



## **Hermantown Planning & Zoning Meeting – November 21, 2023**

Hermantown's upcoming Planning & Zoning meeting will include both remote access and in-person access to Council Chambers. The remote access will be available through the platform, "Zoom," which allows the public to view and participate in the meeting via phone or computer. Interested parties can also choose to attend the Planning & Zoning meetings in person at City Hall.

Remote access to the 7:00 pm Planning & Zoning Meeting will be available at:

<https://us02web.zoom.us/j/89710487385?pwd=RFZYekswalBBNEluUjZXTXVQUEYydz09>

and/or by calling the number (312) 626-6799 and utilizing the meeting ID number of 897-1048-7385 and the passcode of 122771.

A few important tips regarding the Zoom platform:

- If your computer does not support audio, you can still watch the meeting on your computer and call in on your phone to hear the meeting.
- Everyone has varying levels of comfort regarding remote technology, so grace and understanding are appreciated.



## PLANNING & ZONING COMMISSION

*Agenda*  
November 21, 2023  
7:00 PM

- 1. ROLL CALL**
- 2. APPROVAL OF AGENDA**
- 3. APPROVAL OF MINUTES**
  - 3A. October 17, 2023 regular meeting.
- 4. PUBLIC DISCUSSION** – Public comment on any item not otherwise listed on the agenda.
- 5. PUBLIC HEARINGS**
  - 5A. An application by Rainy Day Funding LLC for a Subdivision to create a 136-foot-wide parcel of 0.5 acres and a 1.88-acre lot accessed by way of a flag lot of 30-foot width at 5154 W Arrowhead Road. The property is located in an R-3 zoning district.
  - 5B. An application by Robert Struck for a Subdivision to create a 1,031-foot-wide parcel of 13.72 acres and a 5.0-acre lot accessed by way of a flag lot of 193-foot width at 5661 St. Louis River Road. The property is located in an S-1 zoning district.
  - 5C. Zoning Ordinance text amendments by the City of Hermantown amending Chapter 5 – Land Use Regulations by creating Section 590 – Hermantown Business Park.
  - 5D. Zoning Ordinance text amendments by the City of Hermantown amending Chapter 5 – Land Use Regulations by updating Section 500 – S-1, Suburban to include Agritainment use as a Special Use.
  - 5E. Zoning Ordinance text amendments by the City of Hermantown amending Chapter 7 – Special Use Permits by updating Section 725 – Governing Criteria to include requirements for Agritainment use.
- 6. CONTINUING BUSINESS**
- 7. NEW BUSINESS**
- 8. COMMUNICATIONS**

**9. COMMISSION MEMBER REPORTS**

Joe Peterson

Corey Kolquist

Valerie Ouellette

Beth Wentzlaff

Buckley Simmons

Dante Tomassoni

John Geissler

**ADJOURN**



## PLANNING & ZONING COMMISSION

October 17, 2023 Meeting Summary

7:00 PM

### 1. ROLL CALL

Members Present: Joe Peterson; Corey Kolquist; Valerie Ouellette; Buckley Simmons; Beth Wentzlaff; and Councilor John Geissler

Members Absent: Dante Tomassoni

Others Present: Eric Johnson, Community Development Director; Mark & Donna Romano, 5146 Arrowhead Rd.; Chris Tracey, 3983 Ugstad Rd.; Wally Kucza, 5140 Lavaque Jct.; Mary Murphy, 5180 Arrowhead Rd.; Elyse & Tom Strapple, 5149 W Arrowhead Rd.; and Ron Holman, 4862 W Pioneer Rd.

### 2. APPROVAL OF AGENDA

Motion made by Corey Kolquist to approve the October 17, 2023 agenda as presented. Seconded by Valerie Ouellette. Motion carried.

### 3. APPROVAL OF MINUTES

Motion made by Buckley Simmons to approve the September 19, 2023 minutes as presented. Seconded by Corey Kolquist. Motion carried.

### 4. PUBLIC DISCUSSION

None.

### 5. PUBLIC HEARING

5A. An application for a Special Use Permit by Michael Tracey for grading and filling in a Natural Environment Shoreland Area for the purpose of constructing a single-family home. The property is located at 3983 Ugstad Road and is located in a R-3, Residential zoning district.

Eric Johnson, Community Development Director presented the application of applicant, Michael Tracey, who owns the property at 3983 Ugstad Road. Applicant is looking to subdivide the northern portion of the lot in order to build a new single family residential home and related driveway at a future date.

The Department of Natural Resources has identified an unmapped tributary to the Midway River along the western right of way associated with Ugstad Road. The proposed driveway and house location work is on the western edge of a Natural Environment Shoreland Area and is expected to impact approximately 9,000 square feet of shoreland area.

Prior to the issuance of any building permit, the applicant will be required to subdivide the property in order to create the new lot.

Chris Tracey, 3983 Ugstad Rd., representing applicant, is here tonight to follow the process and see what it would take to get this permit approved as the goal is to live next door to his grandparents as they get older in life.

Motion made by Corey Kolquist to approve the application for a Special Use Permit by Michael Tracey for grading and filling in a Natural Environment Shoreland Area for the purpose of constructing a single-family home. The property is located at 3983 Ugstad Road. Seconded by Beth Wentzlaff. Motion carried 5 to 0.

5B. An application by Rainy Day Funding LLC for a Subdivision to create a 136-foot-wide parcel of 0.5 acres and a 1.88-acre lot accessed by way of a flag lot of 30-foot width at 5154 W Arrowhead Road. The property is located in an R-3 zoning district.

Eric advised the commission that the property owner, Rainy Day Funding, LLC, owns a 2.33 acre property at 5154 W Arrowhead Road. The property has a lot dimension of 166' x 625'. The property is currently vacant..

The property owner proposes to create a new flag lot along the eastern border of the existing property. The property owner is proposing a 30 foot 'pole/driveway' connection to W Arrowhead Road for a distance of 160 feet with the 'flag' portion of the lot being approximately 166' x 465'. The proposed lot sizes for the two total parcels are:

Parcel A: 136' x 160' = 23,000/43,560 or 0.5 acres

Parcel B: 33' x 160' and 166' x 465' = 109,000/ 43,560 sf. or 1.88 acres

The property owner intends to market both properties for sale. Any new home applications will require coordination with the City's Utility Billing Clerk for utility hook ups and Public Works regarding driveway locations.

The following residents spoke about their concerns regarding this project:

Mark Romano, 5146 Arrowhead Rd.; Mary Murphy, 5180 Arrowhead Rd.; Tom Strapple, 5149 W Arrowhead Rd.; and Wally Kucza, 5140 Lavaque Jct. Rd.

The main issues/concerns were: privacy, impact on existing wells of neighbors; and that the integrity of the Jackson homes should be protected properties.

Motion made by Beth Wentzlaff to table the application by Rainy Day Funding LLC for a Subdivision to create a 136-foot-wide parcel of 0.5 acres and a 1.88-acre lot accessed by way of a flag lot of 30-foot width at 5154 W Arrowhead Road. Seconded by Valerie Ouellette. Motion carried 5 to 0.

5C. Zoning Ordinance text amendments by the City of Hermantown amending Chapter 5 – Land Use Regulations by creating Section 590 – Hermantown Business Park.

Eric advised the commission that the City has been working with the property owner along Highway 53, Lavaque Bypass and Abrahamson Road on the creation of a 120-acre business park. To date, the City has engaged Braun Intertec to facilitate a concept master plan and environment scoping documents. The next stage for this is the creation of a Hermantown Business Park zoning district.

The Hermantown Business Park zoning district is intended as a transition between more industrial uses and business uses. This district is appropriate for manufacturing, warehousing, and similar

industrial uses because of access to thoroughfares, the full complement of urban services such as sewer and water, and distance from residential districts. These areas are intended to encourage the development of industrial uses which are clean, quiet, and free of hazardous or objectionable elements such as noise, odor, dust, smoke, glare, or other pollutants. These industries shall be compatible with each other and with surrounding land uses.

The 120-acre land area is currently comprised of three different zoning districts: C, Commercial; C-1, Office/Light Industrial and C-1A, Office/Light Industrial/Adult Uses. In addition, there are the Airport Safety Zones 2 and 3 associated with this 120-acre area.

Once specific zoning code language is adopted, City staff will continue work with the property owners to determine the extent of the 120 acres that the new zone district will encompass.

Motion made by Beth Wentzlaff to table the Zoning Ordinance text amendments by the City of Hermantown amending Chapter 5 – Land Use Regulations by creating Section 590 – Hermantown Business Park. Seconded by Buckley Simmons. Motion carried 5 to 0.

**6. CONTINUING BUSINESS**

None.

**7. NEW BUSINESS**

None.

**8. COMMUNICATIONS**

23-132 - Correspondence to Dale Siemsen, 4993 Thompson Rd.

23-155 - Resignation letter from Sam Clark.

**9. COMMISSION MEMBER REPORTS**

Joe Peterson – None

Corey Kolquist – None

Valerie Ouellette – None

OPEN –

Beth Wentzlaff – None

Buckley Simmons – None

Dante Tomassoni – Absent

John Geissler – Provided follow up information on the Dale Siemsen correspondence

**ADJOURN**

Motion made by Valerie Ouellette to adjourn the meeting. Seconded by Corey Kolquist. Meeting adjourned at 8:01pm.

Officiated by:

Transcribed by:

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Joe Peterson, Chairman

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Mary Melde, Administrative Assistant

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**5A. Subdivision Application to create a flag lot in an R-3 zoning district**

<b><u>Applicant:</u></b>	Rainy Day Funding LLC
<b><u>Case No.:</u></b>	2023-62-SUB-A
<b><u>Staff Contact:</u></b>	Eric Johnson, Community Development Director
<b><u>Request:</u></b>	Subdivision of an R-3 zoned property to create a flag lot.

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**DESCRIPTION OF REQUEST:**

The property owner owns a 2.33 acre property at 5154 W. Arrowhead Road. The property has a lot dimension of 166' x 625'. The property is currently vacant.

There were questions by the Planning and Zoning Commission members as to the location of the proposed flag lot and how it may affect a hand dug well on the adjacent property to the east (5146 W. Arrowhead Road). The Planning and Zoning Commission members voted to table the request until the November 21, 2023 meeting.

City staff contacted the applicant to discuss the ability to shift the proposed flag lot to the west in order to avoid issues with the adjacent property owners well. The applicant has revised the proposed flag lot location to reflect these comments.

The property owner proposes to create a new flag lot along the western border of the existing property. The property owner is proposing a 40 foot 'pole/driveway' connection to W. Arrowhead Road for a distance of 173 feet with the 'flag' portion of the lot being approximately 166' x 452'. The proposed lot sizes for the two total parcels are:

Parcel A: 126' x 173' = 21,798/43,560 or 0.5 acres  
Parcel B: 40' x 173' and 166' x 452' = 109,000/ 43,560 sf. or 1.88 acres

The property owner intends to market both properties for sale. Any new home applications will require coordination with the City Utility Clerk for utility hook ups and Public Works regarding driveway locations.

**SITE INFORMATION:**

<b>Parcel Size:</b>	<b>2.33 acres</b>
<b>Legal Access:</b>	<b>5154 W. Arrowhead Road</b>
<b>Wetlands:</b>	<b>Yes, in the SW corner of the property per the NWI</b>
<b>Existing Zoning:</b>	<b>R-3, Residential</b>
<b>Minimum Lot Area:</b>	<b>0.5 acres (city services are available)</b>

**Airport Overlay:** No  
**Shoreland Overlay:** No  
**Comprehensive Plan:** Residential

**BACKGROUND:**

The City updated its regulations covering splitting of land and subdivisions in 2016. The update to the regulations created a process to allow flag lots in residential zoning districts. A flag lot is defined as a lot containing an area shaped like a “flag” which is the portion of the lot where all structures are to be located and an area shaped like a “pole” which is the portion of the lot where the vehicular access between the flag and its adjoining road shall be located. The regulations set ten standards for flag lots in Hermantown. These are listed in the Findings section. Flag lots require a public hearing by the Planning Commission and approval by the City Council.

Administrative approvals and Flag Lot approvals require a certificate of survey, resulting legal descriptions, and review of any assessments. In addition, the City charges a fee in lieu of land dedication of \$1,100 for parks and recreation for every new residential lot created.

There are existing City water and sanitary sewer services to the parent property which served a previous home. There is City water and sanitary sewer mains located in W. Arrowhead Road. The new flag lot will also be required to utilize City sanitary sewer and water services and pay all applicable availability and hook-up fees.

The National Wetland Inventory shows the presence of a wetland in the southwest corner of the property. Any future wetland impacts will require a wetland delineation with submission to the TEP for review and approval.

**FINDINGS:**

Staff recommends the following findings of fact regarding the flag lot split application:

- 1. The resulting lots do not violate any provision of the Hermantown Zoning Regulations, Comprehensive Plan, or any other local ordinance.** The new lot exceeds minimum standards in the R-3, Residential District, maintains the suburban residential development pattern identified in the Comprehensive Plan, and has access to water and sewer.
- 2. The width of the flag lot at the front yard setback line must meet the lot width requirements of the Hermantown Zoning Regulations.** The lot is 166’ wide at the front yard setback line which exceeds the requirement of 100’.
- 3. The pole portion of a flag lot shall not exceed 500 feet.** The pole is 173’ feet long.
- 4. The pole portion of a flag lot must have a minimum width of 30 feet, be of uniform width, be a platted part of the flag lot, and connect to a public street. The driveway shall be set back a minimum of 10 feet from the neighboring property that was not used to create the flag lot and five feet from the parent property.** The pole is 40’ wide. Approval of building permits will be conditioned on siting of the driveway to meet setback standards defined in Section 1010.04.04 of the Hermantown Zoning Regulations.
- 5. The pole portion of the flag lot will not be included in calculating the minimum lot area.** The lot area without the “pole” is 1.72 acres which exceeds the ½ acre minimum lot size of the R-3, Residential zoning district.
- 6. Only one flag lot may be created from an existing/mother property.** The city will record that no further flag lots can be created from PIN # 395-0070-00560.



7. **Must be used exclusively for single family dwelling and accessory uses.** The intended use of the new developable lot is for single family residential. The City will only issue building or zoning permits for single family residential and related uses.
8. **The City must determine that the creation of the flag lot will not interfere with future development of roads or interior lands.** The land to the north, south and west of the subject parcel have existing single family homes located on them.
9. **The City must determine that the flag lot provides adequate accessibility of emergency responders.** The proposed pole meets minimum width and is less than the maximum length. Both standards were developed with emergency response vehicles in mind.
10. **All flag lots must display an address at their closest point of access to a public street for emergency responders.** The applicant will have to assent to displaying 911 addressing in a visible location at the entrance of the driveway.

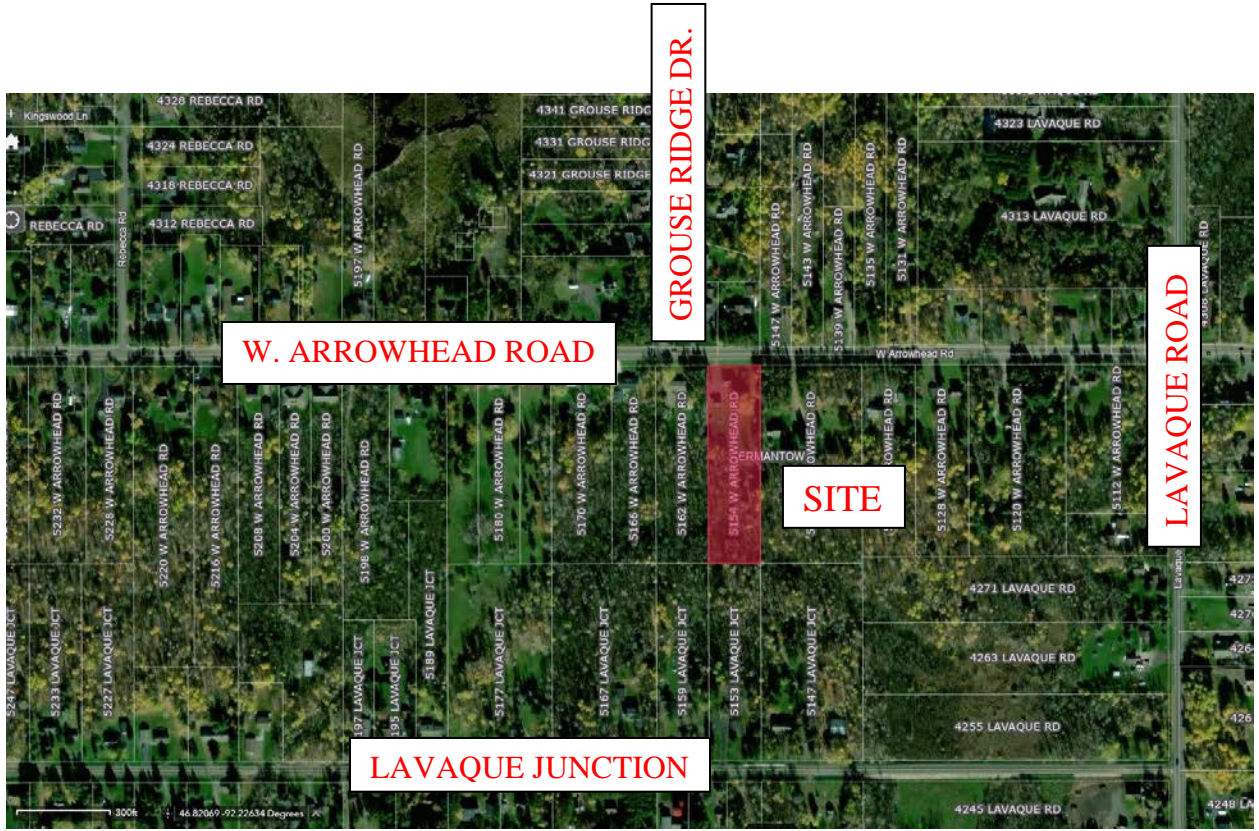
#### **RECOMMENDATION:**

1. Recommend approval of the creation of a 166' by 452' flag lot with a 40' by 173' pole abutting W. Arrowhead Road.
2. Adopt the stated Findings of Fact and other content of this report as the required findings identified in Section 1010.04.11.6 of the Hermantown Zoning Regulations.
3. Prior to recording of the flag lot, the property owner shall pay a fee in lieu of land dedication for parks and recreation of \$1,100.
4. Prior to issuance of a City land alteration permit for site work on the flag lot the property owner of the land alteration permit will provide a site plan depicting the driveway and flag the location of the driveway for inspection to confirm that it meets setback requirements listed Section 1010.04 of the Hermantown Zoning Regulations.
5. The new flag lot will be required to utilize City sanitary sewer and water services and pay all applicable fees.
6. The property owner shall sign a consent form assenting to all conditions of this approval.
7. The property owner shall pay an administrative fine of \$750 per violation of any condition of this approval.

#### **ATTACHMENTS**

- Location Map
- Proposed Survey and Legal Descriptions

# Location Map





### LEGEND

- GRAVEL SURFACE
- HYDRANT
- WATER VALVE
- WELL
- FOUND T-STAKE MONUMENT
- SET CAPPED REBAR RLS. NO. 49505
- UTILITY POLE
- (M)-FIELD MEASURED DIMENSION
- (R)-RECORD DIMENSION
- ohu OVERHEAD UTILITIES
- SECTION SUBDIVISION LINE
- CENTER LINE
- RIGHT OF WAY LINE
- BOUNDARY LINE AS SURVEYED
- EXISTING PLAT LINE
- PROPOSED PARCEL LINE
- CONCRETE CURB & GUTTER

**PARENT LEGAL DESCRIPTION PER DOCUMENT NO. 14363218**  
 The East Half of the North Half of Lot 14, Block 15, Duluth Homesteads Subdivision Plat, St. Louis County, Minnesota.

**LEGAL DESCRIPTION FOR PARCEL A**  
 The North 173.00 feet of the East 126.00 feet of the East Half of the North Half of Lot 14, Block 15, DULUTH HOMESTEADS SUBDIVISION PLAT, according to the recorded plat thereof, St. Louis County, Minnesota.

Said parcel contains 21,798 Sq. Feet or 0.50 Acres.

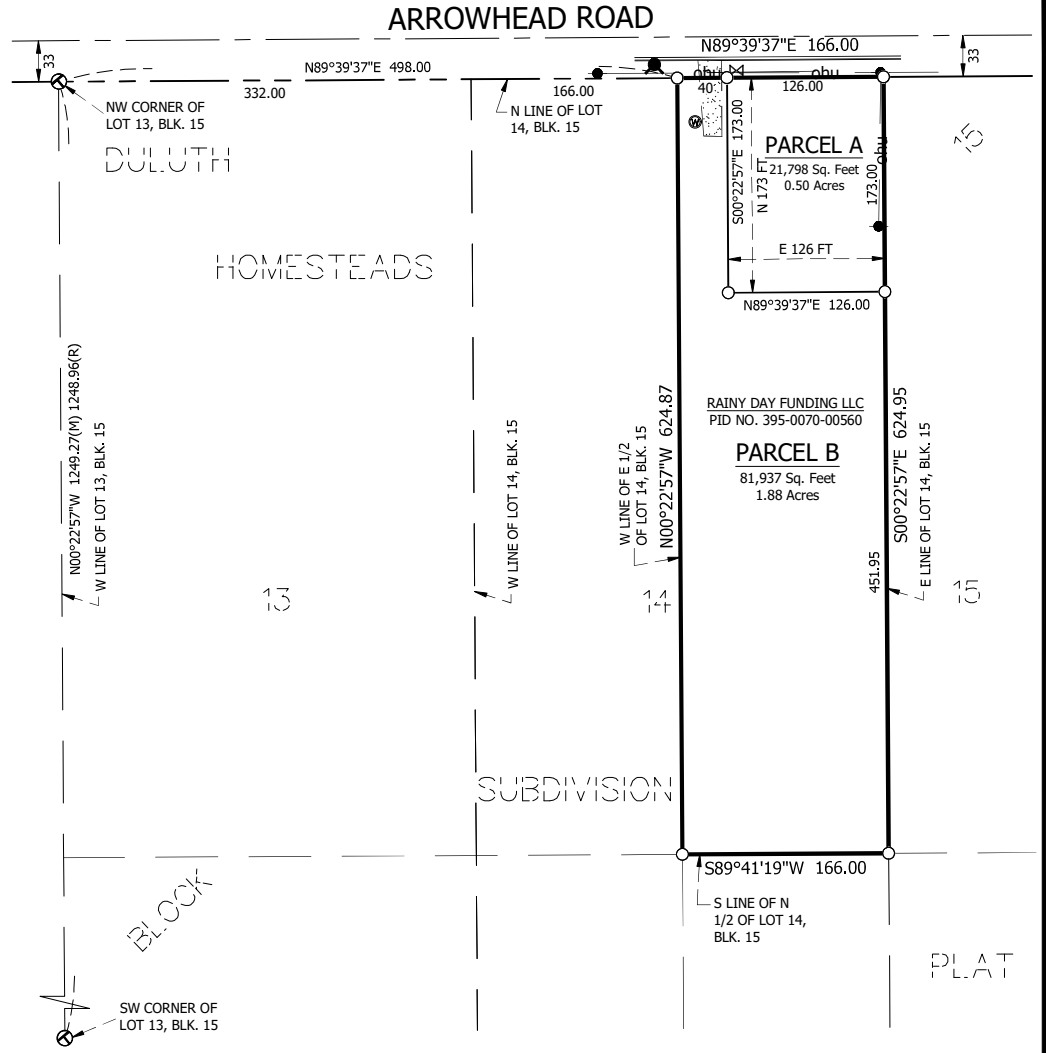
**LEGAL DESCRIPTION FOR PARCEL B**  
 The East Half of the North Half of Lot 14, Block 15, DULUTH HOMESTEADS SUBDIVISION PLAT, according to the recorded plat thereof, St. Louis County, Minnesota.

Except:  
 The North 173.00 feet of the East 126.00 feet of the East Half of the North Half of Lot 14, Block 15, DULUTH HOMESTEADS SUBDIVISION PLAT, according to the recorded plat thereof, St. Louis County, Minnesota.

Said parcel contains 81,937 Sq. Feet or 1.88 Acres.

### SURVEYOR'S NOTES

1. THIS SURVEY HAS BEEN PREPARED WITHOUT BENEFIT OF A TITLE COMMITMENT OR TITLE OPINION. A TITLE SEARCH FOR RECORDED OR UNRECORDED EASEMENTS WHICH MAY BENEFIT OR ENCUMBER THIS PROPERTY HAS NOT BEEN COMPLETED BY ALTA LAND SURVEY COMPANY. THE SURVEYOR ASSUMES NO RESPONSIBILITY FOR SHOWING THE LOCATION OF RECORDED OR UNRECORDED EASEMENTS OR OTHER ENCUMBRANCES NOT PROVIDED TO THE SURVEYOR AS OF THE DATE OF THE SURVEY.
2. BEARINGS ARE BASED ON THE ST. LOUIS COUNTY TRANSVERSE MERCATOR COORDINATE SYSTEM OF 1996. (NAD 83 2011)



### CERTIFICATE OF SURVEY

I hereby certify that this survey, plan, or report was prepared by me or under my direct supervision and that I am a duly Licensed Land Surveyor under the laws of the State of Minnesota.  
*David R. Evans*  
 David R. Evans  
 MN License #49505  
 DATE: 11-02-2023

CLIENT: RAINY DAY FUNDING LLC  
 ADDRESS: 5154 W ARROWHEAD RD,  
 HERMANTOWN, MN 55811  
 DATE: 11-02-2023

REVISIONS:  
 JOB NO: 23-258 SHEET 1 OF 1





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**5B. Subdivision Application to create a flag lot in an R-3 zoning district**

**Applicant:** Robert Struck  
**Case No.:** 2023-63-SUB-A  
**Staff Contact:** Eric Johnson, Community Development Director  
**Request:** Subdivision of an R-3 zoned property to create a flag lot.

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**DESCRIPTION OF REQUEST:**

The property owner (Robert Struck) owns a 20 acre property at 5661 St. Louis River Road. The property is irregularly shaped with the southern boundary being 1241 feet, the western boundary being 907 feet, the eastern boundary being 848 feet and the northern boundary being 821 feet.. The property has an existing home located in the eastern portion of the property.

The property owner proposes to create a new flag lot along the eastern border of the existing property. The property owner is proposing a 193 foot ‘pole/driveway’ connection to St. Louis River Road for a distance of 300 feet with the ‘flag’ portion of the lot being approximately 480’ x 547’. The proposed lot sizes for the two total parcels are:

Parcel A: 1031’ x 907’= 553,784/43,560 or 12.71 acres  
Parcel B: 193’ x 300’ and 480’ x 547’= 321,019/ 43,560 sf. or 7.37 acres

The property owner intends to market Parcel A for sale and build a new home on Parcel B. Any new home applications will require coordination with the City Building Official for the home construction and St. Louis County regarding driveway location and well and septic permits.

**SITE INFORMATION:**

**Parcel Size:** 20 acres  
**Legal Access:** 5661 St. Louis River Road  
**Wetlands:** Yes, in association with the Midway River per the NWI  
**Existing Zoning:** S-1, Suburban  
**Minimum Lot Area:** 5.0 acres  
**Airport Overlay:** No  
**Shoreland Overlay:** Yes, Natural Environment Shoreland Overlay  
**Comprehensive Plan:** Residential

## **BACKGROUND:**

The City updated its regulations covering splitting of land and subdivisions in 2016. The update to the regulations created a process to allow flag lots in residential zoning districts. A flag lot is defined as a lot containing an area shaped like a “flag” which is the portion of the lot where all structures are to be located and an area shaped like a “pole” which is the portion of the lot where the vehicular access between the flag and its adjoining road shall be located. The regulations set ten standards for flag lots in Hermantown. These are listed in the Findings section. Flag lots require a public hearing by the Planning Commission and approval by the City Council.

Administrative approvals and Flag Lot approvals require a certificate of survey, resulting legal descriptions, and review of any assessments. In addition, the City charges a fee in lieu of land dedication of \$1,100 for parks and recreation for every new residential lot created.

This area of the City does not have public utilities. The applicant will need to contact St. Louis County to coordinate driveway, well and septic permits.

The National Wetland Inventory shows the presence of a wetland associated with the Midway River which is located on the western portion of the property.

## **FINDINGS:**

Staff recommends the following findings of fact regarding the flag lot split application:

- 1. The resulting lots do not violate any provision of the Hermantown Zoning Regulations, Comprehensive Plan, or any other local ordinance.** The new lot exceeds minimum standards in the S-1, Suburban District and maintains the suburban residential development pattern identified in the Comprehensive Plan.
- 2. The width of the flag lot at the front yard setback line must meet the lot width requirements of the Hermantown Zoning Regulations.** The lot is 480’ wide at the front yard setback line which exceeds the requirement of 300’.
- 3. The pole portion of a flag lot shall not exceed 500 feet.** The pole is 300’ feet long.
- 4. The pole portion of a flag lot must have a minimum width of 30 feet, be of uniform width, be a platted part of the flag lot, and connect to a public street. The driveway shall be set back a minimum of 10 feet from the neighboring property that was not used to create the flag lot and five feet from the parent property.** The pole is 193’ wide. Approval of building permits will be conditioned on siting of the driveway to meet setback standards defined in Section 1010.04.04 of the Hermantown Zoning Regulations.
- 5. The pole portion of the flag lot will not be included in calculating the minimum lot area.** The lot area without the “pole” is 6.04 acres which exceeds the 5.0 acre minimum lot size of the S-1, Suburban zoning district.
- 6. Only one flag lot may be created from an existing/mother property.** The city will record that no further flag lots can be created from PIN # 395-0010-09640.
- 7. Must be used exclusively for single family dwelling and accessory uses.** The intended use of the new developable lot is for single family residential. The City will only issue building or zoning permits for single family residential and related uses.
- 8. The City must determine that the creation of the flag lot will not interfere with future development of roads or interior lands.** The land to the north, south and west of the subject parcel have existing single family homes located on them.

9. **The City must determine that the flag lot provides adequate accessibility of emergency responders.** The proposed pole meets minimum width and is less than the maximum length. Both standards were developed with emergency response vehicles in mind.
10. **All flag lots must display an address at their closest point of access to a public street for emergency responders.** The applicant will have to assent to displaying 911 addressing in a visible location at the entrance of the driveway.

**RECOMMENDATION:**

1. Recommend approval of the creation of a 480' by 547' flag lot with a 193' by 300' pole abutting St. Louis River Road.
2. Adopt the stated Findings of Fact and other content of this report as the required findings identified in Section 1010.04.11.6 of the Hermantown Zoning Regulations.
3. Prior to recording of the flag lot, the property owner shall pay a fee in lieu of land dedication for parks and recreation of \$1,100.
4. Prior to issuance of a City land alteration permit for site work on the flag lot the property owner of the land alteration permit will provide a site plan depicting the driveway and flag the location of the driveway for inspection to confirm that it meets setback requirements listed Section 1010.04 of the Hermantown Zoning Regulations.
5. The new flag lot will be required obtain permits for the driveway, well and septic system through St. Louis County.
6. The property owner shall sign a consent form assenting to all conditions of this approval.
7. The property owner shall pay an administrative fine of \$750 per violation of any condition of this approval.

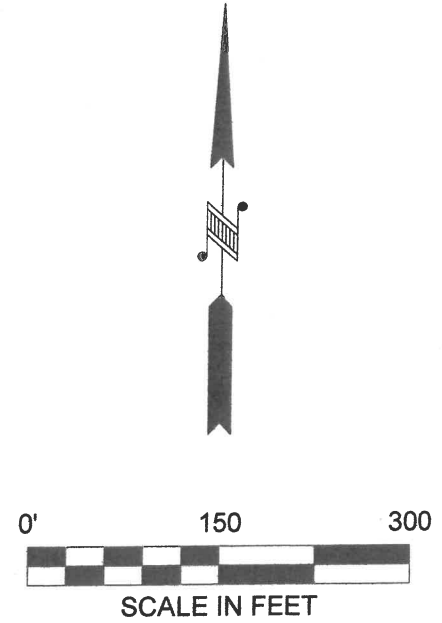
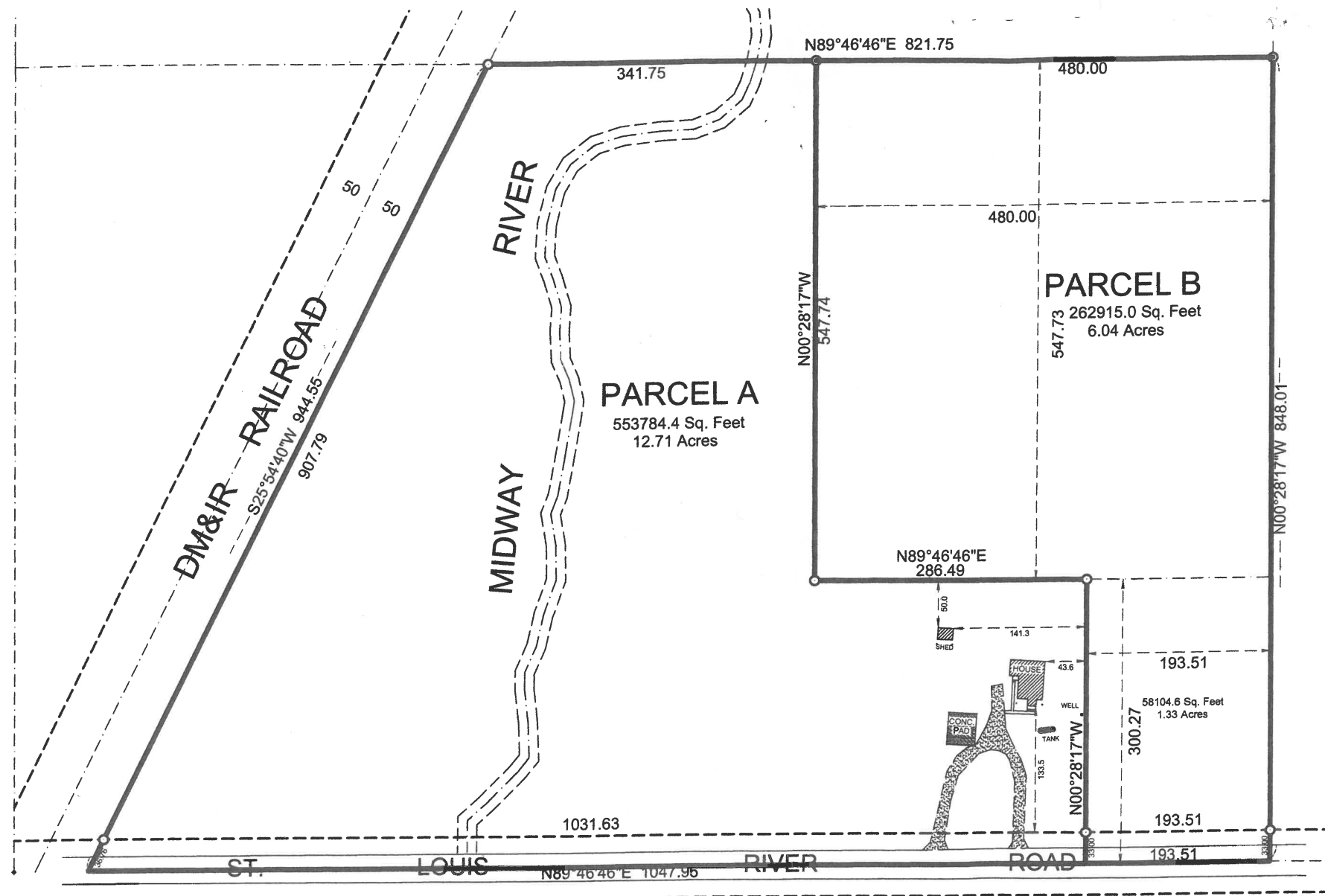
**ATTACHMENTS**

- Location Map
- Proposed Survey and Legal Descriptions

# Location Map



# PROPOSED LAND DIVISION FOR: BOB STRUCK



**PROPOSED LEGAL DESCRIPTIONS**

**PARCEL A**

The South 848.00 feet of that part of the Southwest Quarter of the Southwest Quarter of Section 32, Township 50, Range 15 lying Easterly of the Railroad Right of way except the North 547.73 feet of the East 480.00 and Except that part of the East 193.51 feet of said the Southwest Quarter of the Southwest Quarter lying South of the North 547.73 feet thereof.

**PARCEL B**

The North 547.73 feet of the East 480.00 and the East 193.51 feet of that part of the South 848.0 feet of the Southwest Quarter of the Southwest Quarter of Section 32, Township 50, Range 15 lying South of the North 547.73 feet thereof.

I hereby certify that this plan, specification, or report was prepared by me or under my direct supervision and that I am a duly Licensed Land Surveyor under the laws of the State of Minnesota.

Date: 11-7-23  
*Ronald L. Krueger*  
Ronald L. Krueger MN License No. 14374

DATE: 11/7/23  
SCALE: 1 IN = 150 FEET  
PROP ADD: XXX  
PROJECT NO: 23-041

**RON KRUEGER**  
Registered Land Surveyor, LLC  
7066 HIGHWAY 8  
SAGINAW, MN 55779  
Phone: 218-390-4030





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**5C. Zoning Text Amendment to Chapter 5 – Hermantown Business park**

**Case No.:** 2023-55 Zoning Text Amendment to Chapter 5, Section 590 – Hermantown Business Park

**Staff Contact:** Eric Johnson, Community Development Director

**Request:** Recommend zoning ordinance text amendments to Chapter 5, Section 590 – Hermantown Business Park

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**REQUESTED ACTION**

Recommend zoning ordinance text amendments to Chapter 5, Section 590 – Hermantown Business Park.

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**BACKGROUND**

The City has been working with the property owner along Highway 53, Lavaque Bypass and Abrahamson Road on the creation of a 120 acre business park. To date, the City has engaged Braun Intertec to facilitate a concept master plan and environment scoping documents. The next stage for this is the creation of a Hermantown Business Park zoning district.

The Hermantown Business Park zoning district is intended as a transition between more industrial uses and business uses. This district is appropriate for manufacturing, warehousing, and similar industrial uses because of access to thoroughfares, the full complement of urban services such as sewer and water, and distance from residential districts. These areas are intended to encourage the development of industrial uses which are clean, quiet, and free of hazardous or objectionable elements such as noise, odor, dust, smoke, glare, or other pollutants. These industries shall be compatible with each other and with surrounding land uses.

The 120 acre land area is currently comprised of three different zoning districts: C, Commercial; C-1, Office/Light Industrial and C-1A, Office/Light Industrial/Adult Uses. In addition, there are the Airport Safety Zones 2 and 3 associated with this 120 acre area.

Once specific zoning code language is adopted, City staff will continue work with the property owners to determine the extent of the 120 acres that the new zone district will encompass.

The Hermantown Planning and Zoning Commission voted to table this item in order to review further and discuss at the November 21, 2023 Planning and Zoning Commission meeting.

**ATTACHMENTS:**

- Section 590 Hermantown Business Park draft ordinance

## **Section 590 – BP – Hermantown Business Park**

**590.01 Purpose.** The Hermantown Business Park zone district is intended as a transition between more industrial uses and business uses. This district is appropriate for manufacturing, warehousing, and similar industrial uses because of access to thoroughfares, the full complement of urban services such as sewer and water, and distance from residential districts. These areas are intended to encourage the development of industrial uses which are clean, quiet, and free of hazardous or objectionable elements such as noise, odor, dust, smoke, glare, or other pollutants. These industries shall be compatible with each other and with surrounding land uses.

**590.02 Permitted Uses.** The following uses shall be permitted after the issuance of a Commercial Industrial Development Permit.

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

**590.02.2.** Warehouses;

**590.02.3.** Distribution centers;

**590.02.4.** Light manufacturing;

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

**590.02.6.** Manufacturing, assembly, packaging or fabrication;

**590.02.7.** Uses not explicitly enumerated in this section as permitted uses, but closely similar thereto as determined by the Zoning Administrator, provided these uses are not explicitly mentioned as permitted or special uses elsewhere in the ordinance.

**590.03 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.

**590.03.1. Gasoline service station.**

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

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

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

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

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

**590.03.2.1.** 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.

**590.03.3. Retail sales.**

**590.03.3.1.** Parking areas shall be paved.

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

**590.03.4. Restaurants.**

**590.03.4.1.** The gross floor area shall not exceed 2,500 square feet in size.

**590.03.4.2.** Parking areas shall be paved.

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

**590.03.4.4.** Restaurants may operate as an accessory use.

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

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

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

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

**590.04 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.

**590.04.1. More than one principal building.**

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

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

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

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

**590.05 Accessory Uses.**

**590.05.1. 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.

**590.05.2. Refuse and recycling.**

**590.05.3. Uses incidental to primary use.**

**590.06 Dimensional Standards**

**535.06.1.**

Dimension Type	Requirement
1. Minimum lot area	1 acre – within Airport Safety Zone 3 2.5 acres – within Airport Safety Zone 2
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	20 feet
6. Minimum rear yard setbacks	20 feet
7. Maximum lot coverage	65%
8. Maximum building height	60 feet

**590.07 Performance Standards.** No structure or premises within the HBP district shall be used for one or more of the uses allowed under this Section unless its use complies with the following regulations.

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

**590.07.1.1.** 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.

**590.07.1.2.** 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.

**590.07.1.3.** 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.

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

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

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

**590.07.3.** 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.

**590.07.4.** 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.

**590.07.5.** 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.

**590.08. Design Guidelines.** All buildings erected shall be a type of construction as defined in the Minnesota Building Code

**590.08.01. Building Design (Architecture).**

**590.08.01.1 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.

**590.08.01.1.1** Exterior wall surfaces of all buildings shall be primarily faced with brick, stone, pre-cast panel, cast-in-place panel, architectural concrete in combination with glass or other permitted materials

**590.08.01.1.2** 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.

**590.09.01. Site Planning.**

**590.09.01.1 Parking and circulation.**

**590.09.01.1.1 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.

**590.09.01.1.2 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.

**590.09.01.1.3 Screening.**

**590.09.01.1.3.1** 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

**590.09.01.1.3.2** 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.

**590.09.01.1.4 Parking lot lighting.**

**590.09.01.1.4.1** The type and location of parking lot lighting shall prevent direct glare onto adjoining property, streets, or skyward.

**590.09.01.1.4.2** Parking lot lighting shall be consistent with pedestrian scale and shall be between 18 and 30 feet high.

**590.09.01.2 Loading and delivery areas.**

**590.09.02.2.1** 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.

**590.09.01.3 Utilities and mechanical equipment.**

**590.09.02.3.1** 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.

**590.09.02.3.2** 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.

**590.09.02.3.3** Utilities shall be buried when feasible.

**590.09.01.4 Trash and storage areas.**

**590.09.02.4.1** Whenever possible, trash enclosures shall be architecturally integrated into the design of the structure, at the rear of the building.

**590.09.02.4.2** Trash enclosures shall be architecturally and aesthetically compatible with the building and site design.

**590.09.02.4.3** All trash enclosures shall be screened from public view to the greatest extent possible.

**590.09.02. Landscaping.**

**590.09.02.1** 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.

**590.09.02.2** Plants used in landscape plans shall be resistant to drought, disease, and insects and shall be hardy to the area.

**590.09.02.3** 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

**590.09.03. Specific Use Standards.** In addition to the standards presented elsewhere in this ordinance additional standards shall apply to the following special uses:

**590.09.03.1 Fueling stations.**

**590.09.03.1.1** All structures shall be architecturally and aesthetically consistent to an overall architectural theme.

**590.09.03.1.2** The roof design of all structures, including roof canopies and car washes, shall be architecturally and aesthetically consistent to an overall architectural theme.

**590.09.03.1.3** 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.

**590.09.04. Signage.**

**590.09.04.1** 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.

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

**590.10.1.** 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.

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

**590.10.3.** Table 590.10.1, Off-Street Parking Requirements:

<b>Table 590.10.1</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.
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.



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

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

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

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

**535.10.5.3. 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.

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

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

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

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**5D. Zoning Text Amendment to Chapter 5, Section 500 – S-1, Suburban**

<b><u>Case No.:</u></b>	2023-78 Zoning Text Amendment to Chapter 5 Section 500 – S-1, Suburban
<b><u>Staff Contact:</u></b>	Eric Johnson, Community Development Director
<b><u>Request:</u></b>	Recommend zoning ordinance text amendments to Chapter 5 Section 500 – S-1, Suburban to allow Agritainment

---

**REQUESTED ACTION**

Recommend zoning ordinance text amendments to Chapter 5 Section 500 – S-1, Suburban to allow Agritainment.

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**BACKGROUND**

Hermantown City staff has received inquiries regarding agricultural based entertainment activities (corn mazes, wedding barns, etc.) in the past. In 2018, the City revised Sections 525 and 530 to allow for Agritainment and required a Special Use Permit be obtained for the use.

Recently, City staff have received inquiries regarding Agritainment based uses within the S-1, Suburban zoning district. City staff has concluded that Agritainment based uses are a logical extension to the S-1, Suburban zoning district as long as a Special Use Permit is obtained and conditions are set pertaining to the particular Agritainment use.

City staff is proposing amendments to both Chapter 5, Section 500 S-1, Suburban and Chapter 7 Special Use Permits regarding Agritainment.

Changes to the Zoning text amendments include:

- Adding Section 500.03.12 Agritainment
- Adding Section 725.03.04 Agritainment

**ATTACHMENTS:**

- Draft Chapter 5 S-1, Suburban - Agritainment – Mark-up version
- Draft Chapter 5 S-1, Suburban - Agritainment – Clean version
- Draft Chapter 7 Special Use Permits - Agritainment – Mark-up version
- Draft Chapter 7 Special Use Permits - Agritainment – Clean version

## **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.

**500.03.12** Agritainment.

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

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

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

#### **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
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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)



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**5E. Zoning Text Amendment to Chapter 7 – Special Use Permits**

**Case No.:** 2023-79 Zoning Text Amendment to Chapter 7 Section Special Use Permits  
**Staff Contact:** Eric Johnson, Community Development Director  
**Request:** Recommend zoning ordinance text amendments to Chapter 7 Special Use Permits to allow Agritainment

---

**REQUESTED ACTION**

Recommend zoning ordinance text amendments to Chapter 7 Special User Permits to allow Agritainment.

---

**BACKGROUND**

Hermantown City staff has received inquiries regarding agricultural based entertainment activities (corn mazes, wedding barns, etc.) in the past. In 2018, the City revised Sections 525 and 530 to allow for Agritainment and required a Special Use Permit be obtained for the use.

Recently, City staff have received inquiries regarding Agritainment based uses within the S-1, Suburban zoning district. City staff has concluded that Agritainment based uses are a logical extension to the S-1, Suburban zoning district as long as a Special Use Permit is obtained and conditions are set pertaining to the particular Agritainment use.

City staff is proposing amendments to both Chapter 5, Section 500 S-1, Suburban and Chapter 7 Special Use Permits regarding Agritainment.

Changes to the Zoning text amendments include:

- Adding Section 725.03.04 Agritainment

**ATTACHMENTS:**

- Draft Chapter 7 Special Use Permits - Agritainment – Mark-up version
- Draft Chapter 7 Special Use Permits - Agritainment – Clean version



# CHAPTER 7. SPECIAL USE PERMITS

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## 📖 Section 700 - Application

**700.01 Generally.** A special use permit may be initiated by the owner, user or potential user of the subject property by making application in writing to the City Clerk on such forms as the Clerk may provide for such purposes. The application shall contain such information as may be required by the Planning and Zoning Commission to properly consider the application. The application shall be accompanied by the fee specified from time to time by resolution of the City Council. Any fee paid to the City Clerk shall be refunded if the applicant withdraws his or her permit application prior to consideration of such application by the Planning and Zoning Commission.

**700.02 Floodplain District.** In the case of an application for a special use permit within a General Floodplain Sub-district of the Floodplain District, see [Chapter 15](#), Floodplain Management Regulations, of these Zoning Regulations.

## 📖 **Section 705 – Planning and Zoning Commission Consideration**

**705.01 Consideration by Commission.** The Planning and Zoning Commission shall hold a public hearing on the application for a special use permit within 30 days after such application is received by the City Clerk.

## 📖 **Section 710 – Notice of Public Hearing**

**710.01 Notice of Public Hearing.** Notice of the time, place and purpose of the public hearing shall be published in the official newspaper at least ten days prior to the day of the hearing. Notice shall also be mailed at least ten days before the day of the hearing to each owner of affected property and the owners of property situated wholly or partly within 350 feet of the property affected by the variance. For purposes of giving mailed notice, owners shall be those as shown to be such on the records of the St. Louis County Auditor. The failure to give mailed notice to individual property owners or defects in the notice shall not invalidate the proceedings, provided a bona fide attempt to comply with this notice provision has been made. Notice of a hearing for any special use permit affecting any property in a Shoreland or Floodplain District shall be mailed to the Commissioner of Natural Resources of the State of Minnesota at least 15 days prior to any such hearing.

## 📖 **Section 715 – Report to City Council**

**715.01 Report.** The Planning and Zoning Commission shall submit its report on such application to the City Council within 65 days after the public hearing held by it on such application; provided, that the City Council may, upon good cause, grant an extension of this period upon application by the Planning and Zoning Commission or the applicant. Such report shall include an accurate description of the proposed special use, the legal description of the property upon which the special use is sought to be located, any recommendations or proposed conditions by the Planning and Zoning Commission, the conclusions of the Planning and Zoning Commission with respect to the compatibility of the proposed use with the Hermantown Comprehensive Plan and the conclusions of the Planning and Zoning Commission with respect to the compatibility of the proposed use with the character and development of the neighborhood and the conclusions of the Planning and Zoning Commission with respect to any other criteria required is to be met before the permit for which application is made can be issued.

## 📖 **Section 720 – City Council Consideration**

**720.01 Consideration of Application.** The City Council shall thereafter consider such application for a special use permit and may hold such public meetings or such public hearing or hearings as it may deem appropriate to aid it in making a determination on such application. Any public hearing held by the City Council on such application shall be given as specified in Section [710](#) of this chapter. The City Council may require the applicant to submit to it whatever information it deems necessary for it properly to evaluate and pass on the application.

## 📖 Section 725 – Governing Criteria

**725.01 General Requirements.** No special use permit shall be approved unless positive findings are made with respect to each and every one of the following criteria:

**725.01.1.** The proposed development is likely to be compatible with development permitted under the general provisions of this chapter on substantially all land in the vicinity of the proposed development;

**725.01.2.** The proposed use will not be injurious to the use and enjoyment of the environment, or detrimental to the rightful use and enjoyment of other property in the immediate vicinity of the proposed development;

**725.01.3.** The proposed use is consistent with the overall Hermantown Comprehensive Plan and with the spirit and intent of the provisions of this chapter;

**725.01.4.** The proposed use will not result in a random pattern of development with little contiguity to existing programmed development, and will not cause negative fiscal and environmental effects upon the community; and

**725.01.5.** Any other criteria required to be considered by it under the provisions of this code for any special use permit.

**725.02 Grading and Filling.** In addition to the criteria for any special use permit a special use permit for grading and filling within a Shoreland or Wetland District shall not be issued unless the following factors are given due consideration:

**725.02.1.** Whether the proposed activity is primarily dependent on being located in the Shoreland or Wetland District and whether feasible alternative sites are available;

**725.02.2.** The smallest amount of bare ground is exposed for as short a time as possible;

**725.02.3.** Adequate methods to prevent erosion and trap sediment are employed;

**725.02.4.** Fill is stabilized to accepted engineering standards;

**725.02.5.** 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;

**725.02.6.** 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;

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

**725.02.8.** Any fill used will consist of suitable material free from toxic pollutants in other than trace quantities.

**725.03 Accessory Structure.** In addition to the criteria for any special use permit, a special use permit for an accessory structure in an S-1, R-1, R-2 or R-3 Zone District shall not be issued unless positive findings are made with respect to each and every one of the following criteria:

**725.03.1.** Adequate safeguards and assurances have been provided to the City that no use or activity not otherwise allowed in the zone district in which such accessory structure is to be located will take place in the accessory structure at any time;

**725.03.2.** The accessory structure shall be aesthetically consistent with surrounding, adjoining properties. Aesthetic factors shall be considered with a view towards the highest possible use of the area in the vicinity of the proposed accessory structure. In making its determination, the City Council shall consider the size, shape, general appearance, structural materials and landscaping of the accessory structure; and

**725.03.3.** Conflicts with adjacent land uses shall be eliminated by providing, where necessary, buffer zones, dividing, screening or fencing.

**725.04 Agritainment.** In addition to the criteria for any special use permit, a special use permit for an Agritainment type use in a C-1, C-1A or S-1 Zone District shall not be issued unless positive findings are made with respect to each and every one of the following criteria:

**725.04.1.** A Minnesota State Licensed Architect and Engineer shall draw and approve current or new structure with code analysis.

**725.04.2.** All State requirements pertaining to occupancy use and building and fire code.

**725.04.3.** All City requirements pertaining to public safety.

**725.04.4.** Install a fire sprinkler system for 100+ occupants with approval by City Building Official and Fire Chief.

**725.04.5.** Provide a traffic analysis prepared by a Minnesota Licensed Traffic Engineer generating trip calculations and analyzing property/site access.

## **📖 Section 730 – Decision by the City Council**

**730.01 Decision and Action.** The City Council shall make its decision on an application for a special use permit as soon as possible following the receipt by it of the report and recommendation of the City Council. Action on any application shall be by majority vote of the members of the City Council present and voting.

**730.02 Decision to be in Writing.** The decision of the City Council shall be in writing with the factual basis and reasons supporting such decision set forth in the resolution containing the decision.

**730.03 Safeguards and Restrictions.** The City Council may impose appropriate safeguards, conditions and restrictions, including performance bonds and a time limitation on such permit, to ensure that the spirit and intent of the Comprehensive Plan is met and to conserve and protect property and property values in the neighborhood. Further, for special use permits in a Floodplain District or a Wetland District all special use permits issued for grading or filling shall be subject to the following conditions:

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

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

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

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

**730.03.5.** 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;

**730.03.6.** 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;

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

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

**730.04 Violations.** Violations of any such conditions and safeguards, when made a part of the terms under which the special use permit is granted, shall be deemed a violation of this code.

## **Section 735 – Finality of Decision**

**735.01 When Final.** A decision on a special use permit shall be final upon the adoption of the resolution containing such decision by the City Council.

**735.02 Filing of Copy.** After such decision is final, a certified copy of it shall be filed for record with the County Recorder or Registrar of Titles of St. Louis County. Each special use permit shall contain the legal description of the property.

**735.03 Mailing of Copy; Shoreland or Wetlands.** A copy of all special use permits for grading or filling in a Shoreland District or Wetland District shall be furnished by mail to the Commissioner of Natural Resources of the State of Minnesota and the St. Paul District of the U.S. Army Corps of Engineers within five days of the special use permit becoming final.

**735.04 Mailing of Copy; Floodplain District.** A copy of all special use permits for activity in a Flood Plain District shall be forwarded by mail to the Commissioner of Natural Resources for the State of Minnesota within ten days of such special use permit becoming final.

## 📖 **Section 740 – Duration of Permit**

**740.01 Duration of Permit.** Any permit issued by the City Council shall remain in effect so long as the conditions imposed in such permit are observed or the expiration of the time limitation imposed on such permit, whichever is earlier; provided, however, that nothing herein shall prevent the City Council from enacting or amending official controls to change the status of any special use permit.

## 📖 **Section 745 – Renewals**

**745.01 Renewals.** Upon the expiration of the time period established as a limit on any permit granted hereunder, such permit shall terminate and the use authorized by such permit shall immediately cease; provided, however, that if the permittee shall make application for a renewal of such special use permit prior to the expiration of such time period, such permit shall continue in effect until action is taken by the City Council on such application for the renewal of such permit. Upon the City Council taking action on such application for renewal, the previous permit shall terminate and the use authorized by such permit shall immediately cease, if such application for renewal is denied, or continue under the renewal permit, if such application for renewal is granted. All such applications for renewals shall be made in accordance with the procedures set forth in this [Chapter 7](#).