



# CITY OF HAM LAKE

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## **CITY OF HAM LAKE CONDITIONAL USE PERMIT APPLICATION PROCEDURES**

The following information will be required in order to apply for a Conditional Use Permit:

- Planning request application forms completed, signed and dated.
- \$400.00 deposit – Minimum fees charged will include a staff review fee of \$100, the Conditional Use Permit fee of \$200, actual postage costs for notification of properties owners within 350 feet of the subject property for the public hearing, actual cost of publication of the legal notice in the City's legal newspaper, a sign charge for notification to the public, and a Planning Commissioner inspection fee of \$20.
- Complete legal description of the property and current zoning of the property.
- Detailed (to scale) site plan of property (no larger than 11" x 17" paper size) showing location and topography of site, use of adjacent land, streets, location of buildings (including an interior layout of the building), location of well and septic system, lighting, fencing, etc. The site plan must also show the hard surfaced parking area, including parking stall detail with minimum parking stall size of 9' x 20' and handicap parking stall size a minimum 8' x 20' plus 8' x 20' hashed and minimum 24' wide driving isles
- Detailed written narrative of the business including the nature of the business, anticipated traffic, storage needs, hours of operation, employee counts, etc.

Following receipt of this information, a public hearing before the Planning Commission will be scheduled and a notice of the public hearing will be published as a legal notice in the city's legal newspaper (Anoka County Record) not less than 10 days prior to the hearing date. The notice of public hearing will also be mailed to all property owners within 350 feet of the subject property. The applicant will receive notice of the public hearing and their presence is required at the Planning Commission meeting. The Planning Commission will make a recommendation and the City Council will take final action at its next City Council meeting, or when otherwise noted. The applicant's presence shall also be required for the City Council meeting.

It is required that the Conditional Use Permits be reviewed annually by City Staff for compliance with conditions and a fire inspection shall also be conducted.

The Ham Lake City Code is available on the City's website at [www.ci.ham-lake.mn.us](http://www.ci.ham-lake.mn.us)

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## **Suggested Commercial Off-Street Parking Requirements**

Hard surfaced parking area with minimum 9' x 20' spaces, handicap parking spaces to be a minimum of 8' x 20' plus 8' x 20' hashed spaces. And minimum 24' wide driving isles.

**Parking Lot** – Whenever a Certificate of Occupancy is required for any new construction or change of usage in any of the following categories, the following provisions shall be made for the parking of motor vehicles on locations other than on public streets:

- a. Automobile service stations: At least one (1) parking space for each employee, plus two (2) for each service stall.
- b. Banks: At least one (1) parking space for each four hundred (400) square feet of floor area, plus one (1) for each employee and four (4) for each inside teller window.
- c. Bowling alley, recreational buildings: At least five (5) parking spaces for each lane, one (1) space per each employee per maximum shift, plus additional spaces as may be required for affiliated uses.
- d. Professional office or public administration buildings: At least (1) parking space for each two hundred fifty (250) square feet of floor area.
- e. Churches and synagogues: At least one (1) parking space for each four (4) seats in accordance with design capacity of the main auditorium.
- f. Private clubs, lodges and other establishments handling the sale and consumption of food and refreshment on premises: At least one (1) parking space for each four (4) seats.
- g. Furniture and appliance stores, motor vehicle sales, stores for repair of household equipment or furniture: At least one (1) parking space for each two hundred fifty (250) square feet of land used for showroom or exterior sales lot.
- h. Libraries and museums: At least one (1) parking space for each two hundred fifty (250) square feet of floor area.
- i. Manufacturing, fabricating, general industrial building, and processing plants not engaged in retail trade: At least one (1) parking space for each two (2) employees on a maximum working shift or one (1) parking space for every two hundred fifty (250) square feet of floor area, whichever is greater.
- j. Medical and dental clinics: At least two spaces for each examining or treatment room, plus one (1) for each doctor and employee in the building.
- k. Motels: at least one (1) parking space for each dwelling unit, plus one (1) space per employee.
- l. Public utility and public service uses: At least one (1) parking space for each three (3) employees, plus spaces in adequate number as determined by the Zoning Administrator to serve the visiting public.
- m. Recreational buildings or community centers: Spaces in adequate number as determined by the Zoning Administrator.
- n. Schools, elementary, junior high, public or private: At least one (1) parking space for each faculty member and other full-time employees, plus adequate off-street parking for visitors.
- o. Supermarkets, discount houses, mail order outlets, retail stores and other stores with high customer volume: At least one (1) parking space for each two hundred (250) square feet of floor area.
- p. Warehouse and storage establishments and freight terminals: at least (1) off-street parking space for each two thousand (2000) square feet of floor area or one (1) parking space for each employee on maximum working shift.
- q. Other uses: Spaces in adequate number as determined by the Zoning Officer.

## **9-300 SPECIAL ZONING MATTERS**

### **9-310 Conditional Use Permits**

A *Conditional Use Permit* is a permit issued after approval by the City Council, which allows a particular parcel to be used for a purpose other than a *permitted use* in a given zoning category. Additional provisions for certain types of *Conditional Use Permits* are found in Article 9- 330 of this code. The following specific terms and conditions shall apply to *Conditional Use Permits*:

**9-310.1 General Guidelines for Issuance** No *Conditional Use Permit* shall be issued unless the usage meets the criteria outlined in Article 9-110. In addition, a *Conditional Use Permit* may be denied if the City Council finds:

- i) that the proposed usage is visually or otherwise incompatible with adjoining pre-existing land uses; or
- ii) that the proposed usage would create unsafe traffic conditions; or
- iii) that the proposed usage would result in noise, light glare, vibrations, fumes or other environmental conditions that would disturb adjoining pre-existing land uses; or
- iv) that the proposed usage would otherwise be harmful to public health, safety or welfare.

**9-310.2 Procedure for Issuance** Application for a *Conditional Use Permit* shall be made on forms prescribed by the *Zoning Officer*, and shall be accompanied by such fees as the City Council may from time to time require. The *Zoning Officer* may request such additional information or data from the applicant as the *Zoning Officer* deems appropriate, prior to scheduling a public hearing. Once all submissions are complete, the *Zoning Officer* shall publish notice in the manner provided by statute of a public hearing to be held before the *Planning Commission*, which shall make recommendations to the City Council after reviewing the application and conducting the public hearing. The public hearing may be continued or recessed in the discretion of the *Planning Commission*. The City Council may attach such conditions to the issuance of *Conditional Use Permit* as it deems appropriate. If the application is denied, notice of the reasons for denial, including specific findings of fact, shall be given in the manner provided by law.

### **9-310.3 Renewal and Revocation**

**9-310.31 Duration** A *Conditional Use Permit* shall be issued for a period of one year.

**9-310.32 Administrative Renewal** A *Conditional Use Permit* may be renewed by administrative action under the following conditions:

- a) City Staff shall keep a record of the expiration dates of all *Conditional Use Permits*, and shall conduct an annual inspection of the premises housing the *Conditional Use Permit* to verify ongoing compliance with the conditions of the Permit.
- b) If the annual inspection discloses no ongoing violations of the conditions of the Permit, the City Administrator shall approve the renewal, and make a notation in the Permit file as to such approval. Subject to the provisions of Article 9-310.33, the City Administrator may also approve a renewal where the annual inspection reveals an ongoing violation of the conditions of the Permit, if the violation is promptly cured by the Permit holder.
- c) No renewal fee shall be charged for renewal by administrative action.

**9-310.33 Renewal by City Council Action** Renewal of a Conditional Use Permit by approval of the City Council, after Planning Commission review, shall be required in the following instances:

- a) If the Permit holder requests a material change in the conditions of the Permit; or
- b) If the City staff has documented more than two violations of the conditions of a *Conditional Use Permit* within any given calendar year; or
- c) If the City staff has documented a violation that constituted an immediate threat to public health or safety, requiring the imposition of additional conditions to the permit to lessen the likelihood of a repeat of the violation.
- d) The holder of a Permit requiring renewal by City Council action shall be required to reimburse the City for any expense incurred in renewing the permit.

**9-310.34 Revocation** The City Council may, by resolution, revoke a *Conditional Use Permit* if, after conducting a review which affords reasonable due process of law to the permit holder, the City Council finds:

- a) That the conditions of the permit have been repeatedly violated in the preceding twelve months, and that there is a substantial likelihood that repeated violations will continue to occur; or
- b) That there is an ongoing violation of the permit that has not been cured; or
- c) That there are one or more conditions present at the location covered by the Permit that presents an ongoing threat to public health or safety.

### **9-320 Temporary Conditional Use Permits**

A *Temporary Conditional Use Permit* is identical to a *Conditional Use Permit*, and subject to all of the conditions and procedures outlined in Article 9-310, with the following exceptions:

- i) The *Temporary Conditional Use Permit* shall be issued for a finite duration, after which the permit expires and the land usage no longer authorized. There is no renewal of a *Temporary Conditional Use Permit*.
- ii) The City Council may, in its discretion, require annual review of a *Temporary Conditional Use Permit*, and may, in the initial issuance of the permit, reserve the right to establish additional conditions upon each annual review.

## **9-200 ZONING CATEGORIES AND GENERAL USAGE CONDITIONS**

### **9-210 Residential Districts**

The residential land uses described in Articles 9-210.1, 9-210.3, 9-210.4 and 9-210.5 are intended to be applicable to developments which utilize subsurface sewage treatment systems (SSTS). *Residential Land Uses* are any land uses intended for occupancy in human *dwelling units*, and included in Article 9-210.

**9-210.1 Single Family Residential (R-1)** R-1 districts are intended for residential dwellings occupied by a single housekeeping unit. Definition of "SINGLE HOUSEKEEPING UNIT" - means one or more persons, not necessarily related by blood, occupying a portion of a dwelling unit which contains all of the following elements intended for the exclusive use of that particular person or group of persons: bathroom, kitchen or cooking facilities and sleeping quarters. All dwellings and ancillary features shall be constructed in accord with codes adopted by the State of Minnesota, County of Anoka, and City of Ham Lake. A *dwelling unit* is a properly and legally constructed structure in which humans are intended to reside. A *garage* is a structure which, when constructed (as labeled or indicated on the building permit application), was intended to store passenger-sized motor vehicles, regardless of the present usage of the structure.

#### **a) Permitted Uses**

- Single Family Dwellings, except Manufactured Homes
- Structures ancillary to the dwelling – including Non-Commercial
  - Radio Towers less than forty-five feet (45') in height.
- Public Parks
- Schools
- Full-size (9 hole +) golf courses
- Publicly Owned Buildings
- Underground Utilities
- Above Ground Transmission Lines and poles existing prior to the *Enactment Date*
- Multiple Dog License meeting requirements of Article 5-150
- Home Occupations under Article 9-350
- Accessory Buildings under Article 9-370
- Licensed Day Care Facilities in Dwellings Occupied as Residences
- Beauty Shops having no employees and one station, and possessing Home Occupation Permits issued under 9-350
- Dog grooming businesses having no employees, and possessing Home Occupation Permits issued under Article 9-350

#### **b) Conditional Uses**

- Public Utility Structures
- Firewood Sales
- Boarding Houses or Duplexes capable of meeting the provisions of Article 10-300 (Livability) as to each housekeeping unit

#### **c) Temporary Conditional Uses**

- Therapeutic Massage Facilities
- Raising of Pigeons under Article 9-330.9

**9-210.2 Residential – *Manufactured Home (R-M)*** R-M districts are intended for privately owned residential communities consisting of *manufactured mobile homes*, each of which is intended for occupancy by a single housekeeping unit, which communities are commonly known as “manufactured home parks”.

**a) Required Features**

- Streets Paved and curbed according to same standards as R-1 subdivisions
- Central Water System (No individual private Wells)
- Central Sewer System, Privately owned and maintained
- Density of not less than one-half acre per dwelling unit
- Minimum size of *Manufactured Home* to be 600 square feet
- Structure Setbacks according to same standards as R-1 Subdivisions
- Private Park on suitable soils, of a size equal to at least 10% of total development area
- Paved Driveways to all dwelling units
- Concrete sidewalk along all curbs, to City specifications
- Landscaping acceptable to City
- Full impoundment of stormwater runoff
- Concrete Block Storm Shelter to State Specifications
- No on-street parking
- Underground utilities
- Provision of Screened and fenced Tenant outside storage area of a size equal to or greater than 150 square feet per dwelling unit

**b) Permitted Uses**

- Maintenance Buildings (to be used for manufactured home park equipment)
- *Manufactured Homes*
- Underground Utilities
- A single office structure for park management, of not more than 1500 square feet
- Storm Shelter
- Park
- Outside Tenant Storage Area

**c) Conditional Uses and Temporary Conditional Uses**

- None

**9-210.3 Rural Single Family Residential (R-A)** R-A districts are intended for residential dwellings occupied by a single housekeeping unit, located in unplatted areas.

**9-210.31 Permitted Uses:** The following shall be permitted uses in the R-A Districts:

- a) All permitted uses in the R-1 District
- b) Sod Farming
- c) Horticulture
- d) Sales of Produce grown on the site

- e) Maintaining Horses, Donkeys or Mules pursuant to Article 5-200 of the Ham Lake City Code;

**9-210.32 Conditional Uses:** The following shall apply to Conditional Uses in the R-A Districts.

- a) General Requirements for Conditional Uses
  - i) Road Frontage: The lot upon which the conditional use is proposed must contain at least 200 feet of frontage on a public road; and
  - ii) Setback: The building and/or perimeter area of the land upon which activity for which the conditional use permit is proposed is set back at least fifty (50) feet from all lot lines, and
  - iii) Screening: If deemed appropriate by the City Council after review and recommendation of the Planning Commission, an adequate screening barrier of a type and composition acceptable to the City shall be provided.
  - iv) Small Lots: Notwithstanding the following, for R-A lots of three acres or less in size, as measured from the centerline of adjacent roadways, the only Permitted Uses, Conditional Uses and Temporary Conditional Uses allowed shall be those in the R-1 zoning district.
- b) Listing of Conditional Uses: The following *Conditional Uses* shall apply in the R-A Districts:
  - i) All *Conditional Uses* in the R-1 District
  - ii) Public Dog Kennels meeting the requirements of Article 5-163
  - iii) The raising of Livestock, Poultry, or other animals as outlined in Article 5-300 Animal Permits
  - iv) Cemeteries
  - v) Excavation or mining pursuant to permits issued under Article 11-600 of the Ham Lake City Code, but only within Mining Overlay Districts as defined therein
  - vi) *Farm Wineries* under Article 9-330.4 of the Ham Lake City Code
  - vii) Other Small Businesses which:
    - aa) Generate no noise which would violate the standards for residential land uses as found in the regulations of the Minnesota Pollution Control Agency, as expressed therein, which regulations are hereby adopted by reference insofar as they pertain to permitted decibel levels adjacent to or near residential properties, and
    - bb) Generate no odors, fumes, vibrations or light beyond the property lines, and
    - cc) Are largely screened from outside view, and
    - dd) Accommodate all parking on-site, and
    - ee) Do not generate unreasonable customer traffic, and
    - ff) Do not engage in on-site retail sales

**9-210.33 Temporary Conditional Uses:** The following *Temporary Conditional Uses* shall apply in the R-A districts:

- i) All *Temporary Conditional Uses* in the R-1 District.
- ii) Seasonal *Temporary Conditional Uses* by Permit under Article 9-330.8.



**9-210.4 Affordable Housing District (R-AH)** R-AH Districts are areas intended for the creation of multiple-family apartment buildings targeted for occupancy by persons aged 55 or older or having low or moderate income, as those terms are from time to time defined by the City Council in concert with the commonly established guidelines of various governmental social service agencies.

**a) Permitted Uses**

- Multiple family apartment buildings or cottages and ancillary facilities
- Recreational facilities for the exclusive use of tenants
- Underground Utilities
- Storage Buildings or Garages for the exclusive use of tenants
- A single business office for building or complex management, of not more than 1500 square feet

**b) Conditional Uses and Temporary Conditional Uses**

- None

**9-210.5 Planned Unit Development (PUD)** A PUD district is a development which involves single family housing of the variety found in the R-1 District, combined with a second active land use of a non-residential nature, or a development which involves a single active land use of a residential nature which differs from the housing types commonly found in the R-1 district, such as *townhomes* or facilities found in the R-AH districts. The following features shall be present in PUD developments:

**a) Development Agreement** Every PUD shall require the negotiation and execution of a written development agreement, for recording with the plat of the PUD.

**b) Permitted Uses, Conditional Uses, and Temporary Conditional Uses**

The development agreement shall state the *permitted uses, conditional uses and temporary conditional uses* which shall be allowed in the PUD. For non-residential uses, the development agreement shall characterize these uses by reference to a particular zoning category found elsewhere in this code, and while the general zoning category of the property shall be “PUD”, the non-residential usage shall be subject to the same requirements and conditions as are found for the zoning category which is chosen to characterize that particular non-residential usage.

**c) Townhomes** *Townhomes* are single family dwellings which have at least one common wall with another single family dwelling, and are *permitted uses* in the PUD district up to a maximum of four units in a given row of *townhomes*.

**d) Density and Lot Requirements** Residential Density in a PUD shall not exceed one dwelling unit per acre. Physical standards for lots, streets and other aspects of development, including setbacks, shall generally be identical to those standards for the same character of land use in the individualized zoning districts; however, zero lot lines may be used for *townhomes*, and minor alterations in other physical standards shall be permitted to encourage cluster housing or other planning techniques, without the need to categorize such alterations as variances.

**e) Private Roads** Private roads may be used in the PUD districts, provided that there is a mechanism approved by the city for maintenance, snowplowing and access for emergency vehicles, school buses, mail vehicles, governmental inspectors, utility companies, rubbish removal and other common services.

**f) Phasing and Amendments** A PUD may be developed in phases in accord with applicable statutory authority, but all phasing shall be detailed in the development agreement. Amendments to a PUD which do not materially affect land uses or persons outside the PUD may be processed by Planning Commission review and City Council action, but all other amendments shall require a public hearing to be conducted in the same manner as for the original PUD plat.

**9-210.6 Shoreland Residential – General Development (RS-1)** This district includes lands near bodies of water which meet the definition of General Development Districts in Article 12 of this Code (uncodified Shoreland Zoning Ordinance). Except as may be limited by Article 12, Permitted and Conditional Uses in these districts shall be identical to the Permitted and Conditional Uses in areas zoned R-1.

**9-210.7 Shoreland Residential – Recreational Development (RS-2)** This district includes lands near bodies of water which meet the definition of General Recreational Districts in Article 12 of this Code (uncodified Shoreland Zoning Ordinance). Except as may be limited by Article 12, Permitted and Conditional Uses in these districts shall be identical to the Permitted and Conditional Uses in areas zoned R-1.

**9-210.8 (Reserved for Sewered Residential Projects)**

**9-210.9 Multiple Family Residential (R-2)** R-2 districts are intended for duplexes, triplexes, four-plexes or (by conditional use permit) larger multiple-family dwellings such as apartment buildings. Such dwellings may be served by SSTS meeting the standards of this code and state, county and city rules or regulations, and the lots upon which such dwellings are located shall contain the following features:

**a. Backup SSTS Space** – sufficient suitable soil to enable the installation of a second SSTS to replace the SSTS approved for the initial construction, to the same specifications of the initial SSTS.

**b. Yard Area and Livability** - the Yard Area and Livability requirements for any lot shall be the same square footages as are found in Article 10-302 or single-family dwellings, but multiplied by the number of units in the multiple family dwelling.

Multiple family dwellings already existing in the City as of January 1, 2009 shall not be required to meet the foregoing yard and SSTS provisions, but shall be considered *non-conforming uses* and subject to prohibitions on expansion or alteration to the degree to which they do not meet current codes regarding SSTS, yard areas and livability.

### **Permitted Uses**

- Duplexes
- Triplexes
- Four-plexes
- Multiple Family Residential Buildings having more than four dwelling units
- Underground Utilities
- Above Ground Transmission Lines and poles existing prior to January 1, 2009.
- Home Occupations permitted under Article 9-350, provide that the home occupation does not involve the use of employees who are not residents of the dwelling, does not involve the storage of inventory on the site, does not involve deliveries of goods used in the business to the site or shipped from the site, does not involve customers coming to the site, and does not involve the presence of machinery or equipment other than a personal computer, copy machine, fax machine and/or small personal printer.

### **Conditional Uses**

- Public Utility Structures
- Accessory Buildings

**9-220 Mercantile Districts** The land uses described in Article 9-220 are intended to be applicable to developments which utilize subsurface sewage treatment systems (SSTS), and to developments which use approved combined sewage treatment systems. All building permits and Certificates of Occupancy in the Mercantile Districts shall require the review and approval of the City Council, after review and recommendation by the Planning Commission, excepting building permits and/or certificates of occupancy being issued for an alteration to an existing structure under circumstances in which the land use will be unchanged, and in which the alteration will not materially affect parking requirements, stormwater runoff, traffic, sewage treatment needs or aesthetics.

**9-220.1 Standards Common to All Mercantile Districts** The following standards shall apply to all of the mercantile districts as listed in Article 9-220.

- a) Paving** All parking lots, drives and surfaces upon which the public shall have access shall be paved according to specifications to be established by the city's engineer;
- b) Drainage** Surface water drainage and ponding needs shall be implemented in the manner directed by the city's engineer;
- c) Landscaping** Landscaping shall be implemented in the manner provided in Article 11-1800;
- d) Setbacks for Paved Areas** There shall be a ten foot setback between any lot line and the back of curb of any parking lot or driveway, and a six foot setback between the back of curb of any parking lot and any building;
- e) Buffering** When any mercantile land use is located adjacent to a residential area, it shall be screened by opaque fencing, vegetation, or both;
- f) Refuse Containers** Refuse containers shall be stored in locations which are completely screened from outside view; hazardous materials shall be stored and disposed of in the manner provided by law;

**g) Parking Lots and Lighting** Off-street parking shall be provided for all patrons and employees. The *Zoning Officer* shall maintain a schedule of parking requirements, to be ratified from time to time by resolution of the City Council, to serve as the general guideline for the establishment of parking requirements, subject to modification by the City Council where merited. Security lighting shall be permitted, and may be required on review of site plans, but shall be directed away from adjacent properties. No light or combination of lights that cast light upon a Residential Land Use shall exceed 4 foot candle meter reading as measured at the residential property line. All measurements shall be made after dark at the property line or edge of roadway.

**h) Off-Street Loading** All deliveries and bulk pickups of merchandise, inventory and supplies shall be made to loading facilities preferably located in the rear of the building, which loading facilities shall be sufficient to enable the prompt and safe transfer of goods.

**i) Signage** All signage shall conform to the provisions of Article 11-300.

**j) Special Considerations** Notwithstanding the limitations as to building styles, construction types and exterior treatments, the City Council, after Planning Commission review, may depart from strict adherence to the standards found in Article 9-220, where special conditions merit such departure, and where certain standards are met. Such special conditions and standards may include, without limitation, the following items.

**i)** The departure is not being requested for purely economic reasons;

**ii)** The nature of the business is such that it requires a specific type of building construction in order to improve the business function, such as requirements for sunlight, specialty equipment, interior lighting or the like;

**iii)** The business is a permitted or conditional use in the zoning district;

**iv)** The applicant proposes the usage of special aesthetic treatments which provide a superior exterior view, such as landscaping, vegetation screening, berming, or the like;

**v)** The property contains unusual topography, mature vegetation or other features which can be preserved or enhanced to produce an overall superior appearance;

**vi)** The property contains unusual accessibility problems to or from adjacent roadways;

**vii)** The applicant offers to implement more stringent design limitations in certain site plan features than would normally be required, in exchange for being permitted less stringent design limitations in other site plan features.

**k) Outside Storage** Outside storage and activities for areas zoned CD-3, CD-4, Industrial Park (I-P) and Light Industrial (I-1) shall be as specifically detailed in the Code Sections dealing with those land uses (Articles 9-220.4 through 9-220.7). For areas zoned CD-1 and CD-2, the following provisions shall apply to outside storage, excepting Fireworks sales and storage, which

are governed by the provisions of Article 9-330.6. **Unless specifically permitted by this Article 220.1(k), no Outside Storage shall be allowed in any area zoned CD-1 or CD-2.**

**1) Definitions**

**aa) Outside Storage** – personal property (not fixtures) that are located within the Approved Property Lines of any parcel bearing a CD zoning classification, but which are found outside of an enclosed, roofed building (including temporary structures). Outside Storage does not include Refuse Containers, customer vehicles, employee vehicles parked while the employee is on duty, delivery vehicles while in the process of delivery or pickup, construction materials or vehicles being used in an active construction project on the parcel, legal signs or banners, or legal temporary structures. Except where specifically excepted, Outside Storage does include inventory of the business occupying the parcel.

**bb) Inventory** - goods, except Vehicle Inventory, that are offered for sale in the ordinary course of business of any business occupying the parcel. For auto repair shops, inventory shall also be deemed to mean passenger vehicles or pickup trucks awaiting repair services.

**cc) Vehicle Inventory** – Automobiles, Trucks, Trailers, Manufactured Homes, Recreational Vehicles, Campers, Camper Tops, Truck Toppers, Boats or other wheeled conveyances that are offered for retail sale at a legal business location whose primary business is the retail sale of one or more of the above items. Rental equipment that may be offered for sale is not Vehicle Inventory. Vehicle Inventory that bears obvious signs that the vehicle is not presently capable of being legally operated or conveyed on a public road is not Vehicle Inventory, including, but not limited to vehicles lacking wheels or inflated tires, operable drive train components, broken windows or lights, required current vehicle registration, missing body parts, such as fenders, doors, hood lids, trunk lids, bumpers, lights or trim.

**dd) Aesthetically Screened Outside Storage** - Inventory or Vehicle Inventory behind an opaque barrier constructed of masonry or brick, attached to and matching or complementary to the main building, and of sufficient height and design so as to give the appearance that the barrier is a part of the main building. No object shall be stored inside of such a barrier if the object protrudes above the height of the barrier. Any gates through the barrier shall be opaque and of aesthetic design.

**ee) Limited Outdoor Displays** - Temporary displays of merchandise which are normally sold or displayed from within an enclosed retail store locations, but which are temporarily placed not more than ten feet from an outside wall of the main retail sales building during business hours, and then returned to inside storage during non-business hours.”

**ff) Improvement Stores** – Businesses that have as their primary source of revenue the retail sale of plants, seeds, landscaping supplies, produce, or yard statuary.

**gg) 24-Hour Convenience Stores** – Businesses that sell gasoline at retail, and, from the same store location, also sell groceries, auto supplies, sundries, over-the-counter medications and personal products, sundries and other items for human consumption, and which remain open for business at all times of every day.

**hh) Approved Property Lines** – Are the outside perimeter of the real estate parcel or parcels which were shown on the site plan used for the initial municipal approval of a certificate of occupancy or conditional use permit for a particular operation.

**ii) Pool Stores** – retail stores that engage in the retail sales of above ground or below ground recreational swimming pools that contain electric filtration devices providing water circulation and filtration in the pool, and under conditions where an inventory of above ground or in ground swimming pools is maintained, connected by water and electricity to a source originating in a permanent retail building located on the same parcel. A Pool Store shall not be considered a retail store for the purposes of determining permitted uses under Article 9-220.2 (b) or 9-220.3(b).

**jj) Screened Outside Storage** – is Inventory or Vehicle Inventory behind an opaque barrier constructed of wood, metal, plastic, masonry, brick or earthen berm, or which is behind an opaque barrier composed of existing buildings or other structures on the property, or which is behind a semi-opaque barrier of vegetation that substantially conceals the storage from outside view.

## **2) Permitted Outside Storage**

**aa)** Vehicle Inventory is permitted Outside Storage on any CD-1 or CD-2 parcel in connection with a business that is legally permitted to sell Vehicle Inventory. If specifically permitted by the conditions of any Conditional Use Permit or Temporary Conditional Use Permit for any such parcel, vehicles that do not meet the definition of Vehicle Inventory may also be permitted Outside Storage.

**bb)** Aesthetically Screened Outside Storage is permitted outside storage if used as a condition of approval of any site plan, Conditional Use Permit or Temporary Conditional Use Permit on any CD-1 or CD-2 parcel in connection with the new construction of a main commercial building on the parcel.

**cc)** Limited Outdoor Displays are permitted Outside Storage in both the CD-1 and CD-2 districts. If the business is a 24-Hour Convenience Store, the Limited Outdoor Display need not be moved indoors, but the business shall at all times maintain a clear pedestrian path on sidewalks that is at least 36 inches in width.

**(dd)** Inventory is permitted Outside Storage for Improvement Stores and Manufactured/Prefabricated Structure Sales but must be separately identified on the initial site plan submitted with the initial request for certificate of occupancy or conditional use permit, and must be stored only in conformance with that site plan. Bins or containers housing the Inventory shall also be permitted Outside Storage for Improvement Stores and Manufactured/Prefabricated Structure Sales as shall be other items necessarily incident to the storage, maintenance or protection of the Inventory.

**ee)** No Outside Storage shall be permitted for any business unless the storage is within the Approved Property Lines.

**ff)** Pool Stores may display above ground or below ground swimming pools as Permitted Outside Storage only on property under conditional use permit, subject to conditions to be established by the City Council, which must include, at a minimum, the following:

- 1) Pool water must be maintained in a sanitary condition;
  - 2) Below ground pools must be surrounded by code-compliant fencing;
  - 3) Above ground pools must be constructed in a code-compliant method relative to either fencing or sufficient elevation to prevent accidental entry into the pool;
  - 4) Adequate security fencing around the storage display area must be installed to discourage after-hours entry into the pool storage area;
  - 5) Reasonable screening from outside view shall be installed;
  - 6) All sources of water and electricity shall be connected to the pools in a code-compliant manner;
  - 7) Only pools that are intended for use with circulating filters shall be permitted outside; no “kiddy pools”, wading pools or inflatable pools shall be permitted to be displayed outside.
  - 8) Winter storage of outside pools shall be done in a manner that covers the pool surface and prevents the accidental entry into the pool;
- gg) Screened Outside Storage** is permitted outside storage if used as a condition of approval of any site plan, Conditional Use Permit or Temporary Conditional Use Permit on any CD-1 or CD-2 parcel involving pre-existing main buildings or structures that:
- 1) Historically utilized outside storage in connection with business operating on the property, and which uses were never abandoned;
  - 2) Do not involve replacement or major remodeling of the existing structures, but utilizes the existing structures for the business to be operated;

Approval of Screened Outside Storage is discretionary with the City Council.

**i) Revocation** All permits and certificates of occupancy issued in the mercantile districts are subject to revocation under the provisions of Article 9-240.

**3) Office/Warehouses** Office/Warehouse is a term given to a structure that is designed to have office space in front, behind which is situated an open bay or bays, with the office and bay space to be occupied by a single business. The office space and the bay space may also include area for retail sales. The bay space may also be used for manufacturing, other industrial activity, or warehousing. Building Permits may be issued for Office/Warehouses in any Mercantile District as found in Article 9-220. However, specific uses within each Office/Warehouse are subject to the Permitted Use, Conditional Use and Temporary Conditional Use restrictions for the given zoning district in which the Office/Warehouse is constructed. The issuance of a building permit for an Office/Warehouse does not confer upon the property owner the right to use any portion of the structure in a manner inconsistent with the use restrictions for the zoning district in which the structure is located. All new tenants or occupants of any Office/Warehouse must observe the same conditions for site plan or other approval, as would any other occupant. Further, if the zoning district in which the Office/Warehouse is to be constructed contains restrictions on building materials or design, those restrictions must be followed.

### **9-220.2 Commercial Development 1 (CD-1)**

The CD-1 zone is intended to apply to certain commercial uses on lands abutting the city's only major thoroughfare, Trunk Highway 65. In that these lands have high visibility to the traveling public, it is considered important to the preservation of land values in general, as well as important to the continuing ability of the city to generate the establishment of quality commercial development and the concomitant tax and employment base, that structures in the CD-1 zones observe specific construction and aesthetic standards, which are listed below. No usage shall be permitted in the CD-1 zone which does not observe the standards found in Article 9-220.2 (a) below.

#### **a) Standards for Site and Building Construction**

- i) Except for structures housing public utility feature, no metal or pole-type building shall be permitted;
- ii) Exterior wall surfaces shall be of brick, decorative masonry, stone, precast panel, architectural concrete, glass, stucco or wood framed with horizontal lap siding;
- iii) No galvanized surfaces shall be permitted, either on roofs or siding;
- iv) All roofs shall be colored and shall incorporate a minimum 18-inch soffit on the eave edge of the roof;
- v) All roofs shall have a minimum 12-inch overhang on the gable ends;
- vi) All roofs have a 9.5 inch fascia;
- vii) Standing metal seam roofing shall be permitted (Minimum 24 gauge, non-galvanized);

#### **b) Permitted Uses (Including uses that are ancillary to the main use)**

- Clubs and Lodges
- Medical Facilities
  - Assisted Living Facilities
  - Chiropractic
  - Clinics of all medical disciplines
  - Dental
  - Diagnostic Facilities
  - Hospitals
  - Laboratories
  - Nursing Homes
  - Treatment Rooms and Centers
  - Veterinary Clinics
- Hotels, Motels and Lodging Houses under Article 11-1100
- Offices and Office Buildings
- Park and Ride Lots
- Post Offices
- Public Utilities (metal or pole type construction allowed)
- Recreational Facilities (indoor unless noted)
  - Batting Cages
  - Billiard Parlors
  - Bowling Alleys
  - Dance/Gymnastic Studios
  - Health Clubs
  - Martial Arts Studios



- Miniature Golf Courses (outdoor)
- Paintball or Laser Tag Facilities
- Parks (outdoor/publicly owned)
- Roller Skating Facilities
- Shooting Range
- Skateboard Facilities
- Virtual Golf Facilities
- Restaurants, including liquor service
- Retail Facilities - engaged in the sale of goods (Excluding Motor Vehicle/ Boat/RV/Camper Sales), from freestanding one-store locations, shopping centers, strip malls or enclosed malls, including, but not limited to:
  - Antique Stores
  - Appliance Stores
  - Automobile Parts Stores (new parts only)
  - Bakeries
  - Bicycle Stores
  - "Big Box" Stores (subject to Article 9-400)
  - Book Stores
  - Butcher Shops/Meat Markets
  - Camera Stores
  - Candy Stores
  - Carpet Stores
  - Clothing Stores
  - Coin Stores
  - Convenience Stores
  - Cosmetic Stores
  - Discount Stores
  - E-Cig Stores
  - Electrical, HVAC and Plumbing Equipment Stores
  - Electronics Stores
  - Fireworks (under Article 9-330.6)
  - Floral Stores
  - Furniture Stores
  - Gift Shop
  - Grocery Stores
  - Hardware Stores
  - Health Stores
  - Hobby/Game Stores
  - Housewares Stores
  - Improvement Stores (Lawn & Garden) as defined in Article 9-220.1 (k)(1)(ff)
  - Jewelry Stores
  - Liquor Stores
  - Luggage Stores
  - Music Stores
  - Office Supply Stores
  - Optical Supply Stores

- Paint/Wallpaper Stores
- Pet Stores
- Petroleum product sales (excluding vehicle repair)
- Pharmacies
- Shoe Stores
- Sporting Goods Stores
- Souvenir Stores
- Thrift Stores
- Tobacco Stores
- Video Stores
- Schools and Colleges
- Service Businesses
  - Appliance Repair Shops
  - Barber Shops
  - Beauty Shops
  - Car Washes
  - Day Cares (licensed)
  - Dry Cleaners
  - Electronics Repair Shops
  - Financial Institutions
  - Funeral Homes
  - Government Buildings
  - Insurance Agencies
  - Law Offices
  - Locksmiths
  - Manicure/Pedicure/Nail Care shops
  - Pet Grooming Shops
  - Photography Studios
  - Print Shops
  - Shoe Repair Shops
  - Specialty Retail Shops
  - Tailor Shops
  - Tanning Facilities
  - Travel Agencies
- Small Engine Sales and Repair
  - Air Compressors
  - Chain Saws
  - Garden Tractors
  - Lawn Mowers
  - Leaf Blowers
  - Other Motorized Gardening Equipment
  - Power Rakes
  - Power Washers
  - Rototillers
  - Shop Vacs
  - Snowblowers
  - Woodchippers
  - Woodsplitters

- Theatres
- Worship Centers and ancillary features owned by the entity that owns the Worship Center, including classrooms, recreational features, residences for staff, offices and kitchen/dining.

### **c) Conditional Uses**

- Automobile Repair Shops (Passenger Vehicles, Pickup Trucks, ATVs, Snowmobiles, Motorcycles, Jet-skis, Boats and other Marine Equipment)
- Equipment Rental Businesses
- Light Manufacturing, defined as follows:  
The fabrication or processing of goods for sale to retailers, wholesalers, other manufacturers or at retail that takes place entire within an enclosed building and that meets the following criteria:
  - a) The business does not generate any noise, odor or vibration detectable from adjoining properties, other than that which occurs in the normal course of business during shipping and receiving activities;
  - b) There is no outside storage of any item except Aesthetically Screened Outside Storage as defined in Article 9-220(k)(1)(dd) of this Code.
  - c) No outside cranes or booms are located on the site;
  - d) Retail sales of the business products can occur on the premises if the commodities are the commodities manufactured on site.
- Manufactured/Prefabricated Structure Sales (including, without limitation, housing units, gazebos, storage sheds, playhouses, screened porches, and shelters) together with incidental furnishings such as lawn chairs and picnic tables
- New Vehicle Sales (must have indoor showroom) limited to the following:
  - **Note:** Where the word “vehicle” is used, the term is hereby defined to exclude manufactured homes, busses, semi-tractors, semi-trailers over 30 feet in length, and heavy construction equipment, such as bulldozers, backhoes, road graders, earth moving equipment, cranes and excavators.
  - ATV’s (all-terrain vehicles)
  - Automobiles
  - Boats
  - Campers
  - Golf Carts
  - Motorcycles, Motorbikes and Scooters
  - Recreational Vehicles
  - Snowmobiles
  - Commercial Trucks
  - Pickup Trucks
  - Trailers less than 30 feet in length
- Office Warehouses
- Pool Stores
- Residential Treatment Centers

- Service Businesses
  - Landscaping
- Sexually Oriented Business under Article 9-330.3
  - Self-Storage Facilities, limited to properties on which self-storage facilities were in existence as of January 1, 2014. “Properties” as used herein is intended to include “Expansion Parcels”, which are tax parcels that were on said date contiguous to and in common ownership or control with the parcel on which self-storage facilities were in use on said date and which were lacking a permanent structure/usage and/or providing a parking area or driveway serving the parcel on which the self-storage units were located. Expansion Parcels do not include parcels that are separated by public roads from the parcel on which the self-storage units were located on said date. It is the intent of this language that the self-storage use be permitted to expand onto the Expansion Parcels if a Conditional Use Permit for such expansion is approved. Notwithstanding these provisions, all self-storage uses shall be considered non-conforming uses and if abandoned or damaged and unrepaired, are subject to the same criteria for termination of allowed usage status as for other non-conforming uses as provided in Article 9-150.1 of this Code.
- Temporary Commercial Structures under Article 9-330.7
- Therapeutic Massage under Article 9-330.5
- Transportation Facilities
- Used Vehicle Sales limited as follows
  - Collector Cars
  - Motor Homes and Recreational Vehicle Trailer Sales\*
 

\*(A “Trailer”, for the purposes of this code, shall mean a conveyance which is primarily designed to be towed behind a motor vehicle on public highways for usage in camping at bona fide campgrounds or RV parks. The conveyance commonly known in the industry as a “Park Model” is not to be considered a Trailer.)
  - Facilities that meet the following criteria:
    - The lot on which the use is proposed is presently and lawfully used by a business whose primary business is in the automotive industry such as automobile specialty shop, auto repair or recreational vehicle sales lot; and
    - The sales are limited to passenger cars and pickup trucks; and
    - The primary business activity in the automotive industry that qualified the lot to be used for Used Vehicle Sales must continue to be the primary business activity on the lot; Used Vehicle Sales shall be an incidental use only, and shall not replace the primary business activity; or
    - The used vehicle inventory is part of the overall inventory of a New Vehicle Sales operation, limited to vehicles that have been taken in trade by the owner

**d) Temporary Conditional Uses Only**

Certain modular housing sales lots may be allowed as Temporary Conditional Uses in the CD-1 areas under the following limited conditions:

- i) The permit shall be for no longer than five years;
- ii) No housing units shall be permitted which are manufactured homes, which were at one time manufactured homes, or which could become manufactured homes with the addition of wheels installed in a pre-engineered or pre-planned receptacle. It is the intention of this usage that the only housing units permitted for display in such areas are single family dwellings of wood frame construction, designed for placement on a permanent foundation in a typical single family residential neighborhood, and not designed for or commonly found in mobile home parks.
- iii) A single housing unit may be used as a sales office.
- iv) Marketing of housing units shall be only to consumer-homeowners, and not to retailers or wholesalers;
- v) All units shall be placed on concrete blocks, at least two courses in height, giving the appearance of a full basement.
- vi) All units shall be completely finished on the exterior to give the appearance that the unit is inhabited as a part of a quality single family neighborhood. Units may be assembled from pre-constructed component parts on site, but may not be constructed from scratch on the site. Assembly of any display unit shall be complete (weather permitting) within 14 days after commencement of assembly. Each display unit shall obtain a building permit from the City prior to commencement of assembly. A display unit, once in place, shall not be replaced for at least 24 months.
- vii) All surfaces upon which the public is expected to drive, park or walk shall be paved with bituminous or concrete material according to specifications to be established by the City's engineer.
- viii) All display units shall have an attached garage for two cars or more.
- ix) A Site Plan shall be reviewed and approved by the City Council, after review and comment by the Planning Commission, which plan shall limit the number of units to be displayed, provide a landscaping plan, show the locations of all drives, walkways and parking areas, and provide photographic samples of the styles of units to be displayed.
- x) The City Council may attach such other conditions to the Temporary Conditional Use Permit as are deemed appropriate or necessary to protect public safety, health or welfare, or to protect nearby property values.

**9-220.3 Commercial Development II (CD-2)**

The CD-2 Districts are located adjacent to the CD-1 Districts, and constitute a second tier of commercial activities along the T.H. 65 corridor. These districts also have importance in presenting a visually pleasing image to the traveling public, but are less visible from the T.H. 65 roadway than the CD-1 districts.

**a) Standards for Site and Building Construction**

- i) Metal or pole-type buildings shall be permitted if surfaces meet the requirements of ii below, and, provided that no galvanized surface may appear, all roofs shall be colored and incorporate a minimum 18 inch soffit on eave edges, 12 inch overhang on gable ends, and 6 inch fascia.
- ii) Modern metal paneling or architectural metal panel may be used for roof and exterior wall surfaces. On all exterior wall surfaces, the surface may be modern metal paneling, used in combination with brick, decorative masonry, stone, precast

panel, architectural concrete, architectural panel, glass, stucco or wood framed with horizontal lap siding;

Modern metal paneling may be used for roof and exterior wall surfaces, provided that on the wall sides facing T.H.65, no more than 25% of the surface area may be modern metal paneling, with the remaining portion of these surfaces being brick, decorative masonry, stone, precast panel, architectural concrete, glass, stucco or wood framed with horizontal lap siding; For other wall surfaces, there shall be a wainscot at least 42 inches in height which is composed of brick, decorative masonry, stone, precast panel, architectural concrete, glass, stucco or wood framed with horizontal lap siding;

**b) Permitted Uses (Including uses that are ancillary to the main use)**

- All Permitted Uses in the CD-1 District
- Broadcasting Studios
- Building Supply Yards/Lumber Yards
- Enclosed Storage and Warehousing
- Landscaping Businesses
- Manufacturing involving no non-enclosed storage
- Public Utilities (metal or pole type construction allowed)
- Research laboratories
- Used Vehicle Sales - limited to the following:
  - ATV's (all-terrain vehicles)
  - Automobiles
  - Boats
  - Campers
  - Golf Carts
  - Motorcycles, Motorbikes and Scooters
  - Recreational Vehicles
  - Snowmobiles
  - Commercial Trucks
  - Pickup Trucks
  - Trailers less than 30 feet in length
- Utility Companies

**c) Conditional Uses**

- All conditional uses or temporary conditional uses in the CD-1 District
- Flea Markets under Article 11-1500
- Kennels
- Pawn Shops under Article 11-1300
- Truck Terminals – as defined as a location where commercial trucks are parked and/or stored
  - Self-storage facilities, but not including the limitations and conditions imposed for such facilities as found in Article 9-220.2 (c).
  - Concrete Masonry

#### **9-220.4 Commercial Development III (CD-3)**

The CD-3 zones are areas of the City that are located outside of the TH 65 Corridor, which are suitable for certain institutional activities; neighborhood retail, or which operate under historic permits, and which involve no outside storage of supplies, equipment or inventory excepting motor vehicles used in the business (unless specifically allowed by historic permit) and except as stated below:

##### **a) Permitted Uses (Including uses that are ancillary to the main use)**

- Campgrounds (may include outside storage of firewood, equipment, picnic tables and other items common to a campground environment)
- Churches, including ancillary structures such as classrooms, offices, recreational facilities, parsonages or other dwellings for occupancy by church staff
- Convenience Stores including outdoor displays and inventory
- Financial Institutions
- Governmental, Business and Professional Offices
- Land Uses Specifically Authorized by Development
- Agreements in effect in whole or in part prior to January 1, 2000
- Licensed Day Care Centers
- Medical Clinics, including general medicine, specialty medicine, dental, optical and chiropractic
- Off Sale Liquor Stores
- Personal Services, including Beauty Shops and Barber Shops
- Petroleum Products Sales including outdoor displays and inventory
- Plant Nurseries, Garden Centers and Produce Markets (including limited outdoor display)
- Veterinary Clinics

##### **b) Conditional Uses**

- None

#### **9-220.5 Commercial Development IV (CD-4)**

The CD-4 zones are areas of the City that are located outside of the TH 65 Corridor, which are suitable for certain light industrial or construction trades, and which involve no outside storage of supplies, equipment or inventory excepting motor vehicles used in the business.

##### **a) Permitted Uses (Including uses that are ancillary to the main use)**

- Electrical, HVAC, Plumbing, Septic Contracting Businesses
- Indoor Storage
- Light Assembly
- Light Manufacturing or Re-Manufacturing

- Office/Warehouse
- Personal Services, including Beauty Shops and Barber Shops
- Small Retail Sales Facilities

**b) Conditional Uses**

- None

**9-220.6 Industrial Park (I-P)** This zoning category shall apply to mercantile parcels which are intended for manufacturing, warehousing, machining, tooling, fabricating, assembly, processing, equipment storage, storage of raw materials or supplies, and the like, as opposed to mercantile parcels used primarily for office or retail activities. Limited office space activity may occur in an Industrial Park, but only as incidental to the main industrial usage of a given parcel.

**a) Physical Requirements**

**i) Building Materials** All building construction shall be of masonry or of products made from concrete or materials related to concrete. Metal framed with architectural panel shall be allowed, but no other metal buildings shall be allowed in any I-P District.

**ii) Screening** Any I-P area developed after the effective date of this ordinance which is adjacent to land which is now or which is intended to become a residential land use shall be completely fenced by attractive, opaque fencing of sufficient height to completely screen all future activities within I-P area. Opaque fencing shall be deemed to mean only solid wood or solid metal components. Fence height shall be as determined upon site plan review by the *Planning Commission*, which may also require different screening material, including earthen berming.

**iii) Paving** All drives, parking lots or sidewalks which will be utilized by the general public or by employees of the business shall be paved in accord with standards established by the City's engineer. Equipment storage areas may be surfaced with Class V or other material if the area so surfaced is not to be open to the general public.

**iv) Landscaping** Article 11-1800 of this code shall apply to landscaping in I-P areas.

**b) Usage Limitations** All uses in the I-P areas shall be subject to the same review procedures as are found in Article 9-220 for Mercantile Areas. The following specific usage limitations shall apply to the I-P areas:

**i) Outside Storage** All outside storage shall be fenced for security purposes. Trash containers or accumulations of waste or debris of any kind shall be completely screened from view from outside the lot. All waste and debris shall be properly and promptly disposed of, storage of such material being allowed only for the time interval reasonably necessary to arrange for regular disposal service. During hours in which the business activity within the main building is not being conducted, all storage areas shall be gated and locked. Machinery and vehicles stored on the premises shall be secured so as not to be readily operable or moveable during non-business hours. No unregistered motor vehicles or inoperable vehicle or machinery shall remain on the premises.

**ii) Semi-Trailers, Large Trucks and Truck-Tractors** Semi-trailers may be stored within the fenced area of an I-P lot, provided that each semi-trailer



shall be fully licensed and road-worthy. The use of dilapidated, inoperable or otherwise non-functioning semi-trailers for warehousing or other purposes shall be prohibited. Large trucks and truck-tractors may likewise be stored within the fenced area, but shall likewise be fully and currently licensed and operable. Each semi-trailer shall have a parking stall with minimum dimensions of 12 feet by 125 feet.

**iii) Noise** Noise generated from lots in the I-P areas that are audible in *Residential Land Uses* shall not exceed standards as established by the Minnesota Pollution Control Agency.

**iv) Lighting** No light or combination of lights that cast light upon a *Residential Land Use* shall exceed 4 foot candle meter reading as measured at the residential property line. All measurements shall be made after dark at the property line or edge of roadway.

**v) Fumes and Odor** Fumes and odors generated from lots in the I-P districts shall not exceed published standards as established by the United States Environmental Protection Agency, herein adopted by reference.

**(c) Permitted Uses**

- Assembly Businesses
- Cabinetry Assembly/Manufacturing Shops
- Construction Companies
- Electrical Companies
- Equipment Rental Businesses (large industrial equipment)
- Equipment Repair or Service Businesses
- Fabricating Companies
- Government Storage/Repair Centers
- Machine Shops
- Manufacturing Plants (Excepting Bituminous or Concrete)
- Motor Vehicle Sales - limited to the following:
  - ATV's (all-terrain vehicles)
  - Automobiles
  - Boats
  - Campers
  - Golf Carts
  - Motorcycles, Motorbikes and Scooters
  - Recreational Vehicles
  - Snowmobiles
  - Commercial Trucks
  - Pickup Trucks
  - Trailers less than 30 feet in length
- Plumbing and HVAC Companies
- Public Utilities (metal or pole type construction allowed)
- Textile Companies
- Tooling Companies
- Utility Companies
- Warehouses

**(d) Conditional Uses**

- Bituminous or Ready-Mix Concrete Plants
- Chemical/Paint Companies
- Uses which are normally permitted but which involve some retail sales
- Heavy Equipment Sales
- Trucking Companies
- Transfer Stations for Demolition Debris under the following conditions:
  - 1) The Transfer Station is fully licensed/permitted by appropriate county, state and federal agencies having jurisdiction over its activities;
  - 2) The term "Demolition Debris" refers only to concrete, stone, asphalt, wood, plastic, metal or composites. No shingles, putrescible items or hazardous materials shall be intentionally processed at the Transfer Station. Any putrescible items or hazardous materials found to be on the premise shall be handled and disposed of properly and legally.
  - 3) The location of the actual site within the I-P area is in a sufficiently remote and screened portion of the area so as to eliminate disturbance of nearby existing or possible future residential neighborhoods through noise, light, vibration, odor, fumes, unsightliness or dust.
  - 4) The activities at the Transfer Station shall be limited to the reception of Demolition Debris on roll-off containers or dump trucks, all contents of which are to be placed on the floor of a completely enclosed building, where the materials will be sorted and re-shipped to recyclers or landfills, in a manner consistent with all applicable regulations and codes. No outside storage of demolition debris will be permitted.

**9-220.7 Light Industrial (I-1)** I-1 zones are areas which are used for limited manufacturing purposes, involving frequent truck traffic for pickup and delivery of products and materials, and which require a significant portion of the manufacturing process to occur outside of enclosed buildings.

**a) Permitted Uses**

- Ready Mix Concrete Plants
- Priestesses Concrete Plants
- Monument Companies

**b) Conditional Uses or Temporary Conditional Uses**

- None

**9-220.8 Commercial Development V (CD-5)**

The CD-5 Zones are areas of the City that were designated a Multiple Use Options areas in Chapter 4, paragraph 4.7 of the 2005 Ham Lake Comprehensive Plan which are specifically designated by action of the Ham Lake City Council for rezoning to the CD-5 classification, and may also include other lands that are zoned R-A but which are found to either be located in close proximity to the intersections of minor or major arterials, or which abut other land that has been rezoned to the CD-5 classification. Because CD-5 lands will often be found near existing residential areas, or areas expected to develop into residential land uses, building construction,

screening and landscaping are to be of upscale quality, and ongoing grounds maintenance given high priority.

**a) Permitted Uses**

- Medical/Dental Clinics or Facilities
- Governmental, business and professional offices
- Parks
- Financial institutions
- Veterinary clinics
- Uses ancillary or incident to the above

**b) Conditional Uses**

The following uses shall be allowed by Conditional Use Permit or Temporary Conditional Use Permit only, after fulfillment of the requirements hereafter outlined.

- Office Warehouses meeting the requirements outlined in Article 9-220.1 and this Article of the Ham Lake City Code
- All Permitted Uses found in areas zoned CD-1 and CD-2 not permitted above, except Fireworks Sales
- Non-profit clubs, lodges or halls
- Institutional Uses (Governmental, Educational and Religious)
- Commercial Recreational Facilities
- Construction Companies
- Enclosed Storage and Warehousing
- Broadcasting Studios and Facilities
- Office Buildings
- Movie Theaters
- Convenience stores