



PLANNING & ZONING COMMISSION

Agenda
May 20, 2025
7:00 PM

1. ROLL CALL

2. APPROVAL OF AGENDA

3. APPROVAL OF MINUTES

3A. April 15, 2025 regular meeting.

4. PUBLIC DISCUSSION – Public comment on any item not otherwise listed on the agenda.

5. PUBLIC HEARINGS

5A. An application by Soumis Construction for a Final Planned Unit Development for a 35-unit, 3 story apartment building on a 8.9 -acre site located at 492x W Arrowhead Road. The property is located in an R-3 zoning district.

5B. Zoning Ordinance text amendments by the City of Hermantown amending Chapter 5, Section 535 – Business and Light Manufacturing, pertaining to communication services facilities.

5C. Zoning Ordinance text amendments by the City of Hermantown amending Chapter 7, Special Use Permit, Section 740 – Duration of Permit.

5D. A discussion on Accessory Dwelling Units (ADU) in the City.

6. CONTINUING BUSINESS

7. NEW BUSINESS

8. COMMUNICATIONS

9. COMMISSION MEMBER REPORTS

Joe Peterson
Corey Kolquist
Beth Wentzlaff
Kevin Hagen
Matthew Fournier
John Stauber
Amanda Radzak
Ryan Johnson

ADJOURN



PLANNING & ZONING COMMISSION

April 15, 2025 Meeting Summary

7:00 PM

1. ROLL CALL

Members Present: Joe Peterson; Corey Kolquist; Beth Wentzlaff; John Stauber; Matthew Fournier; Kevin Hagen; Amanda Radzak; and Ryan Johnson

Members Absent: None

Others Present: Eric Johnson, Community Development Director; Jordan Urshan, 5770 Morris Thomas Rd.; Dan Linde, 4050 Lavaque Rd.; Eloisa Fournier, 5196 Country Ln.; Tim Resberg, 3646 Midway Rd.; Annette & Mike Ralph, 5781 St. Louis River Rd.; Jeff Kachinske, 5564 Hermantown Rd.; and Wes Dammer, 5563 Hermantown Rd.

2. APPROVAL OF AGENDA

Motion made by Corey Kolquist to approve the April 15, 2025 agenda as presented. Seconded by Matthew Fournier. Motion carried 7-0.

3. APPROVAL OF MINUTES

Motion made by Kevin Hagen to approve the March 18, 2025 minutes as presented. Seconded by Ryan Johnson. Motion carried 7-0.

4. PUBLIC DISCUSSION

None.

5. PUBLIC HEARING

5A. An application by Jordan Urshan for a Subdivision to create an 820-foot-wide parcel of 7.99 acres and a 26.87-acre lot accessed by way of a flag lot of 200-foot width at 5577 Hermantown Road. The property is located in an S-1 zoning district.

Eric Johnson, Community Development Director, presented the application submitted by Jordan Urshan, who has entered into a purchase agreement for a 34.09-acre property located at 5577 Hermantown Road. The property has general dimensions of approximately 1,321 feet by 1,317 feet and currently contains an existing home and two outbuildings situated on the eastern side of the parcel.

The property is presently made up of two parcels, which will be reorganized as part of the proposal to reflect the configuration shown in the submitted application. The applicant is proposing to create a new flag lot along the eastern boundary of the property. This configuration includes a 200-foot-wide "pole" or driveway connection to Hermantown Road, extending approximately 424 feet before reaching the "flag" portion of the lot. The dimensions of the "flag" portion are approximately 897 feet by 1,317 feet.

The applicant intends to retain the existing home and accessory structures on the original parcel and will reside in the home while planning the construction of a new residence on the newly created flag lot. Development of the new residence will be subject to coordination with St. Louis County for appropriate well and septic permitting, as well as with Hermantown Public Works for review and approval of driveway access.

The applicant respectfully seeks approval for the parcel reconfiguration and creation of the flag lot.

Motion made by Corey Kolquist to approve the application by Jordan Urshan for a Subdivision to create an 820-foot-wide parcel of 7.99 acres and a 26.87-acre lot accessed by way of a flag lot of 200-foot width at 5577 Hermantown Road. Seconded by John Stauber. Motion carried. 7-0.

5B. An application for a Special Use Permit by Kevin and Cari Hagen for grading and filling in a Natural Environment Shoreland Area for the purpose of constructing a 1,350 square foot addition to an existing home. The property is located at 4264 Ugstad Road and is located in a R-3, Residential zoning district.

Eric explained that Applicants Kevin and Cari Hagen are requesting zoning approval for a proposed 1,350-square-foot addition to the existing primary structure on their property located at 4264 Ugstad Road. The property currently includes a single-family residence and a detached accessory structure.

Of the proposed 1,350-square-foot addition, approximately 450 square feet are located within a designated Natural Environment Shoreland Area associated with a tributary to the Rocky Run River. As part of this work, the project will require filling and grading within an approximately 750-square-foot area of disturbance within the shoreland overlay district.

The applicants are aware of the environmental sensitivity of the site and intend to follow all applicable regulations related to shoreland development, grading, and erosion control. The purpose of the addition is to expand the existing residential living space, and the proposed construction will be designed to minimize impact to the surrounding natural area.

The applicants respectfully request that the zoning commission review and approve this application.

Motion made by John Stauber to approve the application for a Special Use Permit by Kevin and Cari Hagen for grading and filling in a Natural Environment Shoreland Area for the purpose of constructing a 1,350 square foot addition to an existing home. The property is located at 4264 Ugstad Road. Seconded by Corey Kolquist. Kevin Hagen abstained. Motion carried. 6-0.

5C. A public hearing for the City of Hermantown's Draft Comprehensive Plan Update.

Eric stated that since 2022, the City has been working HKGI (Hoisington Koegler Group, Inc.) on an update to the Cities Comprehensive Plan. He noted that the last update was in 2001. He stated that typically, an update is done every 20 years.

It provides the framework of how the City could be developed in the next 20 years. Zoning plays a key role in the requirements of the Comprehensive Plan.

Jeff Miller, from HKGI, presented the power point presentation that had previously come before the commission at the March 18, 2025, Planning and Zoning meeting.

John Stauber asked who all was involved in the Comprehensive Plan Update project.

According to Eric, the project began with HKGI in June 2022. A steering committee, comprised of 10 local residents, was established and met 5 or 6 times throughout the process. Community engagement efforts included an interactive map on the City of Hermantown's website, where residents could provide comments. The project was also introduced at Summerfest to raise awareness.

In addition, the initiative was presented to the City's Park Board, the Planning & Zoning Commission on multiple occasions, and updates were shared with the City's Utility Commission. A public open house was also held to gather broader community input.

Eloisa Fournier from Hermantown Youth Soccer Association (HYSA) asked that the plan be amended so the timelines for Stebner Park and Art Olson Park aligned from a development standpoint. The Planning Commission was supportive of the change.

Motion made by Corey Kolquist to approve the City of Hermantown's Comprehensive Plan Update with the amendment as stated. Seconded by Amanda Radzak. Motion carried. 7-0.

6. CONTINUING BUSINESS

None.

7. NEW BUSINESS

Eric updated the members on the ADU (Accessory Dwelling Unit).

8. COMMUNICATIONS

None.

9. COMMISSION MEMBER REPORTS

Joe Peterson – None
Corey Kolquist – None
Beth Wentzlaff – None
Kevin Hagen – None
Matthew Fournier – None
John Stauber – None
Amanda Radzak – None
Ryan Johnson – None

ADJOURN

Motion made by Kevin Hagen to adjourn the meeting. Seconded by Corey Kolquist. Meeting adjourned at 8:27 pm.

Officiated by:

Transcribed by:

Joe Peterson, Chairman

Mary Melde, Administrative Assistant



5A. Reside on W. Arrowhead Final PUD

<u>Applicant:</u>	Soumis Construction
<u>Case No.:</u>	2025-05-PUD
<u>Staff Contact:</u>	Eric Johnson, Community Development Director
<u>Request:</u>	Final application for 8.9 acre property, 35 unit apartment Planned Unit Development (PUD)

DESCRIPTION OF REQUEST

Applicant (Soumis Construction) is requesting approval of a Final Planned Unit Development (PUD), to construct a 3 story, 35-unit apartment building on 8.9 acres in the R-3 Zoning District at 492x W. Arrowhead Road.

SITE INFORMATION

Lot Size:	8.9 acres
Legal Access:	W. Arrowhead Road
Wetlands:	Yes, have been delineated and approved by the TEP
Existing Zoning:	R -3 Single Family Residential
Airport Overlay:	Zone 3, structure height restrictions only
Shoreland Overlay:	No
Comprehensive Plan:	Residential

Background

Soumis Construction (Applicant) is the property owner associated with this 8.9-acre property. The applicant is proposing the Reside at W. Arrowhead project, which consists of a 3 story, 35-unit apartment building. The site is currently undeveloped with topography rising from the north to the south and contains a large wetland along the eastern portion of the property with upland area located in the southwest portion of the property. The property has access from W. Arrowhead Road to the north and will be connected by way of a 26-foot-wide paved private drive. There are wetlands present on the eastern portion of the property which were delineated in 2021.

The proposed project consists of a mix of one- and two-bedroom apartments ranging in size from 675 square feet to 1010 square feet. The proposed building is 43 feet in height which is permitted under the Planned Unit Development ordinance assuming there are additional setbacks from the property lines. In addition, there is a 20' x 240' - 20 car garage structure located along the south property line. This structure is approximately 12 feet in height and is located a minimum of 40 feet from the adjacent property lines.

The project proposes 50 surface parking spaces and 20 garage units for a total of 70 parking spaces which meets the City requirements of two parking spaces per residential unit.

The project proposes a 20-foot x 120-foot, fenced community garden space towards W. Arrowhead Road. The community garden will have garden plots available for rent to the neighboring community and will be maintained by the applicant. In addition, a 5-foot-wide sidewalk will connect W. Arrowhead Road to the building.

PUD Process

The City's zoning regulations governing PUD's require that each PUD obtain preliminary and final approval. The City's Planned Unit Development ordinance states that PUDs over 4 units/acre and/or 5 acres in size are required to make separate Preliminary and Final PUD submissions.

The PUD review and approval process include a public hearing by the Planning Commission and a recommendation to the City Council. A PUD order will be issued by the City setting project specific development standards. Following completion of the development contract the applicant will be granted final Zoning approval and can begin construction, pending approval of the associated building permits.

Per Section 1105 of the Planned Unit Development section of the Zoning Ordinance, it requires that a PUD must provide public benefits to the surrounding neighborhood and to the city above and beyond what can be reasonably achieved by application of the zoning provisions applicable to the underlying zoning district. The nature and scale of public benefit shall be determined by the City and include, but not be limited to:

- 1.1 Preservation and enhancement of natural systems and resources, topography, vegetation, and other natural features. – This project proposes to preserve approximately 6 acres of existing wetland on the property. The road design and building placement minimizes wetland impacts required for the project.
- 1.2 Efficient design and use of transportation systems and utilities, improved housing and neighborhood options, and housing affordability
- 1.3 Provision of recreational amenities including trails and parks. – The Project proposes a community garden element which is open to the residents of the proposed development as well as neighboring property owners. The garden area includes the following:
 - Raised cedar planting beds (approximately 4' wide by 8' long) spaced a minimum of 3' apart for easy kneeling and access
 - Geotextile fabric placed under the planting beds to keep weeds from propagating. This will cut down on maintenance needs.
 - Gravel or mulch walk-ways around raised beds
 - A fence around the entire garden to keep deer out
 - Water spigots will be provided for irrigation needs.
 - Tool shed for common gardening tool. Tools will be provided as part of the development.

Zoning Analysis

The PUD process allows the City Council to modify any provisions of the underlying zoning district if the PUD is consistent with the Comprehensive Plan and provides a public benefit. Modifying the standards

through the PUD process is appropriate for the development of this project as it seeks to utilize developable land while preserving approximately 6 acres of wetland area.

Setbacks

Proposed setbacks vary from the standards of the R-3 Zoning District. Depicted on the attached exhibits, the setbacks reflect a site design that will allow for a creative use of the site subject to existing constraints such as site access and wetlands.

Typical setback standards in the R-3 Zoning District for single family residential homes and proposed setbacks are shown in Table 1:

Table 1. R-3 Residential Requirements	R-3 Requirement	Proposed Apartment
Minimum lot area	½ acre (2 units/acre)	8.9 acre property
Minimum lot width (at setback line)	100 feet	612 feet minimum
Minimum front yard	50 feet from public ROW	350' minimum from ROW
Minimum side yard	10 feet, 25 feet aggregate	40 feet minimum
Minimum rear yard	40 feet	40 feet minimum
Roadway ROW width	66 feet	26' wide private drive with curb, gutter and 5' sidewalk

Stormwater

The proposed plan shows a stormwater pond for the development in the central portion of the upland area of the site. Stormwater will be collected through a series of inlets located in the parking lot and drive aisle and then piped to the stormwater pond with eventual discharge to the adjacent wetland. The applicant’s engineer has submitted preliminary stormwater calculations for the proposed project which will be reviewed and approved by the City Engineer.

The stormwater pond and inlet/drainage system will be owned and maintained by the Applicant.

Utilities

The Applicant will extend a public water and sewer main from W. Arrowhead Road into the property. These mains will be located in the private driveway and will have a 30’ wide easement dedicated to the City. The Applicant will construct the water and sewer mains and then dedicate the mains to the City for ownership and maintenance. Detailed plans for new public utilities will be reviewed and approved by the City Engineer prior to issuance of the building permit. No new public utilities will be accepted by the City until reviewed by the City Engineer and accepted by resolution of the City Council. The applicant is required to pay all applicable connection and availability fees associated with the utility work.

Driveway, Parking, and Traffic

The Applicant plans to construct a private, 26-foot-wide asphalt driveway with curb along the western edge, starting at W. Arrowhead Road south into the site approximately 550 feet. This driveway will be privately owned and maintained but will have a 30’ wide utility easement associated with it. The driveway ends in a parking lot which provides access to all sides of the proposed building.

The Applicant is proposing an internal sidewalk system for the project. This sidewalk system will connect to W. Arrowhead Road.

Park Dedication Fees

The property owner will be required to pay park dedication fees consistent with the requirements of the City Zoning Ordinance. Park dedication fees will be paid according to the following schedule. Payments are due at the time of approval of the Final PUD or as agreed to in the development contract.

Development Type	Recommended
Multi-family, 2+ bedroom units	\$800
Multi-family, 1 bedroom and studio	\$400
Per bedroom fee	\$150
Planned Unit Development	Proportional to Mix of Development

Stormwater Utility Fees

Upon the completion of the project, a stormwater utility will be assessed on a square foot basis of impervious surface (building, road, sidewalk, parking lot). The site is eligible for a 50% credit by constructing the stormwater pond which will address stormwater quality and quantity.

Architecture

The exterior materials for the proposed apartment consist of LP siding & trim (horizontal & vertical mix), stone accents on the front side, and architectural shingles for roofing. The proposed structure is 43 feet in height which is permitted under the Planned Unit Development ordinance assuming there are additional setbacks from the property lines.

There is a 20 bay garage structure proposed along the south property line. The garage will use similar LP siding as the building and is approximately 12 feet in height. The proposed setback of the garage is 40 feet from the west and south property lines.

There is an exterior trash enclosure located in the SW corner of the site. The trash enclosure will use similar LP siding as the building and is approximately 8 feet in height. The trash enclosure is accessed via a 5 foot sidewalk and is setback approximately 14 feet from the western property line and 40 feet from the south property line.

Landscaping/Buffer

The Applicant is proposing a mixture of evergreen trees along the western and SW corner of the property to provide a screening buffer from the adjacent residential properties. The proposed apartment structure is approximately 175 feet from the nearest residential structure along Heartwood Lane.

Summary

Staff recommends approval of the Final Planned Unit Development (PUD), to construct a 35 unit apartment building with site improvements on an 8.9 acre property located in a R-3, Residential zoning district with the following conditions:

1. The proposed PUD meets the intent of the R-3, Residential Zoning District, Chapter 11 – Planned Unit Developments, and the overall goals and policies of the Zoning Ordinance.
2. The proposed development meets the Comprehensive Plan for residential development and standards of a Planned Unit Development by providing public benefit through enhanced and coordinated development design and a greater variety of housing types in the community.
3. The Planned Unit Development is hereby approved is hereby expressly subject to the following conditions:
 - 3.1 That the Project will be constructed as described in the plans accompanying the Application and the conditions contained herein.
 - 3.2 The Zoning Administrator of the City of Hermantown shall be notified at least five (5) days in advance of the commencement of the work authorized hereunder and shall be notified of its completion within five (5) days thereafter.
 - 3.3 No change shall be made in the Project without written permission being previously obtained from the City of Hermantown.
 - 3.4 Applicant shall grant access to the site at all reasonable times during and after construction to authorized representatives of the City of Hermantown for inspection of the Project to see that the terms of this permit are met.
 - 3.5 Applicant is initially and continually in compliance with all of the ordinances and regulations of the City of Hermantown.
 - 3.6 Trees and brush cannot be burned on the property, but may be chipped and shredded.
 - 3.7 An MPCA Stormwater Permit and erosion control measures must be in place prior to the start of operations.
 - 3.8 All utility line easements shall be observed and any encroachment into the utility right-of-way shall only be permitted with the written approval of the utility.
 - 3.9 The Applicant shall take measures to control erosion that has the potential to damage adjacent land, and control sedimentation that has the potential to leave the site.
- 4 Dimensional requirements of lot, setbacks, and roadways shall be according to the attached site plan and table 1.

Table 1. R-3 Residential Requirements	R-3 Requirement	Proposed Apartment
Minimum lot area	½ acre (2 units/acre)	8.9 acre property
Minimum lot width (at setback line)	100 feet	612 feet minimum
Minimum front yard	50 feet from public ROW	350' minimum from ROW
Minimum side yard	10 feet, 25 feet aggregate	40 feet minimum
Minimum rear yard	40 feet	40 feet minimum
Roadway ROW width	66 feet	26' wide private drive with west side curb and 5' sidewalk

- 5 The Applicant will have one year from the date of the Final PUD approval to commence with construction.
- 6 Applicant to submit final construction documents (water, storm sewer, sanitary sewer, roadway, etc.) according to City standards and coordinated with the City Engineer as part of the Final PUD process.
- 7 Applicant to submit a wetland impact plan to the Hermantown Technical Evaluation Panel for the review and approval of wetland impacts.
- 8 Installation of water and sanitary sewer shall require the Property Owner to enter into an agreement with the City governing the terms of such work. All utility plans shall be approved by the City Engineer. The City/Developer agreement shall specify the amount of a financial guarantee to be held by the City from the time of commencement of work until such a time as the City is prepared to accept as complete the new public infrastructure. All drainage and utility easements shall have associated easements. The Property Owner shall enter into a Development Agreement with the City for all public utilities.
- 9 The applicant is responsible for all City and WLSSD availability, hook-up and CAF fees associated with the PUD.
- 10 The applicant is responsible for all City Engineer and Attorney fees related to the review and approval of the PUD.
- 11 The applicant shall pay park dedication fees according to the following schedule. Payments are due at the time of approval of the Final PUD or as agreed to in the development contract.

Development Type	Recommended
Multi-family, 2+ bedroom units	\$800
Multi-family, 1 bedroom and studio	\$400
Per bedroom fee	\$150
Planned Unit Development	Proportional to Mix of Development
Development Type	Recommended
Multi-family, 2+ bedroom units	\$800

- 12 The Applicant shall sign a consent form assenting to all conditions of this approval.
- 13 The Applicant shall pay an administrative fine of \$750 per violation of any condition of this approval.
- 14 The approval made by this resolution extends only to the Project as defined in this resolution.

ATTACHMENTS:

- Location Map
- Site Plan
- Grading Plan
- Utility Plan
- Landscape Plan
- Floor Plans
- Building Elevation

Location Map



CONTRACTOR NOTE:

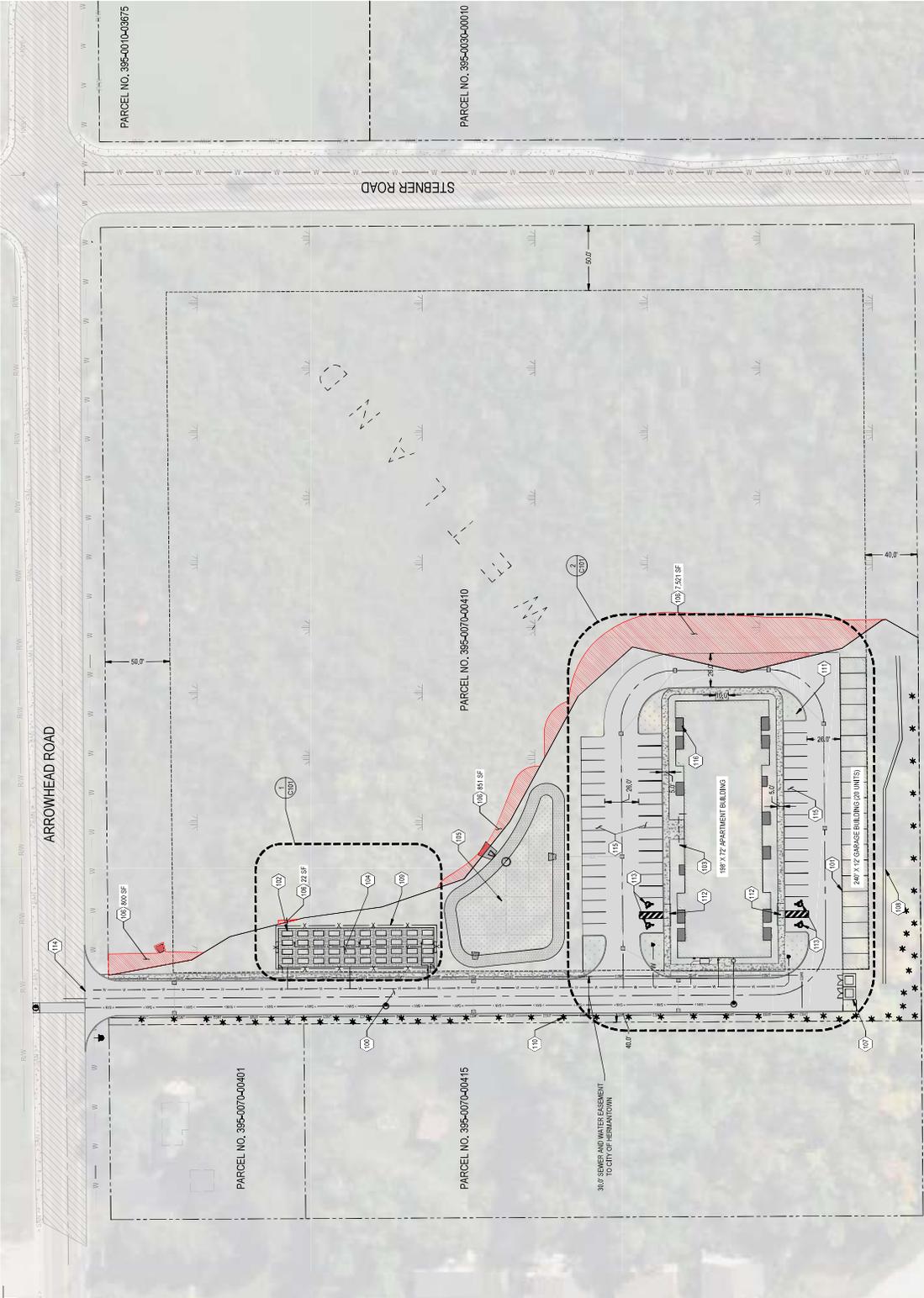
ALL EXISTING UTILITIES SHOWN ON PLANS ARE TO BE VERIFIED HORIZONTALLY AND VERTICALLY BY THE CONTRACTOR. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY RECORD MAPS AND SURVEYS FROM THE CITY OF HERMANTOWN. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY RECORD MAPS AND SURVEYS FROM THE CITY OF HERMANTOWN. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY RECORD MAPS AND SURVEYS FROM THE CITY OF HERMANTOWN.

SITE PLAN NOTES:

1. ALL DIMENSIONS TO FACE OF CURB UNLESS NOTED OTHERWISE.
2. ALL SIGNS TO BE INSTALLED PER CITY OF HERMANTOWN STANDARDS.
3. ALL DIMENSIONS TO FACE OF CURB UNLESS NOTED OTHERWISE.
4. VERIFY LOCATION OF ALL STREPS WITH OWNER PRIOR TO INSTALLING ALL STREPS. STREPS SHALL BE INSTALLED AT APPROXIMATELY 24" SPACING.
5. SITE IMPROVEMENTS SHALL COMPLY WITH RECOMMENDATIONS FROM APRIL 18, 2022 CITY OF HERMANTOWN STANDARD SPECIFICATIONS FOR CONSTRUCTION BY CITY OF HERMANTOWN.

SITE PLAN KEYNOTES	
100	PROPOSED 8' ROADWAY W/ CURB AND OUTER
101	PROPOSED GARAGES 12' X 18' (20)
102	4" X 4" RAISED CEDAR PLANTING BED WITH GEOTEXTILE FABRIC UNDERLAYER (TYP)
103	PROPOSED COARSE ENTRY
104	PROPOSED 18" X 18" X 18" CONCRETE PAVEMENT AT APPROXIMATELY 24" SPACING
105	PROPOSED 10' DIAMETER BIOTRITATION POND
106	AREA OF POTENTIAL WETLAND IMPACT
107	PROPOSED DAMPER STOPPING AREA
108	PROPOSED GRAVEL
109	PROPOSED WOODEN FENCING AROUND COMMUNITY GARDEN. FENCING SHALL BE 4' HIGH WITH 1" X 4" POSTS SPACED EVERY 4 FEET. POSTS ARE TO BE INSTALLED BELOW THE FIRST LINE.
110	PROPOSED 18" X 18" X 18" CONCRETE PAVEMENT (SEE SHEET 100)
111	PROPOSED PARKING LOT LANDSCAPING (TYP) SEE SHEET 100
112	PROPOSED PARALLEL ADA RAMP
113	VAN ACCESSIBLE ADA STALL AND BAY (4)
114	CONNECT TO EXISTING ROADWAY
115	PROPOSED PARKING STALLS 9' X 18' (46)
116	PROPOSED 4' GRADE PATH SPACE (TYP)

SITE PLAN LEGEND	
	ASPHALT PAVEMENT
	WOOD MULCH
	CONCRETE SIDEWALK
	LANDSCAPING



SITE PLAN

RESIDE APARTMENTS
HERMANTOWN, MN

FINAL PUD
Project No: 24363
Issue Date: 03/21/2025

Project Manager: [Signature]
Checked by: [Signature]

C100

I HEREBY CERTIFY THAT THE PLAN WAS PREPARED BY ME OR UNDER MY SUPERVISION AND THAT I AM A LEGALLY REGISTERED ENGINEER UNDER THE LAWS OF THE STATE OF MINNESOTA.
DATE: 02/26/2025
REGISTRATION NO: 8188
SIGNED: JOHN F. DOUGHERTY, P.E.

Ridgefield, WA
Duluth + Minneapolis, MN
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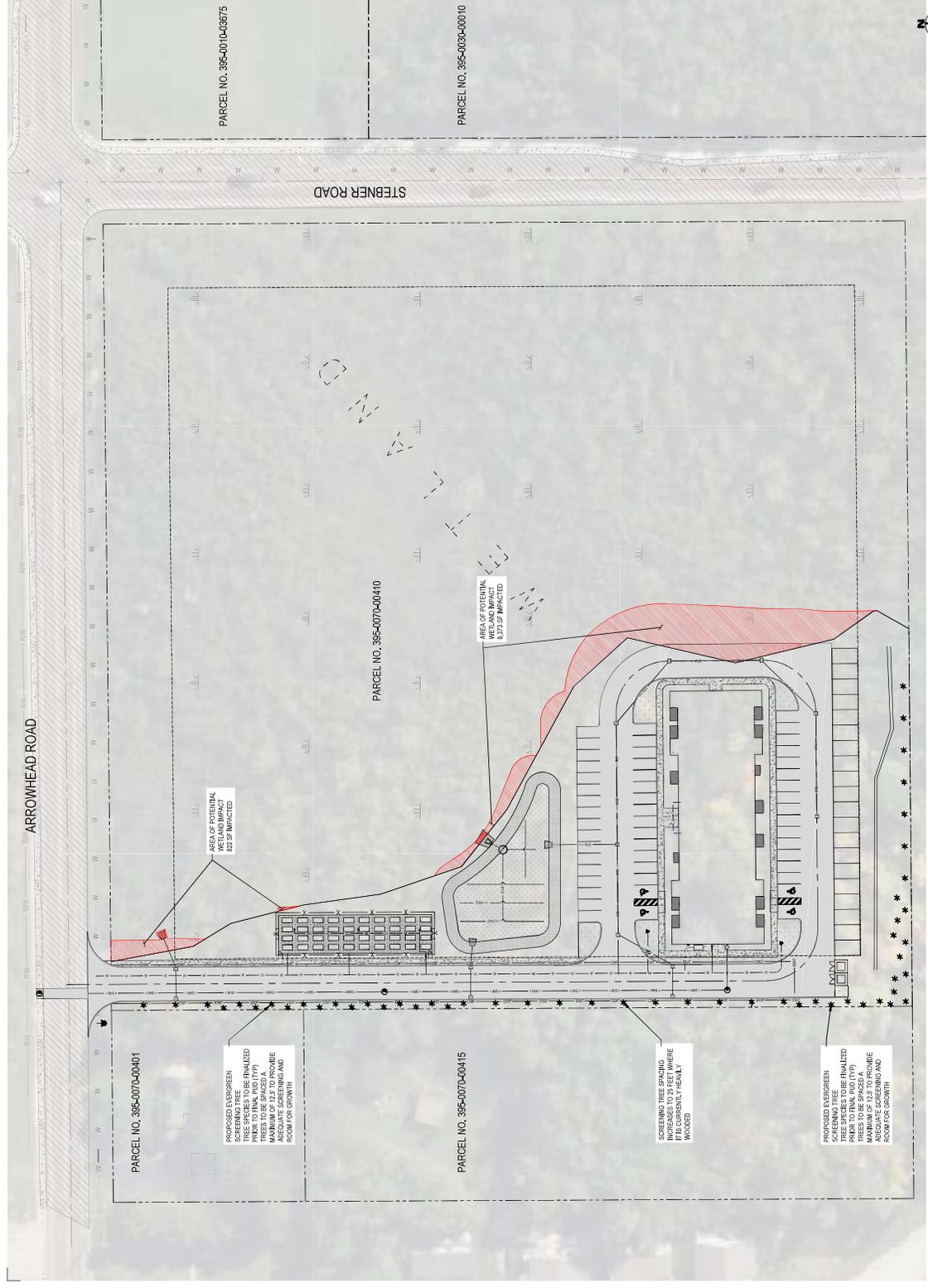


Revisions:

NO.	DATE	DESCRIPTION

811
Know what's below.
Call before you dig.
CALL BUSINESS SERVICES TO DIG, AND WE'LL FIND THE UTILITIES PRIOR TO CONSTRUCTION.

PLAN
SCALE: 1"=40'



LANDSCAPE PLAN

L100

RESIDE APARTMENTS
HERMANTOWN, MN

FINAL PUD
Project No: 24363
Issue Date: 03/21/2025

I HEREBY CERTIFY THAT THE PLAN WAS PREPARED BY ME OR UNDER MY SUPERVISION AND THAT I AM A LEGALLY LICENSED ENGINEER UNDER THE LAWS OF THE STATE OF MINNESOTA.

DATE: 02/26/25
REGISTRATION NO: 8188
SIGNED: JOHN F. DOUGHERTY, P.E.

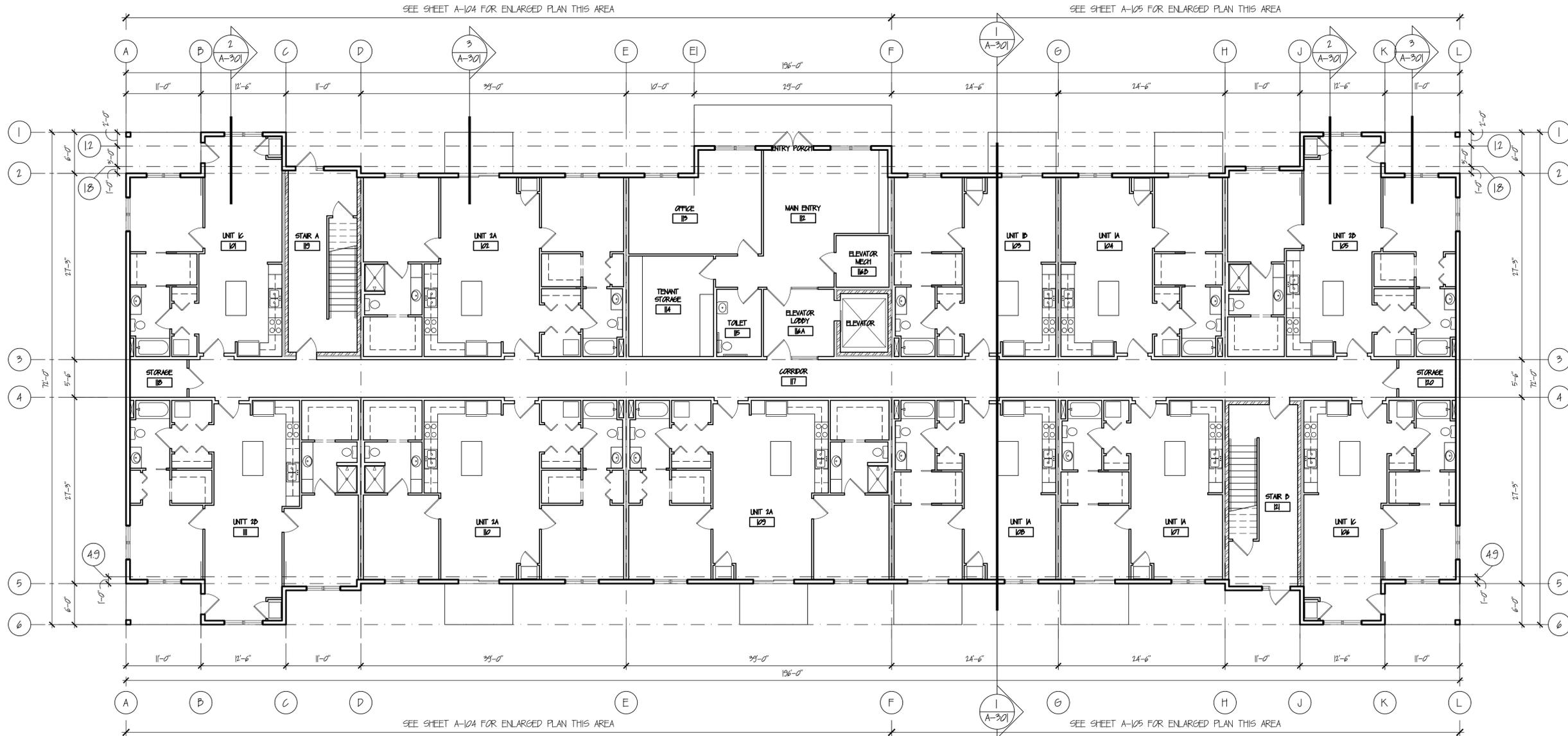
Ridgefield, WA
Duluth + Minneapolis, MN
www.windsonengineers.com



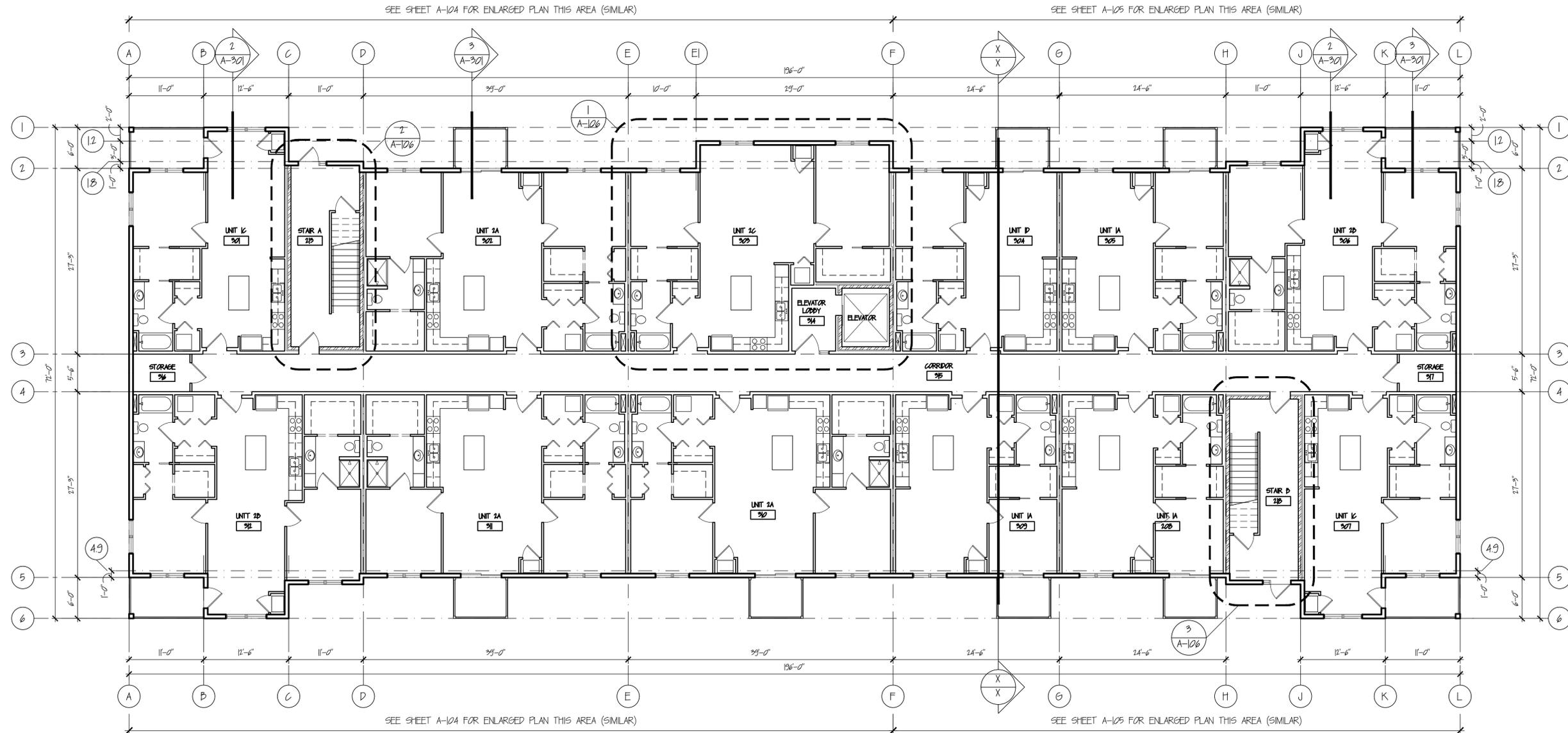
UNITS TO FINAL DESIGN

NO.	DATE	DESCRIPTION

811
Know what's below.
Call before you dig.
CALL BUSINESS OR RESIDENTIAL SERVICE CENTERS FOR A FREE UTILITY LOCATING SERVICE PRIOR TO CONSTRUCTION.



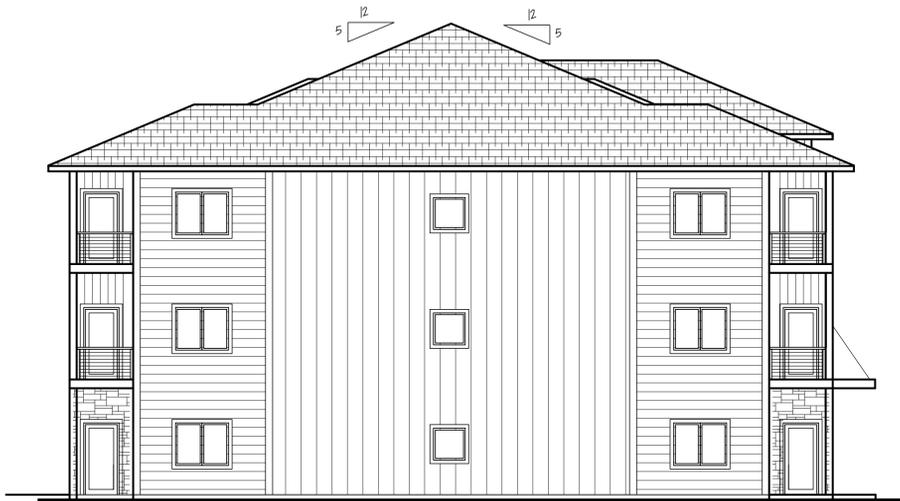
1 FIRST LEVEL FLOOR PLAN
1/8" = 1'-0"



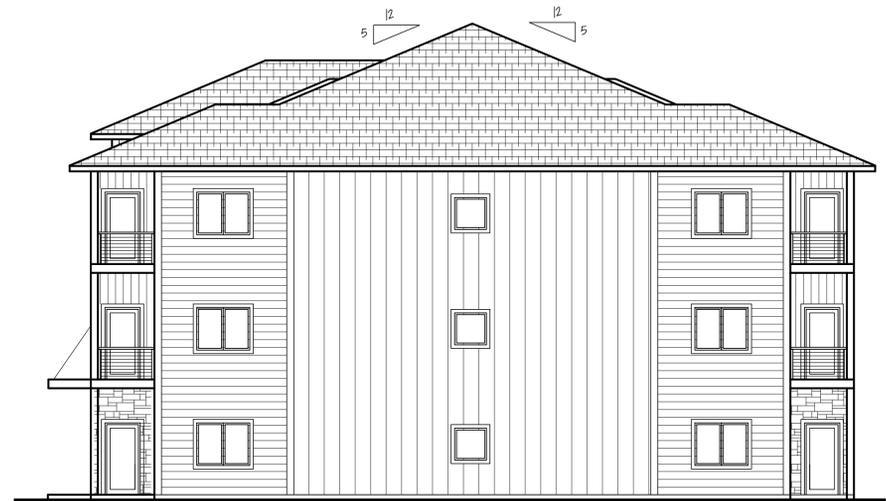
THIRD LEVEL FLOOR PLAN
1/8" = 1'-0"



1 NORTH EXTERIOR
A-100 1/8" = 1'-0"



2 EAST EXTERIOR
A-100 1/8" = 1'-0"

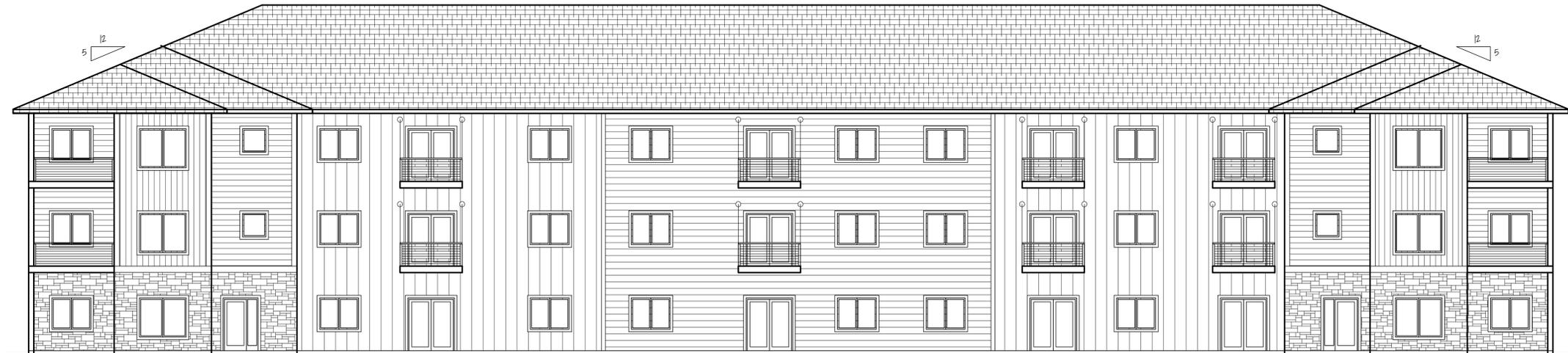


3 WEST EXTERIOR
A-100 1/8" = 1'-0"

EXTERIOR MATERIALS:

- 6" PREF METAL SOFFIT
- 6" LP SMART SIDE CORNER TRIM
- 4" LP SMART SIDE DOOR & WINDOW TRIM

-  ASPHALT SHINGLES
-  LP SMART SIDING 8" LAP
-  LP SMART SIDING BOARD & BATTEN
16" OC W/ 25" BATTENS
-  VESTA WOODGRAIN PLANK
-  CULTURED STONE



4 SOUTH EXTERIOR
A-100 1/8" = 1'-0"





5B. Amendments to the City Ordinance regarding Communication Services Facilities

Applicant: City of Hermantown
Case No.: 2025-10-ZT
Staff Contact: Eric Johnson, Community Development Director
Request: Amendments to the City Zoning Code regarding Communication Services Facilities

BACKGROUND

The City of Hermantown has been working on an update to the Comprehensive Plan. As part of that work, the City is proposing an expansion of the BLM, Business and Light Manufacturing zoning district in the SW area of the City. Likewise, the City is looking to include other business uses within the BLM zoning district and is proposing the following amendment to the City zoning code:

This item was previously discussed and recommended by the Planning and Zoning Commission at the May 2025 meeting. The item was brought to the April 2025 City Council meeting where various questions were raised, specifically about language that appeared vague or not thoroughly defined. The City Council directed staff to review the proposed language, revise as necessary and bring the item back to the Planning and Zoning Commission for their review.

City Zoning Code:

Chapter 5, Section 535 – Business and Light Manufacturing

The attached Section 535 shows the previously recommended language in struck-through black font, with the new proposed language being shown in red.

ATTACHMENTS

Amended Chapter 5, Section 535 – Business and Light Manufacturing

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.

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.

535.04.11 Cannabis and Hemp Businesses.

535.04.11.1. Cultivation on a minimum of a five-acre parcel.

535.04.11.2. Cannabis manufacturing on a minimum of a five-acre parcel.

535.04.11.3. Hemp manufacturing on a minimum of a five-acre parcel.

535.04.11.4. Wholesale cannabis distribution.

535.04.11.5. Cannabis retail businesses.

535.04.11.6. Cannabis transportation facility on a minimum of a 2.5 acre parcel.

535.04.11.7. Cannabis delivery facility on a minimum of a 2.5 acre parcel.

535.04.12. Communication Service Facilities

535.04.12.1 ~~Location. No communication service facility may be located within 200 feet of the nearest residentially zoned or utilized structure, as measured in a straight line without regard to intervening structures or objects.~~ **Dimensional standards: 50' setback for all structures, inclusive of incidental uses, from ROW and residential property lines**

535.04.12.2 ~~Operation. Communication service facilities may operate on a continual basis, 24 hours a day, 7 days a week provided there is perimeter screening of the facility consisting of evergreen and deciduous trees and shrubs. Screening plan to be reviewed and approved by the Community Development Director.~~ **Operation. Communication service facilities may operate on a continual basis, 24 hours a day, 7 days a week provided there is perimeter landscaping and screening of the facility.**

535.04.12.3 ~~Outdoor equipment. Outdoor equipment that serves the communication services facility, including but not limited to mechanical equipment and generators must not be located closer to a property line along a public street right of way, than the principal building and must be screened from view of adjacent public right of way and properties with evergreen and deciduous trees and shrubs. Screening plan to be reviewed and approved by the Community Development Director.~~

Perimeter Landscaping and Screening. Utility and related ancillary facilities such as backup generation and cooling equipment shall implement screening methods including earth berms, fencing, and landscaping (e.g., trees and shrubs), or other methods as may be approved by the Community Development Director.

~~535.04.12.4 Noise. Communication service facilities must develop noise models for the site, to include customizing equipment locations and the employment of various sound mitigation strategies, such as noise walls, buffers and mufflers. Models to be reviewed and approved by City Engineer and Community Development Director.~~ **Noise. Communication Service Facilities must develop one or more noise models to assure conformance of the facility during normal operations with applicable noise regulations. Mitigation strategies may consist of walls, buffers, acoustical dampening equipment, and other mitigation strategies as may be approved by the Community Development Director. Noise emanating from the temporary use of backup generators during periods of maintenance, or when otherwise necessary, is not required to be included in the noise model(s). Backup generator maintenance and testing shall be performed during the hours from 8:00 am to 5:00 pm, Monday-Friday. Noise models are to be reviewed and approved by the City of Hermantown.**

535.04.12.5 Phased Development. An applicant for a Communication Service Facility may seek approval of a special use permit for one or more buildings/facilities as part of the same application with the submission of a phased master plan.

535.04.12.5.1 Master Plan to include general locations of buildings, accessory uses, parking, stormwater facilities and screening.

535.04.12.5.2 Master plan approval is valid for 10 years for the properties identified within the master plan. The Community Development Director may approve minor changes/variations to the master plan over the course of the approval period, provided the applicant satisfies the requirements of Section 535.04.12.

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 or as specified
4. Minimum depth of corner yard (from R.O.W.)	20 feet or as specified
5. Minimum side yard setbacks – generally	20 feet or as specified
Minimum side yard setbacks – adjacent to residential	50 feet or as specified
6. Minimum rear yard setbacks – generally	20 feet or as specified
Minimum rear yard setbacks – adjacent to residential	50 feet or as specified
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

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 unless otherwise specified in a Special Use Permit

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 Environmental Review.

535.08.1. Environmental review will be conducted if provided for under Minnesota Rules Chapter 4410.

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

535.09.1. 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.

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

535.09.3. Table 535.08.1, Off-Street Parking Requirements:

Table 535.09.1	
<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.

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

535.09.5. Loading docks, berths and facilities.

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

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

535.09.5.3. 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.

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

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

535.09.5.6. 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) (Am. Ord. 2018-07, passed 9-5-18) (Am. Ord. 2024-11, passed 12-02-2024) (Am. Ord. 2025-05, passed 2-18-2025)



5C. Amendments to the City Ordinance – Special Use Permits

Applicant: City of Hermantown
Case No.: 2025-20-ZT
Staff Contact: Eric Johnson, Community Development Director
Request: Amendments to the City Zoning Code regarding Special Use Permits – Duration of Permit

BACKGROUND

As the City of Hermantown continues to review its zoning ordinance, staff anticipates a number of zoning text amendments to revise existing language which may be outdated, vague or requiring of additional information.

City staff is proposing an update to Chapter 7 – Special Use Permits, Section 740 – Duration of permits to include language that the approval runs with the land.

City Zoning Code:

Chapter 7, Section 740 – Duration of Permit

The attached Chapter 7 shows the existing language in struck-through black font, with the new proposed language being shown in red.

ATTACHMENTS

Amended Chapter 7, Section 740 – Duration of Permit

CHAPTER 7. SPECIAL USE PERMITS

Contents

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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. 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.~~ **Any Special Use Permit issued by the City Council under Section 535 shall remain in effect so long as the conditions imposed in such permit are observed, and such permit shall run with the land. Any other 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.**

📖 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](#).

(Am. Ord. 2023-11, passed 12-18-2023)

5D. Accessory Dwelling Units

<u>Applicant:</u>	City of Hermantown
<u>Case No.:</u>	2024-03 ZT Accessory Dwelling Units
<u>Staff Contact:</u>	Eric Johnson, Community Development Director
<u>Request:</u>	Disuss adding language to residentially zoned districts to allow for Accessory Dwelling Units

DESCRIPTION OF REQUEST:

City staff has been discussing the addition of accessory dwelling units (ADU) to residentially zoned districts for the past 18 months. In January 2024, ADU's were discussed at the Planning and Zoning Commission meeting. There was a general support of ADU's from the Commission but no further action was taken at the time.

This item was also discussed with the City Council in April 2025, with the City Council directing staff to start the process by which ADU's could be incorporated into the City's residentially zoned districts.

Recently, there has been requests from City residents to allow ADU's in residential areas. As a result, City staff has reviewed other municipalities to understand what they allow and under what conditions.

Staff reviewed zoning ordinances from the following communities:

- St. Louis County
- City of Duluth
- City Minneapolis
- City of Richfield
- City of Northfield
- City of Burnsville
- City of White Bear Lake
- City of Golden Valley

All of these communities allowed ADU's and identified conditions under which they could be permitted. Generally, the following apply to most of the communities:

- Minimum size: 300 square feet
- Maximum size: 800 square feet

- Primary residence owner must live on premises
- Water and sewer connections from primary structure
- Minimum of 1 additional parking space for the ADU
- May be part of a garage or separate structure
- Maximum heights ranging from 12 feet to 21 feet

Staff is looking for input from the Planning and Zoning Commission on ADU's with the plan to add language to the relevant residentially zoned districts and bring the specific zoning language back to Planning and Zoning for their review and action.

ATTACHMENTS

- March 31, 2025 Memo

Accessory Dwelling Units – March 31, 2025

St. Louis County, MN

- 1 ADU allowed per 1 acre minimum lot in shoreland areas
- Maximum size – 700 square feet
- Maximum height – 20 feet
- ADU may be part of a garage
- ADU may not be used for commercial or rental purposes
- ADU must meet all setbacks per underlying zoning district
- ADU must have adequate septic along with principal structure
- Applies to both shoreland and non-shoreland areas
- ADU's are allowed on lots less than ½ acre in shoreland areas, however
 1. Maximum size – 250 square feet
 2. Maximum height – 14 feet

Duluth, MN

- Must be attached to permanent foundation (no RV's)
- Primary residential owner does not need to live on premises
- Maximum of 800 square feet. May not exceed square footage of principal structure
- 20 feet maximum height. May not exceed height of principal structure
- 1 additional parking space required
- Connected to public water and sanitary. May be stubbed from house or have its own services

Accessory dwelling units are secondary or subordinate dwelling units added to an existing one or two family dwelling; these are often called granny flats, mother-in-law homes, or carriage houses. These must be located on the same platted lot or tax parcel as a primary residential structure and must be owned by the same owner, but may be rented (with an approved rental permit from the Life Safety Division of the City of Duluth Fire Department).

Accessory dwelling units must provide the basic requirements for living, sleeping, cooking, eating, and sanitation, and are constructed on compliant permanent footings or foundation, with permanent connections to public sanitary sewer and water (which may be stubbed from the primary dwelling).

No recreational vehicle, or structure on a chassis, can be an accessory dwelling unit. Only one accessory dwelling unit is allowed per one or two family dwelling.

The city does not require that the owner of a primary residential structure with an accessory dwelling unit live on site. Traditionally that has been common, with the owner living on site in the primary residential structure and renting out the accessory dwelling to family or non-family members. But residency is not a requirement in the zoning code. The owner of the parcel that contains the primary and accessory dwellings may live outside the city or state.

Accessory dwelling units must not exceed 800 square feet of total floor space, nor shall it exceed the total floor area square footage of the principal structure. It should be designed and built consistent in

character and design with the primary dwelling, and shall not exceed the height of the principal residential structure or 20 feet, whichever is greater. In addition, at least one off-street parking space shall be provided in addition to off-street parking that is required for the primary dwelling.

Minneapolis, MN

- Minimum size – 300 square feet. Maximum size 800 square feet
- Maximum height – 21 feet
- Water and sewer connections are from primary structure

ADUs are accessory to both owner-occupied and non-owner-occupied single- and two-family dwellings.

Minimum ADU size is 300 sq. ft.; maximum is 800 sq. ft. Maximum building height is 21 feet.

Eaves/overhangs shall not extend closer than two feet to the lot line (exception for alley side). Openings (windows, doors, vents, etc.) are not permitted within three feet of side (shared) property line (exception for alley side).

Habitable space in the ADU and hallways, bathrooms, toilet rooms, laundry rooms shall have a ceiling height of not less than seven feet.

Water and sewer connections are specific to a PID number. A detached ADU is an accessory structure to the primary dwelling and is typically served through water and sewer service extensions from the primary structure to the ADU. However, dedicated water and/or sewer services to a detached ADU may be allowed in special circumstances. The layout and design of any new services shall be in accordance with engineering design standards and governing ordinances as well as the Minnesota Plumbing Code.

Richfield, MN

- No more than one ADU shall be allowed on a lot.
- ADU must be attached to a garage or to the primary residential structure. Standalone units are not allowed
- The lot must meet current width and depth requirements.
- The creation of an ADU shall not create a separate tax parcel.
- An owner of the property must live on the lot. Proof of homesteading shall be required, and a rental license is required for the non-owner-occupied unit.
- ADUs must have a minimum floor area of 300 square feet, and cannot exceed 800 square feet.
- Exterior materials for new ADU construction must match the structure to which the ADU is attached.
- On the main residential structure, no additional entrances facing the public street may be added.
- No exterior stairways constructed with raw or unfinished lumber may be added to access an ADU.
- Excess garage space may be converted to an ADU without replacement so long as at least two auto parking spaces are preserved.
- A minimum of three off-street parking spaces are required in order to add an ADU of any kind.

Northfield, MN

- ADUs can be located as part of a detached garage or can be their own separate structure. If the ADU is part of a garage, then the garage regulations should be followed.
- Limit on size: cannot exceed 50% of the gross floor area of the main home or 1,000 square feet, whichever is less.
- Constructed to be compatible with the main home and neighborhood.
- Must be at least 10 feet from the main home.
- Parking is not required, but have to provide unrestricted, improved access must be provided from the street to the ADU entrance.
- Must have a kitchen, bathroom, sanitary and water services.
- The ADU or main home may be rented if the owner of the property lives resides on the property.

Burnsville, MN

- Be built and maintained with a consistent look/style of the primary home
- Be constructed on a permanent foundation with no wheels
- Contain no more than two bedrooms
- Be a minimum of 300 square feet
- Not exceed more than 50% of the primary home's square footage
- Have 1 additional parking space for ADU

Garage Conversion: A garage cannot be converted into an ADU unless a new 440-square-foot (or larger) garage is built without the need for a variance

Entry Door: If the exterior door for the ADU is on the same wall as the primary residence front door, the doors must be at least 20 feet apart

Both attached and detached ADUs must be connected to and served by the same municipal water, sanitary sewer, gas and electric utility, private well and/or septic system as the primary home. Temporary water, sewer and electrical connections are not allowed.

Properties that contain an ADU must provide one additional off-street parking space (in addition to the two spaces required for the primary home). An additional garage may be constructed if it complies with all state and City regulations.

All dwellings must be built and maintained to comply with all City Codes, and residents must adhere to the following:

Property owner must live in either the primary residence or ADU as their permanent home a minimum of 185 days each year

An ADU cannot be subdivided or sold separately from the primary home

Park Dedication fees are required when adding an ADU. These, and any additional utility connection fees will be collected if and when a building permit is issued for renovations

White Bear Lake, MN

- ADUs shall be located in existing single family structures (principal or accessory), with the owner of the single family structure residing in the principal structure. Separate ownership of the accessory unit is not permissible
- Exterior modifications which detract from the single family character of the neighborhood will not be permitted
- ADUs shall not exceed 880 square feet or 40% of the habitable area within the single family home, whichever is less
- Where conditions or circumstances of a specific property make implementation of the zoning code standards impractical, City Council *may* alter the conditions of the section for the specific property in question
- If you are renting an ADU to a non-relative you are required to have a [rental license](#)

Begins with the homeowner submitting a [Land Use Application](#), including plans, to the Community Development Department

1. City staff brings the application to the Planning Commission and makes a recommendation for approval as-is, approval with additional conditions or denial. In turn, the Planning Commission hears the case and makes one of the above recommendations to City Council
2. City Council hears the case and has the final authority in approving or denying the application

The process typically takes 2-3 months and requires a non-refundable [application fee](#).

Golden Valley, MN

- One ADU per lot. An ADU is only allowed in conjunction with a single-family home.
- The property owner must reside in either the principal dwelling or ADU as either their sole or primary residence.
- Minimum floor area: 250 square feet
- Maximum floor area: 950 square feet or 35 percent of the home's livable floor area, whichever is less
- Height: 12 feet measured from the structure floor to the top plate or highest horizontal component of the frame building.
- Setbacks: 35' – Front yard; 10' – side yard; 25' – rear yard; 10' minimum from existing home
- Designed and use materials that complement and match the principal dwelling.
- Entrances shall only face the side or rear yard.
- One additional off-street parking space is required for the ADU above the minimum required for single-family homes. The creation of an ADU by conversion of garage space shall not reduce the home's provide off-street parking below the minimum requirements.
- Utility connections for the ADU shall be provided from the existing principal structure so long as adequate capacity exists or can be provided.

