

# CHAPTER 5. LAND USE REGULATIONS

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***Cross-reference:***

*Floodplain regulations, see [Chapter 15](#) of these Zoning Regulations*

### 📖 **Section 500 – S-1, Suburban**

**500.01 Purpose.** To establish and protect areas of the community which are not yet urbanized, unsuitable for urban development because of drainage and terrain, or used for agricultural

purposes. The district will be low density by its nature of large lot sizes and would not be slated for public water or sewer services.

**500.02 Permitted Uses.**

**500.02.1.** Accessory uses clearly incidental to principal use:

**500.02.2.** Agriculture, to include farm dwellings and agricultural buildings including livestock (20 acres or more lot size);

**500.02.3.** Churches, synagogues, convents;

**500.02.4.** Dwelling, seasonal or recreational;

**500.02.5.** Dwelling, single family;

**500.02.6.** Dwelling, two family;

**500.02.7.** Game preserve, public or private;

**500.02.8.** Public buildings;

**500.02.9.** Public parks and recreation areas; and

**500.02.10.** Public service utility, excepting plants.

**500.02.11.** State licensed Residential care facilities and housing with services establishments licensed under Minnesota Statutes chapter 144D serving six or fewer persons.

**500.02.12.** State licensed group family daycare facility serving 14 or fewer children.

**500.02.13.** State licensed adult daycare facility service 12 or fewer persons.

(Am. Ord. 2014-02, passed 3-17-2014)

**500.03 Uses Allowed With a Special Use Permit Only.**

**500.03.1.** Accessory structures in excess of 2,400 square feet.

(Am. Ord. 2014-08, passed 8-18-2014)

**500.03.2.** Agriculture, to include farm dwellings and agricultural buildings including livestock (less than 20 acres lot size);

**500.03.3.** Beach, private or public;

- 500.03.4.** Clear cutting;
- 500.03.5.** Country club;
- 500.03.6.** Golf course, private or public;
- 500.03.7.** Greenhouse, nursery; sales and production;
- 500.03.8.** Kennel, boarding;
- 500.03.9.** Model home;
- 500.03.10.** Private camps and recreational areas; and
- 500.03.11.** Public service utility plants.

**500.04 Requirements.**

<i>Dimension Type</i>	Requirement
1. Minimum lot area private water and sewer	5 acres
2. Minimum lot width	300 feet
3. Minimum depth of front yard from R.O.W.	
Principal structure	50 feet
4. Minimum side yard setbacks	
Principal structure	15 feet
Minimum depth corner side yard from R.O.W.	50 feet
5. Minimum rear yard setback	
Principal structure	50 feet
6. Maximum lot coverage principal structure	30%
7. Maximum building height	
Principal structure (highest point of roof)	35 feet

Am. Ord. 2014-08, passed 8-18-2014)

**500.05 Environmental Assessment Worksheet Required.**

**500.05.1. Categories.** An environmental assessment worksheet shall be prepared consistent with state law.

**500.06 Accessory Uses.** The following provisions shall apply to accessory uses:

**500.06.1.** Accessory structures of 2,400 square feet or less may be constructed within ten feet of the rear lot line provided that no portion of the accessory structure shall extend or overhang within seven feet of the lot line and that buildings containing livestock shall not be closer than 100 feet from any lot line and shall comply with the state and county health requirements.

**500.06.2.** Accessory structures shall not be utilized for any use or activity not otherwise allowed in the zone district in which such accessory building is to be located. Home occupations may not be conducted in detached accessory structures built after March 1994.

**500.06.3.** Maximum lot coverage including all structures shall not exceed 35 percent.

**500.06.4.** Dimensional requirements for accessory structures of 2,400 square feet or less:

Minimum depth of front yard from R.O.W.	50 feet
Minimum side yard setback	15 feet
Minimum depth of corner side yard from R.O.W.	50 feet
Minimum rear yard setback	10 feet
Maximum building height	50 feet
Maximum sidewall height	17 feet

**500.06.5.** Dimensional requirements for accessory structures in excess of 2,400 square feet.

Minimum depth of front yard from R.O.W.	Equal to or greater than the building line of the primary structure
Minimum side yard setback	Equal to the height of the accessory structure
Minimum depth of corner side yard from R.O.W.	50 feet
Minimum rear yard setback	40 feet
Minimum setback from primary structure	10 feet
Maximum building height	50 feet
Maximum sidewall height	17 feet

(Am. Ord. 2014-08, passed 8-18-2014)

**500.06.6.** Small Scale Agricultural Activities shall be permitted as an Accessory Use, subject to the following provisions:

**500.06.6.1. Zoning Certificate.** No person shall keep Small Farm Animals without first obtaining a Zoning Certificate pursuant to Sections 305 and 310 from the Zoning Officer. The application for Zoning Certificate shall include a site plan depicting the location for keeping Small Farm Animals. A copy of the application shall be mailed to adjacent property owners within 150 feet of the outer boundaries of the applicant’s premises by the Zoning Officer at least ten days before the Zoning Certificate is issued. Comments, if received from neighbors during such ten-day period, will be considered in setting conditions for the Zoning Certificate. The applicant may alternatively provide written permission from neighbors as part of the application. Violation of the terms of the Zoning Certificate, the City Code, or the Zoning Code shall be grounds for revocation of the Zoning Certificate.

**500.06.6.2. Ownership; Two or more Dwelling Unit Properties.** Any person who keeps Small Farm Animals shall live in the dwelling on the property. Small Farm Animals are not allowed on properties with two or more dwelling units.

**500.06.6.3. Limitation.** Any person who keeps Small Farm Animals shall have at least one acre per animal or beehive, except that geese, ducks, female chickens, pigeons, and rabbits may be kept at a ratio of five animals per acre.

**500.06.6.4. Prohibitions.**

**500.06.6.4.1.** No person shall keep any Small Farm Animal in such a manner that causes a nuisance.

**500.06.6.4.2.** The slaughter of Small Farm Animals is prohibited.

**500.06.6.4.3.** The raising of Small Farm Animals for breeding purposes is prohibited.

**500.06.6.4.4.** Small Farm Animals shall not be kept inside a dwelling or garage.

**500.06.6.5. Shelter and Enclosures.** Small Farm Animals shall be property protected from the weather and predators in a shelter or enclosure.

**500.06.6.5.1.** Small Farm Animals, except honeybees, shall have access to the outdoors in an enclosure or fenced area.

**500.06.6.5.2.** The shelter and/or enclosure shall be set back a minimum of 50 feet from any adjacent property line.

**500.06.6.5.3.** Honeybees shall be kept outdoors in a hive structure intended for beekeeping.

(Am. Ord. 2015-08, passed 8-17-2015)

**500.07 Off-Street Parking.** Off-street parking spaces shall be provided in accordance with the specifications in this section whenever any new use is established or existing use is enlarged:

<i>Use</i>	Parking Spaces Required
Dwelling	2 per dwelling unit
Church, synagogue, convent	1 per 4 seats in principal assembly room
Greenhouse sales	1 for every 200 feet of floor space
Public buildings	1 for every 250 square feet of floor space
Other	To be determined on an individual basis by the City Council. Factors to be considered in such determination shall include (without limitation) size of building, type of use, number of employees, expected volume and turnover of customer traffic and expected frequency and number of delivery or service vehicles.

**500.07.1.** Parking spaces may be located on a lot other than that containing the principal use with the approval of the Board of Appeals and Adjustments.

**500.07.2.** Any off-street parking lot for more than five vehicles shall be graded for proper drainage and so as to provide a durable and dustless surface.

**500.07.3.** Any lighting used to illuminate any off-street parking lot shall be so arranged as to reflect the light away from adjoining premises.

**500.07.4.** All off-street parking areas shall have access from driveways rather than from public streets. Said driveway access shall be limited to 24 feet in width at the public street line.

**500.08 Off-Street Loading.** One off-street loading berth of not less than 35 feet shall be provided for every business and industrial use with a floor area of more than 10,000 square feet, with an additional berth required for each additional 25,000 square feet of floor area.

**500.09 Temporary Structures.** Temporary structures and trailers used in conjunction with construction work shall be permitted only during the period that the construction work is in progress. Permits for temporary structures shall be issued by the Zoning Officer for a six-month period, subject to the requirements of the Hermantown Building Code.

(Ord. 2004-18, passed 12-6-2004) (Am. Ord. 2014-02, passed 3-17-2014)

## **Section 505 – R-1, Residential**

**505.01 Purpose.** To establish and provide suitable areas within the community for one and two family residential dwellings. This district shall provide low density residential use. It is intended to have private utilities and services for residential purposes. Other uses that require public utilities are restricted so that the demand for public utilities will be lessened. Furthermore, uses such as multiple family dwellings, offices or commercial/industrial developments would be incompatible and therefore not permitted.

### **505.02 Permitted Uses.**

**505.02.1.** Accessory uses clearly incidental to principal use;

**505.02.2.** Agricultural, excepting the raising of livestock;

**505.02.3.** Church, synagogue or convent;

**505.02.4.** Dwelling, seasonal or recreational;

**505.02.5.** Dwelling, single family;

**505.02.6.** Dwelling, two family;

**505.02.7.** Public buildings;

**505.02.8.** Public parks and recreation areas; and

**505.02.9.** Public service utility, excepting plants.

**505.02.10.** State licensed Residential care facilities and housing with services establishments licensed under Minnesota Statutes chapter 144D serving six or fewer persons.

**505.02.11.** State licensed group family daycare facility serving 14 or fewer children.

**505.02.12.** State licensed adult daycare facility service 12 or fewer persons.

(Am. Ord. 2014-02, passed 3-17-2014)

**505.03 Uses Allowed With A Special Use Permit Only.**

**505.03.1.** Accessory structures in excess of 1,600 square feet.

(Am. Ord. 2014-08, passed 8-18-2014)

**505.03.2.** Association, clubs and lodges (no liquor license);

**505.03.3.** Beach, public or private;

**505.03.4.** Clear cutting;

**505.03.5.** Country club;

**505.03.6.** Game preserve, public or private;

**505.03.7.** Golf course, public or private;

**505.03.8.** Greenhouse, nursery; sales and production;

**505.03.9.** Model home;

**505.03.10.** Public buildings;

**505.03.11.** Public or private school; preschool, elementary or high school or a school-offering curriculum similar to public; and

**505.03.12.** Raising or keeping of livestock (minimum lot size of five acres required).

**505.04 Requirements.**

<i>Dimension Type</i>	Requirement
1. Minimum lot area private water and sewer	2.5 acres
2. Minimum lot width	200 feet
3. Minimum depth of front yard (from R.O.W.)	
Principal structure	50 feet
4. Minimum depth of corner side yard (from R.O.W.)	50 feet
5. Minimum side yard setbacks:	
Principal structure	15 feet
6. Minimum rear yard setbacks:	
Principal structure	50 feet
7. Maximum lot coverage – all structures	35%
8. Maximum building height	35 feet

(Am. Ord. 2014-08, passed 8-18-2014)

**505.05 Environmental Assessment Worksheet Required.**

**505.05.1.** An environmental assessment worksheet shall be prepared for any use that falls into the categories specified for an S-1 Zone District before any permits may be issued under this code for such use.

**505.05.2.** Nothing herein shall be construed as authorizing such uses in an S-1 Zone District, however, unless allowed under other applicable provisions of this code.

**505.06 Accessory Uses.** The same provisions set forth for accessory uses for the S-1 Zone District shall be applicable to the R-1 Zone District.

**505.07 Off-Street Parking.** The same provisions set forth for off-street parking for the S-1 Zone District shall be applicable to the R-1 Zone District.

**505.08 Off-Street Loading.** The same provisions set forth for off-street loading for the S-1 Zone District shall be applicable to the R-1 Zone District.

**505.09 Temporary Structures.** The same provisions set forth for temporary structures for the S-1 Zone District shall be applicable to the R-1 Zone District.

(Ord. 2004-18, passed 12-6-2004) (Am. Ord. 2014-02, passed 3-17-2014)

**505.06 Accessory Uses.** The following provisions shall apply to accessory uses:

**505.06.1.** Accessory structures of 1,600 square feet or less may be constructed within ten feet of the rear lot line provided that no portion of the accessory structure shall extend or overhang



within seven feet of the lot line and that buildings containing livestock shall not be closer than 100 feet from any lot line and shall comply with the state and county health requirements.

**505.06.2.** Accessory structures shall not be utilized for any use of activity not otherwise allowed in the zone district in which such accessory building is to be located. Home occupations may not be conducted in detached accessory structures built after March 1994.

**505.06.3.** Maximum lot coverage including all structures shall not exceed 35 percent.

**505.06.4.** Dimensional requirements for accessory structures of 1,600 square feet or less:

Minimum depth of front yard from R.O.W.	50 feet
Minimum side yard setback	15 feet
Minimum depth of corner side yard from R.O.W.	50 feet
Minimum rear yard setback	10 feet
Maximum building height	35 feet
Maximum sidewall height	17 feet

**505.06.5.** Dimensional requirements for accessory structures in excess of 1,600 square feet.

Minimum depth of front yard from R.O.W.	Equal to or greater than the building line of the primary structure
Minimum side yard setback	Equal to the height of the accessory structure
Minimum depth of corner side yard from R.O.W.	50 feet
Minimum rear yard setback	40 feet
Minimum setback from primary structure	10 feet
Maximum building height	35 feet
Maximum sidewall height	17 feet

(Am. Ord. 2014-08, passed 8-18-2014)

**505.06.6** Small Scale Agricultural Activities shall be permitted as an Accessory Use, subject to the provisions set forth for such use in the S-1 Zone District.

(Am. Ord. 2015-08, passed 8-17-2015)

## **Section 510 – R-2, Residential**

**510.01 Purpose.** To provide suitable areas within the community for residential development including one and two family dwellings. This district shall provide for a medium density residential use with public or private water and sewer service.

**510.02 Permitted Uses.**

**510.02.1.** Accessory uses clearly incidental to principal use;

**510.02.2.** Church, synagogue or convent;

**510.02.3.** Dwelling, seasonal or recreational;

**510.02.4.** Dwelling, single family;

**510.02.5.** Public buildings;

**510.02.6.** Public parks and recreation areas; and

**510.02.7.** Public service utility, excepting plants.

(Am. Ord. 2004-08, passed 9-20-2004)

**510.02.8.** State licensed Residential care facilities and housing with services establishments licensed under Minnesota Statutes chapter 144D serving six or fewer persons.

**510.02.9.** A state licensed group family daycare facility serving 14 or fewer children.

**510.02.10.** A state licensed adult daycare facility service 12 or fewer persons.

(Am. Ord. 2014-02, passed 3-17-2014)

**510.03 Uses Allowed With a Special Use Permit Only.**

**510.03.1.** Accessory structure in excess of 1,200 square feet.

(Am. Ord. 2014-08, passed 8-18-2014)

**510.03.2.** Association, clubs and lodges (no liquor license);

**510.03.3.** Clear cutting;

**510.03.4.** Condominiums, Town homes, and Dwelling, two family (duplexes) having no more than two dwelling units in one building;

(Am. Ord. 2004-08, passed 9-20-2004)

**510.03.5.** Model home;

**510.03.6.** Public buildings;

**510.03.7.** Public or private school; preschool, elementary or high school or a school offering curriculum similar to public; and

**510.03.8.** Raising or keeping of livestock (minimum lot size of five acres required).

**510.04 Requirements.**

<i>Dimension Type</i>	Requirement
1. Minimum lot area	
Public water and sewer	1 acre
Private water and sewer	1 acre
2. Minimum lot width	
3. Minimum depth of front yard (from R.O.W.)	
Principal structure	50 feet
4. Minimum depth of corner side yard	
5. Minimum side yard setbacks:	
Principal structure	10 feet
6. Minimum rear yard setbacks:	
Principal structure	45 feet
7. Maximum lot coverage -- all structures	
8. Maximum building height	
* Each side yard must be a minimum of 10 feet, however, an aggregate of both side yards must equal 25 feet.	

(Am. Ord. 2014-08, passed 8-18-2014)

**510.05 Environmental Assessment Worksheet Required.**

**510.05.1.** An environmental assessment worksheet shall be prepared for any use that falls into the categories specified for an S-1 Zone District before any permits may be issued under this code for such use.

**510.05.2.** Nothing herein shall be construed as authorizing such uses in an S-1 Zone District, however, unless allowed under other applicable provisions of this code.

**510.06 Accessory Uses.** The following provisions shall apply to accessory uses:

**510.06.1.** Accessory structures of 1,200 square feet or less may be constructed within ten feet of the rear lot line provided that no portion of the accessory structure shall extend or overhang within seven feet of the lot line and that buildings containing livestock shall not be closer than 35

feet from any lot line or dwelling and shall comply with the state and county health requirements.

**510.06.2.** Accessory structures shall not be utilized for any use of activity not otherwise allowed in the zone district in which such accessory building is to be located. Home occupations may not be conducted in detached accessory structures built after March 1994.

**510.06.3.** Maximum lot coverage including all structures shall not exceed 35 percent lot coverage.

**510.06.4.** Dimensional requirements for accessory structures of 1,200 square feet or less:

Minimum depth of front yard from R.O.W.	50 feet
Minimum side yard setback	10 feet
Minimum depth of corner side yard from R.O.W.	50 feet
Minimum rear yard setback	10 feet
Maximum building height	35 feet
Maximum sidewall height	14 feet

**510.06.5.** Dimensional requirements for accessory structures in excess of 1,200 square feet.

Minimum depth of front yard from R.O.W.	Equal to or greater than the building line of the primary structure
Minimum side yard setback	Equal to the height of the accessory structure
Minimum depth of corner side yard from R.O.W.	50 feet
Minimum rear yard setback	Equal to the height of the accessory structure
Minimum setback from primary structure	10 feet
Maximum building height	35 feet
Maximum sidewall height	14 feet

(Am. Ord. 2014-08, passed 8-18-2014)

**510.07 Off-Street Parking.** The same provisions set forth for off-street parking for the S-1 Zone District shall be applicable to the R-2 Zone District.

**510.08 Off-Street Loading.** The same provisions set forth for off-street loading for the S-1 Zone District shall be applicable to the R-2 Zone District.

**510.09 Temporary Structures.** The same provisions set forth for temporary structures for the S-1 Zone District shall be applicable to the R-2 Zone District.

**510.10 Requirements for Condominiums, Town Homes, and Dwelling, Two Family (Duplexes) Having No More than Two Dwelling Units in One Building.**

<i>Dimension Type</i>	Requirement
1. Minimum lot area	1 acre
2. Minimum lot width	150 feet
3. Minimum depth of front yard	50 feet
4. Minimum depth of corner side yard	50 feet
5. Minimum side yard	
Principal structures	40 feet
Accessory structures	40 feet
6. Minimum rear yard	40 feet
7. Minimum distance from nearest Condominiums, Town Homes, and Dwelling, two family (duplexes) having no more than two dwelling units in one building	200 feet
8. Minimum living area per living unit exclusive of area devoted to uses accessory to the operation of a dwelling, for example, furnace room, laundry rooms, storage rooms, garages, and workshops	792 square feet
9. Condominiums, and Town homes, having no more than two dwelling units in one building, must comply with M.S. Sections 515.01 to 515.19 <i>et seq.</i> , as it may be amended from time to time.	
10. Building must be situated on the property so that siting does not impact, impose upon or interfere with the backyard privacy of neighboring properties.	
11. The requirements set forth in this 510.10.3 shall not be applicable to Condominiums, Town homes and Dwelling, two family (duplexes) having no more than two dwelling units in any one building located in an approved Planned Unit Development, under <a href="#">Chapter 11</a> of the Hermantown Zoning Code. The requirements of <a href="#">510.04</a> shall be applicable in the R-2 Zone District and the requirements of <a href="#">515.04</a> shall be applicable in the R-3 Zone District, as such requirements are modified by any approved Planned Unit Development, to Condominiums, Town homes, and Dwelling, two family (duplexes) within a Planned Unit Development.	

(Am. Ord. 2004-08, passed 9-20-2004) (Am. Ord. 2014-02, passed 3-17-2014)

## **Section 515 – R-3, Residential**

**515.01 Purpose.** The R-3 Zone District will provide for the highest density residential use in those areas of the community where the demand for residential property is the highest. It is within this R-3 District that the City will plan for public utilities. The main uses of the District

will be residential; however, certain commercial transitional uses will be permitted by special use permit.

**515.02 Permitted Uses.**

**515.02.1.** Accessory uses clearly incidental to principal use;

**515.02.2.** Church, synagogue or convent;

**515.02.3.** Dwelling, seasonal or recreational;

**515.02.4.** Dwelling, single family;

**515.02.5.** Public buildings;

**515.02.6.** Public parks and recreation areas; and

**515.02.7.** Public service utility, excepting plants.

**515.02.8.** State licensed Residential care facilities and housing with services establishments licensed under Minnesota Statutes chapter 144D serving six or fewer persons.

**515.02.9.** State licensed group family daycare facility serving 14 or fewer children.

**515.02.10.** State licensed adult daycare facility service 12 or fewer persons.

(Am. Ord. 2014-02, passed 3-17-2014)

**515.03. Uses Allowed With a Special Use Permit Only.**

**515.03.1.** Accessory structures in excess of 1,200 square feet.

(Am. Ord. 2014-08, passed 8-18-2014)

**515.03.2.** Association, club or lodge (no liquor license);

**515.03.3.** Beach, public or private;

**515.03.4.** Cemetery;

**515.03.5.** Clear cutting;

**515.03.6.** Golf course, public or private;

**515.03.7.** Greenhouse, nursery; sales or production;

**515.03.8.** Hospital, public or private;

**515.03.9.** Mobile home development;

**515.03.10.** Model home;

**515.03.11.** Mortuary and/or funeral home;

**515.03.12.** Professional offices;

**515.03.13.** Public buildings;

**515.03.14.** Public or private school, preschool, elementary or high school or a school offering curriculum similar to public;

**515.03.15.** Raising or keeping of livestock (minimum lot size of five acres required); and

**515.03.16.** Condominiums, Town homes, and Dwelling, two families (duplexes) having no more than two dwelling units in one building.

(Am. Ord. 2004-14, passed 1-3-2005)

**515.04 City Requirements.**

<i>Dimension Type</i>	Requirement
1. Minimum lot area	
Public water and sewer	1/2 acre or 21,780 square feet
Public water only	1 acre or 43,560 square feet
Private water and sewer	1 acre or 43,560 square feet
2. Minimum lot width	
	100 feet
3. Minimum depth of front yard (from R.O.W.)	
Principal structure	50 feet
4. Minimum depth of corner side yard (from R.O.W.)	
	10 feet
5. Minimum side yard	
Principal structure	10 feet
6. Minimum rear yard setback	
Principal structure	40 feet
7. Maximum lot coverage all structures	
	35%

8. Maximum building height	35 feet
** Each side yard must be a minimum of 10 feet; however, an aggregate of both side yards must equal 25 feet.	

(Am. Ord. 2014-08, passed 8-18-2014)

**515.05 Environmental Assessment Worksheet Required.**

**515.05.1.** An environmental assessment worksheet shall be prepared for any use that falls into the categories specified for an S-1 Zone District before any permits may be issued under this code for such use.

**515.05.2.** Nothing herein shall be construed as authorizing such uses in an S-1 Zone District, however, unless allowed under other applicable provisions of this code.

**515.06 Accessory Uses.** The following provisions shall apply to accessory uses:

**515.06.1.** Accessory structures of 1,200 square feet or less may be constructed within ten feet of the rear lot line provided that no portion of the accessory structure shall extend or overhang within seven feet of the lot line and that building containing livestock shall not be closer than 35 feet from any lot line or dwelling and shall comply with the state and county health requirements.

**515.06.2.** Accessory structures shall not be utilized for any use or activity not otherwise allowed in the zone district in which such accessory building is to be located. Home occupations may not be conducted in detached accessory structures built after March 1994.

**515.06.3.** Maximum lot coverage including all structures shall not exceed 35 percent lot coverage.

**515.06.4.** Dimensional requirements for accessory structures of 1,200 square feet or less:

Minimum depth of front yard from R.O.W.	50 feet
Minimum side yard setback	10 feet
Minimum depth corner side yard from R.O.W.	10 feet
Minimum rear yard setback	10 feet
Maximum building height	35 feet
Maximum sidewall height	14 feet

**515.06.5.** Dimensional requirements for accessory structures in excess of 1,200 square feet.

Minimum depth of front yard from R.O.W.	Equal to or greater than the building line of the primary structure
Minimum side yard setback	Equal to the height of the accessory structure
Minimum depth of corner side yard from	Equal to the height of the accessory structure



R.O.W.	
Minimum rear yard setback	Equal to the height of the accessory structure
Minimum setback from primary structure	10 feet
Maximum building height	35 feet
Maximum sidewall height	14 feet

(Am. Ord. 2014-08, passed 8-18-2014)

**515.06.6** Small Scale Agricultural Activities shall be permitted as an Accessory Use, subject to the provisions set forth for such use in the S-1 Zone District.

(Am. Ord. 2015-08, passed 8-17-2015)

**515.07 Off-Street Parking.** The same provisions set forth for off-street parking for the S-1 Zone District shall be applicable to the R-3 Zone District.

**515.08 Off-Street Loading.** The same provisions set forth for off-street loading for the S-1 Zone District shall be applicable to the R-3 Zone District.

**515.09 Temporary Structures.** The same provisions set forth for temporary structures for the S-1 Zone District shall be applicable to the R-3 Zone District.

**515.10 Requirements for Condominiums, Town Homes, and Dwelling, Two Family (Duplexes) Having No More than Two Dwelling Units in One Building.**

<i>Dimension Type</i>	Requirement
1. Minimum lot area	1 acre
2. Minimum lot width	150 feet
3. Minimum depth of front yard	50 feet
4. Minimum depth of corner side yard	50 feet
5. Minimum side yard:	
Principal structure	40 feet
Accessory structure	40 feet
6. Minimum rear yard	40 feet
7. Minimum distance from nearest Condominiums, Town homes, and Dwelling, two family (duplexes) having no more than two dwelling units in one building.	200 feet
8. Minimum living area per living unit exclusive of area devoted to uses accessory to the operation of a dwelling, for example, furnace room, laundry rooms, storage rooms,	792 sq. ft.

garages, and workshops.	
9. Condominiums, and Town homes, having no more than two dwelling units in one building must comply with M.S. Sections 515.01 to 515.19 <i>et seq.</i> , as it may be amended from time to time.	
10. Building must be situated on the property so that siting does not impact, impose upon or interfere with the backyard privacy of neighboring properties.	
11. The requirements set forth in this Section <a href="#">515.10</a> shall not be applicable to Condominiums, Town homes and Dwelling, two family (duplexes) having no more than two dwelling units in any one building located in an approved Planned Unit Development, under <a href="#">Chapter 11</a> of the Hermantown Zoning Code. The requirements of <a href="#">510.04</a> shall be applicable in the R-2 Zone District and the requirements of <a href="#">515.04</a> shall be applicable in the R-3 Zone District, as such requirements are modified by any approved Planned Unit Development, to Condominiums, Town homes, and Dwelling, two family (duplexes) within a Planned Unit Development.	

(Am. Ord. 2004-18, passed 12-6-2004) (Am. Ord. 2014-02, passed 3-17-2014)

## **Section 520 – C, Commercial**

**520.01 Purpose.** The Commercial Zone District is intended to provide suitable areas within the community for the grouping and establishment of general retail sales, offices, professional buildings and service businesses. It is intended to provide convenient retail facilities for the residents of Hermantown and the surrounding area. Uses intended for inclusion of the C, Commercial District should promote compatible land use relationships as well as provide for compatible use relationships with adjacent districts. Public utilities are encouraged for each business.

**520.02 Uses Allowed With a Commercial-Industrial Development Permit.** The following uses shall be permitted after the issuance of a commercial-industrial development permit:

**520.02.1.** Accessory uses clearly incidental to principal uses;

**520.02.2.** Appliance, sales and service;

**520.02.2A** Assembly, distribution and warehousing of component parts for electronic devices not including manufacturing of any component parts;

(Am. Ord. 2012-04, passed 5-21-12)

**520.02.2B** Design, machining and assembly of component parts into finished products, distribution and warehousing of component parts and finished products in a facility that includes offices and that creates little or no adverse impacts on surrounding properties and the environment by virtue of being free from material objectionable features or impacts, including

but not limited to traffic, noise, dust, odor, smoke, glare or vibration and where any minor objectionable features and/or impacts that are identified can be eliminated or minimized by design, screening and other appropriate devices.

(Am. Ord. 2013-04, passed 5-6-13)

**520.02.3.** Association (club or lodge with liquor license);

**520.02.4.** Auto or truck sales, repair, parts or supplies;

**520.02.5.** Bait sales;

**520.02.6.** Bakery;

**520.02.7.** Bank, savings & loan, credit union, financial institution;

**520.02.8.** Bar, lounge, liquor sales, on and off;

**520.02.9.** Barber or beauty shop;

**520.02.10.** Bicycle sales and service;

**520.02.11.** Bowling alley;

**520.02.12.** Building materials sales;

**520.02.13.** Café, restaurant, drive-in;

**520.02.14.** Childcare or day care center;

**520.02.15.** Church, synagogue;

**520.02.16.** Clear cutting;

**520.02.17.** Clothing sales;

**520.02.18.** Condominium (more than four living units in the aggregate whether in one or more buildings);

**520.02.19.** Convenience food establishments;

**520.02.20.** Department store;

**520.02.21.** Dry cleaning, laundromat;

**520.02.22.** Dwelling, multiple family;

- 520.02.22A** Dwelling, resident security guard or caretaker;
- 520.02.23.** Equipment rental;
- 520.02.24.** Feed, sales, storage;
- 520.02.25.** Floor coverings sales;
- 520.02.26.** Florist, greenhouse or nursery;
- 520.02.27.** Funeral home;
- 520.02.28.** Furniture sales;
- 520.02.29.** Gas station, service station;
- 520.02.30.** General merchandise sales;
- 520.02.31.** General service;
- 520.02.32.** Grocery, meat, food sales;
- 520.02.33.** Hardware sales;
- 520.02.34.** Hotel, motel, guesthouse, campground;
- 520.02.35.** Mobile home park;
- 520.02.36.** Mobile home sales;
- 520.02.37.** Parking lot;
- 520.02.38.** Professional and business offices;
- 520.02.39.** Public buildings and public services excepting plants;
- 520.02.40.** Radio, TV stations;
- 520.02.41.** Recreational facilities, indoor or outdoor;
- 520.02.42.** Recreational vehicles, sales and service;
- 520.02.43.** Retail store, general, specialty;
- 520.02.44.** School, commercial (beauty, business, massage, and the like);

**520.02.45.** Shopping center;

**520.02.46.** Sporting goods sales;

**520.02.47.** State licensed Residential care facilities and housing with services establishments licensed under Minnesota Statutes chapter 144D serving six or fewer persons.

**520.02.48.** State licensed group family daycare facility serving 14 or fewer children.

**520.02.49.** State licensed adult daycare facility service 12 or fewer persons.

**520.02.50.** Supper club;

**520.02.51.** Taxidermist;

**520.02.52.** Theater, indoor;

**520.02.53.** Townhouse (more than four living units in the aggregate whether in one or more buildings); and

**520.02.54.** Veterinary clinics.

**520.02.55.** Massage Establishment.

**520.02.56.** Pawnbrokers.

**520.02.57.** Medical Cannabis Distribution Facility.

(Am. Ord. 2014-02, passed 3-17-2014) (Am. Ord. 2019-11, passed 9-16-2019) Am. Ord. 2019-13, passed 10-21, 2019) (Am. Ord. 2019-15, passed 11-18-2019)

**520.03 Uses allowed With a Special Use Permit.** The following uses shall be permitted after the issuance of a Special Use Permit:

**520.03.1.** Accessory Drive-Through Coffee or Food Uses, subject to the following conditions:

**520.03.1.1.** The Special Use Permit application shall include a site plan completed by an architect or engineer, which shall demonstrate how the proposed accessory use will avoid impacts to the principal use, including traffic operations and pedestrian safety. The site plan shall also demonstrate how drive-through queuing will be accomplished.

**520.03.1.2.** The site must be a minimum of 4 acres in size. The use may be located either in a parking lot of over 100 spaces or in a location adjacent to the parking lot situated so as to not interfere with traffic or business operations of the principal use.

**520.03.1.3.** When located on a site with 100 or more parking spaces, no additional parking shall be required. All parking areas and building surroundings shall be paved unless part of an approved landscape plan.

**520.03.1.4.** A Building Permit shall be obtained for the accessory building, which must be a permanent structure constructed of similar materials to the principal building. The accessory building shall not exceed 400 square feet in size.

**520.03.1.5.** Sales shall be limited to drive-through or walk-up operations. The accessory building shall not include seating for customers.

**520.03.1.6.** Signage shall conform to the provisions of the Zoning Code.

**520.03.1.7.** This Section shall be applicable to permanent structures only, and shall not pertain to mobile food trucks.

(Am. Ord. 2015-06, passed 7-6-2015)

**520.04 Requirements.** All permitted uses except those used either wholly or partially for residential purposes:

Dimension Type	Requirement
1. Minimum lot area	none
2. Minimum lot width	none
3. Minimum depth of front yard (from R.O.W.)	35 feet
4. Minimum depth of corner side yard (from R.O.W.)	35 feet
5. Minimum side yard setbacks*	10 feet
6. Minimum rear yard setbacks	40 feet
7. Maximum lot coverage	50%
8. Minimum rear yard setbacks	40 feet
9. Maximum building height	65 feet
10. No building or structure shall be allowed within 100 feet of a Class D Sign	
* A 10-foot side yard setback is required except when abutting a Residential (R) District. In this instance, a 25-foot side yard shall be required.	

(Am. Ord. 2013-02, passed 3-4-13)

**520.04.1.** Uses used either wholly or partially for residential purposes. Every building or portion thereof used for residential purposes shall comply with all lot area and setback requirements of the R-3 Residential District.

**520.04.2.** The provisions of [Chapter 8](#) shall be applicable to any Townhouse (more than four living units in the aggregate whether in one or more buildings); Planned Unit Developments; Condominium (more than four living units in the aggregate whether in one or more buildings); Home, group; or Dwelling, multiple family (apartment—more than four living units in the aggregate whether in one or more buildings) in a C, Commercial Zone District.

**520.05 Environmental Assessment Worksheet Required.**

**520.05.1** An environmental assessment worksheet shall be prepared for any use that falls into the categories specified for an S-1 Zone District and the uses that fall into the following categories before any permit may be issued under this code for such use:

**520.05.1.1.** Construction of a new industrial park of over 320 acres in size;

**520.05.1.2.** Construction of a facility or integral group of facilities with at least 250,000 square feet of commercial or retail floor space or at least 175,000 square feet of industrial floor space, or a mixture of commercial, industrial and retail floor space totaling at least 250,000 square feet, unless located in an industrial park for which an EIS has already been prepared;

**520.05.1.3.** Any industrial or commercial development of 40 or more acres, any part of which is within a floodplain area, as defined by the “Statewide Standards and Criteria for Management of Floodplain Areas of Minnesota;”

**520.05.1.4.** Construction of a commercial or industrial development, any part of which is within a Shoreland area (as defined by M.S. Section 105.485, as it may be amended from time to time), covering 20,000 or more square feet of ground space, not including access roads or parking areas, and located on a parcel of land having 1,500 feet or more of shoreline frontage;

**520.05.1.5.** Construction of a facility that generates more than a maximum of 2,500 vehicle trips per hour or a maximum of 12,500 vehicle trips per eight-hour period;

**520.05.1.6.** Construction of a new oil refinery, or an expansion of an existing refinery that shall increase capacity of 10,000 barrels per day or more;

**520.05.1.7.** Construction of a pipeline greater than six inches in diameter and 50 miles in length;

**520.05.1.8.** Construction of facilities on a single site that are designed for, or capable of, storing a total of 1 million or more gallons of liquid natural gas, liquid petroleum gas, or other liquid fuels;

**520.05.1.9.** Construction of an underground storage facility for gases and liquids that requires a permit, pursuant to M.S. Section 84.57, as it may be amended from time to time;

**520.05.1.10.** Construction of a new mineral or fuel processing or refining facility, including but not limited to smelting and hydrometallurgical operations;

**520.05.1.11.** Construction of a facility if the cumulative emissions of particulate matter and sulfur oxides exceed 50 tons per day;

**520.05.1.12.** Main roadway grading construction of a four- or-more-lane, divided highway with at least partial control of access of ten route miles or more in length and carrying 10,000 vehicles–average daily traffic (ADT).

**520.05.1.13.** Construction of a new airport that is within the key system, pursuant to M.S. Section 360.305, Subd. 3, as it may be amended from time to time–(Aeronautics);

**520.05.1.14.** Construction or opening of a new facility for mining metallic minerals–(DNR);

**520.05.1.15.** A new appropriation for commercial or industrial purposes of either surface water or groundwater averaging 30 million gallons per month, or exceeding two million gallons in any day during the period of use; or a new appropriation of either groundwater or surface water for irrigation of 640 acres or more in one continuous parcel from one source of water–(DNR);

**520.05.1.16.** Construction of a new paper and pulp processing mill;

**520.05.1.17.** Construction of electric generating plants at a single site designed for, or capable of, operation at a capacity of 200 or more megawatts (electrical); and

**520.05.1.18.** Construction of nuclear material processing plants and facilities.

**520.05.2.** Nothing herein shall be construed to authorize the above described uses as permitted in a C Zone District.

**520.06 Off-Street Parking.**

**520.06.1.** Off-street parking spaces shall be provided in accordance with the specifications in this section in a C Zone District whenever any new use is established or an existing use is enlarged:

<i>Use</i>	Parking Spaces Required
Bowling alleys	5 for each alley
Church, auditoriums and mortuaries	1 per 4 seats in principal assembly room
Convenience food establishments	1 for every 15 square feet of floor space
Eating and drinking places, and personal service establishments	1 for every 100 square feet of floor space
Furniture stores, appliance and auto sales	1 for every 400 square feet of floor space



Hospital and rest homes	1 per 3 beds and 1 for each 2 employees on the maximum working shift
Hotel or motel	1 per rental unit plus 1 per employee
Industrial, wholesaling	1 for each employee on the maximum working shift
Medical, dental and animal clinics	5 per doctor, dentist, veterinarian; plus 1 per additional employee
Motor fuel station	4 for each service stall
Private club or lodge	1 per 4 members
Professional offices and business services	1 for every 250 square feet of floor space
Recreational assembly places; e.g., dance halls, night clubs	1 for every 50 square feet of floor space
Retail stores	1 for every 200 square feet of floor space
Schools	1 per classroom plus 1 addition for every 30 students
Single-family house, two family house; townhouse; multiple family dwelling	2 per dwelling unit
Theater	1 per 4 seats

**520.06.2.** Other to be determined on an individual basis by the Planning and Zoning Commission in the course of reviewing the application for a commercial-industrial development permit. Factors to be considered in such determination shall include (without limitation) size of building, type of use, number of employees, expected volume and turnover of customer traffic and expected frequency and number of delivery and service vehicles.

**520.06.2.1.** Parking spaces may be located on a lot other than that containing the principal use with the approval of the Board of Adjustment.

**520.06.2.2.** Any off-street parking lot for more than five vehicles shall be graded for proper drainage and surfaced so as to provide a durable and dustless surface.

**520.06.2.3.** Any lighting used to illuminate any off-street parking lot shall be so arranged as to reflect the light away from adjoining premises in any R District.

**520.06.2.4.** All off-street parking areas shall have access from driveways rather than from public streets. Said driveway access shall be limited to 24 feet in width at the public street line.

**520.06.2.5.** The fact that a use is specified herein for purposes of parking requirements shall not be construed as authorizing such use in any zone district.

**520.07 Off-Street Loading.** One off-street loading berth of not less than 35 feet shall be provided for every business and industrial use with a floor area of more than 10,000 square feet; with one additional berth required for each additional 25,000 square feet of floor area.

**520.08 Temporary Structures.** Temporary structures and trailers used in conjunction with construction work shall be permitted only during the period that the construction work is in progress. Permits for temporary structures shall be issued by the Zoning Officer for a six-month period, but are subject to the Hermantown Uniform Building Code.

(Am. Ord. 2019-13, passed 10-21-2019)

## **Section 525 – C-1, Office/Light Industrial**

**525.01 Purpose.** This zone is intended to provide for low-density office, light industrial, limited commercial services, and public service developments.

**525.02 Permitted Uses.** The following uses shall be permitted upon issuance of a zoning certificate finding that the use is in compliance with the applicable performance standards identified in this Section.

**525.02.1** Business, sales and professional offices.

**525.02.2** Public buildings and public service facilities.

**525.02.3** Research and development laboratories.

**525.02.4** Gasoline service stations with convenience store.

**525.02.5** Automobile and truck sales, service and repair.

**525.02.6** Equipment sales, service and repair.

**525.02.7** Customary accessory uses and structures.

(Am. Ord. 2016-53, passed 8-15-16) (Am. Ord. 2018-02, passed 6-4-18)

**525.03 Special Use Permit.** The following uses shall be permitted upon issuance of a Special Use Permit. These uses must meet all requirements required under Chapter 7 of this Code, applicable general performance standards identified in this Section, as well as any additional requirements listed below for specific uses.

**525.03.1** Agritainment.

**525.03.1.1** A minimum lot size of 10 acres is required.

**525.03.1.2** Each proposed use and location shall be depicted on a site plan.

**525.03.1.3** The City may set the length of operations by date and time.

**525.03.2** Contractor's shop and storage yard.

**525.03.3** Mini storage warehouse.

**525.03.3.1** On site security, including fencing, must be considered and shall be reviewed by the Hermantown Police Department during the Special Use process.

**525.03.4** Manufacturing, assembly, packaging or fabrication.

**525.03.5** Warehouse, distribution center, fulfillment center.

**525.03.6** Restaurant.

**525.03.7** Adult Use, Accessory.

**525.03.8** Veterinary Clinics.

**525.03.8.1** The building shall be oriented to limit barking noise from any residential area.

**525.03.8.2** Clinics may have outdoor kennels for patients but not separate long-term pet boarding. Kennels shall be sited away from any adjacent residential properties.

**525.03.9** Wholesale businesses.

**525.03.10** Building material supplies.

**525.03.11** Lawn and garden material supplies.

**525.03.12** Pawnbrokers.

**525.03.12.1** Applicant must also receive and maintain a pawnbroker's license under Section 410 of the Hermantown City Code.

**525.03.13** Medical Cannabis Distribution Facility.

**525.04 General Performance Standards.** No structure premises within any C-1 district shall be used for one or more of the uses allowed under this Section unless its use complies with the following regulations.

**525.04.1** Processes and equipment employed in production of goods or any other use of the land shall conform to the following standards.

**525.04.1.1 Vibration.** Any vibration discernable beyond the property line to the human sense of feeling for five minutes or more duration (cumulative) in any one hour and any vibration producing a particle velocity of more than 0.035 inch per second are prohibited.

**525.04.1.2 Glare and heat.** Any operation producing intense glare or heat shall be performed within an enclosure so as not to be perceptible at the property line.

**525.04.1.3 Industrial Waste Material.** All liquid and solid wastes shall be identified in all processes and operations and approved disposal methods identified, and all governmental standards met.

**525.04.1.4 Noise.** Noise levels inside and outside of all buildings must meet federal, state, and local requirements as may be amended from time to time.

**525.04.1.5 Air pollution.** All emissions shall meet federal, state, and local requirements as may be amended from time to time.

**525.04.2** Manufacture of a product which decomposes by detonation or produces dioxin will not be permitted.

**525.04.3** All trash, garbage, waste materials, trash containers, and recycling containers shall be kept in a minimally visible location on the site. Whenever possible, such containers shall be located in a location behind buildings and out of view from the public right-of-way. If such containers cannot be sited behind the buildings on the site, they shall be fully screened.

**525.04.4** There shall be no access to a property which is within 50 feet of the intersection of the nearest curb cut of any public streets unless it can be demonstrated that adherence to this standard will cause undue hardship to the property owner.

**525.04.5** Hours of operation adjacent to residential districts. Uses on parcels immediately adjacent to residential districts cause unique impacts within the City. For this reason, hours of operation for any facilities adjacent to residential districts shall be limited to the hours between 6:00 AM and 11:30 PM.

**525.04.6** All parking areas drive aisles, and outdoor storage areas shall be paved. Prior to issuance of a Zoning Certificate for any uses where a paved area is required, a cash escrow or other financial instrument in a form acceptable to the City shall be provided, to be fully refundable upon completion of the paved area. The cash escrow or financial guarantee shall be in the amount of 25% of the cost of the paving improvements, or \$10,000, whichever is more.

**525.04.7** Proof of adequate water and sewer systems shall be provided if not served by municipal utilities.

**525.04.8** Industrial uses including manufacturing, assembly, packaging or fabrication, warehousing, distribution centers, fulfillment centers located adjacent to properties zoned or used for residential purposes, the primary building shall be located a minimum of 100 feet from any such property line. If adjacent to properties zoning or used for residential purposes, suitable landscaping shall be installed between the primary building and the adjacent residential property line to provide a buffer between the uses.

**525.04.9** Outdoor storage areas shall be permitted only in areas depicted on an officially approved site plan as part of a Zoning Certificate or Special Use Permit approval. Designated outdoor storage areas shall be fully screened from off-site views. Whenever possible, storage areas should be located in a location behind buildings and out of view from the public right-of-way.

**525.05 Requirements.**

<i>Dimension Type</i>	Requirement
1. Minimum lot area	2.5 acres
2. Minimum lot width	200 feet
3. Minimum depth of front yard (from R.O.W.)	35 feet
4. Minimum depth of corner side yard (from R.O.W.)	35 feet
5. Minimum side yard setbacks	15 feet
6. Minimum rear yard setbacks	40 feet
7. Maximum lot coverage	50%
8. Maximum building height	45 feet
9. No building or structure shall be allowed within 100 feet of a Class D sign	

**525.06 Off-Street Parking & Loading.** The following minimum requirements shall apply to all uses within the C-1 District.

**525.06.1** Upon a determination by the City Council based on verifiable information pertaining to parking demand, the off-street parking requirements of this Section may be revised upward or downward as part of a Special Use Permit application.

**525.06.2** For unlisted uses, off-street parking requirements shall be set by the Zoning Administrator based on the closest comparable listed use.

**525.06.3 Table 525.06.3.1 Off-Street Parking Requirements.**

<b>Table 525.06.3.1</b>	
<i>Use</i>	Minimum number of parking spaces required

Gas station and automotive repair	Three spaces, plus four spaces per each service bay.
Manufacturing facilities	Five spaces plus one per each 500 square feet floor area.
Veterinary clinic	1 space per 200 square feet of floor space.
Office or laboratory	1 space per 250 square feet of floor space.
Restaurant	1 space per 100 square feet of floor space.
Warehouse or distribution	The lesser of 1 space per 1,500 square feet of floor space, or 1 for each employee on the maximum working shift.

**525.06.4** All off-street parking areas shall be maintained in good repair.

**525.06.5** Loading docks, berths and facilities.

**525.06.5.1 Loading dock.** A minimum of one loading dock shall be provided for nonresidential building with 20,000 square feet or more in floor area.

**525.06.5.2 Loading facility.** A loading facility includes the dock, the berth for the vehicle, maneuvering areas, and the necessary screening walls.

**525.06.5.3 Location.** All loading berth curb cuts shall be located 25 feet or more from the intersection of two street rights-of-way. No loading berth shall be located less than 50 feet from any parcel that is zoned residential and used or subdivided for residential use, or has an occupied institutional building. Loading facilities shall not occupy the required from yard.

**525.06.5.4 Size.** A loading dock shall have a berth area at least 12 feet wide and 55 feet long.

**525.06.5.5 Access.** Each loading berth location shall permit vehicular access to a street or public alley in a manner which will least interfere with traffic.

**525.06.5.6 Surfacing.** All loading facilities and access ways shall be paved with bituminous or concrete paving to control the dust and drainage.

**525.06.5.7 Non-Conforming Uses, Structures and Lots in C-1 Zone District.** In this C-1 Zone District all uses, structures and lots in existence on November 22, 1982 shall be considered permitted uses, structures and lots under these Zoning Regulations of the City of Hermantown. These uses, structure and lots can be continued enlarged, increased, extended, reconstructed or changed to a similar use if done so within the regulations of these Zoning Regulations of the City of Hermantown. All new uses, structure and lots applied for after November 22, 1982 shall be subject to the provisions of this Section 525.

(Am. Ord. 2018-02, passed 6-4-18) (Am. Ord. 2019-13, passed 10-21-2019) (Am. Ord. 2019-15, passed 11-18-19)

## **📖 Section 530 – C-1A, Office/Light Industrial/Adult Uses**

**530.01 Purpose.** This zone is intended to provide for low-density office, light industrial, limited commercial services, public service developments, and adult uses.

**530.02 Permitted Uses.** The following uses shall be permitted upon issuance of a zoning certificate finding that the use is in compliance with the applicable performance standards identified in this Section.

**530.02.1** Business, sales and professional offices.

**530.02.2** Public buildings and public service facilities.

**530.02.3** Research and development laboratories.

**530.02.4** Gasoline service stations with convenience store.

**530.02.5** Automobile and truck sales, service and repair.

**530.02.6** Equipment sales, service and repair.

**530.02.7** Customary accessory uses and structures.

(Am. Ord. 2013-10, passed 10-12-13) (Am. Ord. 2016-53, passed 8-15-16) (Am. Ord. 2018-03, passed 6-4-18)

**530.03 Special Use Permit.** The following uses shall be permitted upon issuance of a Special Use Permit. These uses must meet all requirements require under Chapter 7 of this Code, applicable general performance standards identified in this Section, as well as any additional requirements listed below for specific uses.

**530.03.1** Agritainment

**530.03.1.1** A minimum lot size of 10 acres is required.

**530.03.1.2** Each proposed use and location shall be depicted on a site plan.

**530.03.1.3** The City may set the length of operations by date and time.

**530.03.2** Contractor's shop and storage yard.

**530.03.3** Mini storage warehouse.

**530.03.3.1** On site security, including fencing, must be considered and shall be reviewed by the Hermantown Police Department during the Special Use Permit process.

**530.03.4** Manufacturing, assembly, packaging or fabrication.

**530.03.5** Warehouse, distribution center, fulfillment center.

**530.03.6** Restaurant.

**530.03.7** Adult Use, Accessory.

**530.03.8** Veterinary Clinics.

**530.03.8.1** The building shall be oriented to limit barking noise from any residential area.

**530.03.8.2** Clinics may have outdoor kennels for patients but not separate long-term pet boarding. Kennels shall be sited away from any adjacent residential properties.

**530.03.9** Wholesale businesses.

**530.03.10** Building material supplies.

**530.03.11** Lawn and garden material supplies.

**530.03.12** Head shop.

**530.03.13** Pawnbrokers.

**530.03.14** Medical Cannabis Distribution Facility.

**530.03.13.1** Applicant must also receive and maintain a pawnbroker's license under Section 410 of the Hermantown City Code.

#### **530.04 Uses Allowed with an Adult User License and a Special Use Permit.**

**530.04.1** The following uses shall be permitted after the issuance of an adult use principal license pursuant to Section 470 of the Hermantown City Code:

**530.04.1.1** Adult body printing studio.

**530.04.1.2** Adult bookstore.

**530.04.1.3** Adult cabaret.

**530.04.1.4** Adult car wash.



**530.04.1.5** Adult hotels or motels.

**530.04.1.6** Adult motion picture theaters.

**530.04.1.7** Adult mini-motion picture theaters.

**530.04.1.8** Adult massage parlors.

**530.04.1.9** Adult health/sports clubs.

**530.04.1.10** Adult saunas/steam rooms/bath houses.

**530.04.1.11** Adult companionship establishments.

**530.04.1.12** Adult rap/conversation parlors.

**530.04.1.13** Adult novelty businesses.

**530.04.1.14** Adult motion picture arcades.

**530.04.2** All other premises, enterprises, establishments, business and any other place open to the public in which there is an emphasis on the presentation, display or the depiction of “specified sexual activities” or “special anatomical areas.”

**530.05 General Performance Standards.** No structure premises within any C-1 district shall be used for one or more of the uses allowed under this Section unless its use complies with the following regulations.

**530.05.1** Processes and equipment employed in production of goods or any other use of the land shall conform to the following standards.

**530.05.1.1 Vibration.** Any vibration discernable beyond the property line to the human sense of feeling for five minutes or more duration (cumulative) in any one hour and any vibration producing a particle velocity of more than 0.035 inch per second are prohibited.

**530.05.1.2 Glare and heat.** Any operation producing intense glare or heat shall be performed within an enclosure so as not to be perceptible at the property line.

**530.05.1.3 Industrial Waste Material.** All liquid and solid wastes shall be identified in all processes and operations and approved disposal methods identified, and all governmental standards met.

**530.05.1.4 Noise.** Noise levels inside and outside of all buildings must meet federal, state, and local requirements as may be amended from time to time.

**530.05.1.5 Air pollution.** All emissions shall meet federal, state, and local requirements as may be amended from time to time, and all governmental standards met.

**530.05.2** Manufacture of a product which decomposes by detonation or produces dioxin will not be permitted.

**530.05.3** All trash, garbage, waste materials, trash containers, and recycling containers shall be kept in a minimally visible location on the site. Whenever possible, such containers shall be located in a location behind buildings out of view from the public right-of-way. If such containers cannot be sited behind the buildings on the site, they shall be fully screened.

**530.05.4** There shall be no access to a property which is within 50 feet of the intersection of the nearest curb cut of any public streets unless it can be demonstrated that adherence to this standard will cause undue hardship to the property owner.

**530.05.5** Hours of operation adjacent to residential districts. Uses on parcels immediately adjacent to residential districts cause unique impacts within the City. For this reason, hours of operation for any facilities adjacent to residential districts shall be limited to the hours between 6:00 AM and 11:30 PM.

**530.05.6** All parking areas, drive aisles, and outdoor storage areas shall be paved. Prior to issuance of a Zoning Certificate for any uses where a paved area is required, a cash escrow or other financial instrument in a form acceptable to the City shall be provided, to be fully refundable upon completion of the paved area. The cash escrow or financial guarantee shall be in the amount of 25% of the cost of the paving improvements, or \$10,000, whichever is more.

**530.05.7** Proof of adequate water and sewer systems shall be provided if not served by municipal utilities.

**530.05.8** Industrial uses including manufacturing, assembly, packaging or fabrication, warehousing, distribution centers, fulfillment centers located adjacent to properties zoning or used for residential purposes, the primary building shall be located a minimum of 100 feet from any such property line. If adjacent to properties zoned or used for residential purposes, suitable landscaping shall be installed between the primary building and the adjacent residential property line to provide a buffer between the uses.

**530.05.9** Outdoor storage areas shall be permitted only in areas depicted on an officially approved site plan as part of a Zoning Certificate or Special Use Permit approval. Designated outdoor storage areas shall be fully screened from off-site views. Whenever possible, such containers shall be located in a location behind buildings and out of view from the public right-of-way.

**530.06 Requirements.**

<i>Dimension Type</i>	Requirement
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1. Minimum lot area	2.5 acres
2. Minimum lot width	200 feet
3. Minimum depth of front yard (from R.O.W.)	35 feet
4. Minimum depth of corner side (from R.O.W.)	35 feet
5. Minimum side yard setbacks	15 feet
6. Minimum rear yard setbacks	40 feet
7. Maximum lot coverage	50%
8. Maximum building height	45 feet
9. No building or structure shall be allowed within 100 feet of a Class D sign	

**530.07. Off-Street Parking & Loading.** The following minimum requirements shall apply to all uses within the C-1 District.

**530.07.1** Upon a determination by the City Council based on verifiable information pertaining to parking demand, the off-street parking requirements of this Section may be revised upward or downward as part of a Special Use Permit application.

**530.07.2** For unlisted uses, off-street parking requirements shall be set by the Zoning Administrator based on the closest comparable listed use.

**530.07.3** Table 530.07.3.1, Off-Street Parking Requirements:

<b>Table 525.07.3.1</b>	
<i>Use</i>	Minimum number of parking spaces required
Gas station and automotive repair	Three spaces, plus four spaces per each service bay.
Manufacturing facilities	Five spaces plus one per each 500 square feet floor area.
Veterinary clinic	1 space per 200 square feet of floor space.
Office or laboratory	1 space per 250 square feet of floor space.
Restaurant	1 space per 100 square feet of floor space.
Warehouse or distribution	The lesser of 1 space per 1,500 square feet of floor space, or 1 for each employee on the maximum working shift.

**530.07.4** All off-street parking areas shall be maintained in good repair.

**530.07.5** Loading docks, berths and facilities.

**530.07.5.1 Loading dock.** A minimum of one loading dock shall be provided for nonresidential buildings with 20,000 square feet or more in floor area.

**530.07.5.2 Loading facility.** A loading facility includes the dock, the berth for the vehicle, maneuvering areas, and the necessary screening walls.

**530.07.5.3 Location.** All loading berth curb cuts shall be located 25 feet or more from the intersection of two street rights-of-way. No loading berth shall be located less than 50 feet from any parcel that is zoned residential and used or subdivided for residential use, or has an occupied institutional building. Loading facilities shall not occupy the required front yard.

**530.07.5.4 Size.** All loading docks shall have a berth area at least 12 feet wide and 55 feet long.

**530.07.5.5 Access.** Each loading berth location shall permit vehicular access to a street or public alley in a manner which will least interfere with traffic.

**530.07.5.6 Surfacing.** All loading facilities and access ways shall be paved with bituminous or concrete paving to control the dust and drainage.

**530.08 Non-Conforming Uses, Structures and Lots in C-1A Zone District.** In this C1-a Zone District, all uses, structures and lots in existence on November 22, 1982 shall be considered permitted uses, structures and lots under these Zoning Regulations of the City of Hermantown. These uses, structures and lots can be continued, enlarged, increased, extended, reconstructed or changed to a similar use if done so within the regulations of these Zoning Regulations of the City of Hermantown. All new uses, structures and lots applied for after November 22, 1982 shall be subject to the provisions of this Section 530.

**530.09 Special Rules for Guiding Board of Appeals and Adjustment in Considering Requests for Interpretations of Uses in C1-A Zone District.** In considering an application for an interpretation of whether a use not specifically listed in this section may be allowed, the Board of Appeals and Adjustment shall allow the proposed use, only if such use is similar to a use allowed with a commercial-industrial development permit or an adult use license in the C1-A Zone District. The Board of Appeals and Adjustment shall not determine an M-1 Manufacturing Use as allowed in a C1-A Zone District.

#### **530.10 Special Rules Regarding Head Shop Uses.**

**530.10.1** Head Shop activities as identified in Section 200.01.42 may only be conducted in a Head Shop and no other retail establishment.

**530.10.2** Head Shop activities as identified in Section 200.01.42 that are being conducted in a retail establishment on September 1, 2013 may continue as a non-conforming use but cannot be increased, reconstructed, or changed.

(Am. Ord. 2013-10, passed 10-12-13) (Am. Ord. 2018-03, passed 6-4-18) (Am. Ord. 2019-13, passed 10-21-2019) (Am. Ord. 2019-15, passed 11-18-19)

## **📖 Section 535 – BLM, Business and Light Manufacturing**

**535.01 Purpose.** The provisions of this Section deal with business and light manufacturing uses of land and structures in the city.

### **535.02 Permitted Uses.**

**535.02.1.** Catering;

**535.02.2.** Commercial printing;

**535.02.3.** Distribution centers;

**535.02.4.** Educational/training centers;

**535.02.5.** Farmland on properties greater than five acres in size;

**535.02.6.** Gymnastics, martial arts, fitness, aerobics, exercise or dance studios;

**535.02.7.** Art studios;

**535.02.8.** Laboratories for research and development;

**535.02.9.** Medical office;

**535.02.10.** Office warehouse, office showroom;

**535.02.11.** Public buildings;

**535.02.12.** Public service facilities;

**535.02.13.** Warehouses.

**535.03 Permitted With Conditions.** The following uses shall be permitted upon issuance of a Zoning Certificate finding that the use is in compliance with the applicable development guidelines and performance standards identified in this Section, as well as any specific conditions included for each particular use.

### **535.03.1. Brewery.**

**535.03.1.1.** The Brewery shall not produce more than 3,500 barrels of malt liquor per year.

**535.03.1.2.** Up to 25% of the gross floor area of the Brewery may be used for any combination of retail and a taproom.

**535.03.2. Commercial towers and antennas.**

**535.03.2.1.** Commercial towers and antennas shall be subject to all provisions of Chapter 19 of this code.

**535.03.2.2.** A Special Use Permit shall be obtained for any commercial tower or antenna that is proposed to exceed the height limitations of this Chapter, subject to the provisions of Chapter 19 of this code.

**535.03.3. Gasoline service station.**

**535.03.3.1.** All on-site utility service installations shall be placed underground.

**535.03.3.2.** Canopy and canopy support systems shall be compatible with the design of the principal structure.

**535.03.3.3.** All portions of the site designed for vehicle travel or storage shall be paved.

**535.03.3.4.** Outdoor storage may only take place in locations so designated and screened on the site plan approved as part of the Zoning Certificate.

**535.03.4. Industrial equipment sales, service, storage and repair.**

**535.03.4.1.** Any elements of the business operated outside a building, including storage of items for sale, long-term storage, and sales/display areas shall be located on an improved, paved surface. Screening may be required as part of the Zoning Certificate.

**535.03.5. Retail sales.**

**535.03.5.1.** Parking areas shall be paved.

**535.03.5.2.** Site access must be from a paved street.

**535.03.6. Indoor recreation and entertainment.**

**535.03.6.1.** Parking areas shall be paved.

**535.03.7. Restaurants.**

**535.03.7.1.** The gross floor area shall not exceed 4,000 square feet in size.

**535.03.7.2.** Parking areas shall be paved.

535.03.7.3. Site access must be from a paved street.

535.03.7.4. Restaurants may operate as an accessory use.

**535.03.8. Veterinary clinics.**

535.03.8.1 The building shall be oriented to limit barking noise from any residential area.

535.03.8.2 Clinics with outdoor kennels shall site such kennels away from any adjacent residential properties.

**535.03.9. Wholesale businesses.**

535.03.9.1. Wholesale businesses may include both interior and exterior sales.

535.03.9.2. Any elements of the business operated outside a building, including storage of items for sale, long-term storage, and sales/display areas shall be located on an improved, paved surface. Screening may be required as part of the Zoning Certificate.

**535.03.10. Automobile and truck sales, repair.**

535.03.10.1. Parking areas shall be paved.

535.03.10.2. Outdoor storage may only take place in locations so designated and screened on the site plan approved as part of the Zoning Certificate.

**535.03.11. Contractor's Shop and Storage Yard.**

535.03.11.1. Outdoor storage areas shall be permitted only in areas depicted on an officially approved site plan as part of a Zoning Certificate approval.

535.03.11.2. Designated outdoor storage areas shall be fully screened from off-site views.

535.03.11.3. Outdoor storage areas shall be maintained in a neat and orderly manner.

(Am. Ord. 2018-07, passed 9-5-18)

**535.04 Special Use Permit Required.** The following uses shall be permitted upon issuance of a Special Use Permit. These uses must meet all requirements required under Chapter 7 of this Code, as well as any additional requirements listed below.

**535.04.1. Kennels, Pet Boarding.**

535.04.1.1. The building shall be oriented to limit barking noises from any residential area.

**535.04.1.2.** Outdoor pet recreation areas shall be screened from any adjacent residential area, and set back a minimum of 80 feet from any such property lines.

**535.04.2. Lumber yard.**

**535.04.2.1.** Outdoor storage areas and locations where sawdust may accumulate shall be maintained in a neat and orderly manner.

**535.04.3. Manufacturing, assembly, packaging or fabrication.**

**535.04.3.1.** If adjacent to properties zoned or used for residential purposes, the primary building shall be located a minimum of 100 feet from any such property line.

**535.04.3.2.** If adjacent to properties zoned or used for residential purposes, suitable landscaping shall be installed between the primary building and the adjacent residential property line to provide a buffer between the uses.

**535.04.4. Mini storage warehouse.**

**535.04.4.1.** All parking areas and drive aisles shall be paved.

**535.04.4.2.** On-site security must be considered and shall be reviewed by the Hermantown Police Department during the Special Use Permit process.

**535.04.5. More than one principal building.**

**535.04.5.1.** The site circulation and traffic patterns shall be reviewed to determine adequacy.

**535.04.5.2.** The specific use for each principal building on the site shall be identified and found to be compatible.

**535.04.6. Oil, fuel storage.**

**535.04.6.1.** Any above ground oil and fuel storage facilities and areas shall be identified on a current survey, and shall be located a minimum of 150 feet from any adjacent residential properties and 100 feet from any wetland or floodplain areas.

**535.04.6.2.** The application shall include documentation from the State of Minnesota stating that the proposed use meets or is able to meet any applicable state and/or federal requirements.

**535.04.7. Parking as a primary use.**

**535.04.8. Well drilling equipment; storage and repair.**

**535.04.8.1.** Outdoor storage areas shall be maintained in a neat and orderly manner.



**535.04.9. Pawnbrokers.**

**535.04.9.1.** Applicant must also receive and maintain a pawnbroker’s license under Section 410 of the Hermantown City Code.

**535.04.10. Medical Cannabis Distribution Facility.**

**535.05 Accessory Uses.**

**535.05.1. Outdoor storage.**

**535.05.1.1.** Outdoor storage areas shall be permitted only in areas depicted on an officially approved site plan as part of a Zoning Certificate approval.

**535.05.1.2.** Designated outdoor storage areas shall be fully screened from off-site views.

**535.05.2. Railroad spurs.**

**535.05.3. Refuse and recycling.**

**535.05.4. Uses incidental to primary use.**

**535.06 Dimensional Standards**

**535.06.1.**

<i>Dimension Type</i>	Requirement
1. Minimum lot area	None
2. Minimum lot width	100 feet
3. Minimum depth of front yard (from R.O.W.)	20 feet
4. Minimum depth of corner yard (from R.O.W.)	20 feet
5. Minimum side yard setbacks – generally	20 feet
Minimum side yard setbacks – adjacent to residential	50 feet
6. Minimum rear yard setbacks – generally	20 feet
Minimum rear yard setbacks – adjacent to residential	50 feet
7. Maximum lot coverage – generally	35%
Maximum lot coverage with a landscaping plan approved by the City Council as part of an SUP	65%

8. Maximum building height	80 feet
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**535.07 Performance Standards.** No structure or premises within any BLM district shall be used for one or more of the uses allowed under this Section unless its use complies with the following regulations.

**535.07.1.** Processes and equipment employed in production of goods or any other use of the land shall conform to the following standards:

**535.07.1.1.** Vibration. Any vibration discernable beyond the property line to the human sense of feeling for five minutes or more duration (cumulative) in any one hour and any vibration producing a particle velocity of more than 0.035 inch per second are prohibited.

**535.07.1.2.** Glare and heat. Any operation producing intense glare or heat shall be performed within an enclosure so as not to be perceptible at the property line.

**535.07.1.3.** Industrial Waste Material. All liquid and solid wastes shall be identified in all processes and operations and approved disposal methods identified, and all governmental standards met.

**535.07.1.4.** Noise. Noise levels inside and outside of all buildings must meet federal, state, and local requirements as may be amended from time to time.

**535.07.1.5.** Air pollution. All emissions shall meet federal, state, and local requirements as may be amended from time to time, and all governmental standards met.

**535.07.2.** Manufacture of a product which decomposes by detonation or produces dioxin will not be permitted.

**535.07.3.** All trash, garbage, waste materials, trash containers, and recycling containers shall be kept in a minimally visible location on the site. Whenever possible, such containers shall be located in a location behind buildings and out of view from the public right-of-way. If such containers cannot be sited behind the buildings on the site, they shall be fully screened by a fence.

**535.07.4.** There shall be no access to a property which is within 50 feet of the intersection of the nearest curb cut of any public streets unless it can be demonstrated that adherence to this standard will cause undue hardship to the property owner.

**535.07.5.** Hours of operation adjacent to residential districts. Uses on parcels immediately adjacent to residential districts cause unique impacts within the City. For this reason, hours of operation for any facilities adjacent to residential districts shall be limited to the hours between 6:00 AM and 11:30 PM.

**535.07.6.** Areas to be paved. Prior to issuance of a Zoning Certificate for any uses where a paved parking area is required, a cash escrow or other financial instrument in a form

acceptable to the City shall be provided, to be fully refundable upon completion of the paved area. The cash escrow or financial guarantee shall be in the amount of 25% of the cost of the paving improvements, or \$10,000, whichever is more.

**535.08 Off-Street Parking & Loading.** The following minimum requirements shall apply to all uses within the BLM District.

**535.08.1.** Upon a determination by the City Council based on verifiable information pertaining to parking demand, the off-street parking requirements of this Section may be revised upward or downward as part of a Special Use Permit application.

**535.08.2.** For unlisted uses, off-street parking requirements shall be set by the Zoning Administrator based on the closest comparable listed use.

**535.08.3.** Table 535.08.1, Off-Street Parking Requirements:

<b>Table 535.08.1</b>	
<i>Use</i>	Minimum number of parking spaces required
Gas station and automotive repair	Three spaces, plus four spaces per each service bay.
Manufacturing facilities (including breweries)	Five spaces plus one per each 500 square feet floor area.
Medical office or veterinary clinic	1 space per 200 square feet of floor space.
Office or laboratory	1 space per 250 square feet of floor space.
Restaurant	1 space per 100 square feet of floor space.
Retail	1 space per 250 square feet of floor space.
Studios	1 space per 400 square feet of floor space.
Warehouse or distribution	The lesser of 1 space per 1,500 square feet of floor space, or 1 for each employee on the maximum working shift.

**535.08.4.** All off-street parking areas shall be maintained in good repair.

**535.08.5.** Loading docks, berths and facilities.

**535.08.5.1.** Loading dock. A minimum of one loading dock shall be provided for nonresidential buildings with 20,000 square feet or more in floor area

**535.08.5.2.** Loading facility. A loading facility includes the dock, the berth for the vehicle, maneuvering areas, and the necessary screening walls.

**535.08.5.3.** Location. All loading berth curb cuts shall be located 25 feet or more from the intersection of two street rights-of-way. No loading berth shall be located less than 50 feet from any parcel that is zoned residential and used or subdivided for residential use, or has an occupied institutional building. Loading facilities shall not occupy the required front yard.

**535.08.5.4.** Size. A loading dock shall have a berth area at least 12 feet wide and 55 feet long.

**535.08.5.5.** Access. Each loading berth location shall permit vehicular access to a street or public alley in a manner which will least interfere with traffic.

**535.08.5.6.** Surfacing. All loading facilities and access ways shall be paved with bituminous or concrete paving to control the dust and drainage.

(Am. Ord. 2006-02, passed 5-15-2006) (Am. Ord. 2014-13, passed 12-15-2014) (Am. Ord. 2019-13, passed 10-21-2019) (Am. Ord. 2019-15, passed 11-18-2019)

## **Section 540 – M-2, Manufacturing, Heavy Industrial**

**540.01 Purpose.** To provide suitable areas within the community for those uses of a heavy industrial nature which may have objectionable influences or noise, odor, fumes, air, vibration, light and the like. This district and its uses should be located away from residential districts or natural areas subject to environmental concerns either by linear distance or by manmade or natural mitigating and protective features.

### **540.02 Uses Allowed With a Commercial-Industrial Development Permit.**

**540.02.1.** Accessory uses clearly incidental to principal uses;

**540.02.2.** All M-1 light industrial uses;

**540.02.3.** Asphalt and asphalt products processing (permanent plant);

**540.02.4.** Bottle gas storage and distribution;

**540.02.5.** Cement products manufacturing, sales, storage; and

**540.02.6.** Explosives, storage and distribution.

### **540.03 Requirements.**

<i>Dimension Type</i>	Requirement
1. Minimum lot area	None

2. Minimum lot width	100 feet
3. Minimum depth of front yard (from R.O.W.)	35 feet
4. Minimum depth of corner yard (from R.O.W.)	35 feet
5. Minimum side yard setbacks*	50 feet
6. Minimum rear yard setbacks*	50 feet
7. Maximum lot coverage	75%
8. Maximum building height	60 feet
9. No building or structure shall be allowed within 100 feet of a Class D sign	
* For all uses located in an M-2 Zone District abutting an R, Residential or a S-1, Suburban District, a minimum side and rear yard setback shall be 100 feet.	

**540.04 Environmental Assessment Worksheet Required.**

**540.04.1.** An environmental assessment worksheet shall be prepared for any use that falls into the categories specified for the S-1 Zone District or the C Zone District before any permit may be issued under this code for such use.

**540.04.2.** Nothing herein shall be construed to authorize such uses as permitted in an M-2 Zone District.

**540.05 Off-Street Parking.**

**540.05.1.** The same requirements for off-street parking set forth for the C Zone District shall apply to the M-1 Zone District.

**540.05.2.** Nothing in such requirements shall be construed to authorize any use in this M-2 Zone District.

**540.06 Off-Street Loading.** The same requirements for off-street loading set forth for the C Zone District shall apply to the M-2 Zone District.

**540.07 Temporary Structures.** The same requirements for temporary structures set forth for the C Zone District shall apply to the M-2 Zone District.

**540.08 Uses Allowed with a Special Use Permit.**

**540.08.1.** Gravel pits, borrow pits, crushing or batch plants; and

**540.08.2.** Peat, topsoil or black dirt extraction and/or processing, including the sale and distribution thereof.

(Ord. 2006-02, passed 5-15-2006)

## 📖 **Section 545 – O, Open**

**545.01 Purpose.** This district is intended to preserve those areas of the community which have limited development potential due to their location, accessibility, natural features or unique characteristics. They are normally areas of unsuitable soils, low marsh/wetlands, bedrock or steep topography. Uses within these areas, due to specific unsuitable conditions, will include agriculture, forestry and recreation. These lands will encourage the preservation of wild life habitat, the retention of water run-off, conservation of soil and water resources for the present and future enjoyment of the general public.

### **545.02 Permitted Uses.**

**545.02.1.** Accessory uses clearly incidental to principal uses;

**545.02.2.** Agricultural lands and farming activities excluding residence;

**545.02.3.** Game preserve;

**545.02.4.** Production and harvesting of forest crops and nursery products; and

**545.02.5.** Recreational areas, public or private including trails, parks, wayside rests.

### **545.03 Uses Allowed With a Special Use Permit Only.**

**545.03.1.** Communication tower;

**545.03.2.** Public service utility including corridors, substations, pumping stations, canals, reservoirs and similar uses; and

**545.03.3.** Soil and water conservation projects.

### **545.04 Requirements.**

<i>Dimension Type</i>	Requirement
1. Minimum lot area	5 acres
2. Minimum lot width	300 feet
3. Minimum depth of front yard (from R.O.W.)	35 feet
4. Minimum depth of corner side yard (from R.O.W.)	35 feet
5. Minimum side yard setback, all structures	25 feet
6. Minimum rear yard setback, all structures	25 feet

7. Maximum lot coverage	25%
8. Maximum building height	50 feet

**545.05 Environmental Assessment Worksheet Required.**

**545.05.1.** An environmental assessment worksheet shall be prepared for any use that falls into the categories specified for the S-1 Zone District or the C Zone District before any permit may be issued under this code for such use.

**545.05.2.** Nothing herein shall be construed to authorize such uses as permitted in an O Zone District.

**545.06 Off-Street Parking.** The City Council shall determine on an individual basis the number of off-street parking spaces required for any use. Factors to be considered in such determination shall include (without limitation) size of building, type of use, number of employees, expected volume and turnover of customer traffic and expected frequency and number of delivery or service vehicles.

**545.07 Off-Street Loading.** The requirements for off-street loading set forth for the C Zone District shall apply to the O Zone District.

**545.08 Temporary Structures.** The same requirements for temporary structures set forth for the C Zone District shall apply to the O Zone District.

**📖 Section 550 - P, Public**

**550.01 Purpose.** This district is intended for those areas of the community which have been set aside for public services, structures, park property, public property reserves and other public uses that are necessary for the health and welfare of the citizens.

**550.02 Permitted Uses.**

**550.02.1.** Airport facilities;

**550.02.2.** Public buildings and structures;

**550.02.3.** Public parks and recreation areas; and

**550.02.4.** Public service utilities including plants and service yards.

**550.03 Uses Allowed With a Special Use Permit Only.**

**550.03.1.** Cemetery; and

**550.03.2.** Public or private school; preschool, elementary or high school or a school offering a curriculum similar to public.

**550.04 Requirements.**

<i>Dimension Type</i>	Requirement
1. Minimum lot area	none
2. Minimum lot width	none
3. Minimum depth of front yard (from R.O.W.)	35 feet
4. Minimum depth of corner side yard (from R.O.W.)	35 feet
5. Minimum side yard setback all structures (each side)	15 feet
6. Minimum rear yard setback all structures	25 feet
7. Maximum lot coverage	35%
8. Maximum building height	50 feet

**550.05 Environmental Assessment Worksheet Required.**

**550.05.1.** An environmental assessment worksheet shall be prepared for any use that falls into the categories specified for the S-1 Zone District or the C Zone District before any permit may be issued under this code for such use.

**550.05.2.** Nothing herein shall be construed to authorize such uses as permitted in a P Zone District.

**550.06 Off-Street Parking.** The City Council shall determine on an individual basis the number of off-street parking spaces required for any use. Factors to be considered in such determination shall include (without limitation) size of building, type of use, number of employees, expected volume and turnover of customer traffic and expected frequency and number of delivery or service vehicles.

**550.07 Off-Street Loading.** The same requirements for off-street loading set forth for the C Zone District shall apply to the P Zone District.

**550.08 Temporary Structures.** The same requirements for temporary structures set forth for the C Zone District shall apply to the P Zone District.

**📖 Section 555 – SH, Shoreland**

**555.01 Purpose, Designation of Shoreland District.** In order to guide the wise development and utilization of shorelands of public waters for the preservation of water quality, natural characteristics, economic values and the general health, safety and welfare, all public waters in



the City of Hermantown, Minnesota, have been given a shoreland management classification. In addition, the shorelands of the City of Hermantown are hereby designated as the Shoreland District.

**555.02 Classification of Public Waters.** The public waters of the City of Hermantown are hereby classified as follows:

**555.02.1. Natural Environment Lakes and Streams.**

**555.02.1.1.** Keene Creek and its tributaries located in Sections 24, 25 and 36, Township 50 North, Range 15 West of the Fourth Principal Meridian;

**555.02.1.2.** Miller Creek and its tributaries located in Sections 1, 12 and 13, Township 50 North, Range 15 West of the Fourth Principal Meridian;

**555.02.1.3.** Midway River and its tributaries located in Sections 21, 22, 28, 32 and 33, Township 50 North, Range 15 West of the Fourth Principal Meridian;

**555.02.1.4.** Rocky Run (as identified on U.S.G.S. Adolph, Minnesota Quadrangle Map, 7.5 Minute Series, 1959) and its tributaries located in Sections 7, 8, 15, 16, 17, 20, 21 and 29, Township 50 North, Range 15 West of the Fourth Principal Meridian, and the tributaries of the tributaries to said Rocky Run located in Section 8 and 15, Township 50 North, Range 15 West of the Fourth Principal Meridian;

**555.02.1.5.** The tributary of Midway River (commonly called “Rocky Run”) located in Sections 30 and 31, Township 50 North, Range 15 West of the Fourth Principal Meridian; and

**555.02.1.6.** Mogie Lake located in Section 34 and 35, Township 50 North, Range 15 West of the Fourth Principal Meridian.

**555.02.2. Recreational Development Lakes and Streams.**

**555.02.2.1.** All streams and their tributaries in Sections 9, 10, 11 and 14, Township 50 North, Range 15 West of the Fourth Principal Meridian;

**555.02.2.2.** Midway River and its tributaries in Section 23, Township 50 North, Range 15 West of the Fourth Principal Meridian; and

**555.02.2.3.** The stream flowing into Mogie Lake in Sections 26 and 35, Township 50 North, Range 15 West of the Fourth Principal Meridian.

**555.02.3. General Development Lakes and Streams.**

**555.02.3.1.** The stream running approximately on the section line between Section 8 and 9, Township 50 North, Range 15 West and all streams and their tributaries in Sections 4, 5 and 6, Township 50 North, Range 15 West of the Fourth Principal Meridian; and

**555.02.3.2.** Kingsbury Creek and its tributaries in Section 33 and 34, Township 50 North, Range 15 West of the Fourth Principal Meridian.

**555.02.4.** The Shorelands of the City of Hermantown shall have the same classification as the public waters adjacent to such Shoreland.

**555.03 Permitted Uses.** All uses permitted in the zone district indicated on the Zoning Map of the City of Hermantown underlying this Shoreland District subject to the general provisions of this code.

**555.04 Uses Allowed With a Special Use Permit Only.** All uses allowed with a special use permit in the zone district indicated on the Zoning Map of the City of Hermantown underlying this Shoreland District subject to the general provisions of this code.

**555.05 Uses Allowed With a Commercial-Industrial Development Permit.** All uses allowed with a commercial-industrial development permit in the zone district indicated on the Zoning Map of the City of Hermantown underlying this Shoreland District subject to the general provisions of this code.

**555.06 Shoreland Standards.**

**555.06.1.** The following standards shall apply to all Shorelands within the City of Hermantown. Where the requirements of the underlying zone district as shown on the Zoning Map of the City of Hermantown are more restrictive than those set forth herein, then the more restrictive standards shall apply:

<i>Unsewered Areas</i>	Natural Environment Shoreland	Recreational Development Shoreland	General Development Shoreland
Lot area (square feet)	80,000	40,000	20,000
Water frontage and lot width at building line (linear feet)	200	150	100
Building setback from ordinary high water mark (linear feet)	200	100	75
Building setback from roads and highways (linear feet)	_____50	Federal, State or County_____	
	_____20	Municipal or Private_____	
Elevation of lowest floor above highest known water level (linear feet)	-----3-----		

Building height limitation (linear feet)	-----35-----		
Total lot area covered by impervious surface (%)	30	30	30
Sewage system setback from ordinary high water mark (linear feet)	150	75	50
Sewage system elevation above highest groundwater level or bedrock (linear feet)	3	3	3

**555.06.2.** All provisions for unsewered areas shall apply to sewered areas except for the following, which shall supersede the provisions applied to unsewered areas:

<i>Sewered Areas</i>	Natural Environment Shoreland	Recreational Development Shoreland	General Development Shoreland
Lot area (square feet)			
Waterfront lots	40,000	20,000	15,000
Other lots	20,000	15,000	10,000
Water frontage & lot width at building line (linear feet)	125	75	75
Building setback from ordinary high-water mark (linear feet)	150	75	50

**555.07 Shoreland Alterations.**

**555.07.1. Removal of natural vegetation.** The removal of natural vegetation shall be restricted to prevent erosion into public waters, to conserve nutrients in the soil and to preserve shoreland aesthetics. Removal of natural vegetation in the Shoreland District shall be subject to the following provisions:

**555.07.1.1.** Selective removal of natural vegetation shall be allowed, provided that sufficient vegetation cover remains to screen cars, dwellings and other structures when viewed from the water;

**555.07.1.2.** Clear cutting of natural vegetation shall be prohibited;

**555.07.1.3.** Natural vegetation shall be restored insofar as feasible after any construction project is completed in order to retard surface runoff and soil erosion; and

**555.07.1.4.** The provisions of this section shall not apply to permitted uses which normally require the removal of natural vegetation.

**555.07.2. Grading and Filling.** No person shall grade or fill in the Shorelands of the City of Hermantown unless such grading or filling is authorized by a special use permit. No person shall alter the natural topography of any Shoreland of the City of Hermantown unless such alteration is authorized by a special use permit.

**555.07.2.1.** Any permit granted shall be subject to the following conditions:

**555.07.2.1.1.** That the smallest amount of bare ground is exposed for as short a time as feasible;

**555.07.2.1.2.** That temporary groundcover, such as mulch, is used, and permanent groundcover, such as sod, is planted;

**555.07.2.1.3.** That adequate methods to prevent erosion and trap sediment are employed;

**555.07.2.1.4.** That fill is stabilized to accepted engineering standards;

**555.07.2.1.5.** That adequate methods are employed to reduce the runoff and/or flow of water on or over the affected shoreland so that the grading, filling or alteration of the natural topography does not contribute to downstream flooding;

**555.07.2.1.6.** That adequate methods are employed to preserve water quality so that the grading, filling or alteration of the natural topography will not detrimentally affect the quality of the public waters of the City of Hermantown;

**555.07.2.1.7.** That adequate methods are employed for the preservation or establishment of local vegetation that provides wildlife habitat and screening; and

**555.07.2.1.8.** That the fill used will consist of suitable material free from toxic pollutants in other than trace quantities.

**555.07.2.2.** In reviewing any application for a special use permit for grading and filling in a Shoreland, the Planning and Zoning Commission and the City Council shall give appropriate consideration to whether the proposed activity is primarily dependent on being located in the Shoreland of the City of Hermantown and whether feasible alternative sites are available.

**555.07.2.3.** The requirements of [555.07.2.1.5](#) through [555.07.2.1.7](#). and the Planning and Zoning Commission and the City Council would be satisfied by the construction of retention basins that (1) are designated and engineered to assure that the development would have no

appreciable effect on downstream flooding; (2) are designed and engineered with water quality improvement features such as filtration or skimming devices; and (3) are designed and engineered to utilize local vegetation for screening and to provide wildlife habitat.

**555.07.2.4.** Copies of all permits issued hereunder shall be mailed to the St. Paul District of the United States Army Corps of Engineers as soon as possible after issuance.

**555.07.3. Alteration of Beds of Public Waters.** Any work which will change or diminish the course, current or cross-section of a public water shall be approved by the Commissioner of Natural Resources of the State of Minnesota before the work is begun. This includes construction of channels and ditches, lagoons, dredging of lakes or stream bottom for removal of muck, silt or weeds, and filling of the lake or stream bed. Approval shall be construed to mean the issuance by the Commissioner of Natural Resources of the State of Minnesota of a permit under the procedures of M.S. Section 105.42, as it may be amended from time to time, and other related statutes.

**555.07.4. Other Excavations in Shoreland Areas.** Excavations on shorelands where the intended purpose is connection to a public water, such as boat slips, canals, lagoons and harbors, shall require a permit from the Zoning Inspector before construction is begun. Such permit may be obtained only after the Commissioner of Natural Resources of the State of Minnesota has issued a permit for work in the beds of public waters.

**555.08 Roads, Parking Areas and Other Impervious Surfaces.** The placement of roads, parking areas and other impervious surfaces shall be controlled in order to retard the runoff of surface waters and excess nutrients. The placement of roads, parking areas and other impervious surfaces shall conform with the following criteria:

**555.08.1.** No impervious surface shall be placed within 50 feet of the ordinary highwater mark;

**555.08.2.** Where feasible and practical, all roads, parking areas and other impervious surfaces shall meet the setback requirements established for structures for the Shoreland District; and

**555.08.3.** Natural vegetation or other natural materials shall be used in order to screen parking areas from the water.

**555.09 Sewage Disposal, County Permit Required.**

**555.09.1.** The disposal of sewage, commercial, industrial and agricultural wastes as defined in M.S. Chapter 115, as it may be amended from time to time, within the Shorelands of the City of Hermantown shall be subject to the standards, criteria, rules and regulations of the Minnesota Pollution Control Agency, the Minnesota Department of Health and any applicable county or city regulations. In particular, the Minnesota Pollution Control Agency regulations contained in WPC 40 (Minn. Reg. WPC 40) shall govern the installation, use and inspection of septic systems within the Shorelands of the City of Hermantown.

**555.09.2.** No building permit for construction within any unsewered portions of any Shoreland in the City of Hermantown shall be issued unless the applicant for such building permit shall have obtained from the St. Louis County Health Department a sewage disposal permit and a certificate indicating that the sewage system complies with the requirements of the above described Regulation WPC 40.

## **📖 Section 560 – W, Wetland**

**560.01 Purpose.** The wetlands in the City of Hermantown are hereby declared to be a valuable natural resource of the City of Hermantown. It is hereby recognized that the wetlands in the City of Hermantown act as natural retention areas that protect against flooding and aid in the replenishment of groundwater. Such wetland areas further provide a valuable wildlife habitat.

**560.01.1.** The express purpose of the Wetland District regulations is to guide the use, development and utilization of the wetlands of the City of Hermantown in order to prevent the elimination of the retention capacity and wildlife habitat provided by the wetlands. In addition, the purpose of this chapter is to preserve water quality within the City of Hermantown and promote the general health, safety and welfare.

**560.01.2.** The wetlands of the City of Hermantown are hereby designated as the Wetland District.

**560.02 Permitted Uses.** All uses permitted in the zone district indicated on the Zoning Map of the City of Hermantown underlying this Wetland District, subject to the general provisions of this code.

**560.03 Uses Allowed With a Special Use Permit.** All uses allowed with a special use permit in the zone district indicated on the Zoning Map of the City of Hermantown underlying this Wetland District, subject to the general provisions of these Zoning Regulations.

**560.04 Uses Allowed With a Commercial-Industrial Development Permit.** All uses permitted in the zone district indicated on the Zoning Map of the City of Hermantown underlying this Wetland District, subject to the general provisions of these Zoning Regulations.

**560.05 Wetland Standards.** The following standards shall apply to all wetlands within the City of Hermantown. Where the requirements of the underlying zone district as shown on the Zoning Map of the City of Hermantown are more restrictive than those set forth herein, then the more restrictive standards shall apply:

### **560.05.1. Unsewered Areas.**

<i>Aspect</i>	Requirement
Lot area	80,000
Lot width at bldg. line (linear feet)	200

Bldg. setback from roads and highways (linear feet)	50 federal, state, county
	20 municipal or private
Elevation of lowest floor above highest known water level (linear feet)	3
Building height limitation (linear feet)	35
Total lot area covered by impervious surface (%)	30
Sewage system elevation above highest groundwater level on bedrock (linear feet)	3

**560.05.2. Sewered Areas.** All provisions for unsewered areas shall apply to sewer areas except for the following, which shall supersede the provisions applied to unsewered areas:

<i>Area</i>	Requirement
Lot area (square feet)	40,000
Lot width at building line (linear feet)	125

**560.06 Wetland Alterations.**

**560.06.1. Removal of Natural Vegetation.** The removal of natural vegetation shall be restricted to prevent erosion into public waters, to conserve nutrients in the soil, and to preserve wetland aesthetics. Removal of natural vegetation in the Wetland District shall be subject to the following provisions:

**560.06.1.1.** Selective removal of natural vegetation shall be allowed;

**560.06.1.2.** Clear cutting of natural vegetation shall be prohibited;

**560.06.1.3.** Natural vegetation shall be restored insofar as feasible after any construction project is completed in order to retard surface runoff and soil erosion; and

**560.06.1.4.** The provisions of this section shall not apply to permitted uses which normally require the removal of natural vegetation.

**560.06.2. Grading and Filling.** No person shall grade or fill in the wetlands of the City of Hermantown unless such grading or filling is authorized by a special use permit. No person shall alter the natural topography of any Wetland of the City of Hermantown unless such alteration is authorized by a special use permit.

**560.06.2.1.** Any permit granted shall be subject to the following conditions:

**560.06.2.1.1.** That the smallest amount of bare ground is exposed for as short a time as feasible;

**560.06.2.1.2.** That temporary groundcover, such as mulch, is used, and permanent groundcover, such as sod, is planted;

**560.06.2.1.3.** That adequate methods to prevent erosion and trap sediment are employed;

**560.06.2.1.4.** That fill is stabilized to accepted engineering standards;

**560.06.2.1.5.** That adequate methods are employed to reduce the runoff and/or flow of water on or over the affected wetland so that the grading, filling or alteration of the natural topography does not contribute to downstream flooding;

**560.06.2.1.6.** That adequate methods are employed to preserve water quality so that the grading, filling or alteration of the natural topography will not detrimentally affect the quality of water in the City of Hermantown;

**560.06.2.1.7.** That adequate methods are employed for the preservation or establishment of local vegetation that provides wildlife habitation and screening; and

**560.06.2.1.8.** That the fill used will consist of suitable material free from toxic pollutants in other than trace quantities.

**560.06.3. Special Use Permit.** In reviewing any application for a special use permit for grading and filling, the Planning and Zoning Commission and the City Council of the City shall give appropriate consideration to whether the proposed activity is primarily dependent on being located in the Wetlands of the City of Hermantown and whether feasible alternative sites are available.

**560.06.4. Effect on Wetlands.** The requirements of [560.06.2.1.5](#) through [560.06.2.1.7](#). would be satisfied by the construction of a retention basin that (1) is designed and engineered to assure that the development would have no appreciable effect on downstream flooding; (2) is designed and engineered with water quality improvement features such as filtration or skimming devices; and (3) is designed and engineered to utilize local vegetation for screening and to provide a wildlife habitat.

**560.06.5. Copies.** Copies of all permits issued hereunder shall be mailed to the St. Paul District of the United States Army Corps of Engineers as soon as is possible after issuance.

**560.07 Roads, Parking Areas and Other Impervious Surfaces.** The placement of roads, parking areas and other impervious surfaces shall be controlled in order to retard the runoff of surface waters and excess nutrients.

**560.08 Sewage Disposal, County Permit Required, Non-Conforming Uses.**



**560.08.1.** The disposal of sewage, commercial, industrial, and agricultural wastes as defined in M.S. Chapter 115, as it may be amended from time to time, within the wetlands of the City of Hermantown shall be subject to the standards, criteria, rules and regulations of the Minnesota Pollution Control Agency, the Minnesota Department of Health and any applicable county or city regulations. In particular, the Minnesota Pollution Control Agency regulations contained in WPC 40 (Minn. Reg. WPC 40 and any amendments thereto) shall govern the installation, use and inspection of septic systems within the wetlands of the City of Hermantown.

**560.08.2.** No building permit for construction within any unsewered portions of any wetland in the City of Hermantown shall be issued unless the applicant for such building permit shall have obtained from the St. Louis County Health Department a sewage disposal permit and a certificate indicating that the sewage system complies with the requirements of the above described Regulation WPC 40.

## **Section 565 – R-3a, Multiple Family Residential**

**565.01 Purpose.** To provide suitable areas within the community for the establishment of multiple family residential developments. The R-3a Zone District will provide for the highest density residential use in those areas of the community where any negative impact of such use on other residential uses will be able to be minimized through buffer zones and other development requirements. The City will plan for public utilities to serve property in the R-3a Zone District. The main uses of the District will be residential; however, certain commercial transitional uses will be permitted by special use permit.

### **565.02 Permitted Uses.**

**565.02.1.** Accessory uses clearly incidental to principal use;

**565.02.2.** Church, synagogue or convent;

**565.02.3.** Public buildings;

**565.02.4.** Public parks and recreation areas; and

**565.02.5.** Public service utility, excepting plants.

### **565.03 Uses Allowed with a Special Use Permit Only.**

**565.03.1.** Accessory structure in excess of 1,200 square feet;

**565.03.2.** Association, club or lodge (no liquor license);

**565.03.3.** Beach, public or private;

**565.03.4.** Child care or day care center;

**565.03.5.** Clear cutting;

**565.03.6.** Condominiums, Town homes, and Dwellings, three family, having no more than four dwelling units in one building (triplex) or four family, having no more than four dwelling units in one building (four-plex). The R-3 requirements under [565.04](#) shall be applicable;

**565.03.7.** Dwelling, multiple family (apartment - more than four living units in the aggregate, whether in one or more buildings);

**565.03.8.** Golf course, public or private;

**565.03.9.** Hospital, public or private;

**565.03.10.** Mobile home development;

**565.03.11.** Model home;

**565.03.12.** Planned unit development;

**565.03.13.** Professional offices;

**565.03.14.** Public buildings;

**565.03.15.** Public or private school, preschool, elementary or high school or a school offering curriculum similar to public; and

**565.03.16.** State licensed Residential care facilities and housing with services establishments licensed under Minnesota Statutes chapter 144D serving 16 or fewer persons.

**565.03.17.** State licensed group family daycare facility serving 16 or fewer children.

**565.03.18.** State licensed adult daycare facility serving 16 or fewer persons.

**565.03.19.** Townhouse(s) (more than four living units in the aggregate, whether in one or more buildings).

(Am. Ord. 2004-14, passed 1-3-2005) (Am. Ord. 2014-02, passed 3-17-2014)

**565.04 Requirements.**

<i>Dimension Type</i>	Requirement
1. Minimum lot area	1 acre or 7,200 square feet per dwelling unit, whichever is greater

2. Minimum lot width	200 feet
3. Minimum depth of front yard (from public R.O.W.)	150 feet
4. Minimum depth of corner side yard (from public R.O.W.)	150 feet
5. Minimum side yard setbacks - each side	65 feet
6. Minimum rear yard setback	40 feet
7. Maximum lot coverage with impervious surfaces	50%
8. Minimum frontage on public street right-of-way	200 feet
9. Maximum building height	
Principal structure (highest point of roof)	35 feet
Accessory structure (sidewalls)	14 feet
10. Minimum living units per building, excluding triplexes	4
11. Minimum living units per triplex building	3

(Ord. 2004-14, passed 1-3-2005)

**565.05 Environmental Assessment Worksheet Required.**

**565.05.1.** An environmental assessment worksheet shall be prepared for any use that falls into the categories specified in [500.05](#) of this code before any permits may be issued under this code for such use. Nothing herein shall be construed as authorizing such uses, however, unless allowed under other applicable provisions of this code.

**565.05.2.** In addition, an environmental assessment worksheet shall be prepared when otherwise required by any applicable law or when determined necessary by the City Council of the City of Hermantown.

**565.06 Accessory Uses.** The following provisions shall apply to accessory uses:

**565.06.1.** Above-ground structures.

**565.06.1.1.** Accessory structures of 1,200 square feet or less may be constructed within 40 feet of the rear lot line, provided that no portion of the accessory structure shall extend or overhang within 37 feet of the lot line.

**565.06.1.2.** Accessory structures shall not be utilized for any use or activity not otherwise allowed in the zone district in which such accessory building is to be located. Home occupations may be not conducted in detached accessory structures built after March 1994.

**565.06.1.3.** Maximum lot coverage including all structures shall not exceed 50 percent lot coverage.

**565.06.2.** Dimensional requirements for accessory structures of 1,200 square feet or less:

Minimum depth of front yard from R.O.W.	150 feet
Minimum side yard setback	65 feet
Minimum depth of corner side yard from R.O.W.	150 feet
Minimum rear yard setback	40 feet
Maximum building height	35 feet
Maximum sidewall height	14 feet

**565.06.3.** Dimensional requirements for accessory structure in excess of 1,200 square feet.

Minimum depth of front yard from R.O.W.	Equal to or greater than the building line of the primary structure
Minimum side yard setback	65 feet
Minimum depth of corner side yard from R.O.W.	150 feet
Minimum rear yard setback	40 feet
Minimum setback from primary structure	10 feet
Maximum sidewall height	14 feet
Maximum building height	35 feet

(Am. Ord. 2014-08, passed 8-18-2014)

**565.07 Off-Street Parking.** The same provisions set forth for off-street parking for the S-1 Zone District shall be applicable to the R-3a Zone District.

**565.08 Off-Street Loading.** The same provisions set forth for off-street loading for the S-1 Zone District shall be applicable to the R-3a Zone District.

**565.09 Temporary Structures.** The same provisions set forth for temporary structures for the S-1 Zone District shall be applicable to the R-3a Zone District.

**565.10 Public Sewer and Water.** All developments within an R-3a Zone District must be served by public sewer and water.

**565.11 Restrictions on Location of Parking and Driveways.** No parking areas or driveways or other uses are permitted in any setback areas, i.e., side yard, front yard, rear yard or corner side yard.

**565.12 Limitation on Type of Units.** No more than 1/3 of the total living units in the aggregate in any multiple family dwelling project may be efficiency and/or single room occupancy units.

**565.13 Minimum Dwelling Unit Size.** The minimum size per living unit shall be 500 square feet of living area exclusive of areas devoted to uses accessory to the operation of a dwelling, for example, furnace rooms, laundry rooms, storage rooms, garages and workshops.

**565.14 Public Use and Service Areas.**

**565.14.1.** A minimum of 5% of the gross land area in any proposed multiple family development project shall be dedicated to the public or preserved for public use as parks, playgrounds, trails or open space. Such areas shall not include land devoted to streets, parking, private yards or any setback areas.

**565.14.2.** In lieu of the foregoing requirement, the City Council of the City of Hermantown may accept an amount in cash from the applicant for part or all of the portion of land to be dedicated to such public uses or purposes that is equal to the fair market value of such land. Such cash payment shall be made prior to the issuance of a zoning certificate for such project. Any cash payments received by the City of Hermantown shall be placed in a special fund to be used only for parks, playgrounds, trails or other recreational purposes.

**565.14.3.** The City Council, on a case-by-case basis, shall determine the responsibility of the developer for construction and maintenance of playground or park areas within a multiple family development project. Factors to be considered by the City Council include the density of the development, proximity to other park or recreation areas and the nature of the development.

(Ord. 2004-18, passed 12-6-2004) (Am. Ord. 2014-02, passed 3-17-2014)

## **Section 570 – HM – Hermantown Marketplace**

**Subdivision 1. Purpose.** The Hermantown Marketplace zone district is intended to create a dynamic, easily identifiable commercial district that can accommodate daytime, evening, and weekend activity, incorporating a mix of uses that feature superior design and are easily accessible and pedestrian friendly.

**Subdivision 2. Permitted Uses.** The following uses are permitted upon issuance of a Zoning Certificate finding that the use is in compliance with the applicable development guidelines identified in this section. Compliance shall be determined by the Zoning Officer following staff review of a complete land use application, site plan, and other information as required by this section.

- A. Retail sales and services, including pharmacies, over 20,000 but less than 75,000 square feet of gross floor space.
- B. Business and professional offices, not including medical or dental clinics, up to 20,000 square feet of gross floor space.
- C. Banks, credit unions and financial institutions, including drive-in establishments, up to 5,000 square feet of gross floor space.

- D. Personal services and health clubs, and massage establishments 10,000 square feet or less of gross floor space.
- E. Restaurants, bars and brewpubs up to 5,000 square feet of gross floor space.
- F. Indoor entertainment and recreation including theaters up to 7,500 square feet of gross floor space.

**Subdivision 3. Uses Allowed with a Commercial Industrial Development Permit.** The following uses shall be permitted after the issuance of a Commercial Industrial Development Permit.

- A. Retail sales and services, including pharmacies, over 20,000 but less than 50,000 square feet of gross floor space.
- B. Business and professional offices, not including medical and dental clinics over 20,000 square feet of gross floor space.
- C. Banks, credit unions, and financial institutions, including drive-in establishments, over 5,000 square feet of gross floor space.
- D. Restaurants, bars and brewpubs over 5,000 square feet of gross floor space.
- E. Indoor entertainment and recreation, including theaters, over 7,500 square feet of gross floor space.
- F. Medical and dental clinics
- G. Assembly and manufacturing of products available for on-site retail sales
- H. Hotels
- I. Craft breweries and craft distilleries with or without taprooms, including retail and wholesale operations.
- J. Any combination of the above uses up to 20,000 square feet of gross floor space.
- K. Personal services, health clubs, and massage establishments over 10,000 square feet of gross floor space.
- L. School, commercial (beauty, business, massage, and the like).

**Subdivision 4. Uses Allowed with a Special Use Permit.** The following uses shall be permitted after the issuance of a special use permit.

- A. Retail sales and phased development over 75,000 square feet of gross floor space.
- B. Multiple family dwelling.
- C. New vehicle sales (service and repair of vehicles allowed as an accessory use).
- D. Any building over 45 feet in height.
- E. Businesses with drive-throughs, excluding banks and other financial institutions.
- F. Public and private parks.

**Subdivision 5. Dimensional Requirements.**

Dimension Type	Requirement	
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<b>Non-Residential Uses</b>		
<b>1.</b> Minimum lot area	None	
<b>2.</b> Minimum lot width	None	
<b>3.</b> Minimum depth of front yard	5 feet	
<b>4.</b> Minimum depth of front yard from Highway 53 R.O.W	35 feet	
<b>5.</b> Minimum depth of corner side yard from R.O.W.	5 feet	
<b>6.</b> Minimum depth of corner side yard from Highway 53 R.O.W.	35 feet	
<b>7.</b> Minimum side yard setbacks	5 feet	
<b>8.</b> Minimum rear yard setbacks	5 feet	
<b>9.</b> Maximum lot coverage	50 %	
<b>10.</b> Maximum building height	North of Maple Grove Road and within 300 feet south of the south boundary of Maple Grove Road – 45 feet maximum for all buildings; Up to 100 feet with a Special Use Permit	
<b>11.</b> Maximum building height	All buildings located further than 300 feet from the south boundary of Maple Grove Road – 45 feet; up to 75 feet with a Special Use Permit	
<b>12.</b> Commercial square footage limitation for uses located further than 300 feet south of Maple Grove Road	No single unit non-residential use shall exceed 5,000 square feet. Multi-unit non-residential development shall not exceed 25,000 square feet. Non-residential development exceeding 25,000 square feet in size may be permitted as part of a Planned Unit Development.	

**Subdivision 6. Design Guidelines.**

- A. Applicability. The design guidelines of this Section set required and encouraged criteria and concepts for development within the Hermantown Marketplace (HM) zone district that meet one or more of the following conditions: (a) new development, or (b) additions or alterations to the exterior of the building or site totaling more than 25 percent of the assessed value.

#### **Subdivision 7. Building Design (Architecture).**

- A. Intent. The character of development in Hermantown varies widely across the city. However, there are some design traditions used over the city's history that have helped establish a design context. Many of these traditions are expressed by buildings constructed by early settlers and the historic Jackson Project buildings that can still be found in the city. Developers are not expected to imitate the design of early buildings. Rather, they should take inspiration from and respect traditions such as:
1. Authenticity. Buildings reflected the best design practices of the time and location, including materials and ways of building.
  2. Simplicity. Buildings and other structures were generally simple in their design.
  3. Durability. Buildings and structures were made to last.
  4. Functionality. Buildings and other structures expressed their functions clearly.
  5. Integrity of design. Buildings had simple design concepts, featuring muted colors, simple geometric designs, and simple materials.
  6. Integrated site planning. The site is designed to be compatible with the building, nearby properties, neighborhood, and natural features, and to minimize impact on vehicular and pedestrian traffic.
- B. Materials. The following standards shall apply to all sides of any building and all sides of a building shall be finished with the same materials.
1. The primary materials shall consist of the following or a combination the following wood, brick, architectural concrete panels, natural stone, stone panels, architectural metal, E.I.F.S. (exterior insulations and finish systems) or stucco.
    - i. E.I.F.S is only permitted above a height of eight (8) feet as measured from the average finished ground floor level of the structure.
    - ii. Wood materials shall be of high quality and incorporate or display the natural grain or texture of the material.
  2. Prohibited primary building materials include, Masonite, asphaltic exterior wall or roof material, aluminum or steel siding, non-architectural sheet metal, non-textured concrete block, and vinyl.
  3. The materials listed in (1) and (2) above may be used as building trim or ornamental design features.



- C. Color. Color is an integral element of the overall design and must include the following:
1. A coordinated palette of colors shall be created for each development. If a development is part of a phased in project the palette of each phase must be compatible with the overall development.
  2. Set the color theme by choosing the color for the material with the most area. This will set the tone for the rest of the colors.
  3. The number of color choices in each development shall be limited. Generally, there is a wall color, trim color, accent color, and roof color.
  4. Use color variations to break up the mass of a building and provide visual interest.
- D. Form and mass. Buildings and structures shall be designed to avoid blank facades, particularly those that face streets and public spaces. Storefront windows, doors, entries, transoms, awnings, cornice treatments, and other architectural features shall be incorporated to add visual interest.
- E. Roofs. Long, unbroken roof lines are prohibited. Full gabled, hipped, and shed roofs are encouraged. Parapets, gables, high roofs, or dormers shall be used to conceal flat roofs and rooftop equipment from public view.

#### **Subdivision 8. Site Planning.**

- A. Parking and circulation.
1. Automobile spaces. The number, size, and design of parking spaces and aisles shall conform to the standards for uses set in the C – Commercial zone district.
  2. Bicycle parking. Bicycle racks are required and shall be conveniently located. Bicycle racks shall be durable and visually subdued. Loop racks and ribbon bars are encouraged. A minimum of four bicycle spaces shall be provided.
  3. Pedestrian circulation. Clearly defined pedestrian walkways or paths shall be provided from parking areas to primary building entrances. Walkways and parking lots shall be designed so that pedestrians do not have to cross parking aisles and landscape islands to reach building entries. All internal walkways shall be distinguished from driving surfaces through the use of durable, low maintenance surface materials such as pavers, bricks, or scored concrete to enhance pedestrian safety and comfort, as well as the attractiveness of the walkways.
  4. Parking lot landscaping. Parking lots shall include landscaping that accents the main entryways, frames major circulation aisles, and highlights pedestrian pathways.
    - i. Ten (10) percent of any parking lot with ten or more spaces is required to be internally landscaped.

- ii. Off street parking areas with more than 50 parking stalls shall contain interior landscaped islands.
- iii. Landscaping that is a functional part of on-site stormwater treatment or provides usable public space is encouraged.

5. Screening.

- i. Landscape plans shall be developed with an emphasis upon the boundary or perimeter of the proposed site, to the immediate perimeter of the structure, parking areas, and along areas to be screened
- ii. All parking lots shall be screened from the adjacent properties. The height and depth of the screening shall be consistent with the height and size of the area for which screening is required. All walls and fences shall be architecturally harmonious with the principal structure.
- iii. Parking lots adjacent to a residential property shall be screened by landscape or fence material of no less than five feet in height.

6. Parking lot lighting.

- i. The style and color of parking lot lighting standards in a parking lot shall relate to the overall architectural design of the site and the Hermantown Marketplace design scheme.
- ii. The type and location of parking lot lighting shall prevent direct glare onto adjoining property, streets, or skyward.
- iii. Parking lot lighting shall be consistent with pedestrian scale and shall be between 18 and 30 feet high.

7. Paving.

- i. Decorative paving treatments are encouraged.
- ii. Pervious paving systems are encouraged.

B. Loading and delivery areas.

- 1. Loading and delivery facilities shall generally be located at the rear of the site. When this portion of the site is adjacent to residential uses, loading and delivery facilities shall be screened from view by appropriate setbacks and screening.

C. Utilities and mechanical equipment.

- 1. Utilities, electrical boxes and mechanical equipment shall be screened from the view of public streets and neighboring properties and located away from the primary site and building entrances.

2. Mechanical equipment shall be concealed by building elements that are designed as an integral part of the building or site design, unless prohibited by local utility practices.
3. Utilities shall be buried when feasible.

D. Trash and storage areas.

1. Whenever possible, trash enclosures shall be architecturally integrated into the design of the structure, at the rear of the building.
2. Trash enclosures shall be located away from sensitive uses, such as residences and designated pedestrian paths, to minimize nuisances.
3. Trash enclosures shall be architecturally and aesthetically compatible with the building and site design.
4. All trash enclosures shall be screened from public view to the greatest extent possible.

E. Lighting.

1. Lighting shall be designed to satisfy both functional and decorative needs. All security lighting shall be designed as part of an overall lighting plan rather than as standalone elements.
2. All project exterior lighting, with the exception of lighting for public streets, shall be consistent with the architectural style of the building.
3. All lighting fixtures for each project shall be the same family of fixtures with respect to design, materials, color, and color of light.

F. Outdoor and rooftop dining areas.

1. Outdoor and rooftop seating or dining areas shall be incorporated into the building design and site plan with the purpose of providing a high quality functional space.
2. Outdoor seating and dining areas shall be setback from the parking lot or street by at least five feet and buffered by use of planters, low walls or fences, landscaping or other means.
3. Outdoor seating and dining areas shall be screened from adjacent residential uses by a four foot high masonry wall.

**Subdivision 9. Landscaping.**

- A. Landscaping required. A landscaping plan professionally prepared by a registered landscape architect or civil engineer shall be completed for all areas not covered by structures, service yards, walkways, driveways, and parking spaces. Landscaped areas shall incorporate a multi-tiered planting design system including grasses and ground covers, shrubs, trees, and hardscape or decorative features such as benches, boulders, fountains, and other features.

- B. Landscaping is encouraged to play an integral, functional part in on-site stormwater management and traffic circulation. Stormwater ponds, rain gardens and other appropriate stormwater management methods will count as landscaping.
- C. Landscaping around buildings is required to soften the edge between the parking lot and structure.
- D. Plants used in landscape plans shall be resistant to drought, disease, and insects and shall be hardy to the area. Native plants are preferred.
- E. Landscape plans shall be developed with an emphasis upon the boundary or perimeter of the proposed site, to the immediate perimeter of the structure, parking areas, and along areas to be screened

#### **Subdivision 10. Specific Use Standards.**

In addition to the standards presented elsewhere in this ordinance additional standards shall apply to the following special uses:

- A. Fueling stations.
  - 1. All structures shall be architecturally and aesthetically consistent to an overall architectural theme.
  - 2. The roof design of all structures, including roof canopies and car washes, shall be architecturally and aesthetically consistent to an overall architectural theme.
  - 3. A traffic circulation plan shall be developed and approved. The plan shall, at a minimum, minimize potentially dangerous traffic movements, provide adequate and safe access to the site, separate pedestrian and auto circulations where practical, and minimize curb cuts.
- B. Businesses with drive-throughs
  - 1. The building, not the drive through aisles or queuing areas, shall be the predominant visual element along the street frontage.
  - 2. Drive-through aisles shall be located to the rear of the building and screened from adjacent properties by landscaping or walls.
  - 3. Drive-throughs shall not exit directly onto the street or to the main entrance.
  - 4. A traffic circulation plan shall be developed and approved. The plan shall, at a minimum, minimize potentially dangerous traffic movements, provide adequate and safe access to the site, separate pedestrian and auto circulations where practical, and minimize curb cuts.

C. New car dealerships

1. A traffic circulation plan shall be developed and approved. The plan shall, at a minimum, minimize potentially dangerous traffic movements, provide adequate and safe access to the site, separate pedestrian and auto circulations where practical, and minimize curb cuts.
2. No outside public address systems are allowed.

D. Multifamily dwellings

1. A traffic circulation plan shall be developed and approved. The plan shall, at a minimum, minimize potentially dangerous traffic movements, provide adequate and safe access to the site, separate pedestrian and auto circulations where practical, and minimize curb cuts.
2. Landscaping plans shall include strategies for public areas and usable open spaces such as a neighborhood park.
3. Underground parking and parking integrated into the building design is encouraged. Surface parking shall be landscaped to be compatible with the building and site design. A minimum landscaped area of ten feet must be included between a parking lot and building.
4. All accessory structures must be architecturally and materially compatible and consistent in quality as the primary buildings.
5. The location and nature of utility structures, waste and recycling facilities, mail, and other shared services and structures must be included in the site plan and approved by the City.
6. Multi-family residential developments shall not exceed a maximum density of 30 units per acre.

**Subdivision 11. Signage.**

- A. Signs for each development should be carefully integrated with the site, landscape and architectural design of the site. Size, shape and proportions should be compatible with the size and scale of the surroundings and should not compete with or obscure other design features of the site, landscape or structures. Signage should be of compatible colors and materials.
- B. Sign size and placement shall be regulated the same as signage in the C-Commercial Zoning District as established by Chapter 14 in the Hermantown Zoning Regulations until such time new regulations are established.

**Subdivision 12. Parking.**

- A. Off-street parking shall be provided in accordance with the specifications set for the C-Commercial Zoning District in the Hermantown Zoning Regulations.

B. Required parking may be modified by approval of the City Council as part of a Special Use Permit or Planned Unit Development process if the developer provides a professionally prepared traffic and parking demand study demonstrating an alternative need for greater or lesser off-street parking. Proof of parking is acceptable in the HM District.

(Am. Ord. 2014-09, passed 10-20-2014) (Am. Ord. 2015-14, passed 12-21-2015) Am. Ord. 2019-11, passed 9-16-2019)