adjacent to residential areas in the Archery Only Zone. Shotgun and Archery is allowed only when property for hunting is at least 500 feet from dwelling or occupied building. The Muzzleloader / Shotgun & Archery zone has been applied only to the southwest portion of the City, away from the developed area of the City.

Site Area One

Site Area One (to the right) is located within the Dellwood Planning area. Therefore, the land was recently annexed into Baxter. City staff is proposing to update the hunting map for the entire planning area. However, staff has received a specific request from the property owners of the darker green shaded area on the map to the right. Specifically for the land located Northeast, East and Southeast of the Whispering Woods Lane, the property owners have requested the ability to hunt with shotgun and archery. The property owners have hunted this land while it was in the County and would like to continue to hunt on their land. Staff is supportive of a Shotgun and Archery designation for the portions of the dark green property that are located 500 feet from a dwelling or occupied building.



Site Area Two

Site Area Two (to the left) is located within the Inglewood Planning area. The land was also recently annexed into Baxter and Land Use and Zoning was recently established. City staff is proposing to update the hunting map for this entire planning area. Staff is proposing no hunting for the entire area, except that the 40 acre piece of property located North of the water tower (in dark green) would be an Archery Only Zone. Staff notes that the property directly North of this 40 acres was in Baxter prior to the Annexation and is already located in an Archery Only Zone.

Site Area Three

Site Area Three (to the right) is located on Land Owned by Crow Wing County. Crow Wing County has a long term lease with Camp Vanasek. Attached is a letter the City received from Camp Vanasek with a request for a No Hunting designation for the entire 88 acres. Staff notes that Crow Wing County has not provided a position on Camp Vanasek's request, although City staff did contact County staff. Crow Wing County staff indicated that would likely discuss this at future County meeting. Staff notes that the City has approved No Hunting designations for other larger public/semi-public properties.



Specifically, Mississippi River Overlook Park, which is a larger wooded park, has a No Hunting designation. The Northland Arboretum is another large wooded property that is semi-public and the City has a No Hunting designation on that property. Therefore, at this time, staff is supportive of no hunting for this property. If Crow Wing County states that they would like hunting on the property, the City would need to re-evaluate the matter.

Hunting Ordinance

5-1-4: HUNTING REGULATIONS AND THE DISCHARGE OF FIREARMS:

A. Statute Authority: This section is passed pursuant to the general authority granted to statutory cities to regulate the health, safety and general welfare, as well as nuisances, under Minnesota statutes section 412.221, and in addition more specifically under Minnesota statutes section 471.633 whereby the state legislature has authorized municipalities to regulate the discharge of firearms.

B. Definitions: As used in this section:

ARROW: A slender shaft, pointed at one end, or designed to have a pointed head or tip attached, and feathered at the other end.

BOW: A flexible, curved strip of wood, metal, fiberglass, plastic, or other material, with a cord connecting the two (2) ends, designed to shoot arrows. This definition includes a device popularly known as a crossbow.

FIREARM: All rifles, shotguns, handguns, and firearms using smokeless or black powder.

C. Discharge Prohibited:

1. It shall be unlawful for any person to discharge a rifle or handgun within the city limits.
2. It shall be unlawful for any person to discharge any firearm except in conformance with state and federal statutes and as outlined in subsection E of this section.
3. Any discharge of firearms or hunting within five hundred feet (500') of a dwelling or occupied building is not allowed.

D. Exception: This section shall not apply to police officers or authorized law enforcement officers or personnel when using firearms in the course of performance of their duties.

E. Lawful Use: This subsection defines lawful use of firearms in the city. Required permits shall be issued by the chief of police or the chief's designee.

1. Nuisance Permits: Use of a .22 caliber rimfire rifle by permit to exterminate small nuisance animals in an otherwise legal manner for a period not to exceed thirty (30) days. Such permits will be issued for only one individual for such use on their own property, and only to persons at least eighteen (18) years of age. Users must follow all applicable state laws.

2. Big Game: Use of a shotgun, muzzle loading long gun or legal handgun for hunting of big game is allowed in areas designated by the city council and in conformance with hunting seasons and regulations set by the Minnesota department of natural resources. Permits are issued on an individual basis only to holders of a valid big game hunting license, and only for a period that the license is valid. The applicant must indicate the area where such hunting activities will occur.

3. Target Practice: It shall be unlawful to use a rifle or handgun for target practice within the city of Baxter. However, use of a firearm for target practice is allowed only in areas designated by the city council and shall require a permit. Discharge of a rifle or pistol for such purposes is illegal in the city. Participants or permit holders shall be at least eighteen (18) years of age and own the property on which such activities will take place or have written permission on their person from the property owner. Minor children may participate in target practice activities, provided that the guardian or parent is present and directing such use. Such minor child shall have completed Minnesota department of natural resources gun training and hold a valid certificate. Required permits shall be issued on an individual basis only. The permit must indicate the place of such activity, usage days and hours. Firearms used for target practice may be discharged during the time period from nine o'clock (9:00) A.M. to legal sunset.

4. Small Game: Use of a shotgun and shot for hunting small game is allowed in areas designated by the city council. All usage shall be in conformance with hunting seasons and regulations set by the Minnesota department of natural resources.

F. Archery Hunting: Use of a bow and arrow for hunting is allowed in the city in areas designated by the city council. All archery hunting shall be in conformance with hunting seasons and regulations set by the Minnesota department of natural resources. Target practice using a bow and arrow is allowed on your own property or on private property with written permission from the owner. Permission must be on their person at the time the activity is occurring. All target practice activity must be conducted in a safe manner so as not to endanger or risk injury to others.

G. Penalty: Violation of any provision of this section or usage of firearms in violation of Minnesota statutes or Minnesota department of natural resources regulations/rules shall result in revocation of any permit and forfeiture of issuance of future permits for a five (5) year period. Any person violating any provision of this section is guilty of a misdemeanor. (Ord. 2009-14, 8-6-2009)

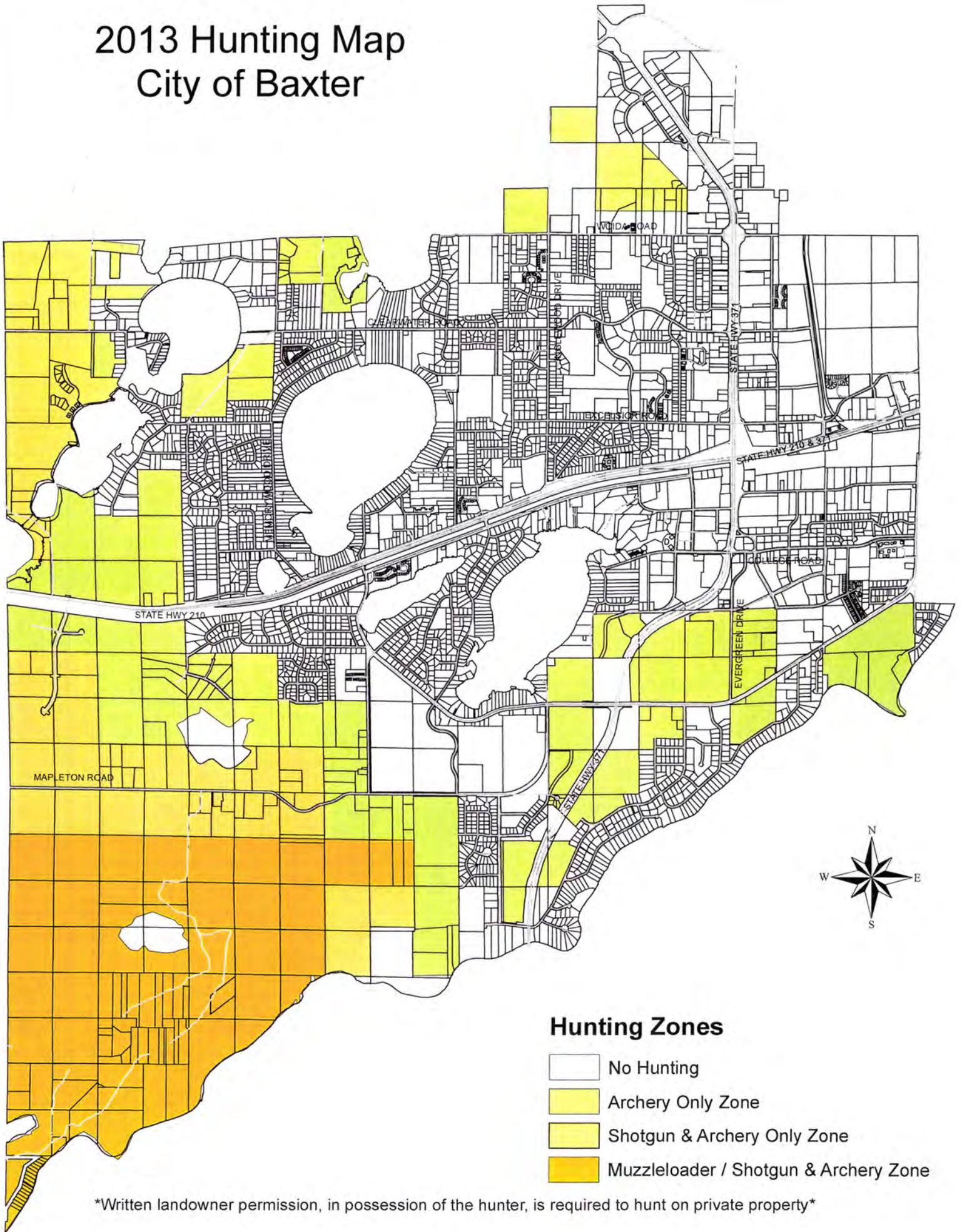
Recommendation

Staff recommends that the Long Range Planning Commission review the Hunting Map Amendment options and recommend specific map amendments to the City Council.

Recommendation

1. City Hunting Map
2. Letter from Camp Vanasek

2013 Hunting Map City of Baxter



Hunting Zones

-  No Hunting
-  Archery Only Zone
-  Shotgun & Archery Only Zone
-  Muzzleloader / Shotgun & Archery Zone

Written landowner permission, in possession of the hunter, is required to hunt on private property



May 18, 2016

Mayor Olson
Baxter City Council
13190 Memorywood Dr
Baxter, MN 56425

RE: Camp Vanasek

Dear Mayor and Council:

Camp Vanasek is an 88 acre camp located within the City limit of Baxter. The purpose of the camp is to provide outdoor experiences for youth and non-profit agencies of the area. Last year Camp Vanasek served more than 5,000 people during the year.

Due to the year round use of the camp, we are requesting that this 88 acres become a "no hunting" zone. In the past few years, we have had situations where the camp was occupied and at the same time there were hunters in the woods surrounding the camp. For the safety of the camp users, we ask that you approve our request.

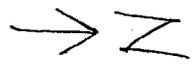
Thank You

Sincerely,

A handwritten signature in black ink that reads 'Nancy L. Cross'. The signature is written in a cursive style.

Nancy L. Cross
Board of Director

Enc: map



N 1/2 SEC. 2

S 1/2 SEC. 2

0 100' 200' 300' 400'

BEACH

Access

Converted to public fishing pier

WHIPPLE LAKE

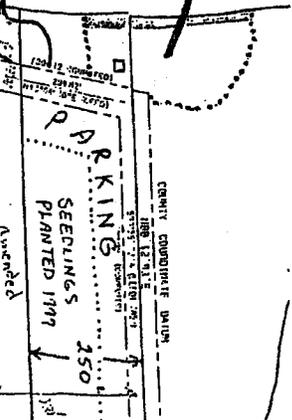
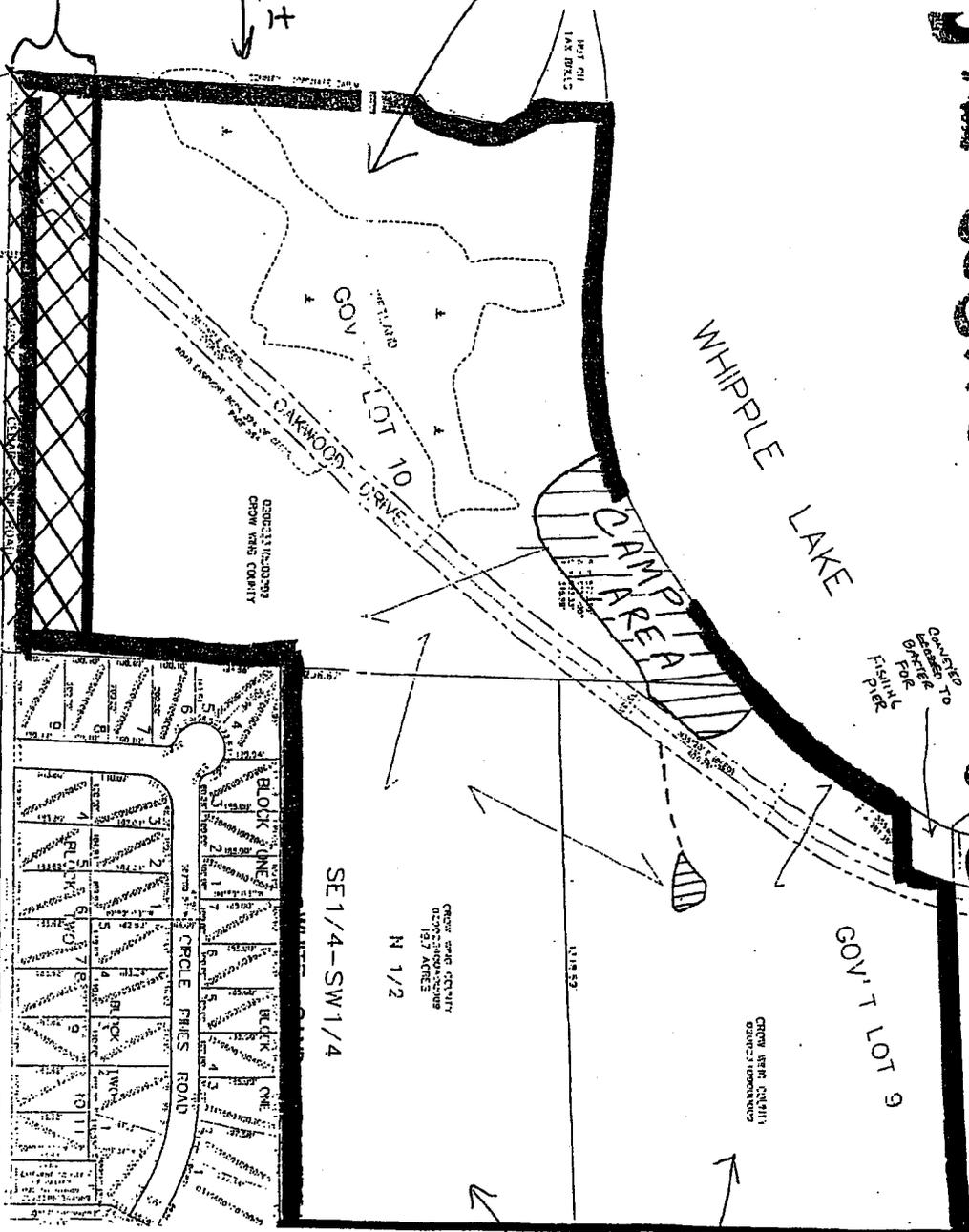
CAMP AREA

TWC OWNERSHIP LEASED TO DAMP V.

34.5 AC ±

SOUTH 183' OF GOV'T LOT 10

DELETED FROM TWP V 1 - ASE



Baxter #020033004

CITY OF BAXTER OWNERSHIP

County #020031098A-9 160.160 AC ±

TWC Co. OWNERSHIP LEASED TO DAMP V.

County #020034004 0.260 AC ±

WHITE SAND WEST FIRST ADD.

SE 1/4 - SW 1/4

CHOW SAMP COUNTY 020032004 12.7 ACRES N 1/2

CHOW SAMP COUNTY 020032004 12.7 ACRES

CHOW SAMP COUNTY 020031002 39 ACRES

SECT. 12, T. 14N, R. 9E COUNTY GOVERNMENT DATED 1981.12.31.5